

Left Party), 64 have a nonsocialist majority (one or more of the traditional nonsocialist parties: Moderates, Center Party, Liberals and Christian Democrats) and 78 have some other majority constellation. Many new small local parties won municipal council seats in 1994. New Democracy, a right-wing populist party that did very well in the 1991 election, has seats in only 36 municipal councils after the 1994 vote.

Municipal referendums

As a step in preparing an item of business, a council may solicit the opinions of municipal residents on a particular issue by means of a referendum, public opinion survey or the like. Municipal referendums are always advisory. They have been used in some 20 cases, mainly on issues related to changes in municipal boundaries. A recent amendment to the Local Government Act now enables 5% of eligible voters in a municipality or county council agenda the issue of holding a referendum on a given matter. The council is not obliged to carry out this referendum, but instead decides whether it should be held.

Economic situation of local governments

In 1995 local government expenditure in Sweden amounted to 25% of GDP.

The local government sector grew rapidly during the 1960s and 1970s. This growth slowed by half in the 1980s, compared with the 1970s.

During the period 1992–98, consumption by municipal and county councils and their number of employees will decline by an average of about 1–1.5% per year.

Labor costs (salaries plus employer payroll fees) comprised about 47% of municipal expenditure and 36.5% of county council costs in 1995.

Education is by far the largest branch of municipal operations, accounting for 33% of total spending. The next largest is care of the elderly plus programs to assist people with functional impairments (24%), followed by child care (15%). Effective from 1992, the municipalities assumed greater responsibility for elder care and for people in great need of assistance and treatment. More than SEK 20 billion was transferred from the county councils to the municipalities for this purpose. Health care totally dominates the tasks of the county councils, accounting for 72% of their total operating expenditures.

Capital spending as a percentage of total municipal and county council expenditures has declined continuously since the early 1970s. In 1993 investments accounted for 7% of all municipal costs and 3.4% of county council costs.

Direct local income tax is the main source of revenue for municipalities and county councils. Today the local tax base consists entirely of earned income and pension income. It used to include corporate profits, household income derived from capital and certain types of real estate. Local governments are normally entitled to set their own tax rates. But in 1991, 1992 and 1993, Parliament froze local income taxes at existing levels.

In 1995 the highest combined municipal and

county council tax is 34.75% of taxable income and the lowest is 26.55%. The average rate is 31.50%. The Church of Sweden tax averages 1.17%.

Effective from 1996, there is a new system of State grants and a new revenue equalization system between municipalities. The main purpose of the new equalization system is to create a more level playing field for all municipalities. It will equalize 95% of the differences in per capita taxable income and 100% of measurable structural differences in expenditures due to climate, population density, age and social structure and similar factors.

The most important innovation compared to the previous system is that all revenue equalization occurs without State grants. Instead there is a redistribution of tax revenues directly among municipalities and county councils, respectively.

Parliament decided that effective from 1993, about 75% of total State grants to local governments is disbursed in the form of block grants, while the total amount of State grants is cut sharply. The basic principle is that State funds should be payable on a block grant basis unless there are special reasons for not doing so. This gives municipalities and county councils greater freedom. In many areas, however, special legislation still covers local government operations and thus determines how funds are used.

A relatively large proportion of local government revenues, 15%, consist of fees for energy (mainly electricity, gas and district heating), public transit and various other services. The county councils receive a large proportion of their revenues in the form of reimbursements from the public social insurance offices to hospitals, district health centers etc.

The central government has an interest in controlling the overall tax burden in Sweden. At times, this conflicts with the taxation and self-determination rights of local governments.

Since the early 1990s, the financial problems of municipalities and county councils have worsened, due to mounting unemployment in Sweden. The local tax base is growing slowly or not at all, while municipal expenditures in particular have become larger. As more and more people exhaust their unemployment insurance benefits, municipalities are legally responsible for disbursing social assistance to ensure that these people still maintain an acceptable standard of living. Yet the State has not been willing to allow the municipalities to raise their income tax rates.

Throughout the 1990s, those age categories that are most dependent on the services financed by municipal taxes will increase: preschool and school-aged children and people aged 80 or older. The conflict between growing demands for municipal services and shrinking resources is likely become more severe.

Procurement of goods and services

The purchase of goods and services by local and State agencies is governed by the Public Procurement Act, which went into effect in 1994. This law complies with the rules on public-sector procurement in the EC's single market. Designed to promote competition and non-discrimination against foreign suppliers, the Act is rather extensive and detailed. It provides a mechanism for appealing procurements to a court of law.

Local government employees

In 1994 there were 1.04 million municipal and county council employees. They comprised 29% (municipalities 21% and county councils 8%) of gainfully employed people in Sweden. State employees accounted for 6% of all jobs the same year.

The municipality or county council is often the largest single employer in its territory. In 1994, 54% of municipal employees worked in the social services, including child and elder care, and 19% in the educational system. A large majority of municipal employees (80%) are women, and many of them work part-time. Of county council employees, 82% were women in 1994. The largest personnel category in the county council is health care employees. Sweden's largest municipality has around 48,200 employees and the largest county council 54,400, making them very large employers by Swedish standards. Even the smallest municipalities have several hundred employees each.

Local government employees are usually members of blue-collar unions within the Swedish Trade Union Confederation (*Landsorganisationen i Sverige, LO*), white-collar unions affiliated with the Swedish Confederation of Professional Employees (*Tjänstemännens Centralorganisation, TCO*) or unions of university-level graduates belonging to the Swedish Confederation of Professional Associations (*Sveriges Akademikers Centralorganisation, SACO*). Sweden's largest single trade union is the Swedish Municipal Workers' Union (*Svenska kommunalarbetsförbundet, SKAF*), which is part of LO.

Collective bargaining contracts on pay, other labor conditions, employee influence on decision-making and working environment are agreed upon between the Swedish Association of Local Authorities (*Svenska kommunförbundet*)—representing the municipalities—and the Federation of County Councils (*Landstingsförbundet*) on one side, and by the various trade unions representing local government employees on the other. On the basis of these centralized agreements, the actual legally binding contracts are signed between the unions and each individual municipality or county council.

Municipal expenditures, 1993
(total SEK 304 billion)



Cooperation between local governments

After the boundary reforms of 1952-1974, the need for cooperation between local governments diminished. In the 1990s, however, the need for such cooperation seems to be increasing again. For example, one municipality may want to buy retirement home openings or use a water or sewage treatment plant in another municipality. In such cases, the municipality that buys these services has only a limited chance of influencing them. The form of cooperation normally used is an ordinary legal contract between the concerned municipalities or county councils. If more extensive and organized cooperation is needed, in which each party is guaranteed an influence, it is also possible to establish a local government federation—a form of cooperation governed by public law—or a limited liability company (corporation) or foundation. A local government federation may exercise public authority over individuals, which a jointly owned company or a foundation may not. The federation finances its operations through funds provided by its member municipalities or county councils. One or more municipalities may also cooperate with one or more county councils in a local government federation. The number of local government federations is relatively limited, totaling somewhat more than 30. Cooperation in this form is increasingly being discussed and is expected to become more common, however.

Local governments in Sweden operate about 1,500 companies and foundations. Most of the companies are wholly owned, i.e. belong to a single local government. In that case they represent an alternative form of operations. For example a municipality can operate its energy supply system in committee form or in corporate form. About 100 of these civil law

companies are owned jointly by two or more municipalities. County councils can also be stockholders in such companies. They are mainly engaged in technical services on behalf of local governments, such as street cleaning and refuse collection, energy distribution or mass transit.

The tasks of the Swedish Association of Local Authorities and the Federation of County Councils are to support and improve local self-government, to safeguard the common interests of municipalities and county councils respectively, to represent their views externally, to promote cooperation among their members and supply them with services and expert assistance. The two organizations are voluntary associations.

State-local government relations

The relationship between the State and the local governments is characterized by continuous cooperation in a variety of areas and in different forms. There are constant changes in the division of labor between these levels of government. It is up to the Swedish Cabinet and Parliament to decide on the overall framework of public-sector activities. There is a general consensus that within these limits, the municipalities and county councils ought to enjoy a large measure of freedom to shape and carry out public programs on the basis of varying local conditions.

By creating a system of national physical planning and regional development planning, the State has increased its involvement in the social planning process. But this has not implied a reduction in the planning work and responsibilities of the local governments.

Beyond this, the State provides guidance and supervision to local governments through its power to issue ordinances and regulations and

through the monitoring of local governments by State agencies. Special legislation related to education, social services, planning and building matters etc. are also a form of supervision, since it establishes detailed regulations on how municipalities and county councils should manage various programs.

Another form of State supervision is attributable to the fact that decisions made by municipalities and county councils may be appealed by individuals and their legality may be examined in a State administrative court. Certain local government decisions may instead be appealed to State administrative agencies.

The parishes

Today about 87% of all Swedish residents belong to the Church of Sweden, which was established in the early 16th century by King Gustav Vasa. Its basic unit of administration is the parish, an ecclesiastic local government with its own decision-making and executive bodies. In 1995 there were 2,545 parishes. The 1992 Ecclesiastic Law specifies the tasks of the parishes, including:

- construction and maintenance of churches, cemeteries, parish halls etc.
- promotion of Church services and educational programs, pastoral work and spreading of Christian teachings.

The decision-making powers of the parish are exercised by a directly elected body, the parish synod (*kyrkofullmäktige*). If the parish has no more than 500 members, they may exercise direct decision-making power at parish meetings. The parish council (*kyrkord*) and various other bodies are responsible for administering parish business and implementing decisions. Parishes are entitled to levy a tax to cover the portion of their activities not financed by other means.

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The system of parliamentary government in Britain is not based on a written constitution, but is the result of gradual evolution over many centuries. The Monarchy is the oldest institution of government, dating back to at least the ninth century. Parliament is one of the oldest representative assemblies in the world. In government among the most significant recent developments have been the steps taken to improve management. New management structures—such as the creation of executive agencies—have been developed; competition has been introduced or extended; and arrangements for pay are changing. The aim of all these changes is to safeguard and improve the standards of the public services.

Development of the British System of Government

The growth of political institutions in England can be traced back to the period of Saxon rule, which lasted from the fifth century AD until the Norman Conquest in 1066 (see p. 6). This period saw the origins of the institution of kingship, and of the idea that the king should seek the advice of a council of prominent men.

The period of Norman rule after 1066 saw a considerable strengthening of royal power. However, the monarchy eventually experienced difficulties in controlling the growing machinery of government. The actions of King John (1199–1216) led to opposition from the nobility and leading figures in the Church. In 1215 the barons forced the King to agree to a series of concessions embodied

in a charter which became known as Magna Carta. The charter, which provided for the protection of the rights of freemen against the abuse of royal power, came to be regarded as the key expression of the rights of the community against the Crown.

The first known occurrence of the term 'Parliament' to describe the meetings of nobles to advise the king is in 1236; by the late 13th century representatives of counties and towns were also occasionally being summoned at the same time, usually to express political support, but increasingly to give consent to taxation. By the end of the 15th century Parliament existed in a form virtually recognisable today: as a body whose function was to agree to taxes and to legislate, and which consisted of two separate chambers—the House of Commons and the House of Lords.

Although the influence of government in

Parliament was considerable, the body was always an area for political conflict; one such clash led to the outbreak of the Civil War in 1642 between Crown and Parliament. Following the defeat of the royalist armies and the execution of Charles I in 1649, the Monarchy and the House of Lords were abolished and the country was proclaimed a republic. However, the republican experiment came to an end in 1660, two years after the death of the 'Lord Protector', Oliver Cromwell. Charles I's son was restored to the throne as Charles II.

Charles II's successor, James II (James VII of Scotland: 1685–88), sought both to bypass Parliament and to make it more amenable. As a result, in 1688 a group of leading men invited William of Orange (a grandson of Charles I and the husband of Mary, James's eldest daughter) to 'secure the infringed liberties' of the country. James fled into exile. Following the success of the revolution of 1688, Parliament in 1689 passed the Bill of Rights, which defined the rights and privileges of Parliament.

Increasingly thereafter parliamentary control of national finance made it impracticable for the Sovereign to ignore the wishes of Parliament. Ministers were appointed by the Sovereign, but they had to have sufficient support in the House of Commons to enable them to persuade Parliament to pass legislation and vote for taxation. The development of 'party' during the 18th and 19th centuries provided them with the machinery for securing that support, while the personal involvement of the Monarch in policy and the day-to-day business of administration declined, leaving government in the hands of the cabinet, presided over by a 'Prime' Minister.

Since the mid-19th century the Prime Minister has normally been the leader of the party with a majority in the House of Commons.

The Reform Act of 1832 altered the medieval system of parliamentary representation and standardised the qualifications for the right to vote. Subsequent reforms gave the vote to virtually all adults—women were finally enfranchised in 1918, but not on the same terms as men until 1928.

The British Constitution

The British constitution is to a large extent a product of the historical events described above. Unlike the constitutions of most other countries, it is not set out in any single document. Instead it is made up of statute law, common law and conventions. (Conventions are rules and practices which are not legally enforceable but which are regarded as indispensable to the working of government.)

The constitution can be altered by Act of Parliament, or by general agreement, and is thus adaptable to changing political conditions.

The organs of government overlap but can be clearly distinguished. Parliament is the legislature and the supreme authority. The executive consists of:

- the Government—the Cabinet and other ministers responsible for national policies;
- government departments and agencies, responsible for national administration;
- local authorities, responsible for many local services; and
- public corporations, responsible for operating particular nationalised industries or other bodies, subject to ministerial control.

The judiciary (see Chapter 8) determines common law and interprets statutes.

The Monarchy

The Monarchy is the oldest institution of government, going back to at least the ninth century. Queen Elizabeth II is herself directly descended from King Egbert, who united England under his rule in 829. The only interruption in the history of the Monarchy was the republic which lasted from 1649 to 1660 (see above).

Today the Queen is not only head of State, but also an important symbol of national unity. The royal title in Britain is: 'Elizabeth the Second, by the Grace of God of the United Kingdom of Great Britain and Northern Ireland and of Her other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith'.

In the Channel Islands and the Isle of

[illegible]

Official Birthday Celebration:

Man the Queen is represented by a Lieutenant-Governor.

The Commonwealth

Although the seat of the Monarchy is in Britain, the Queen is also head of state of a number of Commonwealth states¹. In each such state the Queen is represented by a Governor-General, appointed by her on the advice of the ministers of the country concerned and completely independent of the British Government. In each case the form of the royal title varies. Other Commonwealth states are republics or have their own monarchies.

In British dependent territories (see p. 117) the Queen is usually represented by governors, who are responsible to the British Government for the administration of the countries concerned.

Succession

The title to the Crown is derived partly from statute and partly from common law rules of descent. Despite interruptions in the direct line of succession, the hereditary principle upon which it was founded has always been preserved.

Sons of the Sovereign have precedence over daughters in succeeding to the throne. When a daughter succeeds, she becomes Queen Regnant, and has the same powers as a king. The consort of a king takes her husband's rank and style, becoming Queen. The constitution does not give any special rank or privileges to the husband of a Queen Regnant, although in practice he fills an important role in the life of the nation, as does the Duke of Edinburgh.

Under the Act of Settlement of 1700, which formed part of the Revolution Settlement following the events of 1688 (see p. 44), only Protestant descendants of a granddaughter of James I of England and VI of Scotland (Princess Sophia, the Electress of Hanover) are eligible to succeed. The order of

succession can be altered only by common consent of the countries of the Commonwealth.

Accession

The Sovereign succeeds to the throne as soon as his or her predecessor dies: there is no interregnum. He or she is at once proclaimed at an Accession Council, to which all members of the Privy Council (see p. 63) are summoned. The Lords Spiritual and Temporal (see p. 50), the Lord Mayor and Aldermen and other leading citizens of the City of London are also invited.

Coronation

The Sovereign's coronation follows the accession after a convenient interval. The ceremony takes place at Westminster Abbey in London, in the presence of representatives of the Houses of Parliament and of all the great public organisations in Britain. The Prime Ministers and leading members of the other Commonwealth nations and representatives of other countries also attend.

The Monarch's Role in Government

The Queen personifies the State. In law, she is head of the executive, an integral part of the legislature, head of the judiciary, the commander-in-chief of all the armed forces of the Crown and the 'supreme governor' of the established Church of England. As a result of a long process of evolution, during which the Monarchy's absolute power has been progressively reduced, the Queen acts on the advice of her ministers. Britain is governed by Her Majesty's Government in the name of the Queen.

Within this framework, and in spite of a trend during the past hundred years towards giving powers directly to ministers, the Queen still takes part in some important acts of government. These include summoning, proroguing (discontinuing until the next session without dissolution) and dissolving Parliament; and giving Royal Assent to Bills passed by Parliament. The Queen also formally appoints many important office holders, including government ministers,

¹The other Commonwealth states of which the Queen is head of state are: Antigua and Barbuda, Australia, Bahamas, Barbados, Belize, Canada, Grenada, Jamaica, New Zealand, Papua New Guinea, St Christopher and Nevis, Saint Lucia, St Vincent and the Grenadines, Solomon Islands and Tuvalu.

judges, officers in the armed forces, governors, diplomats, bishops and some other senior clergy of the Church of England. She is also involved in pardoning people convicted of crimes; and in conferring peerages, knighthoods and other honours.² An important function is appointing the Prime Minister (see p. 61). In international affairs the Queen, as head of State, has the power to declare war and make peace, to recognise foreign states and governments, to conclude treaties and to annex or cede territory.

With rare exceptions (such as appointing the Prime Minister), acts involving the use of 'royal prerogative' powers are now performed by government ministers, who are responsible to Parliament and can be questioned about particular policies. Parliamentary authority is not required for the exercise of these prerogative powers, although Parliament may restrict or abolish such rights.

The Queen continues to play a role in the working of government. She holds Privy Council meetings, gives audiences to her ministers and officials in Britain and overseas, receives accounts of Cabinet decisions, reads dispatches and signs state papers. She must be consulted on every aspect of national life, and must show complete impartiality.

Provision has been made to appoint a regent to perform these royal functions should the Queen be totally incapacitated. The regent would be the Queen's eldest son, the Prince of Wales, then those, in order of succession to the throne, aged 18 or over. In the event of her partial incapacity or absence abroad, the Queen may delegate certain royal functions to the Counsellors of State (the Duke of Edinburgh, the four adults next in line of succession, and the Queen Mother). However, Counsellors of State may not, for instance, dissolve Parliament (except on the Queen's instructions), nor create peers.

Ceremonial and Royal Visits

Ceremonial has always been associated with the British monarchy, and, in spite of

changes in the outlook of both the Sovereign and the people, many traditional ceremonies continue to take place. Royal marriages and royal funerals are marked by public ceremony, and the Sovereign's birthday is officially celebrated in June by Trooping the Colour on Horse Guards Parade. State banquets take place when a foreign monarch or head of State visits Britain; investitures are held at Buckingham Palace and the Palace of Holyroodhouse in Scotland to bestow honours; and royal processions add significance to such occasions as the state opening of Parliament.

Each year the Queen and other members of the Royal Family visit many parts of Britain. They are also closely involved in the work of many charities. For example, the Prince of Wales is actively involved in the Youth Business Trust, set up to encourage small firms and self employment in inner cities, while the Princess Royal is President of the Save the Children Fund and takes an active interest in third world development issues. The Queen pays state visits to foreign governments, accompanied by the Duke of Edinburgh. She also tours the other countries of the Commonwealth. Other members of the Royal Family pay official visits overseas, occasionally representing the Queen.

Royal Income and Expenditure

Until 1760 the Sovereign had to provide for payment of all government expenses, including the salaries of officials and the expenses of the royal palaces and households. These were met from hereditary revenues, mainly income from Crown lands, and income from some other sources granted to the Monarch by Parliament. The income from these sources eventually proved inadequate and in 1760 George III turned over to the Government most of the hereditary revenue. In return he received an annual grant (Civil List), from which he continued to pay royal expenditure of a personal character, the salaries of government officials, the costs of royal palaces, and certain pensions. The latter charges were removed from the Civil List in 1830.

²Although most honours are conferred by the Queen on the advice of the Prime Minister, a few are granted by her personally—the Order of the Garter, the Order of the Thistle, the Order of Merit and the Royal Victorian Order.

Present Arrangements

Today the expenditure incurred by the Queen in carrying out her public duties is financed from the Civil List and from government departments—which meet the cost of, for example, the Royal Yacht and the aircraft of No. 32 (the Royal) Squadron. All such expenditure is approved by Parliament. In 1991 Civil List payments were fixed at £7.9 million a year for ten years. About three-quarters of the Queen's Civil List provision is required to meet the cost of staff. They deal with, among other things, state papers and correspondence, and the organisation of state occasions, visits and other public engagements undertaken by the Queen in Britain and overseas. The Queen's private expenditure as Sovereign is met from the Privy Purse, which is financed mainly from the revenue of the Duchy of Lancaster;³ her expenditure as a private individual is met from her own personal resources.

Under the Civil List Acts, other members of the Royal Family also receive annual parliamentary allowances to enable them to carry out their public duties. The Prince of Wales, however, receives no such allowance, since as Duke of Cornwall he is entitled to the income of the estate of the Duchy of Cornwall. Each year the Queen refunds the government for all annuities paid to members of the Royal Family except the Queen Mother and the Duke of Edinburgh.

Since April 1993 the Queen has voluntarily paid income tax on all her personal income and on that part of the Privy Purse income which is used for private purposes. The Queen also pays tax on any realised capital gains on her private investments and on the private proportion of assets in the Privy Purse. Inheritance tax will not, however, apply to transfers from one sovereign to his or her successor, although any personal bequests other than to the successor will be subject to inheritance tax. In line with these changes the Prince of Wales pays income tax on the income from

the Duchy of Cornwall to the extent that it is used for private purposes.

Parliament

Origins of Parliament

The medieval kings were expected to meet all royal expenses, private and public, out of their own revenue. If extra resources were needed for an emergency, such as a war, the Sovereign would seek to persuade his barons, in the Great Council—a gathering of leading men which met several times a year—to grant aid. During the 13th century several kings found the private revenues and baronial aids insufficient to meet the expenses of government. They therefore summoned not only the great feudal magnates but also representatives of counties, cities and towns, primarily to get their assent to extraordinary taxation. In this way the Great Council came to include those who were summoned by name (those who, broadly speaking, were to form the House of Lords) and those who were representatives of communities—the commons. The two parts, together with the Sovereign, became known as 'Parliament' (the term originally meant a meeting for parley or discussion).

Over the course of time the commons began to realise the strength of their position. By the middle of the 14th century the formula had appeared which in substance was the same as that used nowadays in voting supplies to the Crown—that is, money to the government—namely, 'by the Commons with the advice of the Lords Spiritual and Temporal'. In 1407 Henry IV pledged that henceforth all money grants should be approved by the House of Commons before being considered by the Lords.

A similar advance was made in the legislative field. Originally the King's legislation needed only the assent of his councillors. Starting with the right of individual commoners to present petitions, the Commons as a body gained the right to submit collective petitions. Later, during the 15th century, they gained the right to participate in giving their requests—their 'Bills'—the form of law.

³The Duchy of Lancaster is an inheritance which, since 1399, has always been enjoyed by the reigning Sovereign. It is kept quite apart from his or her other possessions and is separately administered by the Chancellor of the Duchy of Lancaster.

The subsequent development of the power of the House of Commons was built upon these foundations. The constitutional developments of the 17th century (see p. 44) led to Parliament securing its position as the supreme legislative authority.

The Powers of Parliament

The three elements which make up Parliament—the Queen, the House of Lords and the elected House of Commons—are constituted on different principles. They meet together only on occasions of symbolic significance such as the state opening of Parliament, when the Commons are summoned by the Queen to the House of Lords. The agreement of all three elements is normally required for legislation, but that of the Queen is given as a matter of course.

Parliament can legislate for Britain as a whole, or for any part of the country. It can also legislate for the Channel Islands and the Isle of Man, which are Crown dependencies and not part of Britain. They have local legislatures which make laws on island affairs (see p. 7).

As there are no legal restraints imposed by a written constitution, Parliament may legislate as it pleases, subject to Britain's obligations as a member of the European Union. It can make or change any law, and overturn established conventions or turn them into law. It can even prolong its own life beyond the normal period without consulting the electorate.

In practice, however, Parliament does not assert its supremacy in this way. Its members bear in mind the common law and normally act in accordance with precedent. The House of Commons is directly responsible to the electorate, and in this century the House of Lords has recognised the supremacy of the elected chamber. The system of party government helps to ensure that Parliament legislates with its responsibility to the electorate in mind.

The European Union

As a member of the European Union, Britain recognises the various types of Community

legislation and wider policies. It sends 87 elected members to the European Parliament (see p. 114).

The Functions of Parliament

The main functions of Parliament are:

- to pass laws;
- to provide, by voting for taxation, the means of carrying on the work of government;
- to scrutinise government policy and administration, including proposals for expenditure; and
- to debate the major issues of the day.

In carrying out these functions Parliament helps to bring the relevant facts and issues before the electorate. By custom, Parliament is also informed before all important international treaties and agreements are ratified. The making of treaties is, however, a royal prerogative exercised on the advice of the Government and is not subject to parliamentary approval.

The Meeting of Parliament

A Parliament has a maximum duration of five years, but in practice general elections are usually held before the end of this term. The maximum life has been prolonged by legislation in rare circumstances such as the two world wars. Parliament is dissolved and writs for a general election are ordered by the Queen on the advice of the Prime Minister.

The life of a Parliament is divided into sessions. Each usually lasts for one year—normally beginning and ending in October or November. There are 'adjournments' at night, at weekends, at Christmas, Easter and the late Spring Bank Holiday, and during a long summer break usually starting in late July. The average number of 'sitting' days in a session is about 165 in the House of Commons and about 140 in the House of Lords. At the start of each session the Queen's speech to Parliament outlines the Government's policies and proposed legislative programme. Each session is ended by prorogation. Parliament then 'stands

prorogued⁷ for about a week until the new session opens. Prorogation brings to an end nearly all parliamentary business: in particular, public Bills which have not been passed by the end of the session are lost.

The House of Lords

The House of Lords consists of the Lords Spiritual and the Lords Temporal. The Lords Spiritual are the Archbishops of Canterbury and York, the Bishops of London, Durham and Winchester, and the 21 next most senior diocesan bishops of the Church of England. The Lords Temporal consist of:

- all hereditary peers of England, Scotland, Great Britain and the United Kingdom (but not peers of Ireland);
- life peers created to assist the House in its judicial duties (Lords of Appeal or 'law lords')⁸; and
- all other life peers.

Hereditary peerages carry a right to sit in the House provided holders establish their claim and are aged 21 years or over. However, anyone succeeding to a peerage may, within 12 months of succession, disclaim that peerage for his or her lifetime. Disclaimants lose their right to sit in the House but gain the right to vote and stand as candidates at parliamentary elections. When a disclaimant dies, the peerage passes on down the family in the usual way.

Peerages, both hereditary and life, are created by the Sovereign on the advice of the Prime Minister. They are usually granted in recognition of service in politics or other walks of life or because one of the political parties wishes to have the recipient in the House of Lords. The House also provides a place in Parliament for people who offer useful advice, but do not wish to be involved in party politics.

Peers who attend the House (the average daily attendance is some 360) receive no salary for their parliamentary work, but can

claim for expenses incurred in attending the House (for which there are maximum daily rates) and certain travelling expenses.

Officers of the House of Lords

The House is presided over by the Lord Chancellor, who takes his place on the woolsack⁹ as ex-officio Speaker of the House. In his absence his place is taken by a deputy. The first of the deputy speakers is the Chairman of Committees, who is appointed at the beginning of each session and normally chairs Committees of the Whole House and some domestic committees. The Chairman and the Principal Deputy Chairman of Committees are the only Lords who receive salaries as officers of the House.

In mid-1995 there were 1,194 members of the House of Lords, including the two archbishops and 24 bishops. The Lords Temporal consisted of 754 hereditary peers who had succeeded to their titles, 15 hereditary peers who had had their titles conferred on them (including the Prince of Wales), and 399 life peers, of whom 24 were 'law lords'.

The potential membership of the House of Lords is about 1,200, but this number is reduced by about 75 by a scheme which allows peers who do not wish to attend to apply for leave of absence for the duration of a Parliament. In addition some hereditary peers do not establish their claim to succeed and so do not receive a writ of summons entitling them to sit in the House; there were around 77 such peers in mid-1995.

The Clerk of the Parliaments is responsible for the records of proceedings of the House of Lords and for the text of Acts of Parliament. He is the accounting officer for the cost of the House, and is in charge of the administrative staff of the House, known as the Parliament Office. The Gentleman Usher of the Black Rod, usually known as 'Black Rod', is responsible for security, accommodation and services in the House of Lords' part of the Palace of Westminster.

⁷The House of Lords is the final court of appeal for civil cases in Britain and for criminal cases in England, Wales and Northern Ireland.

⁹The woolsack is a seat in the form of a large cushion stuffed with wool from several Commonwealth countries; it is a tradition dating from the medieval period, when wool was the chief source of the country's wealth.

The House of Commons

The House of Commons is elected by universal adult suffrage (see below) and consists of 651 Members of Parliament (MPs). In mid-1995 there were 63 women, three Asian and three black MPs. Of the 651 seats, 524 are for England, 38 for Wales, 72 for Scotland, and 17 for Northern Ireland.

General elections are held after a Parliament has been dissolved and a new one summoned by the Queen. When an MP dies or resigns,⁶ or is given a peerage, a by-election takes place. Members are paid an annual salary of £33,189 and an office costs allowance of up to £41,308. There are also a number of other allowances, including travel allowances, a supplement for London members and, for provincial members, subsistence allowances and allowances for second homes. (For ministers' salaries see p. 62.)

Officers of the House of Commons

The chief officer of the House of Commons is the Speaker, elected by MPs to preside over the House. Other officers include the Chairman of Ways and Means and two deputy chairmen, who act as Deputy Speakers. They are elected by the House on the nomination of the Government but are drawn from the Opposition as well as the government party. They, like the Speaker, neither speak nor vote other than in their official capacity. Responsibility for the administration of the House rests with the House of Commons Commission, a statutory body chaired by the Speaker.

Permanent officers (who are not MPs) include the Clerk of the House of Commons, who is the principal adviser to the Speaker on its privileges and procedures. The Clerk's departmental responsibilities relate to the conduct of the business of the House and its committees. The Clerk is also accounting officer for the House. The Serjeant-at-Arms, who waits upon the Speaker, carries out

certain orders of the House. He is also the official housekeeper of the Commons' part of the building, and is responsible for security. Other officers serve the House in the Library, the Department of the Official Report (*Hansard*), the Finance and Administration Department and the Refreshment Department.

Parliamentary Electoral System

For electoral purposes Britain is divided into constituencies, each of which returns one member to the House of Commons. To ensure that constituency electorates are kept roughly equal, four permanent Parliamentary Boundary Commissions, one each for England, Wales, Scotland and Northern Ireland, keep constituencies under review. They recommend any adjustment of seats that may seem necessary in the light of population movements or other changes. Reviews are conducted every eight to 12 years. Elections are by secret ballot.

The last general review of constituencies began in 1991. The reports of the Commissions for Scotland and for Wales were approved by Parliament in April 1995, the report for England was approved in June 1995, and that for Northern Ireland was submitted in June 1995. Following this review, the number of seats will increase from 651 to 659: England will get an extra five seats, Wales two and Northern Ireland one. The new boundaries will come into effect after the dissolution of Parliament at the next general election.

Voters

British citizens, together with citizens of other Commonwealth countries and citizens of the Irish Republic resident in Britain, may vote provided they are:

- aged 18 or over;

⁶An MP who wishes to resign from the House can do so only by applying for an office under the Crown as Crown Steward or Bailiff of the Chiltern Hundreds, or Steward of the Manor of Northstead.

- included in the annual register of electors for the constituency; and
- not subject to any disqualification.

People not entitled to vote include members of the House of Lords, patients detained under mental health legislation, sentenced prisoners and people convicted within the previous five years of corrupt or illegal election practices. Members of the armed forces, Crown servants and staff of the British Council employed overseas (together with their wives or husbands if accompanying them) may be registered for an address in the constituency where they would live but for their service. British citizens living abroad may apply to register as electors for a period of 20 years after they have left Britain.

Voting Procedures

Each elector may cast one vote, normally in person at a polling station. Electors whose circumstances on polling day are such that they cannot reasonably be expected to vote in person at their local polling station—for example, electors away on holiday—may apply for an absent vote at a particular election. Electors who are physically incapacitated or unable to vote in person because of the nature of their work or because they have moved to a new area may apply for an indefinite absent vote. People entitled to an absent vote may vote by post or by proxy, although postal ballot papers cannot be sent to addresses outside Britain.

Voting is not compulsory; 76.6 per cent of a total electorate of 43.3 million people voted in the general election in April 1992. The simple majority system of voting is used. Candidates are elected if they have more votes than any of the other candidates (although not necessarily an absolute majority over all other candidates).

Candidates

British citizens and citizens of other Commonwealth countries, together with citizens of the Irish Republic, may stand for election as MPs provided they are aged 21 or over and are not disqualified. Those disqualified include undischarged bankrupts;

people sentenced to more than one year's imprisonment; clergy of the Church of England, Church of Scotland, Church of Ireland and Roman Catholic Church; peers; and holders of certain offices listed in the House of Commons Disqualification Act 1975. A candidate's nomination for election must be proposed and seconded by two electors registered as voters in the constituency and signed by eight other electors.

Candidates do not have to be backed by a political party. A candidate must also deposit £500, which is returned if he or she receives 5 per cent or more of the votes cast.

The maximum sum a candidate may spend on a general election campaign is £4,642 plus 3.9 pence for each elector in a borough constituency, or 5.2 pence for each elector in a county constituency. Higher limits have been set for by-elections in order to reflect the fact that they are often regarded as tests of national opinion in the period between general elections. The maximum sum is £18,572 plus 15.8 pence for each elector in borough seats, and 20.8 pence for each elector in county seats. A candidate may post an election communication to each elector in the constituency free of charge. All election expenses, apart from the candidate's personal expenses, are subject to the statutory limit.

The Political Party System

The party system, which has existed in one form or another since the 18th century, is an essential element in the working of the constitution. The present system depends upon the existence of organised political parties, each of which presents its policies to the electorate for approval. The parties are not registered nor formally recognised in law, but in practice most candidates in elections, and almost all winning candidates, belong to one of the main parties.

For the last 150 years a predominantly two-party system has existed. Since 1945 either the Conservative Party, whose origins go back to the 18th century, or the Labour Party, which emerged in the last decade of the 19th century, has held power. A new party—the Liberal Democrats—was formed

in 1988 when the Liberal Party, which traced its origins to the 18th century, merged with the Social Democratic Party, formed in 1981. Other parties include two nationalist parties, Plaid Cymru (founded in Wales in 1925) and the Scottish National Party (founded in 1934). In Northern Ireland there are a number of parties. They include the Ulster Unionist Party, formed in the early part of this century; the Ulster Democratic Unionist Party, founded in 1971 by a group which broke away from the Ulster Unionists; and the Social Democratic and Labour Party, founded in 1970.

Since 1945 eight general elections have been won by the Conservative Party and six by the Labour Party; the great majority of members of the House of Commons have belonged to one of these two parties. The results of the general election of April 1992 are shown in Table 7.1.

The party which wins most seats (although not necessarily the most votes) at a general election, or which has the support of a majority of members in the House of Commons, usually forms the Government. By tradition, the leader of the majority party is asked by the Sovereign to form a government. About 100 of its members in the House of Commons and the House of Lords receive ministerial appointments (including appointment to the Cabinet—see p. 62) on the advice of the Prime Minister. The largest minority party becomes the official Opposition, with its own leader and 'shadow cabinet'.

The Party System in Parliament

Leaders of the Government and Opposition sit on the front benches of the Commons with their supporters (the backbenchers) sitting behind them.

Similar arrangements for the parties also apply to the House of Lords; however, a significant number of Lords do not wish to be associated with any political party, and sit on the 'cross-benches'.

The effectiveness of the party system in Parliament rests largely on the relationship between the Government and the opposition parties. Depending on the relative strengths of the parties in the House of Commons, the Opposition may seek to overthrow the Government by defeating it in a vote on a 'matter of confidence'. In general, however, its aims are to contribute to the formulation of policy and legislation by constructive criticism; to oppose government proposals it considers objectionable; to seek amendments to government Bills; and to put forward its own policies in order to improve its chances of winning the next general election.

The detailed arrangements of government business are settled, under the direction of the Prime Minister and the Leaders of the two Houses, by the Government Chief Whip in consultation with the Opposition Chief Whip. The Chief Whips together constitute the 'usual channels' often referred to when the question of finding time for a particular item of business is discussed. The Leaders of the two

Table 7.1 Results of the April 1992 General Election

Party	Members elected	Number of votes cast	% of votes cast
Conservative	336	14,094,116	41.9
Labour	271	11,557,134	34.4
Liberal Democrats	20	5,998,446	17.8
Plaid Cymru (Welsh Nationalist)	4	1,960,703	5.9 ^a
Scottish National	3		
Ulster Unionist (Northern Ireland)	9		
Ulster Democratic Unionist (Northern Ireland)	3		
Ulster Popular Unionist (Northern Ireland)	1		
Social Democratic and Labour (Northern Ireland)	4		
Total	651	33,610,399	100.0

^aThese figures include votes for other parties whose candidates were unsuccessful.

Houses are responsible for enabling the Houses to debate matters about which they are concerned.

Outside Parliament, party control is exercised by the national and local organisations. Inside, it is exercised by the Chief Whips and their assistants, who are chosen within the party. Their duties include keeping members informed of forthcoming parliamentary business, maintaining the party's voting strength by ensuring members attend important debates, and passing on to the party leadership the opinions of backbench members. Party discipline tends to be less strong in the Lords than in the Commons, since Lords have less hope of high office and no need of party support in elections.

The formal title of the Government Chief Whip in the Commons is Parliamentary Secretary to the Treasury. Of the other Government Whips, three are officers of the Royal Household (one of these is Deputy Chief Whip), five hold titular posts as Lords Commissioners of the Treasury and five are Assistant Whips. The Opposition Chief Whips in both Houses and two of the Opposition Assistant Whips in the Commons receive salaries. The Government Whips in the Lords hold offices in the Royal Household; they also act as government spokesmen.

Financial Assistance to Parties

Annual assistance from public funds helps opposition parties carry out parliamentary work at Westminster. It is limited to parties which had at least two members elected at the previous general election or one member elected and a minimum of 150,000 votes cast. The amount for the period 1 April 1995 to 31 March 1996 is £3,442.5 for every seat won at the 1992 general election, plus £6.89 for every 200 votes.

Parliamentary Procedure

Parliamentary procedure is based on custom and precedent, partly codified by each House in its Standing Orders. The system of debate is similar in both Houses. Every subject starts

off as a proposal or 'motion' by a member. After debate, in which each member may speak only once, the motion may be withdrawn: if it is not, the Speaker or Chairman 'puts the question' whether to agree with the motion or not. The question may be decided without voting, or by a simple majority vote. The main difference of procedure between the two Houses is that the Speaker or Chairman in the Lords has no powers of order; instead such matters are decided by the general feeling of the House.

In the Commons the Speaker has full authority to enforce the rules of the House and must guard against the abuse of procedure and protect minority rights. The Speaker has discretion on whether to allow a motion to end discussion so that a matter may be put to the vote and has powers to put a stop to irrelevance and repetition in debate, and to save time in other ways. In cases of grave disorder the Speaker can adjourn or suspend the sitting. The Speaker may order members who have broken the rules of behaviour of the House to leave the Chamber or can initiate their suspension for a period of days.

The Speaker supervises voting in the Commons and announces the final result. In a tied vote the Speaker gives a casting vote, without expressing an opinion on the merits of the question. The voting procedure in the House of Lords is broadly similar, although the Lord Chancellor does not have a casting vote.

Financial Interests

The Commons has a public register of MPs' financial interests. Members with a financial interest in a debate in the House must declare it when speaking. If the interest is direct, immediate and personal, the member cannot vote on the issue. In other proceedings of the House or in dealings with other members, ministers or civil servants, MPs must also disclose any relevant financial interest.

There is no register of financial interests in the Lords, but Lords speaking in a debate in which they have a direct interest are expected to declare it.

Public Access to Parliamentary Proceedings

Proceedings of both Houses are normally public. The minutes and speeches (transcribed verbatim in *Hansard*, the official report) are published daily.

The records of the Lords from 1497 and of the Commons from 1547, together with the parliamentary and political papers of a number of former members of both Houses, are available to the public through the House of Lords Record Office.

The proceedings of both Houses of Parliament may be broadcast on television and radio, either live or, more usually, in recorded or edited form. Complete coverage is available on cable television.

The Law-making Process

Statute law consists of Acts of Parliament and delegated legislation made by ministers under powers given to them by Act (see p. 57). While the law undergoes constant refinement in the courts, changes to statute law are made by Parliament.

Draft laws take the form of parliamentary Bills. Proposals for legislation affecting the powers of particular bodies (such as local authorities) or the rights of individuals (such as certain proposals relating to railways, roads and harbours) are known as Private Bills, and are subject to a special form of parliamentary procedure. Bills which change the general law and which constitute the significant part of the parliamentary legislative process are Public Bills.

Public Bills can be introduced into either House, by a government minister or by an ordinary ('private' or 'backbench') member. Most Public Bills that become Acts of Parliament are introduced by a government Minister and are known as 'Government Bills'. Bills introduced by other members of Parliament are known as 'Private Members' Bills.'

The main Bills which constitute the Government's legislative programme are announced in the Queen's Speech at the State opening of Parliament, which usually takes place in November, and the Bills themselves are introduced into one or other of the Houses over the succeeding weeks.

Before a government Bill is drafted, there may be consultation with professional bodies, voluntary organisations and other agencies interested in the subject, and interest and pressure groups which seek to promote specific causes. Proposals for legislative changes are sometimes set out in government 'White Papers', which may be debated in Parliament before a Bill is introduced. From time to time consultation papers, sometimes called 'Green Papers', set out government proposals which are still taking shape and seek comments from the public.

Private Members' Bills

Early in each session backbench Members of the Commons hold a ballot (draw lots) for the opportunity to introduce a Bill on one of the Fridays during the session on which such Bills have precedence over government business. The first 20 Members whose names are drawn win this privilege, but it does not guarantee that their Bills will pass into law. Members may also present a Bill on any day without debate, and on most Tuesdays and Wednesdays on which the Commons is sitting there is also an opportunity to seek leave to present a Bill under the 'ten minute rule', which provides an opportunity for a brief speech by the Member proposing the Bill (and by one who opposes it). Few of these Bills make further progress or receive any debate, but in most sessions a few do become law. Recent examples include the Marriage Act 1994, the Sale and Supply of Goods Act 1994 and the Building Societies (Joint Account Holders) Act 1995. Private Members' Bills do not often call for the expenditure of public money; but if they do they cannot proceed to committee stage unless the Government decides to provide the necessary money resolution. Peers may introduce Private Members' Bills in the House of Lords at any time. A Private Members' Bill passed by either House will not proceed in the other House unless it is taken up by a member of that House.

Passage of Public Bills

Public Bills must normally be passed by both Houses. Bills relating mainly to financial

matters are almost invariably introduced in the Commons. Under the provisions of the Parliament Acts 1911 and 1949, the powers of the Lords in relation to 'money Bills' are very restricted. The Parliament Acts also provide for a Bill to be passed by the Commons without consent of the Lords in certain (very rare) circumstances.

The process of passing a Public Bill is similar in each House. On presentation the Bill is considered, without debate, to have been read a first time and is printed (although a substantial number of Private Members' Bills are never printed). After an interval, which may be between one day and several weeks, a Government Bill will receive its second reading debate, during which the general principles of the Bill are discussed. If it obtains a second reading in the Commons, a Bill will normally be committed to a standing committee (see p. 57) for detailed examination and amendment. In the Lords, the committee stage usually takes place on the floor of the House, and this procedure may also be followed in the Commons if that House so decides (usually in cases where there is a need to pass the Bill quickly or where it raises matters of constitutional importance). The Commons may also decide to divide the committee stage of a Bill between a standing committee and a committee of the whole House (which is commonly the case with the annual Finance Bill).

The committee stage is followed by the report stage ('consideration') on the floor of the House, during which further amendments may be made. In the Commons, this is usually followed immediately by the third reading debate, where the Bill is reviewed in its final form. In the Lords, a Bill may be further amended at third reading.

After passing its third reading in one House a Bill is sent to the other House, where it passes through all the stages once more, and where it is, more often than not, further amended. Amendments made by the second House must be agreed by the first, or a compromise agreement reached, before a Bill can go for Royal Assent.

In the Commons, the House may vote to limit the time available for consideration of a Bill. This is done by passing a 'timetable'

motion proposed by the Government, commonly referred to as a 'guillotine'.

There are special procedures for Public Bills which consolidate existing legislation or which enact private legislation relating to Scotland.

Royal Assent

When a Bill has passed through all its parliamentary stages, it is sent to the Queen for Royal Assent, after which it is part of the law of the land and known as an Act of Parliament. Royal Assent takes the form of an announcement rather than any signature or mark on a copy of the Bill. The Royal Assent has not been refused since 1707. (A list of the main Public Bills receiving Royal Assent since autumn 1994 is given on p. 537.)

Limitations on the Power of the Lords

Most Government Bills introduced and passed in the Lords pass through the Commons without difficulty, but a Lords Bill which was unacceptable to the Commons would not become law. The Lords, on the other hand, do not generally prevent Bills insisted upon by the Commons from becoming law, though they will often amend them and return them for further consideration by the Commons. By convention the Lords pass Bills authorising taxation or national expenditure without amendment. Under the Parliament Acts 1911 and 1949, a Bill that deals only with taxation or expenditure must become law within one month of being sent to the Lords, whether or not they agree to it, unless the Commons directs otherwise. If no agreement is reached between the two Houses on a non-financial Commons Bill the Lords can delay the Bill for a period which, in practice, amounts to at least 13 months. Following this the Bill may be submitted to the Queen for Royal Assent, provided it has been passed a second time by the Commons. The Parliament Acts make one important exception: any Bill to lengthen the life of a Parliament requires the full assent of both Houses in the normal way.

The limits to the power of the Lords, contained in the Parliament Acts, are based on the belief that nowadays the main

legislative function of the non-elected House is to act as a chamber of revision, complementing but not rivalling the elected House.

Delegated Legislation

In order to reduce unnecessary pressure on parliamentary time, primary legislation often gives ministers or other authorities the power to regulate administrative details by means of 'delegated' or secondary legislation. To minimise any risk that delegating powers to the executive might undermine the authority of Parliament, such powers are normally only delegated to authorities directly accountable to Parliament. Moreover, the Acts of Parliament concerned usually provide for some measure of direct parliamentary control over proposed delegated legislation, by giving Parliament the opportunity to affirm or annul it. Certain Acts also require that organisations affected must be consulted before rules and orders can be made.

A joint committee of both Houses reports on the technical propriety of these 'statutory instruments'. In order to save time on the floor of the House, the Commons uses standing committees to debate the merits of instruments; actual decisions are taken by the House. The House of Lords has appointed a delegated powers scrutiny committee which examines the appropriateness of the powers to make secondary legislation in Bills as they come before that House.

Private Legislation

Private Bills are promoted by people or organisations outside Parliament (often local authorities) to give them special legal powers. They go through a similar procedure to Public Bills, but most of the work is done in committee, where procedures follow a semi-judicial pattern. The promoter must prove the need for the powers sought and the objections of opposing interests are heard. Both sides may be legally represented. Hybrid Bills are Public Bills which may affect private rights. As with Private Bills, the passage of hybrid Bills through Parliament is governed by special procedures which allow those affected to put their case.

Parliamentary Committees

Committees of the Whole House

Either House may pass a resolution setting itself up as a committee of the whole House to consider Bills in detail after their second reading. This permits unrestricted discussion: the general rule that an MP or Lord may speak only once on each motion does not apply in committee.

Standing Committees

House of Commons standing committees debate and consider Public Bills at the committee stage. The committee considers the Bill clause by clause, and may amend it before reporting it back to the House. The standing committees include two Scottish standing committees, and the Scottish, Welsh and Northern Ireland Grand Committees. Ordinary standing committees do not have names but are referred to simply as Standing Committee A, B, C, and so on; a new set of members is appointed to them to consider each Bill. Each committee has between 16 and 50 members, with a party balance reflecting as far as possible that in the House as a whole.

The Scottish Grand Committee comprises all 72 Scottish members (and may be convened anywhere in Scotland as well as at Westminster). It may consider the principles of Scottish Bills referred to it at second reading stage. It also debates Scottish public expenditure estimates and other matters concerning Scotland. Since July 1994 these have included questions tabled for oral answer, ministerial statements and other debates in addition to statutory instruments referred to it.

The Welsh Grand Committee, with all 38 Welsh members and up to five others, considers Bills referred to it at second reading stage, and matters concerning Wales only. Similarly, the Northern Ireland Grand Committee debates matters relating specifically to Northern Ireland. It includes all 17 Northern Ireland members and up to 25 others.

There are also standing committees to

debate proposed European legislation, and to scrutinise statutory instruments made by the Government.

The Lords' equivalent to a standing committee, a Public Bill Committee, is rarely used; instead the committee stage of a Bill is taken by the House as a whole.

Select Committees

Select committees are appointed for a particular task, generally one of enquiry, investigation and scrutiny. They report their conclusions and recommendations to the House as a whole; in many cases their recommendations invite a response from the Government, which is also reported to the House. A select committee may be appointed for a Parliament, or for a session, or for as long as it takes to complete its task. To help Parliament with the control of the executive by examining aspects of public policy, expenditure and administration, 17 committees, established by the House of Commons, examine the work of the main government departments and their associated public bodies. The Foreign Affairs Select Committee, for example, 'shadows' the work of the Foreign & Commonwealth Office. The committees are constituted on a basis which is in approximate proportion to party strength in the House.

Other regular Commons select committees include those on Public Accounts, European Legislation, Members' Interests, and the Parliamentary Commissioner for Administration (the 'Parliamentary Ombudsman'—see p. 60). 'Domestic' select committees also cover the internal workings of Parliament.

In their examination of government policies, expenditure and administration, committees may question ministers, civil servants, and interested bodies and individuals. Through hearings and published reports, they bring before Parliament and the public an extensive body of fact and informed opinion on many issues, and build up considerable expertise in their subjects of inquiry.

In the House of Lords, besides the Appeal and Appellate Committees, in which the bulk of the House's judicial work is transacted,

there are two major select committees (along with several sub-committees), on the European Community and on Science and Technology. *Ad hoc* committees may also be set up to consider particular issues, and 'domestic' committees—as in the Commons—cover the internal workings of the House.

Joint Committees

Joint committees, with a membership drawn from both Houses, are appointed in each session to deal with Consolidation Bills and delegated legislation. The two Houses may also agree to set up joint select committees on other subjects.

Party Committees

In addition to the official committees of the two Houses there are several unofficial party organisations or committees. The Conservative and Unionist Members' Committee (the 1922 Committee) consists of the backbench membership of the party in the House of Commons. When the Conservative Party is in office, ministers attend its meetings by invitation and not by right. When the party is in opposition, the whole membership of the party may attend meetings. The then leader appoints a consultative committee, which acts as the party's 'shadow cabinet'.

The Parliamentary Labour Party comprises all members of the party in both Houses. When the Labour Party is in office, a parliamentary committee, half of whose members are elected and half of whom are government representatives, acts as a channel of communication between the Government and its backbenchers in both Houses. When the party is in opposition, the Parliamentary Labour Party is organised under the direction of an elected parliamentary committee, which acts as the 'shadow cabinet'.

Other Forms of Parliamentary Control

House of Commons

In addition to the system of scrutiny by select committees, the House of Commons

offers a number of opportunities for the examination of government policy by both the Opposition and the Government's own backbenchers. These include:

1. Question time, when for 55 minutes on Monday, Tuesday, Wednesday and Thursday, ministers answer MPs' questions. The Prime Minister's question time is every Tuesday and Thursday when the House is sitting. Parliamentary questions are one means of seeking information about the Government's intentions. They are also a way of raising grievances brought to MPs' notice by constituents. MPs may also put questions to ministers for written answer; the questions and answers are published in *Hansard*. There are some 50,000 questions every year.
2. Adjournment debates, when MPs use motions for the adjournment of the House to raise constituency cases or matters of public concern. There is a half-hour adjournment period at the end of the business of the day, while immediately before the adjournment for each recess (Parliament's Christmas, Easter, Whitsun and summer breaks) a full day is spent discussing issues raised by private members. There are also adjournment debates following the passage, three times a year, of Consolidated Fund⁷ or Appropriation Bills.⁸

In addition, an MP wishing to discuss a 'specific and important matter that should have urgent consideration' may, at the end of question time, seek leave to move the adjournment of the House. On the very few occasions when leave is obtained, the matter is debated for three hours in what is known as an emergency debate, usually on the following day.

3. Early day motions (EDMs) provide a further opportunity for backbench MPs to express their views on particular issues. A number of EDMs are tabled each sitting

day; they are very rarely debated but can be useful in gauging the degree of support for the topic by the number of signatures of other MPs which the motion attracts.

4. The 20 Opposition days each session, when the Opposition can choose subjects for debate. Of these days, 17 are at the disposal of the Leader of the Opposition and three at the disposal of the second largest opposition party.
5. Debates on three days in each session on details of proposed government expenditure, chosen by the Liaison Committee.

Procedural opportunities for criticism of the Government also arise during the debate on the Queen's speech at the beginning of each session; during debates on motions of censure for which the Government provides time; and during debates on the Government's legislative and other proposals.

House of Lords

Similar opportunities for criticism and examination of government policy are provided in the House of Lords at daily question time and during debates.

Control of Finances

The main responsibilities of Parliament, and more particularly of the House of Commons, in overseeing the revenue of the State and public expenditure, are to authorise the raising of taxes and duties, and the various objects of expenditure and the sum to be spent on each. It also has to satisfy itself that the sums granted are spent only for the purposes which Parliament intended. No payment out of the central government's public funds can be made and no taxation or loans authorised, except by Act of Parliament. However, limited interim payments can be made from the Contingencies Fund.

The Finance Act is the most important of the annual statutes, and authorises the raising of revenue. The legislation is based on the Chancellor of the Exchequer's Budget statement. This includes a review of the public finances of the previous year, and proposals for future expenditure (see p. 159).

⁷ At least two Consolidated Fund Acts are passed each session authorising the Treasury to make certain sums of money available for the public service.

⁸ The annual Appropriation Act fixes the sums of public money provided for particular items of expenditure.

Scrutiny of public expenditure is carried out by House of Commons select committees (see p. 58).

European Union Affairs

To keep the two Houses informed of EU developments, and to enable them to scrutinise and debate Union policies and proposals, there is a select committee in each House (see p. 58), and two Commons standing committees debate specific European legislative proposals. Ministers also make regular statements about Union business.

The Commons' Ability to Force the Government to Resign

The final control is the ability of the House of Commons to force the Government to resign by passing a resolution of 'no confidence'. The Government must also resign if the House rejects a proposal which the Government considers so vital to its policy that it has declared it a 'matter of confidence' or if the House refuses to vote the money required for the public service.

Parliamentary Commissioner for Administration

The post of Parliamentary Commissioner for Administration (the 'Parliamentary Ombudsman') was established under the Parliamentary Commissioner Act 1967. The Ombudsman is independent of government and reports to a Select Committee of the House of Commons. He investigates complaints from members of the public (referred through MPs) alleging that they have suffered injustice arising from maladministration. The Ombudsman's jurisdiction covers central government departments and a large number of non-departmental public bodies. He cannot investigate complaints about government policy, the content of legislation or relations with other countries. In making his investigations, the Commissioner has access to all departmental papers, and has powers to summon those from whom he wishes to take evidence. When an investigation is completed, he sends a report with his

findings to the MP who referred the complaint (with a copy report for the complainant). In reports of justified cases, the Ombudsman normally recommends that the department provides redress (which can include a financial remedy for the complainant in appropriate cases). His recommendations are almost always put into practice. He submits an annual report to Parliament, and also publishes selected cases three times a year.

In 1994 the Ombudsman received a record 1,332 new complaints. He completed 226 investigations of these; he found 200 wholly or partly justified and 26 unjustified.

The Parliamentary Ombudsman also monitors the Code of Practice on Access to Official Information, which came into force in 1994. He investigates complaints, referred through MPs, that government departments or bodies have wrongly refused access to official information. If he finds a complaint justified, he can recommend that the information is released.

Parliamentary Privilege

Each House of Parliament has certain rights and immunities to protect it from obstruction in carrying out its duties. The rights apply collectively to each House and to its staff and individually to each member.

For the Commons the Speaker formally claims from the Queen 'their ancient and undoubted rights and privileges' at the beginning of each Parliament. These include freedom of speech; first call on the attendance of its members, who are therefore free from arrest in civil actions and exempt from serving on juries, or being compelled to attend court as witnesses; and the right of access to the Crown, which is a collective privilege of the House. Further privileges include the rights of the House to control its own proceedings (so that it is able, for instance, to exclude 'strangers'⁹ if it wishes);

⁹All those who are not members or officials of either House.

to decide upon legal disqualifications for membership and to declare a seat vacant on such grounds; and to punish for breach of its privileges and for contempt. Parliament has the right to punish anybody, inside or outside the House, who commits a breach of privilege—that is, offends against the rights of the House.

The privileges of the House of Lords are broadly similar to those of the House of Commons.

Her Majesty's Government

Her Majesty's Government is the body of ministers responsible for the conduct of national affairs. The Prime Minister is appointed by the Queen, and all other ministers are appointed by the Queen on the recommendation of the Prime Minister. Most ministers are members of the Commons, although the Government is also fully represented by ministers in the Lords. The Lord Chancellor is always a member of the House of Lords.

The composition of governments can vary both in the number of ministers and in the titles of some offices. New ministerial offices may be created, others may be abolished, and functions may be transferred from one minister to another.

Prime Minister

The Prime Minister is also, by tradition, First Lord of the Treasury and Minister for the Civil Service. The Prime Minister's unique position of authority derives from majority support in the House of Commons and from the power to appoint and dismiss ministers. By modern convention, the Prime Minister always sits in the House of Commons.

The Prime Minister presides over the Cabinet, is responsible for the allocation of functions among ministers and informs the Queen at regular meetings of the general business of the Government.

The Prime Minister's other responsibilities include recommending a number of appointments to the Queen. These include:

- Church of England archbishops, bishops and deans and some 200 other clergy in Crown 'livings';
- senior judges, such as the Lord Chief Justice;
- Privy Counsellors; and
- Lord-Lieutenants.

They also include certain civil appointments, such as Lord High Commissioner to the General Assembly of the Church of Scotland, Poet Laureate, Constable of the Tower, and some university posts; and appointments to various public boards and institutions, such as the BBC (British Broadcasting Corporation), as well as various royal and statutory commissions. Recommendations are likewise made for the award of many civil honours and distinctions and of Civil List pensions (to people who have achieved eminence in science or the arts and are in financial need). The Prime Minister also selects the trustees of certain national museums and institutions.

The Prime Minister's Office at 10 Downing Street (the official residence in London) has a staff of civil servants who assist the Prime Minister. The Prime Minister may also appoint special advisers to the Office to assist in the formation of policies.

Departmental Ministers

Ministers in charge of government departments are usually in the Cabinet; they are known as 'Secretary of State' or 'Minister', or may have a special title, as in the case of the Chancellor of the Exchequer.

Non-departmental Ministers

The holders of various traditional offices, namely the Lord President of the Council, the Chancellor of the Duchy of Lancaster, the Lord Privy Seal, the Paymaster General and, from time to time, Ministers without Portfolio, may have few or no departmental duties. They are thus available to perform any duties the Prime Minister may wish to give them. In the present administration, for example, the Lord President of the Council is Leader of the House of Commons and the

Chancellor of the Duchy of Lancaster is Minister for Public Service.

Lord Chancellor and Law Officers

The Lord Chancellor holds a special position, as both a minister with departmental functions and the head of the judiciary (see p. 105). The four Law Officers of the Crown are: for England and Wales, the Attorney General and the Solicitor General; and for Scotland, the Lord Advocate and the Solicitor General for Scotland.

Ministers of State and Junior Ministers

Ministers of State usually work with ministers in charge of departments. They normally have specific responsibilities, and are sometimes given titles which reflect these functions. More than one may work in a department. A Minister of State may be given a seat in the Cabinet and be paid accordingly.

Junior ministers (generally Parliamentary Under-Secretaries of State or, where the senior minister is not a Secretary of State, simply Parliamentary Secretaries) share in parliamentary and departmental duties. They may also be given responsibility, directly under the departmental minister, for specific aspects of the department's work.

Ministerial Salaries

The salaries of ministers in the House of Commons range from £47,987 a year for junior ministers to £67,819 for Cabinet ministers. In the House of Lords salaries range from £41,065 for junior ministers to £55,329 for Cabinet ministers. The Prime Minister receives £82,003 and the Lord Chancellor £126,138. (The Leader of the Opposition receives £64,257 a year; two Opposition whips in the Commons and the Opposition Leader and Chief Whip in the Lords also receive salaries.)

The Cabinet

The Cabinet is composed of about 20 ministers (the number can vary) chosen by the Prime Minister and may include departmental and non-departmental ministers.

The functions of the Cabinet are to initiate and decide on policy, the supreme control of government and the co-ordination of government departments. The exercise of these functions is vitally affected by the fact that the Cabinet is a group of party representatives, depending upon majority support in the House of Commons.

Cabinet Meetings

The Cabinet meets in private and its proceedings are confidential. Its members are bound by their oath as Privy Counsellors not to disclose information about its proceedings, although after 30 years Cabinet papers may be made available for inspection in the Public Record Office at Kew, Surrey.

Normally the Cabinet meets for a few hours each week during parliamentary sittings, and rather less often when Parliament is not sitting. To keep its workload within manageable limits, a great deal of work is carried on through the committee system. This involves referring issues either to a standing Cabinet committee or to an *ad hoc* committee composed of the ministers directly concerned. The committee then considers the matter in detail and either disposes of it or reports upon it to the Cabinet with recommendations for action.

The membership and terms of reference of all ministerial Cabinet committees are published by the Cabinet Office. Where appropriate, the Secretary of the Cabinet and other senior officials of the Cabinet Office attend meetings of the Cabinet and its committees.

Diaries published by several former ministers have given the public insight into Cabinet procedures in recent times.

The Cabinet Office

The Cabinet Office is headed by the Secretary of the Cabinet (a civil servant who is also Head of the Home Civil Service) under the direction of the Prime Minister. It comprises the Cabinet Secretariat and the Office of Public Service (OPS).

The Cabinet Secretariat serves ministers collectively in the conduct of Cabinet business, and in the co-ordination of policy at the highest level.

The Chancellor of the Duchy of Lancaster is in charge of the Office of Public Service and is a member of the Cabinet. The OPS is responsible for:

- raising the standard of public services across the public sector through the Citizen's Charter (see p. 66);
- promoting openness in government; and
- improving the effectiveness and efficiency of central government, through, among other things, the establishment of executive agencies and the market testing programme (see p. 69).

The Historical and Records Section is responsible for Official Histories and managing Cabinet Office records.

Ministerial Responsibility

'Ministerial responsibility' refers both to the collective responsibility for government policy and actions, which ministers share, and to ministers' individual responsibility for their departments' work.

The doctrine of collective responsibility means that the Cabinet acts unanimously even when Cabinet ministers do not all agree on a subject. The policy of departmental ministers must be consistent with the policy of the Government as a whole. Once the Government's policy on a matter has been decided, each minister is expected to support it or resign. On rare occasions, ministers have been allowed free votes in Parliament on government policies involving important issues of principle. In February 1994, for example, free votes were allowed on lowering the age of consent to homosexual sex from 21 to 18.

The individual responsibility of ministers for the work of their departments means that they are answerable to Parliament for all their departments' activities. They bear the consequences of any failure in administration, any injustice to an individual or any aspect of policy which may be criticised in Parliament, whether personally responsible or not. Since most ministers are members of the House of Commons, they must answer questions and defend themselves against criticism in person. Departmental ministers in the House of Lords are represented in the

Commons by someone qualified to speak on their behalf, usually a junior minister.

Departmental ministers normally decide all matters within their responsibility. However, on important political matters they usually consult their colleagues collectively, either through the Cabinet or through a Cabinet committee. A decision by a departmental minister binds the Government as a whole.

On assuming office ministers must resign directorships in private and public companies, and must ensure that there is no conflict between their public duties and private interests.

The Privy Council

The Privy Council was formerly the chief source of executive power in the State; its origins can be traced back to the King's Court, which assisted the Norman monarchs in running the government. As the system of Cabinet government developed in the 18th century, however, much of the role of the Privy Council was assumed by the Cabinet, although the Council retained certain executive functions. Some government departments originated as committees of the Privy Council.

Nowadays the main function of the Privy Council is to advise the Queen on the approval of Orders in Council, including those made under prerogative powers, such as Orders approving the grant of royal charters of incorporation and those made under statutory powers. Responsibility for each Order, however, rests with the minister answerable for the policy concerned, regardless of whether he or she is present at the meeting where approval is given.

The Privy Council also advises the Sovereign on the issue of royal proclamations, such as those summoning or dissolving Parliament. The Council's own statutory responsibilities, which are independent of the powers of the Sovereign in Council, include supervising the registration authorities of the medical and allied professions.

Membership of the Council (retained for life, except for very occasional removals) is accorded by the Sovereign on the

recommendation of the Prime Minister (or occasionally, Prime Ministers of Commonwealth countries) to people eminent in public life—mainly politicians and judges—in Britain and the independent monarchies of the Commonwealth. Cabinet ministers must be Privy Counsellors and, if not already members, are admitted to membership before taking their oath of office at a meeting of the Council. There are about 450 Privy Counsellors. A full Council is summoned only on the accession of a new Sovereign or when the Sovereign announces his or her intention to marry.

Committees of the Privy Council

There are a number of Privy Council committees. These include prerogative committees, such as those dealing with legislation from the Channel Islands and the Isle of Man, and with applications for charters of incorporation. Committees may also be provided for by statute, such as those for the universities of Oxford and Cambridge and the Scottish universities. Membership of such committees is confined to members of the current administration. The only exceptions are the members of the Judicial Committee and the members of any committee for which specific provision authorises a wider membership.

Administrative work is carried out in the Privy Council Office under the Lord President of the Council, a Cabinet minister.

The Judicial Committee of the Privy Council is the highest court of appeal for certain independent members of the Commonwealth, the British dependent territories, the Channel Islands and the Isle of Man. It also hears appeals from the disciplinary committees of the medical and allied professions and certain ecclesiastical appeals. In 1994 69 appeals were registered and 58 were heard.

Government Departments

Government departments and their agencies, staffed by politically impartial civil servants, are the main instruments for implementing

government policy when Parliament has passed the necessary legislation, and for advising ministers. They often work alongside local authorities, statutory boards, and government-sponsored organisations operating under various degrees of government control.

A change of government does not necessarily affect the number or general functions of government departments, although major changes in policy may be accompanied by organisational changes.

The work of some departments (for instance, the Ministry of Defence) covers Britain as a whole. Other departments, such as the Department of Social Security, cover England, Wales and Scotland, but not Northern Ireland. Others, such as the Department of the Environment, are mainly concerned with affairs in England. Some departments, such as the Department of Trade and Industry, maintain a regional organisation, and some which have direct contact with the public throughout the country (for example, the Department of Social Security) also have local offices.

Departments are usually headed by ministers. In some departments the head is a permanent official, and ministers with other duties are responsible for them to Parliament. For instance, ministers in the Treasury are responsible for HM Customs and Excise, the Inland Revenue, the National Investment and Loans Office and a number of other departments as well as executive agencies such as the Royal Mint. Departments generally receive their funds directly out of money provided by Parliament and are staffed by members of the Civil Service.

The functions of the main government departments are set out on pp. 525–33.

Non-departmental Public Bodies

There are bodies which have a role in the process of national government, but are not government departments nor parts of a department (in April 1994 there were 1,345, employing 110,200 staff). There are three kinds of non-departmental public bodies: executive bodies, advisory bodies and tribunals. The last of these are a

specialised group of bodies whose functions are essentially judicial (see p. 104).

Executive Bodies

Executive bodies normally employ their own staff and have their own budget. They are public organisations whose duties include executive, administrative, regulatory or commercial functions. They normally operate within broad policy guidelines set by departmental ministers, but are in varying degrees independent of government in carrying out their day-to-day responsibilities. Examples include the Legal Aid Board, the Police Complaints Authority, the Countryside Commission and the Human Fertilisation and Embryology Authority.

Advisory Bodies

Many government departments are assisted by advisory councils or committees which undertake research and collect information, mainly to give ministers access to informed opinion before they come to a decision involving a legislative or executive act. In some cases a minister must consult a standing committee, but advisory bodies are usually appointed at the discretion of the minister. Examples include the British Overseas Trade Board and the Theatres Trust.

The membership of advisory councils and committees varies according to the nature of the work involved, but normally includes representatives of the relevant interests and professions.

In addition to standing advisory bodies, there are committees set up by the Government to examine specific matters and make recommendations. For example, the Committee on Standards in Public Life (the Nolan Committee) was set up in October 1994, reporting directly to the Prime Minister. The Committee issued its first report in May 1995, recommending, among other things, independent scrutiny of the conduct of MPs and ministers and of how ministers make appointments to public bodies. The Government has accepted the broad thrust of its recommendations.

For certain important inquiries, Royal

Commissions, whose members are chosen for their wide experience, may be appointed. Royal Commissions examine evidence from government departments, interested organisations and individuals, and submit recommendations; some prepare regular reports. Examples include the standing Royal Commission on Environmental Pollution, set up in 1970, and the Royal Commission on Criminal Justice, which issued its report in 1993 (see Chapter 8). Inquiries may also be undertaken by departmental committees.

Government Information Services

Each of the main government departments has its own information division, public relations branch or news department. These are normally staffed by professional information officers responsible for communicating their department's activities to the news media and the public (sometimes using publicity services provided by the Central Office of Information—see p. 530). They also advise their departments on the public's reaction.

The Lobby

As press adviser to the Prime Minister, the Prime Minister's Press Secretary and other staff in the Prime Minister's Press Office have direct contact with the parliamentary press through regular meetings with the Lobby correspondents. The Lobby correspondents are a group of political correspondents who have the special privilege of access to the Lobby of the House of Commons, where they can talk privately to government ministers and other members of the House. The Prime Minister's Press Office is the accepted channel through which information about parliamentary business is passed to the media.

Administration of Scottish, Welsh and Northern Ireland Affairs

Scotland

Scotland has its own system of law and wide administrative autonomy. The Secretary of

State for Scotland, a Cabinet minister, has responsibility in Scotland (with some exceptions) for a wide range of policy matters (see p. 532). Following an examination of Scotland's place in Britain which began after the general election in April 1992, a number of changes to the responsibilities of The Scottish Office have been made. These make it responsible for more areas of policy.

The distinctive conditions and needs of Scotland and its people are also reflected in separate Scottish legislation on many domestic matters. Special provisions applying to Scotland alone are also inserted in Acts which otherwise apply to Britain generally.

British government departments with significant Scottish responsibilities have offices in Scotland and work closely with The Scottish Office.

Wales

Since 1964 there has been a separate Secretary of State for Wales, who is a member of the Cabinet and is responsible for many aspects of Welsh affairs. (For further details see p. 533.)

Northern Ireland

Since the British Government's assumption of direct responsibility for Northern Ireland in 1972 (see p. 13), the Secretary of State for Northern Ireland, with a seat in the Cabinet, has been in charge of the Northern Ireland Office, which governs the province. The Secretary of State is directly responsible for political and constitutional matters, security policy, broad economic questions and other major policy issues. A team of ministers share responsibility for the Departments of Agriculture, Economic Development, Education, Environment, Finance and Personnel, and Health and Social Services.

Citizen's Charter

The Citizen's Charter was launched by the Prime Minister in 1991. The Charter's aim is to raise the standard of all public services and make them more responsive to their users. It

is closely linked to other reforms, including the Next Steps programme, efficiency measures and the Government's contracting out and market testing programmes (see p. 69). The Citizen's Charter is a ten-year programme which is intended to be at the heart of the Government's policy-making throughout the 1990s.

The Charter applies to all public services, at both national and local levels, and the privatised utilities. Most major public services have now published separate charters (by mid-1995 40 had been issued). In many cases separate charters have been published for services in Northern Ireland, Scotland and Wales. (Details of many of the charters can be found in the relevant chapters; a full list, together with information on how to obtain them, appears on p. 538.)

The Principles of Public Service

The Charter sets out a number of key principles which users of public services are entitled to expect:

Standards

Setting, monitoring and publishing explicit standards for the services that individual users can reasonably expect. Publication of actual performance against these standards.

Information and Openness

Full and accurate information should be readily available in plain language about how public services are run, their cost and performance, and who is in charge.

Choice and Consultation

There should be regular and systematic consultation with those who use services. Users' views about services, and their priorities for improving them, should be taken into account in final decisions about standards.

Courtesy and Helpfulness

Courteous and helpful service from public servants, who will normally wear name

badges. Services available equally to all who are entitled to them and run to suit their convenience.

Putting Things Right

If things go wrong, an apology, a full explanation and a swift and effective remedy should be given. Well publicised and easy to use complaints procedures, with independent review wherever possible, should be available.

Value for Money

Efficient and economical delivery of public services within the resources the nation can afford, and independent validation of performance against standards.

Implementing the Charter

A Cabinet minister, the Chancellor of the Duchy of Lancaster, is responsible for the Charter programme. The Chancellor of the Duchy is supported by the Citizen's Charter Unit within the OPS (see p. 62). The Prime Minister also receives advice on the Charter from an Advisory Panel drawn from business, consumer affairs and education. The Panel works with the Citizen's Charter Unit and officials in all the departments to implement and develop the Citizen's Charter programme. The Prime Minister holds regular Citizen's Charter seminars with Advisory Panel members and Cabinet ministers to report on progress and plan further action.

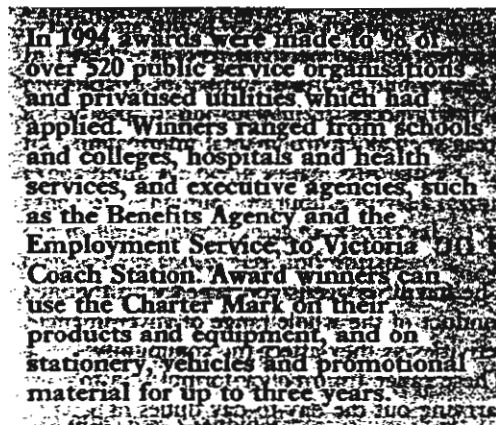
Executive agencies (see p. 69) are expected to comply fully with the principles of the Citizen's Charter, and the pay of agency chief executives is normally directly related to their agency's performance. Performance-related pay is being introduced throughout the public service.

Progress on the Charter

Projects to ensure that the Charter becomes an integral part of all public services and that members of the public are aware of the standards of service to which they are entitled include:

Charter Mark Awards

The Charter Mark Scheme has been introduced to reward excellence in delivering public services: winners are judged by the Prime Minister's Citizen's Charter Advisory Panel. Applicants have to demonstrate that they have achieved measurable improvements in the quality of services over the previous two years, and that their customers are satisfied with their services.



In 1994 awards were made to 98 of over 520 public service organisations and privatised utilities which had applied. Winners ranged from schools and colleges, hospitals and health services, and executive agencies, such as the Benefits Agency and the Employment Service, to Victoria Coach Station. Award winners can use the Charter Mark on their products and equipment, and on stationery, vehicles and promotional material for up to three years.

Complaints Task Force

A task force set up in June 1993 reviews and recommends improvements to public service complaints procedures.

Charter Forums and Quality Networks

A programme of Charter Forums has been held around the country, providing an opportunity for local service providers to exchange information about best practice in implementing the Citizen's Charter. Following this, a series of Citizen's Charter Quality Networks was announced in July 1994. These offer public service managers the opportunity to discuss lessons of good practice on a regular basis.

Open Government

In line with Citizen's Charter principles, the Government has a general policy of increasing the openness and accountability of

public administration. In 1994 it introduced a code of practice on access to government information. This commits the Government to release certain information as a matter of course and also to respond to requests for other factual information which it holds. The code is policed by the Parliamentary Ombudsman. Similar codes of practice have been proposed to cover the health service and local authorities.

As part of the same openness, the Government is also to propose legislation to provide rights of access to health and safety information and personal records. These rights would add to a number of existing rights of access to information in specific areas such as environmental information.

The Civil Service

The Civil Service is concerned with the conduct of the whole range of government activities as they affect the community. These range from policy formulation to carrying out the day-to-day duties of public administration.

Civil servants are servants of the Crown. For all practical purposes the Crown in this context means, and is represented by, the Government of the day. In most circumstances the executive powers of the Crown are exercised by, and on the advice of, Her Majesty's ministers, who are in turn answerable to Parliament. The Civil Service as such has no constitutional personality or responsibility separate from that of the Government of the day. The duty of the individual civil servant is first and foremost to the minister of the Crown who is in charge of the department in which he or she is serving. A change of minister, for whatever reason, does not involve a change of staff. Ministers sometimes appoint special advisers from outside the Civil Service. The advisers are normally paid from public funds, but their appointments come to an end when the Government's term of office finishes, or when the minister concerned leaves the Government or moves to another appointment.

Following publication in July 1994 of a

White Paper on the role and future of the Civil Service—*The Civil Service: Continuity and Change*—a new Civil Service code has been drawn up. This describes the duties and responsibilities of civil servants and their relationship with ministers and the Government. The code, which will have an independent line of appeal, is designed to protect the political impartiality and professional standards of all civil servants.

The number of civil servants fell from 732,000 in April 1979 to 520,000 in March 1995, reflecting the Government's policy of controlling the cost of the Civil Service and of improving its efficiency.

About half of all civil servants are engaged in the provision of public services. These include paying sickness benefits and pensions, collecting taxes and contributions, running employment services, staffing prisons, and providing services to industry and agriculture. A quarter are employed in the Ministry of Defence. The rest are divided between central administrative and policy duties; support services; and largely financially self-supporting services, for instance, those provided by the Department for National Savings and the Royal Mint. Four-fifths of civil servants work outside London.

Equality of Opportunity

The Government is committed to achieving equality of opportunity for all its staff. In support of this commitment, the Civil Service, which recruits and promotes on the basis of merit, is actively pursuing policies to develop career opportunities for women, ethnic minorities and people with disabilities:

- women now represent 51.3 per cent of all non-industrial civil servants, and since 1987 the proportion of women in the top three grades of the service has more than doubled to 9.3 per cent;
- representation of ethnic minority staff among non-industrial civil servants has increased from 5.2 per cent in 1993 to 5.3 per cent in 1994 and compares well with 4.9 per cent, which is the ethnic minority representation in the working population.

- 1.6 per cent of civil servants are registered as disabled; which is just above the proportion of registered disabled people in the workforce as a whole and twice the proportion employed in the private sector.

Progress is monitored and reported on regularly by the Cabinet Office (OPS).

Management Reforms

Civil Service reforms are being implemented to ensure improved management performance, in particular through the increased accountability of individual managers, based on clear objectives and responsibilities. These reforms include performance-related pay schemes and other incentives.

Executive Agencies: Next Steps Programme

The Next Steps Programme, launched in 1988, aims to deliver government services more efficiently and effectively within available resources for the benefit of taxpayers, customers and staff. This has involved setting up, as far as is practicable, separate units or agencies to perform the executive functions of government. Agencies remain part of the Civil Service but under the terms of individual framework documents they enjoy greater delegation of financial, pay and personnel matters. Agencies are headed by chief executives who are accountable to ministers but who are personally responsible for the day-to-day operations of the agency.

No agency can be established until the 'prior options' of abolition, privatisation and contracting out have been considered and ruled out. These 'prior options' are reconsidered when agencies are reviewed after three to three-and-a-half years of operation. The Government announced in its White Paper *The Civil Service: Continuity and Change* in July 1994 that the normal period between agency reviews would in future be five, rather than three, years.

By April 1995 over 100 agencies had been set up, together with 23 Executive Units of Customs and Excise and 29 Executive Offices of the Inland Revenue. Over 369,000 civil

servants—66 per cent of the total—work in organisations run on Next Steps lines. In April 1995 a further 65 agency candidates—employing over 84,000 staff—had been identified as suitable for agency status.

In 1993–94 agencies met around 80 per cent of their key performance targets—a small improvement on the previous year because, in general, targets will have been made progressively tougher.

Competing for Quality

In 1991 the Government announced further proposals to extend competition and choice in the provision of public services. Value for money improvements in public expenditure are being sought through a range of techniques, including market testing the in-house operation against external competition and, where appropriate, contracting out. Between April 1992 and September 1994:

- £2,000 million worth of government services had been market tested or otherwise examined;
- annual savings of at least £410 million had been identified;
- £1,100 million of work had been awarded to external suppliers; and
- there had been a reduction of 26,900 posts in the areas reviewed; 10,600 staff had transferred to external suppliers; and 3,300 redundancies had been made, divided evenly between voluntary and compulsory.

Central Management and Structure

Responsibility for central co-ordination and management of the Civil Service is divided between the Cabinet Office (OPS) and the Treasury.

The OPS, which is under the control of the Prime Minister, as Minister for the Civil Service, oversees organisation, senior civil service pay, pensions and allowances, recruitment, retirement and redundancy policy, personnel management and statistics, and the overall efficiency of the Service.

Following the fundamental expenditure review of the Treasury's running costs during 1994 (see p. 159), that department's responsibilities for the effective and efficient management of the public sector have been narrowed down to the basic objective of maintaining a financial control system which delivers continuing improvements in the efficiency of government.

The function of official Head of the Home Civil Service is combined with that of Secretary of the Cabinet.

At the senior levels, where management forms a major part of most jobs, there are common grades throughout the Civil Service. These unified grades 1 to 7 are known as the Open Structure and cover grades from Permanent Secretary level to Principal level. Within the unified grades each post is filled by the person best qualified, regardless of the occupational group to which he or she previously belonged.

Below this the structure of the non-industrial Civil Service is based on a system of occupational groups. These groups assist the recruitment and matching of skills to posts and offer career paths in which specialist skills can be developed. Departments and agencies are being encouraged to develop their own pay and grading arrangements. They are expected to produce value-for-money benefits which are greater than those available through centrally controlled negotiation. From April 1996 all departments and agencies will take responsibility for implementing their own systems of pay and grading of staff below senior levels.

The Diplomatic Service

The Diplomatic Service, a separate service of some 6,000 people, provides the staff for the Foreign & Commonwealth Office (see p. 111) and for British diplomatic missions abroad.

The Diplomatic Service has its own grade structure, linked to that of the Home Civil Service. Terms and conditions of service are comparable, but take into account the special demands of the Service,

particularly the requirement to serve abroad. Home civil servants, members of the armed forces and individuals from the private sector may also serve in the Foreign & Commonwealth Office and at overseas posts on loan or attachment.

Civil Service Recruitment

Recruitment is based on the principle of selection on merit by fair and open competition. Independent Civil Service Commissioners are responsible for approving the selection of people for appointment to Grade 5 and above. Recruitment of all other staff is the responsibility of departments and executive agencies. Departments and agencies can choose whether to undertake this recruitment work themselves, to employ a private sector recruitment agency or to use the Recruitment and Assessment Services Agency to recruit on their behalf.

People from outside the Civil Service may be recruited directly to all levels, particularly to posts requiring skills and experience more readily found in the private sector. The exchange of staff between the Civil Service and industry is also encouraged.

Since May 1995 departments and agencies have been required to publish information about their recruitment systems.

Training

Individual government departments and agencies are responsible for the performance of their own staff. They provide training and development to meet their business needs, to improve performance, and to help staff respond effectively to changing demands. Most training and development takes place within departments and agencies. In addition, the Civil Service College provides management and professional training, mainly for those who occupy, or hope to occupy, relatively senior positions. Considerable use is made of other providers in the private and public sectors.

Civil servants aged under 18 may continue their general education by attending courses, usually for one day a week ('day release' schemes). All staff may be entitled to

financial support to continue their education, mainly in their own time. There are also opportunities for civil servants to undertake research and study in areas of interest to them and to their department or agency.

Promotion

Departments are responsible for promotion up to and including Grade 4. Promotion or appointment to Grades 1 and 2 and all transfers between departments at these levels are approved by the Prime Minister, who is advised by the Head of the Home Civil Service. Promotions and appointments to Grade 3 are approved by the Cabinet Office.

Political and Private Activities

Civil servants are required to perform loyally the duties assigned to them by the Government of the day, whatever its political persuasion. It is essential that ministers and the public should have confidence that the personal views of civil servants do not influence the performance of their official duties, given the role of the Civil Service in serving successive governments formed by different parties. The aim of the rules which govern political activities by civil servants is to allow them, subject to these fundamental principles, the greatest possible freedom to participate in public affairs consistent with their rights and duties as citizens. The rules are therefore concerned with activities liable to give public expression to political views rather than with privately held beliefs and opinions.

The Civil Service is divided into three groups for the purposes of deciding the extent to which individuals may take part in political activities:

- those in the 'politically free' group, consisting of industrial staff and non-office grades, are free to engage in any political activity outside official time, including adoption as a prospective candidate for the British or the European Parliament (although they would have to resign from the Service before giving their consent to nomination).

- those in the 'politically restricted' group, which comprises staff in Grade 7 and above as well as Administration Trainees and Higher Executive Officers (D), may not take part in national political activities but may apply for permission to take part in local political activities; and
- the 'intermediate' group, which comprises all other civil servants, may apply for permission to take part in national or local political activity, apart from candidature for the British or the European Parliament.

Where required, permission is granted to the maximum extent consistent with the Civil Service's reputation for political impartiality and the avoidance of any conflict with official duties. A code of discretion requires moderation and the avoidance of embarrassment to ministers.

Generally, there are no restrictions on the private activities of civil servants, provided that these do not bring discredit on the Civil Service, and that there is no possibility of conflict with official duties. For instance, a civil servant must comply with any departmental instruction on the need to seek authority before taking part in any outside activity which involves official experience.

Security

Each department is responsible for its own internal security. As a general rule the privately-held political views of civil servants are not a matter of official concern. However, no one may be employed on work which is vital to the security of the State who is, or has been, involved in, or associated with, activities threatening national security. Certain posts are not open to people who fall into this category, or to anyone whose reliability may be in doubt for any other reason.

The Security Commission may investigate breaches of security in the public service and advise on changes in security procedure if requested to do so by the Prime Minister after consultation with the Leader of the Opposition.

Local Government

Although the origins of local government in England can be traced back to Saxon times, the first comprehensive system of local councils was established in the late 19th century.

Local Government Reform

A major reform of local government took place in 1974 in England and Wales and in 1975 in Scotland. This created two main tiers of local authority throughout England and Wales: counties and the smaller districts. Local government in London had been reorganised along the same lines in 1965. In Scotland functions were allocated to regions and districts on the mainland; single-tier authorities were introduced for the three Islands areas. In Northern Ireland changes were made in 1973 which replaced the two-tier county council and urban/rural council system with a single-tier district council system.

The Local Government Act 1985 abolished the Greater London Council and the six metropolitan county councils in England. Most of their functions were transferred to the London boroughs and metropolitan district councils respectively in 1986 (see below).

Local Government Commission

The Local Government Act 1992 made provision for the establishment of a Local Government Commission to review the structure, boundaries and electoral arrangements of local government in England. The Commission, set up in 1992, has reviewed the structure of local government in non-metropolitan England. The reviews considered whether the two-tier structure should be replaced by single-tier ('unitary') authorities in each area; for the most part the Commission recommended the retention of two-tier government, but suggested unitary authorities for some areas, especially the larger cities. Most of these recommendations have been accepted by the Secretary of State for the Environment. In some areas he has asked the Commission to conduct fresh reviews of individual districts. The first

changes, on the Isle of Wight, were implemented in April 1995. Other changes will follow in April 1996 and April 1997. The Commission will also be looking at the boundaries of metropolitan areas, probably starting in 1996. The Government is looking at ways of improving the internal management of local authorities.

Scotland and Wales

The Local Government etc. (Scotland) Act 1994 provides for 29 new unitary councils to replace the present system of nine regional and 53 district councils. The three islands councils will remain. The new authorities will take over in April 1996. In Wales, under the Local Government (Wales) Act 1994, 22 unitary authorities will replace the existing eight county councils and 37 district councils, again from April 1996. The first elections for the new councils took place in April 1995 for Scotland and May 1995 for Wales.

Local Authorities' Powers

Local authorities derive their power from legislation. Although local authorities are responsible for administering certain services, ministers have powers in some areas to secure a degree of uniformity in standards to safeguard public health or to protect the rights of individual citizens.

Relations with Central Government

The main link between local authorities and central government in England is the Department of the Environment. However, other departments such as the Department for Education and Employment and the Home Office are also concerned with various local government functions. In the rest of Britain the local authorities deal with the Scottish or Welsh Offices or the Department of the Environment for Northern Ireland, as appropriate.

Principal Types of Local Authority

Before the recent reforms, England outside Greater London was divided into counties,

sub-divided into districts. All the districts and the non-metropolitan counties had locally elected councils with separate functions. County councils provided large-scale services such as education and social services, while district councils were responsible for the more local ones (see p. 74). These arrangements will broadly continue in areas where two-tier local government will remain.

Greater London is divided into 32 boroughs and the City of London, each of which has a council responsible for local government in its area. In the six metropolitan counties there are 36 district councils; there are no county councils. A number of services, however, require a statutory authority over areas wider than the individual boroughs and districts. These are:

- waste regulation and disposal (in certain areas);
- the fire services, including civil defence; and
- (outside London) public transport.

These are run by joint authorities composed of elected councillors nominated by the borough or district councils. Local councils also provide many of the members of the police authorities (see p. 83).

In addition to the two-tier local authority system in England, over 8,000 parish councils or meetings provide and manage local facilities such as allotments and village halls, and act as agents for other district council functions. They also provide a forum for discussion of local issues. In Wales over 700 community councils have similar functions, and provision is made for local community councils in Scotland.

The boundaries and electoral arrangements of local authorities in Wales and Scotland are kept under review by the Local Government Boundary Commissions for Wales and Scotland respectively. In 1992 the responsibilities of the former Local Government Boundary Commission for England passed to the Local Government Commission (see p. 72).

In Northern Ireland 26 district councils are responsible for local environmental and certain other services. Statutory bodies, such

as the Northern Ireland Housing Executive and area boards, are responsible to central government departments for administering other major services (see p. 531).

Election of Councils

Local councils consist of elected councillors. Councillors are paid a basic allowance but may also be entitled to additional allowances and expenses for attending meetings or taking on special responsibilities. Parish and community councillors cannot claim allowances for duties undertaken within their own council areas. In Scotland community councillors are not eligible for any form of allowance.

In England and Wales each council elects its presiding officer annually. Some districts have the ceremonial title of borough, or city, both granted by royal authority. In boroughs and cities the presiding officer is normally known as the Mayor. In the City of London and certain other large cities, he or she is known as the Lord Mayor. In Scotland the presiding officer of the district council of each of the four cities is called the Lord Provost. In other councils he or she is known as a convenor or provost. District councils in Northern Ireland are presided over by mayors. In Wales the presiding officer of the new authorities is called chairman in the case of counties and mayor in the case of county boroughs.

Councillors are elected for four years. All county councils in England, London borough councils, and about two-thirds of non-metropolitan district councils are elected in their entirety every four years. In the remaining districts (including all metropolitan districts) one-third of the councillors are elected in each of the three years when county council elections are not held. Where new unitary authorities are to be set up in England, Parliamentary Orders make the necessary provisions regarding elections. In Scotland local elections will now be held every three years, with the next elections due in 1999. Each election covers the whole council. In Wales elections will continue to be held every four years, again with the next due in 1999.

Voters

Anyone may vote at a local government election in Britain provided he or she is:

- aged 18 years or over;
- a citizen of Britain or of another Commonwealth country, or of the Irish Republic, or (from 1996) a citizen of the European Union;
- not legally disqualified; and
- on the electoral register.

To qualify for registration a person must be resident in the council area on the qualifying date. In Northern Ireland there are slightly different requirements.

Candidates

Most candidates at local government elections stand as representatives of a national political party, although some stand as independents. Candidates must be British citizens, other Commonwealth citizens or citizens of the European Union, and aged 21 or over. In addition, they must either:

- be registered as local electors in the area of the relevant local authority; or
- have occupied (as owner or tenant) land or premises in that area during the whole of the preceding 12 months; or
- have had their main place of work in the area throughout this 12-month period.

No one may be elected to a council of which he or she is an employee, and there are some other disqualifications. All candidates for district council elections in Northern Ireland are required to make a declaration against terrorism.

Electoral Divisions and Procedure

Counties in England are divided into electoral divisions, each returning one councillor. Districts in England and Northern Ireland are divided into wards, returning one councillor or more. In Scotland the electoral areas in the new councils are called wards and in Wales they are called electoral divisions; each returns one or more

councillors. Parishes (in England) and communities (in Wales) may be divided into wards. Wards return at least one councillor. The minimum parish/community council size is five councillors.

The procedure for local government voting in Great Britain is broadly similar to that for parliamentary elections. In Northern Ireland local government elections are held by proportional representation, and electoral wards are grouped into district electoral areas.

Council Functions and Services

At present in England county councils are responsible for strategic planning, transport planning, highways, traffic regulation, education,¹⁰ consumer protection, refuse disposal, police,¹¹ the fire service, libraries and the personal social services. District councils are responsible for services such as environmental health, housing, decisions on most local planning applications, and refuse collection. Both tiers of local authority have powers to provide facilities such as museums, art galleries and parks; arrangements depend on local agreement. Where unitary authorities are created in non-metropolitan areas, they will be responsible for both county and district level functions.

In the metropolitan counties the district councils are responsible for all services apart from the police, the fire service and public transport and, in some areas, waste regulation and disposal (see p. 367). In Greater London the boroughs and the Corporation of the City of London have similar functions, but London's metropolitan police force is responsible to the Home Secretary. Responsibility for public transport lies with London Transport (see p. 298).

In Wales the division of responsibilities between districts and counties is broadly the same as in England up to April 1996, when the new unitary councils will take over.

In mainland Scotland the functions of regional and district authorities are at present divided up in a broadly similar way to the

¹⁰ Schools may, however, 'opt out' of local education authority control by obtaining grant-maintained status—see p. 428.

¹¹ In many areas, police forces cover more than one county, and in these cases a joint board is set up to act as police authority.

counties and districts in England and Wales. As in Wales, new unitary councils come into being in April 1996, taking over all local government functions.

In Northern Ireland local environmental and certain other services, such as leisure and the arts, are administered by the district councils. Responsibility for planning, roads, water supply and sewerage services is exercised in each district through a divisional office of the Department of the Environment for Northern Ireland. Area boards, responsible to central departments, administer education, public libraries and the health and personal social services locally. The Northern Ireland Housing Executive, responsible to the Department of the Environment for Northern Ireland, administers housing.

Changes in Local Government

There have been numerous changes in recent years in the way that local authorities approach their responsibilities. Many of these can be encapsulated under the term 'the enabling authority'. It is used to describe the general shift away from local authorities providing services directly and towards them arranging for services to be provided, or carrying out functions in partnership with other bodies. For example, councils often have nomination rights to housing association properties (see p. 341), so that they are acting not as provider but as 'gatekeeper'. Likewise, under the community care reforms, councils with social services responsibilities draw up care plans for those who need them (see p. 407), but the care is often provided by the private or voluntary sectors funded by the council, rather than directly by the local authority itself.

Internal Organisation of Local Authorities

Local authorities have considerable freedom to make arrangements for carrying out their duties; these are set out in standing orders. Some decisions are made by the full council; many other matters are delegated to committees composed of members of the council. A council may delegate most

functions to a committee or officer, although certain powers are legally reserved to the council as a whole. The powers and duties of local authority committees are usually laid down in the terms of reference. Parish and community councils in England and Wales are often able to do their work in full session, although they appoint committees from time to time as necessary.

In England and Wales committees generally have to reflect the political composition of the council (although the legislation governing this specifically excludes parish or community councils). In practice, this is often also the case in Scotland, although it is not enforced by legislation. People who are not members of the council may be co-opted onto decision-making committees and can speak and take part in debates; they cannot normally vote. Legislation also prevents senior officers and others in politically sensitive posts from being members of another local authority or undertaking public political activity. Some of these provisions have not been introduced in Northern Ireland.

Public Access

The public (including the press) are admitted to council, committee and sub-committee meetings, and have access to agendas, reports and minutes of meetings and certain background papers. Local authorities may exclude the public from meetings and withhold these papers only in limited circumstances.

Employees

About 1.4 million people¹² are employed by local authorities in England. These include administrative, professional and technical staff, teachers, firefighters, and manual workers, but exclude those in law and order services. Education is the largest service, employing some 40 per cent of all local government workers. Councils are individually responsible, within certain national legislative requirements, for deciding the structure of their workforces.

¹²Whole-time equivalents.

Senior staff appointments are usually made by the elected councillors. More junior appointments are made by heads of departments. Pay and conditions of service are usually a matter for each council, although there are scales recommended by national negotiating machinery between authorities and trade unions, and most authorities follow these.

Authorities differ in the degree to which they employ their own permanent staff to carry out certain functions or use private firms under contract. The Government's policy of promoting value for money is encouraging the use of private firms where savings can be made. Many local government functions, such as refuse collection and leisure management, must be put out to tender ('compulsory competitive tendering'—CCT), although the local authority's own workforce can put up an in-house bid. Between 1989 and 1992, CCT achieved average cost savings of 6 to 7 per cent. CCT is currently being extended to local authorities' provision of a range of professional services. The metropolitan districts and London boroughs will need to have new arrangements in place during 1996–97 for most of these services.

Local Authority Finance

Local government expenditure accounts for about 25 per cent of public spending. The Government has sought to influence local government spending as part of a general policy of controlling the growth of public expenditure. Since 1984 the Government has had powers to limit or 'cap' local authority budgets (local authority taxation in Scotland) by setting a maximum amount for local authorities which have, in its view, set budgets which are excessive.

In 1994–95 expenditure by local authorities in Britain was about £73,300 million. Current expenditure amounted to £62,100 million; capital expenditure, net of capital receipts, was £6,900 million; and debt interest £4,300 million. Local government capital expenditure is financed primarily by borrowing within limits set by central government and from capital receipts from the disposal of land and buildings.

Local authorities in Great Britain raise revenue through the council tax, which replaced the community charge system in April 1993 (see p. 166). However, their revenue spending is financed primarily by grants from central government and by the redistribution of revenue from the national non-domestic rate, a property tax levied on businesses and other non-domestic properties.

District councils in Northern Ireland continue to raise revenue through the levying of a domestic rate.

Financial Safeguards

Local councils' annual accounts must be audited by independent auditors appointed by the Audit Commission in England and Wales, or by the Commission for Local Authority Accounts in Scotland. In Northern Ireland this role is exercised by the chief local government auditor, who is appointed by the Department of the Environment for Northern Ireland.

Local Government Complaints System

Local authorities are encouraged to resolve complaints through internal mechanisms, and members of the public will often ask their own councillor for assistance in this. Local authorities must also appoint a monitoring officer, whose duties include ensuring that the local authority acts lawfully in the conduct of its business.

Allegations of local government maladministration may be investigated by statutory independent Commissioners for Local Administration, often known as 'local government ombudsmen'. There are three of these in England, and one each in Wales and Scotland. A report is issued on each complaint fully investigated and, if injustice caused by maladministration is found, the local ombudsman normally proposes a remedy. The council must consider the report and reply to it.

An independent review of the local government ombudsman service began in July 1995.

In Northern Ireland a Commissioner for Complaints deals with complaints

alleging injustices suffered as a result of maladministration by district councils and certain other public bodies.

Pressure Groups

Pressure groups are informal organisations which aim to influence Parliament and Government in the way decisions are made and carried out, to the benefit of their members and the causes they support. There is a huge range, covering politics, business, employment, consumer affairs, ethnic minorities, aid to developing countries, foreign relations, education, culture, defence, religion, sport, transport, social welfare, animal welfare and the environment. Some have over a million members, others only a few dozen. Some exert pressure on a number of different issues; others are concerned with a single issue. Some have come to play a recognised role in the way Britain is governed; others seek influence through radical protest.

While political parties seek to win political power, pressure groups aim to influence those who are in power, rather than to exercise the responsibility of government and to legislate.

Pressure Groups and Policy

Pressure groups operating at a national level have a number of methods for influencing the way Britain is governed. Action by them may highlight a particular problem, which is then acknowledged by the Government. Groups whose scale of membership indicates that they are broadly representative in their field may then be consulted by a government department, or take part in Whitehall working groups or advisory councils. If the Government considers that legislation is necessary, then proposals are drafted, which are circulated to interested groups for their comments. Legislation is then put before Parliament, and at various times during the passage of a Bill—especially at the committee stage—pressure groups have opportunities to influence its content. If the Act includes delegated legislation (see p. 57), pressure groups may be consulted and have the opportunity to provide information and express their views.

Pressure Groups and Government

The principle of consultation to gain the consent and co-operation of as wide a range of organisations as possible, and to ensure the smooth working of laws and regulations, plays an important part in the relationship between government departments and interested groups.

In some instances a department is under legal obligation to consult interested groups. The Government has a duty to consult organised interests, providing the pressure groups involved have a broad enough membership for them to represent a majority view, and that they observe confidentiality about their discussions with the department. Members of pressure groups have direct expertise, and an awareness of what is practicable, and can give advice and information to civil servants engaged in preparing policy or legislation. In return, the pressure groups have the opportunity to express their opinions directly to the Government. The contacts between civil servants and pressure group representatives may be relatively informal—by letter or telephone—or more formal, through involvement in working parties or by giving evidence to committees of inquiry.

Administration by Pressure Groups

As well as providing information and opinions, pressure groups can also be involved in administering government policy. The Law Society—the representative body for solicitors—administered the Government's Legal Aid scheme until that function was taken over in 1989 by the Legal Aid Board (see p. 106). The Government also makes grants to pressure groups which, as well as speaking on behalf of their members or for an issue, also provide a service. Relate: National Marriage Guidance has received grants for the advice centres it runs, and government departments make grants to a number of pressure groups for research relating to public policy.

Pressure Groups and Parliament

Lobbying –the practice of approaching MPs or Lords, persuading them to act

on behalf of a cause, and enabling them to do so by providing advice and information—is a form of pressure group activity which has increased substantially in recent years.

A common pressure group tactic is to ask members of the public to write to their MP about an issue—for example, the Sunday trading laws, or the plight of political prisoners in particular countries—in order to raise awareness and persuade the MP to support the cause.

Raising Issues in Parliament

Other ways through which pressure groups may exert influence include:

- suggesting to MPs or Lords subjects for Private Members' Bills (see p. 55); many pressure groups have ready-drafted legislation waiting to be sponsored;
- approaching MPs or Lords to ask parliamentary questions as a means of gaining information from the Government and of drawing public attention to an issue;

- suggesting to MPs subjects for Early Day Motions (see p. 59); and
- orchestrating public petitions as a form of protest against government policy, or to call for action. If the petition is to be presented in Parliament, it must be worded according to Commons or Lords rules, and be presented by an MP or Lord in his or her own House.

Parliamentary Lobbyists

Many pressure groups employ full-time parliamentary workers or liaison officers, whose job is to develop contacts with MPs and Lords sympathetic to their cause, and to brief them when issues affecting the group are raised in Parliament.

There are also public relations and political consultancy firms specialising in lobbying Parliament and Government. Such firms are employed by pressure groups—as well as by British and overseas companies and organisations—to monitor parliamentary business, and to promote their clients' interests where they are affected by legislation and debate.

Further Reading

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Renewing Local Government in the English Shires: A Final Report on the 1992–95 Structural Review. Local Government Commission, HMSO, 1995.

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72. Privileges of Legislative Assembly.

(1) The validity of any proceedings in the Legislative Assembly of any State shall not be questioned in any court.

(2) No person shall be liable to any proceedings in any court in respect of anything said or any vote given by him when taking part in proceedings of the Legislative Assembly of any State or of any committee thereof.

(3) No person shall be liable to any proceedings in any court in respect of anything published by or under the authority of the Legislative Assembly of any State.

(4) Clause (2) shall not apply to any person charged with an offence under the law passed by Parliament under Clause (4) of Article 10 or with an offence under the Sedition Act 1948 as amended by the Emergency (Essential Powers) Ordinance No. 45, 1970.

(5) Notwithstanding Clause (4), no person shall be liable to any proceedings in any court in respect of anything said by him of the Ruler of any State when taking part in any proceedings of the Legislative Assembly of any State or any committee thereof except where he advocates the abolition of the Ruler's position as the constitutional Ruler of that State. [Ins. Act
A848]

PART VI

RELATIONS BETWEEN THE FEDERATION AND THE STATES

Chapter 1 — Distribution of legislative powers

73. Extent of federal and State laws.

In exercising the legislative powers conferred on it by this Constitution—

- (a) Parliament may make laws for the whole or any part of the Federation and laws having effect outside as well as within the Federation;
- (b) the Legislature of a State may make laws for the whole or any part of that State.

74. Subject matter of federal and State laws.

(1) Without prejudice to any power to make laws conferred on it by any other Article, Parliament may make laws with respect to any of the matters enumerated in the Federal List or the Concurrent List (that is to say, the First or Third List set out in the Ninth Schedule).

(2) Without prejudice to any power to make laws conferred on it by any other Article, the Legislature of a State may make laws with respect to any of the matters enumerated in the State List (that is to say, the Second List set out in the Ninth Schedule) or the Concurrent List.

(3) The power to make laws conferred by this Article is exercisable subject to any conditions or restrictions imposed with respect to any particular matter by this Constitution.

(4) Where general as well as specific expressions are used in describing any of the matters enumerated in the Lists set out in the Ninth Schedule the generality of the former shall not be taken to be limited by the latter.

75. Inconsistencies between federal and State laws.

If any State law is inconsistent with a federal law, the federal law shall prevail and the State law shall, to the extent of the inconsistency, be void.

76. Power of Parliament to legislate for States in certain cases.

(1) Parliament may make laws with respect to any matter enumerated in the State List, but only as follows, that is to say:

- (a) for the purpose of implementing any treaty, agreement or convention between the Federation and any other country, or any decision of an international organisation of which the Federation is a member; or
- (b) for the purpose of promoting uniformity of the laws of two or more States; or
- (c) if so requested by the Legislative Assembly of any State.

(2) No law shall be made in pursuance of paragraph (a) of Clause (1) with respect to any matters of Islamic law or the custom of the Malays or to any matters of native law or custom in

the States of Sabah and Sarawak and no Bill for a law under that paragraph shall be introduced into either House of Parliament until the Government of any State concerned has been consulted.

(3) Subject to Clause (4), a law made in pursuance of paragraph (b) or paragraph (c) of Clause (1) shall not come into operation in any State until it has been adopted by a law made by the Legislature of that State, and shall then be deemed to be a State law and not a federal law, and may accordingly be amended or repealed by a law made by that Legislature.

(4) Parliament may, for the purpose only of ensuring uniformity of law and policy, make laws with respect to land tenure, the relations of landlord and tenant, registration of titles and deeds relating to land, transfer of land, mortgages, leases and charges in respect of land, easements and other rights and interests in land, compulsory acquisition of land, rating and valuation of land, and local government; and Clauses (1) (b) and (3) shall not apply to any law relating to any such matter.

76A. Power of Parliament to extend legislative powers of States.

(1) It is hereby declared that the power of Parliament to make laws with respect to a matter enumerated in the Federal List includes power to authorise the Legislatures of the States or any of them, subject to such conditions or restrictions (if any) as Parliament may impose, to make laws with respect to the whole or any part of that matter.

(2) Notwithstanding Article 75, a State law made under authority conferred by Act of Parliament as mentioned in Clause (1) may, if and to the extent that the Act so provides, amend or repeal (as regards the State in question) any federal law passed before that Act.

(3) Any matter with respect to which the Legislature of a State is for the time being authorised by Act of Parliament to make laws shall for purposes of Articles 79, 80 and 82 be treated as regards the State in question as if it were a matter enumerated in the Concurrent List.

77. Residual power of legislation.

The Legislature of a State shall have power to make laws with

respect to any matter not enumerated in any of the Lists set out in the Ninth Schedule, not being a matter in respect of which Parliament has power to make laws.

78. Legislation restricting use of rivers.

In so far as any law made by Parliament or any regulation made in pursuance of such a law restricts the rights of a State or its residents to the use for navigation or irrigation of any river wholly within that State it shall not have effect in that State unless it has been approved by a resolution of the Legislative Assembly of that State supported by a majority of the total number of its members.

79. Exercise of concurrent legislative powers.

(1) Where it appears to the presiding officer of either House of Parliament or of the Legislative Assembly of any State that a Bill or an amendment to a Bill proposes a change in the law relating to any of the matters enumerated in the Concurrent List, or to any of the matters enumerated in the State List with respect to which the Federation is exercising functions in accordance with Article 94, he shall certify the Bill or amendment for the purposes of this Article.

(2) A Bill or amendment certified under this Article shall not be proceeded with until four weeks have elapsed since its publication, unless the presiding officer, being satisfied that the State Governments, or as the case may be, the Federal Government, have been consulted, allows it to be proceeded with on the ground of urgency.

Chapter 2 — Distribution of executive powers

80. Distribution of executive powers.

(1) Subject to the following provisions of this Article the executive authority of the Federation extends to all matters with respect to which Parliament may make laws, and the executive authority of a State to all matters with respect to which the Legislature of that State may make laws.

(2) The executive authority of the Federation does not extend to any matter enumerated in the State List, except in so far as is provided in Articles 93 to 95, nor to any matter enumerated in the Concurrent List, except in so far as may be provided by

federal or State law; and so far as federal or State law confers executive authority on the Federation with respect to any matter enumerated in the Concurrent List it may do so to the exclusion of the executive authority of the State.

(3) So far as a law made under Clause (4) of Article 76 makes provision for conferring executive authority on the Federation it shall not operate in any State unless approved by resolution of the Legislative Assembly of that State.

(4) Federal law may provide that the executive authority of a State shall extend to the administration of any specified provisions of federal law and may for that purpose confer powers and impose duties on any authority of the State.

(5) Subject to any provisions of federal or State law, arrangements may be made between the Federation and a State for the performance of any functions by the authorities of the one on behalf of the authorities of the other and such arrangements may provide for the making of payments in respect of any costs incurred under the arrangements.

(6) Where, in pursuance of Clause (4), any functions are conferred by federal law on any authority of a State the Federation shall make such payments to the State as may be agreed between the Federation and the State or as may in default of agreement be determined by a tribunal appointed by the Chief Justice of the Federal Court.

81. Obligations of States towards Federation.

The executive authority of every State shall be so exercised—

- (a) as to ensure compliance with any federal law applying to that State; and
- (b) as not to impede or prejudice the exercise of the executive authority of the Federation.

Chapter 3 — Distribution of financial burdens

82. Financing of expenditure relating to matters on Concurrent List.

Where any law or executive action relating to any of the matters enumerated in the Concurrent List involves expenditure, such action shall be taken under this Constitution as will ensure that, unless otherwise agreed, the burden of that expenditure is borne—

- (a) by the Federation, if the expenditure results either from federal commitments or from State commitments undertaken in accordance with federal policy and with the specific approval of the Federal Government;
- (b) by the State or States concerned, if the expenditure results from State commitments undertaken by the State or States on its or their own authority.

Chapter 4 — Land

83. Acquisition of land for federal purposes.

(1) If the Federal Government is satisfied that land in a State, not being alienated land, is needed for federal purposes, that Government may, after consultation with the State Government, require the State Government, and it shall then be the duty of that Government, to cause to be made to the Federation, or to such public authority as the Federal Government may direct, such grant of the land as the Federal Government may direct:

Provided that the Federal Government shall not require the grant of any land reserved for a State purpose unless it is satisfied that it is in the national interest so to do.

(2) Where in accordance with Clause (1) the Federal Government requires the State Government to cause to be made a grant of land in perpetuity, the grant shall be made without restrictions as to the use of the land but shall be subject to the payment annually of an appropriate quit rent and the Federation shall pay to the State a premium equal to the market value for the grant; and where the Federal Government so requires the State Government to cause to be granted any other interest in land, the Federation shall pay to the State the just annual rent therefor and such premium, if any is required by the State Government, as may be just:

Provided that if the value of the land has been increased by means of any improvement made (otherwise than at the expense of the State) while the land was reserved for federal purposes, the increase shall not be taken into consideration in determining the market value, rent or premium for the purposes of this Clause.

(3) Where a requirement is made under Clause (1) in respect of any land which, at the date of the requirement, was intended for any State purpose, then if—

- (a) other land is acquired by the State for that purpose in substitution for the first-mentioned land; and
- (b) the cost of the land so acquired exceeds the amount paid by the Federation (otherwise than as rent) in accordance with Clause (2) in respect of the interest granted to the Federation,

the Federation shall pay to the State such sum as may be just in respect of the excess.

(4) Where a further grant is made in pursuance of this Article in respect of land an interest in which is vested in the Federation or any public authority, any sums payable by way of premium under Clause (2) in respect of the further grant shall be reduced by an amount equal to the market value of any improvements made (otherwise than at the expense of the State) since that interest became vested as aforesaid.

(5) The foregoing provisions of this Article (except Clause (3)) shall apply in relation to alienated land as they apply in relation to land not being alienated land, but subject to the following modifications:

- (a) in Clause (1), the words "after consultation with the State Government" shall be omitted;
- (b) where a requirement is made under that Clause, it shall be the duty of the State Government to cause to be acquired by agreement or compulsorily such interest in the land as may be necessary for complying with the requirement;
- (c) any expenses incurred by the State in or in connection with the acquisition of land in accordance with paragraph (b) shall be repaid by the Federation, except that if the acquisition is by agreement the Federation shall not, unless it is party to the agreement, be liable to pay more than it would have paid on a compulsory acquisition;
- (d) any sum paid by the Federation to the State in accordance with paragraph (c) shall be taken into consideration in determining for the purposes of Clause (2) the market value, the appropriate quit rent or the just annual rent, and shall be deducted from any premium to be paid by the Federation under that Clause.

(6) Where a grant is made to the Federation in pursuance of Clause (1) in respect of land which, or an interest in which, was acquired by the State Government at the expense of the Government of the Federation of Malaya before Merdeka Day, paragraph (d) of Clause (5) shall apply to the sums paid in respect of the acquisition by the Government of the Federation of Malaya as if they were sums paid by the Federation in accordance with paragraph (c) of Clause (5); and Clause (3) shall not apply to any such land.

(7) Nothing in this Article shall prevent the reservation of land in a State for federal purposes on such terms and conditions as may be agreed between the Federal Government and the Government of the State, or affect the power of the appropriate authority in a State to acquire in accordance with any law for the time being in force any alienated land for federal purposes without a requirement by the Federal Government under this Article.

[Ins. Act
A704]

(8) Nothing in this Article shall prevent the making of a grant of land in a State to the Federation, on such terms and conditions as may be agreed between the Federal Government and the Government of the State, without a requirement by the Federal Government under this Article.

[Act A704]

84. (Repealed by Act A704).

[Am. Act
A704]

85. Grant to Federation of land reserved for federal purposes.

(1) Where any land in a State is reserved for any federal purposes, the Federal Government may require the State Government, and it shall then be the duty of that Government, to cause to be made to the Federation a grant of the land in perpetuity without restrictions as to the use of the land, but subject to the payment of a premium to be determined in accordance with Clause (2) and to the payment annually of an appropriate quit rent.

(2) The premium referred to in Clause (1) shall be equal to the market value of the land reduced by—

- (a) the market value of any improvements made (otherwise than at the expense of the State) while the land was in use for federal purposes; and

- (b) the amount, if any, paid by the Federation, or paid before Merdeka Day by the Government of the Federation of Malaya, in respect of the cost of acquisition of any interest in the land by the State Government.

(3) Without prejudice to Clause (1), where any land in a State is reserved for any federal purposes, the Federal Government may offer to release the land to the State on condition that the State pays to the Federation the market value and the amount mentioned in paragraphs (a) and (b) of Clause (2); and if the State Government accepts the offer the reservation shall cease.

(4) Except as provided by this Article, land in a State which is reserved for federal purposes shall not cease to be so reserved, and all land so reserved shall be controlled and managed by or on behalf of the Federal Government, and the Federal Government may grant any right of occupation, control or management, or a tenancy or lease, of the whole or any part of such land, to any person—

- (a) for the use of the land by such person for any duration for the federal purpose for which it is reserved, or for any purpose ancillary or incidental thereto; or
- (b) where the Federal Government is unable for any reason to use the land for the time being for the federal purpose for which it is reserved, for its use by such person for any purpose other than a federal purpose, for such duration and on such terms and conditions as the Federal Government may determine.

(5) In this Article the reference to land in a State reserved for federal purposes includes—

- (a) any land which was reserved before Merdeka Day in accordance with the provisions of any law then in force in the State for any purpose which has become a federal purpose after Merdeka Day;
- (b) any land reserved for any federal purpose after Merdeka Day in accordance with the provisions of any law for the time being in force in a State;
- (c) any State land referred to in the repealed Clause (4) of Article 166; and
- (d) any land in a State reserved for federal purposes by virtue of Clause (7) of Article 83.

[Am. Act
A704]

86. Disposition of land vested in the Federation.

(1) Where any interest in land is vested in the Federation, or in a public authority, for any purpose, the Federation or the public authority may dispose of that interest or any smaller interest in the land to any person as it deems fit.

(2) Where any interest in land in a State is disposed of by or to the Federation or any public authority in pursuance of this Article or of Article 85, it shall be the duty of the Government of that State to register the transaction accordingly.

87. Determination of disputes as to land values.

(1) Where any dispute arises between the Federal Government and a State Government as to the making of any payment by or to the Federation under the foregoing Articles of this Chapter, or as to the amount of any such payment, the dispute shall be referred, at the instance either of the Federal Government or of the State Government, to the Lands Tribunal appointed in accordance with this Article.

(2) The Lands Tribunal shall consist of—

[Am. Act
A885]

- (a) a chairman, who shall be appointed by the Chief Justice of the Federal Court and who shall be, or have been, or be qualified to be a judge of the Federal Court, the Court of Appeal or a High Court, or shall before Malaysia Day have been a judge of the Federal Court;
- (b) a member who shall be appointed by the Federal Government; and
- (c) a member who shall be appointed by the State Government.

[Am. Act
A885]

(3) The practice and procedure of the Lands Tribunal shall be regulated by rules of court framed by the Rules Committee or other authority having power under written law to make rules or orders regulating the practice and procedure of the Federal Court.

[Am. Act
A885]

(4) An appeal shall lie from the Lands Tribunal to the Federal Court on any question of law.

88. Application of Articles 83 to 87 to States not having a Ruler.

In their application to any of the States not having a Ruler, Articles 83 to 87 shall have effect—

- (a) subject to such adaptations (if any) as Parliament may by law provide, being adaptations required to secure that they apply (as nearly as practicable having regard to differences in the system of land tenure) in the same manner as they apply to other States; and
- (b) in the case of the States of Sabah and Sarawak with the omission in Article 83 of paragraph (a) of Clause (5).

89. Malay reservations.

(1) Any land in a State which immediately before Merdeka Day was a Malay reservation in accordance with the existing law may continue as a Malay reservation in accordance with that law until otherwise provided by an Enactment of the Legislature of that State, being an Enactment—

- (a) passed by a majority of the total number of members of the Legislative Assembly and by the votes of not less than two-thirds of the members present and voting; and
- (b) approved by resolution of each House of Parliament passed by a majority of the total number of members of that House and by the votes of not less than two-thirds of the members voting.

(1A) Any law made under Clause (1) providing for the forfeiture or reversal to the State Authority, or for the deprivation, of the ownership of any Malay reservation, or of any right or interest therein, on account of any person, or any corporation, company or other body (whether corporate or unincorporate) holding the same ceasing to be qualified or competent under the relevant law relating to Malay reservations to hold the same, shall not be invalid on the ground of inconsistency with Article 13.

(2) Any land in a State which is not for the time being a Malay reservation in accordance with the existing law and has not been developed or cultivated may be declared as a Malay reservation in accordance with that law:

Provided that—

- (a) where any land in a State is declared a Malay reservation under this Clause, an equal area of land in that State which has not been developed or cultivated shall be made available for general alienation; and

(b) the total area of land in a State for the time being declared as a Malay reservation under this Clause shall not at any time exceed the total area of land in that State which has been made available for general alienation in pursuance of paragraph (a).

(3) Subject to Clause (4), the Government of any State may, in accordance with the existing law, declare as a Malay reservation—

(a) any land acquired by that Government by agreement for that purpose;

(b) on the application of the proprietor, and with the consent of every person having a right or interest therein, any other land,

and shall, in accordance with the existing law, immediately declare as a Malay reservation, in a case where any land ceases to be a Malay reservation, any other land of a similar character and of an area not exceeding the area of that land.

(4) Nothing in this Article shall authorise the declaration as a Malay reservation of any land which at the time of the declaration is owned or occupied by a person who is not a Malay or in or over which such a person has then any right or interest.

(5) Without prejudice to Clause (3), the Government of any State may, in accordance with law, acquire land for the settlement of Malays or other communities, and establish trusts for that purpose.

(6) In this Article “Malay reservation” means land reserved for alienation to Malays or to natives of the State in which it lies; and “Malay” includes any person who, under the law of the State in which he is resident, is treated as a Malay for the purposes of the reservation of land.

(7) Subject to Article 161A, this Article shall have effect notwithstanding any other provision of this Constitution; but (without prejudice to any such other provision) no land shall be retained or declared as a Malay reservation except as provided by this Article and Article 90.

(8) The provisions of this Article shall apply to the Federal Territory of Kuala Lumpur in the like manner that they apply to a State, save that Clause (1) in its application to the Federal Territory of Kuala Lumpur shall be modified to read that any land

in the Federal Territory of Kuala Lumpur which immediately before Merdeka Day was a Malay reservation in accordance with the existing law may continue as a Malay reservation in accordance with that law until otherwise provided by an Act of Parliament passed by a majority of the total number of members of each House of Parliament and by the votes of not less than two-thirds of the members present and voting in each House.

90. Special provisions relating to customary land in Negeri Sembilan and Malacca, and Malay holdings in Trengganu.

(1) Nothing in this Constitution shall affect the validity of any restrictions imposed by law on the transfer or lease of customary land in the State of Negeri Sembilan or the State of Malacca, or of any interest in such land.

(1A) For the purpose of Clause (1)—

- (a) “transfer” includes any charge, transmission or vesting, or creation of any lien or trust, or entry of any caveat, or any other form of dealing or disposal of whatever description or nature; and
- (b) “lease” includes any tenancy of whatever form or duration.

(2) Notwithstanding anything in this Constitution, the existing law in the State of Trengganu with respect to Malay holdings shall continue in force until otherwise provided by an Enactment of the Legislature of that State passed and approved as described in Clause (1) of Article 89.

(3) Any such Enactment of the Legislature of the State of Trengganu may make provision for Malay reservations corresponding with the existing law in force in any other State of a Ruler; and in that event the said Article 89 shall have effect in relation to Trengganu subject to the following modifications, that is to say:

- (a) in Clause (1), for the reference to land which immediately before Merdeka Day was a Malay reservation in accordance with the existing law, there shall be substituted a reference to land which, immediately before the passing of the said Enactment, was a Malay holding; and

- (b) subject as aforesaid, any reference to the existing law shall be construed as a reference to the said Enactment.

91. National Land Council.

(1) There shall be a National Land Council consisting of a Minister as chairman, one representative from each of the States, who shall be appointed by the Ruler or Yang di-Pertua Negeri, and such number of representatives of the Federal Government as that Government may appoint but, subject to Clause (5) of Article 95E, the number of representatives of the Federal Government shall not exceed ten.

(2) The chairman may vote on any question before the National Land Council but shall not have a casting vote.

(3) The National Land Council shall be summoned to meet by the chairman as often as he considers necessary but there shall be at least one meeting in every year.

(4) If the chairman or a representative of a State or of the Federal Government is unable to attend a meeting, the authority by whom he was appointed may appoint another person to take his place at that meeting.

(5) It shall be the duty of the National Land Council to formulate from time to time in consultation with the Federal Government, the State Governments and the National Finance Council a national policy for the promotion and control of the utilisation of land throughout the Federation for mining, agriculture, forestry or any other purpose, and for the administration of any laws relating thereto; and the Federal and State Governments shall follow the policy so formulated.

(6) The Federal Government or the Government of any State may consult the National Land Council in respect of any other matter relating to the utilisation of land or in respect of any proposed legislation dealing with land or of the administration of any such law, and it shall be the duty of the National Land Council to advise that Government on any such matters.

Chapter 5 — National development

92. National development plan.

- (1) If, after a recommendation from an expert committee and

after consultation with the National Finance Council, the National Land Council and the Government of any State concerned, the Yang di-Pertuan Agong is satisfied that it is conducive to the national interest that a development plan be put into operation in any area or areas in one or more of the States, the Yang di-Pertuan Agong may, after publishing the plan, proclaim the area or areas as a development area; and thereupon Parliament shall have power to give effect to the development plan or any part thereof, notwithstanding that any of the matters to which the plan relates are matters with respect to which, apart from this Article, only States would have power to make laws.

(2) Any Act passed in pursuance of this Article shall recite that it has been so passed and that the provisions of Clause (1) have been complied with; and Article 79 shall not apply to any Bill for such an Act or any amendment to such a Bill.

(3) In this Article, "development plan" means a plan for the development, improvement, or conservation of the natural resources of a development area, the exploitation of such resources, or the increase of means of employment in the area.

(4) Without prejudice to their power under any other Article to require any interest in land to be acquired or granted for federal purposes, the Federal Government may from time to time require the reservation for the purposes of a development plan, to such extent as they may specify, of any land in a development area which is not occupied by private persons; but any diminution, in consequence of the reservation, of the annual revenue received by a State shall be made good to the State by the Federation.

(5) All income received by the Federation through the operation of a development plan shall, subject to Clause (6), be applied—

- (a) in the first instance, for the provision of capital and the meeting of working expenses for the development plan;
- (b) in the second instance, for the repayment to the Federation of any expenditure, including expenditure under Clause (4), incurred by the Federation in operating the plan; and
- (c) as to the balance, for payments to the State in which the development area is situated or, if it is situated in two or more states, to those States in such proportions as the Federal Government may determine.

(6) If it is agreed between the Federal Government and the Government of any State which includes the whole or any part of the development area that any expenditure incurred in operating the development plan is to be met by the State, any expenditure so met shall be repaid to the State and the repayment shall rank *pari passu* with the repayment to the Federation of any expenditure incurred by the Federation.

(7) Parliament may repeal or amend any Act passed in pursuance of this Article, and for that purpose may make such incidental and consequential provisions as it may consider necessary.

(8) Nothing in this Article shall affect the power of Parliament or of the Legislature of any State—

- (a) to impose such taxes or rates as it is authorised to impose under any other provision of this Constitution; or
- (b) to make from the Federal Consolidated Fund or the State Consolidated Fund, as the case may be, grants not repayable under Clause (5) or (6),

except that where, in pursuance of Clause (1), a rate is imposed on any property by federal law which, but for this Article, might have been imposed by State law, no rate of the same kind shall be imposed by State law for any period for which the rate imposed by federal law is payable.

*Chapter 6 — Federal surveys, advice to States and
inspection of State activities*

93. Inquiries, surveys and statistics.

(1) The Federal Government may conduct such inquiries (whether by Commission or otherwise), authorise such surveys and collect and publish such statistics as it thinks fit, notwithstanding that such inquiries, surveys and collection and publication of statistics relate to a matter with regard to which the Legislature of a State may make laws.

(2) It shall be the duty of the Government of a State, and of all officers and authorities thereof, to assist the Federal Government in the execution of its powers under this Article; and for this purpose the Federal Government may give such directions as it may deem necessary.

94. Federal powers in respect of State subjects.

(1) The executive authority of the Federation extends to the conduct of research, the provision and maintenance of experimental and demonstration stations, the giving of advice and technical assistance to the Government of any State, and the provision of education, publicity, and demonstration for the inhabitants of any State, in respect of any of the matters with respect to which the Legislature of a State may make laws; and the agricultural and forestry officers of any State shall accept any professional advice given to the Government of that State under this Clause.

(2) Notwithstanding anything in this Constitution, the existing Departments of Agriculture, Commissioner of Lands, Forestry and Social Welfare may continue to exercise the functions exercised by them immediately before Merdeka Day.

(3) Nothing in this Constitution shall prevent the Federal Government from establishing Ministries or Departments of Government to exercise the functions of the Federal Government under Article 93 and this Article in relation to matters within the legislative authority of a State, and such matters may include soil conservation, local government and town and country planning.

95. Inspection of State activities.

(1) Subject to Clause (3), in exercising the executive authority of the Federation any officer authorised by the Federal Government may inspect any department or work of a State Government with a view to making a report thereon to the Federal Government.

(2) A report made under this Article shall, if the Federal Government so direct, be communicated to the State Government and laid before the Legislative Assembly of the State.

(3) This Article does not authorise the inspection of any department or work dealing only with or carried on only with respect to matters with the exclusive legislative authority of a State.

Chapter 7 — National Council for Local Government

95A. National Council for Local Government.

(1) There shall be a National Council for Local Government consisting of a Minister as Chairman, one representative from each of the States, who shall be appointed by the Ruler or Yang di-Pertua Negeri, and such number of representatives of the Federal Government as that Government may appoint but, subject to Clause (5) of Article 95E, the number of representatives of the Federal Government shall not exceed ten.

(2) The Chairman may vote on any question before the National Council for Local Government and shall have a casting vote.

(3) The National Council for Local Government shall be summoned to meet by the Chairman as often as he considers necessary but there shall be at least one meeting in every year.

(4) If the Chairman or a representative of a State or of the Federal Government is unable to attend a meeting, the authority by whom he was appointed may appoint another person to take his place at that meeting.

(5) It shall be the duty of the National Council for Local Government to formulate from time to time in consultation with the Federal Government and the State Governments a national policy for the promotion, development and control of local government throughout the Federation and for the administration of any laws relating thereto; and the Federal and State Governments shall follow the policy so formulated.

(6) It shall also be the duty of the Federal Government and the Government of any State to consult the National Council for Local Government in respect of any proposed legislation dealing with local government and it shall be the duty of the National Council for Local Government to advise those Governments on any such matter.

(7) The Federal Government or the Government of any State may consult the National Council for Local Government in respect of any other matter relating to local government, and it shall be the duty of the National Council for Local Government to advise that Government on any such matter.