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Case Study: Legislative Systems

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Legislative Systems

The legislature is a term referring to a decision-making organization, which is associated with the national government of a country. The legislature enacts, amends, and repeals laws; it also steers the actions of the government.

The United Kingdom Legislature

The United Kingdom, as a sovereign state, has the parliament as the supreme legislative body. The parliament serves other British overseas territories as well. The Queen of England, Queen Elizabeth II, heads the parliament.

The British monarch, who is currently the Queen, is the chief of state. However, she takes little part in the government; she is the fount in which executive powers of the government lie. The common term for this role is the royal prerogative. The prime minister is in charge of her majesty's government. Two categories represent the power of the monarchy, which are the domestic and foreign power categories (Grumm, 1973). The domestic powers include:

- 1) Power to appoint and dismiss all ministers including the prime minister
- 2) Rights to summon, prorogue, and dissolve parliament
- 3) Ability to agree or refuse passing of bills
- 4) Power to commission armed forces officers
- 5) Power to appoint the members of the Queen's council
- 6) Rights to issue and withdraw passports
- 7) Rights to grant prerogative of mercy and honors
- 8) Ability to create corporations via the royal charter

Foreign powers, on the other hand, consist of the following:

- 1) Power to ratify and make treaties
- 2) Rights to declare war and peace
- 3) Rights to deploy armed forces overseas
- 4) Ability to reorganize states
- 5) Power to credit and receive diplomats

The monarch is responsible for appointing the prime minister in the UK government. The rule governing this appointment is that the candidate has to be a member of the House of Commons. It is worth noting that this translates to the political leader with absolute majority seats in the House of Commons. In the event that there is no party with the absolute majority seats in the House, then the priority to form a coalition goes to the head of the largest party. After this appointment, the prime minister selects a team of other ministers to form the government. The ministers act as political heads to various governmental departments. Approximately twenty of the most senior ministers make up the cabinet.

The prime minister is the most senior person in the cabinet. His duties involve chairing all cabinet meetings, selecting cabinet ministers, and formulating government policies.

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Several ministries constitute the UK government; however, this constitution is not exclusive. The education department, for instance, has the government minister as its political leader. What is more, often times, a secretary of state and a cabinet member also form the leading team of this department. The governmental departments and ministers are responsible for England alone. Devoted bodies are responsible for Scotland, Wales, and Northern Ireland. The civil service implements the minister's decisions. The civil service is a permanent political neutral organization; it has a role to support the government irrespective of the political party in power. The permanent secretary, who is the head of the civil service, leads the administrative management of the department (Grumm, 1973).

The devolved national administrations include the Scottish government, the Welsh government, and the Northern Ireland executive. The Scottish government handles all the issues that are not reserved for the UK parliament at Westminster. It also manages the annual budget. The Scotland act paves way for these functions to the Scottish government. The First minister is the head of this government. The Scottish parliament nominates the First minister; the Queen then appoints him or her. The First minister then appoints his ministers and junior ministers who are subject to approval by parliament. The Scottish ministers include the First minister, the ministers excluding the junior ministers, the lord advocate, and the solicitor general. The Welsh government and the national assembly for Wales have limited powers in comparison to Scotland. However, it can legislate in some areas through an act of the National assembly for Wales. There is some similarity in the powers that the Scottish government and the Northern Ireland executive possess. In addition, its head is the diarchy who is the First minister (Hirsch & Hancock, 1971).

One part of the UK parliament is the House of Commons. The UK counties form parliamentary constituencies with a broadly equal population. Each of the constituencies elects a member of parliament to the House of Commons, at the general elections. Members of the commons (MPs) debate suggestions for new laws and big political issues. The House of Commons is among the major places of work for government ministers, such as the chancellor, the prime minister, and the principals of the major political parties. The House of Commons has an obligation to make decisions regarding financial bills, like proposed tax cuts. It is normal that the Lords consider the bills; however, they cannot block them (Hirsch & Hancock, 1971).

The UK parliament also has the House of Lords. This is the second chamber in the UK parliament. It is independent from the House of Commons, which is elected, but complements the House's work. The Lords have a part to play in making and shaping laws. They also check and challenge the government's work.

The judicial appointments commission appoints judges in England and Wales. The launching of the exercises is annual or biennial in the case of special tribunals. It is a requirement that all candidates apply by application forms. Short-listing of the candidates follows thereafter, after which they receive invitations for interviews. Candidates can either attend a vetting interview or prepare a case scenario for questioning. They also have the option of taking part in a role-play. Panel members make their recommendations to the selection chamber committee, which deliberates the panel's choices and forwards their decision to the Lord Chancellor for appointment. The selection of candidates to propose for appointments by the judicial appointment commission rests purely on merit. This policy ensures that the selection process is fair and every candidate has an equal opportunity (Boynton, 1975).

The European Parliament

The European parliament is a parliamentary institution of the European Union (EU). It has direct elections at a national level and carries out legislative functions. It comprises of 751 members who pass through elections every five years. The European parliament's members represent the people in the

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parliament, the parliament being the major law making entity along with the members of the European Union council.

The European Union institutional setup includes:

1. The European Council, which sets the EU's broad priorities and brings together leaders on both the national and EU-level
2. Members of the parliament who come from direct elections and represent the citizens in the European parliament. They debate on and pass laws to govern Europe with the assistance of the council. They also scrutinize other European institutions, especially the commissions, to ensure that they are working democratically
3. The European Commission, which promotes the interests of the European Union as a whole. The national government appoints the members of this commission
4. The Government, which defends the country's national interests in the council of the European Union

The European council sets the overall political direction, despite the fact that it does not have the power to pass laws. The commission initiates legislations whereas the parliament and the council approve these legislations. Parliament can alert the commission on various issues but only the commission can commence legislations. The president is the head of the council; the other members are the national heads of states and governments and the president of the commission. They meet every six months.

The parliament works in conjunction with the council to decide on the contents of laws. Other discussions include the official adoption of the laws in areas such as consumer and environmental protection. The parliament possesses more power in influencing the law contents in particular areas, such as agriculture, immigration, energy policies, and funds. The European Parliament may approve or reject a legislative proposal, or it may propose amendments to it. The Council has no legal obligation to consider the opinion of the parliament. However, in line with the case law of the Court of Justice, it must not take a decision without receiving it (Hirsch & Hancock, 1971).

A combined effort by the parliament, the Council, and the European commission produces legislative procedures. Principally, the commission proposes new laws, whereas the parliament and the council adopt them. The commission and member countries implement them, and the commission ensures that their application and implementation is proper. Similarly, the commission prepares the budget for the parliament. Approval of the budget comes from the parliament and the council. Additionally, the parliament has no mandate to raise revenue.

The parliament exercises influence in such ways as approving the appointment of a commission prior to its taking office. The parliament can also call for the resignation of the commission during its time in office through a motion of censure. It monitors the commission through an examination of reports and questioning of commissioners. Additionally, the parliament puts together committees of inquiry on the citizens' petitions and gives opinions on the topics of the agenda. The parliament also monitors the spending of the budget and passes yearly judgment on the way the commission handled the budget for the previous year (Boynton, 1975). Despite the fact that parliament's control over the EU legislation has increased, it still does not have the mandate that a traditional national legislature possesses (Grumm, 1973).

The African Parliament

The Pan-African Parliamentarians are representatives of all the people of Africa. The ultimate aim of the Parliament of the African Union is to undergo a gradual evolution into an institution that possesses full legislative powers; the election of the members will be by universal adult suffrage. Presently, the body only has consultative powers. Member states are yet to gain enough confidence in the

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parliament to allow it to have full legislative powers. The European Parliament also took a while to attain its legislative authority. The African Parliament has 265 representatives; the legislatures of the forty-seven of the fifty-four AU states are responsible for conducting the elections of the representatives. However, it is not always that the members go through an election. Sometimes home legislatures, who are not always democratic, select their own representatives (Hirsch & Hancock, 1975).

The African Parliament has four vice presidents who compose the bureau of the Pan-African parliament. The president's assistant is the secretariat of the pan African parliament. This parliament is the highest decision making organ is the assembly of the African Union. It comprises of the heads of states and governments of the African Union. Other political institutions are as follows: the executive council comprising of foreign ministers who prepare decisions for the assembly; the permanent representatives committee comprising of the ambassadors to Addis Ababa of AU member states; and the economic, social, and cultural council, which is a civil society consultative body (Boynnton, 1975). The African parliament does not take part in budget approval despite their desire to do so. The AU assembly comprising of Heads of State usually approve the budget.

The assembly of the African Union is the supreme governing body of the AU. The AU authority is similar to the European commission, which has a duty to the administration and co-ordination of the AU's activities and its meetings. The meetings occur twice annually with each meeting lasting at least one month.

The African court of justice rules over interpretation of the AU treaties. It has two chambers; one of them deals with legal matters, and the other one works on human rights treaties

The African parliament and the European parliament could both use some reforms. The United Kingdom legislative system should undergo a review to democratize the system fully. One way could be to remove the monarch part of the government, which possesses legislative supremacy over all other bodies. The reason is that the head of the monarch is the sovereign of the United Kingdom (Queen Elizabeth II) who is a royal prerogative rather than a leader who went through democratic elections by citizens.

Despite the fact that the European Union is a conglomerate of countries, it is important that democracy prevail in its election system. As such, one reform would be to incorporate representatives other than the presidents to the parliament to oversee the activities of the commission. Another alternative reform would be to give the council some power to pass and amend some of the laws they set.

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