

# Contents

<i>Preface to the Second Edition</i>	v
<i>Preface to the First Edition</i>	vii
<i>Table of Cases</i>	xv
<i>Table of Legislation</i>	xix
<b>1 UK Constitution</b>	<b>1</b>
PART I: CONSTITUTIONAL CONTEXTS	1
Introduction	1
What Is Liberal Democracy?	3
Freedom of Expression and the Broadcasting and Print Media	4
Media Influence in Public Life and the <i>News of the             World</i> Hacking Scandal	8
The UK Constitution, Constitutionalism and Good Governance	11
PART II: HISTORY	14
The Importance of History	14
Qualifying Absolute Monarchy	14
The Emergence of Parliament and the Path to Democracy	18
Defining The Nation: What Is the United Kingdom?	19
Empire, Commonwealth and Europe	21
Conclusion	23
Further Reading	24
<b>2 The Sources of the Constitution</b>	<b>25</b>
Introduction	25
PART I: SOURCES OF THE CONSTITUTION	26
Statute Law	26

The Common Law	27	First Past the Post, Alternative Vote or Proportional Representation?	112
European Union Law	28	Electronic Voting	114
European Convention on Human Rights	29	The House of Commons and the Formation of a Government	114
Legal Treatises	30	<b>PART II: THE HOUSE OF COMMONS</b>	116
The Law and Customs of Parliament	31	The House of Commons and the Role of MPs	116
The Royal Prerogative	31	The Speaker	119
<b>PART II: CONSTITUTIONAL CONVENTIONS</b>	32	Government and Opposition	119
Defining Conventions	32	Parliamentary Privilege	121
The Practical Importance of Constitutional Conventions	36	Parliamentary Standards, the Conduct of MPs and the Expenses Scandal	122
Conclusion	41	<b>PART III: THE HOUSE OF LORDS</b>	126
Further Reading	43	Introduction and History	126
<b>3 Constitutional Principles</b>	<b>45</b>	Composition of the House of Lords	128
Introduction	45	House of Lords: What Next?	131
Parliamentary Sovereignty	47	<b>PART IV: PARLIAMENT AS LEGISLATOR</b>	134
The Rule of Law	66	Public Bills	135
Separation of Powers	72	Private Members' Bills and Private Bills	140
Conclusion: Redefinitions of Power	82	Parliamentary Scrutiny of Delegated Legislation	140
Further Reading	84	<b>PART V: PARLIAMENT AS WATCHDOG</b>	141
<b>4 The Crown and the Constitution</b>	<b>87</b>	Parliamentary Questions	142
Introduction	87	Departmental Select Committees	142
What Is the Royal Prerogative?	89	Public Accounts Committee and the National Audit Office	149
The Constitutional Role of the Monarch	93	The Parliamentary Ombudsman	152
Does the Monarch Retain Real Power?	97	Conclusion	154
What Is the 'Crown'?	98	Further Reading	155
Public Interest Immunity	99	<b>6 Government and Executive</b>	<b>157</b>
Liability of the Crown in Tort and Contract	100	Introduction	157
Evaluation: Reform or Abolition?	102	The Prime Minister	158
Conclusion	104	The Prime Minister and the Cabinet	160
Further Reading	105	The Prime Minister: Policy Formation and Implementation	164
<b>5 Parliament</b>	<b>107</b>	Prime Minister's Press Office and Government 'Spin'	167
Introduction	108	Shaping Government Departments	169
<b>PART I: ELECTIONS AND THE HOUSE OF COMMONS</b>	<b>109</b>		
The Electoral System	109		

Political Accountability and Individual Ministerial Responsibility	171	Vertical or Horizontal Effect	226
Ministerial Responsibility: Answerability or Resignation?	172	Proportionality Review	228
The Scott Report	174	Conclusion	239
Ministerial Responsibility and the Press	175	Further Reading	240
The Civil Service	176	<b>8 Devolution and Local Governance</b>	<b>243</b>
New Public Management and Executive Accountability	178	Introduction	243
The Constitutional Reform and Governance Act 2010	182	PART I: DEVOLUTION	246
Government Openness and the Freedom of Information Act 2000	183	Background to Devolution	246
E-Government Revolution	186	Scottish Devolution	247
Conclusion	188	Welsh Devolution	253
Further Reading	189	Power-Sharing in Northern Ireland	256
<b>7 The Constitutional Role of the Courts</b>	<b>191</b>	Funding Devolution	260
PART I: SURVEYING THE CONSTITUTIONAL ROLE OF THE COURTS	191	Intergovernmental Relations	262
Introduction	191	The Politics of Devolved Government	263
Common Law and Statutory Interpretation	192	Relations with Europe	266
Reforming the Office of Lord Chancellor	196	Devolution and the Courts	267
Appointing and Dismissing Judges	199	PART II: DEVOLUTION AND ENGLAND	272
A Supreme Court for the United Kingdom	202	The West Lothian Question	272
PART II: ADMINISTRATIVE LAW AND JUDICIAL REVIEW	204	English Regional Government	274
Introduction to Administrative Law	204	An English Parliament?	277
Red Light and Green Light Theory	206	PART III: LOCAL GOVERNMENT	278
The Impact of Judicial Review	212	Introduction to Local Government in the United Kingdom	278
Distinguishing Public Law from Private Law	214	Mayor And Assembly for London	279
The Requirements of Standing	215	The Framework of Local Government	282
Grounds of Judicial Review	217	The Financing of Local Government	284
The Question of Merits	219	From Compulsory Competitive Tendering to Best Value	285
Judicial Review Cases	221	Local Government: Power to the People?	286
PART III: THE COURTS AND THE HUMAN RIGHTS ACT 1998	223	Accountability Mechanisms	288
		Conclusion	290
		Further Reading	293
		<b>9 Conclusion: The UK Constitution</b>	<b>295</b>
		A Written Constitution, Republican Constitution or Legal Constitution?	296

Promoting Citizen Participation and the ‘Big Society’	301
The European Constitution, the Treaty of Lisbon and the European Act 2011	303
What Are the Dynamics of Devolution?	305
Further Reading	306
<i>Index</i>	307