

B The relationship between Parliament and the executive

Key themes

- parliamentary scrutiny of the executive
- executive dominance
- conventions of ministerial responsibility
- accountability

Learning outcomes

After studying Part B, you should be able to:

- explain the ways in which Parliament may scrutinise the work of the executive (knowledge and understanding)
- explain the way in which conventions govern the relationship between Parliament and the executive and illustrate this using appropriate examples (knowledge and understanding)
- express your own opinion as to the strength or otherwise of the mechanisms for scrutiny and accountability of the executive (critical judgment and evaluation)

1 Limits on executive membership of Parliament

There are statutory limitations on members of the executive being members of Parliament. The first activity in this Part will enable you to look at these limitations.

ACTIVITY 68

Limits on executive membership of Parliament (allow 30 minutes)

Please find on LexisLibrary (or another database if you prefer) the House of Commons Disqualification Act 1975, and read ss. 1 and 2 of this Act.



What limitations do these sections impose on members of the executive also being members of Parliament?

COMMENT

The House of Commons Disqualification Act 1975 provides some degree of separation of personnel between Parliament and the legislature, which you will recall from Unit 1 is one key aspect of the doctrine of the separation of powers.

Section 1 disqualifies certain members of the executive (e.g. members of the armed forces and members of the police) from holding Parliamentary office.

Section 2 limits the number of government ministers who may sit in the House of Commons to 95. (You might contrast this with the position under the US Constitution, where no member of the executive may also be a member of Congress).

Despite the provisions of the 1975 Act, there is clearly some overlap between the membership of the executive and the Parliament, because government ministers are also MPs (by convention the majority of government ministers are members of the House of Commons, the remainder being members of the House of Lords). Some commentators have gone further, suggesting that