

# A hung parliament

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## Our constitution provides for procedures in a hung parliament, but recent events may result in pressure for change

After a general election, the party that holds a majority of seats in the House of Commons forms the government. When no party gains more than half the seats, our “unwritten” constitution allows for negotiations, coalitions and minority governments.

### FORMING A GOVERNMENT

The constitutional position in a situation of no overall control is clear. When no party holds the majority of seats, the incumbent Prime Minister has the first call on forming a government, either as a minority administration or by building a coalition with another party or parties. The first parliamentary test of a minority or coalition government is the vote on an amendment to the Queen’s Speech. If the Queen’s Speech is amended, the Prime Minister must resign. The Conservative party lost their majority in the December 1923 election. They put their programme to the House in January 1924 as a

The UK has not been governed by a formal coalition in peacetime since the National Government of 1931-40. The Labour/Liberal pact of 1977-78 did not go further than support on key votes. There had been negotiations between Labour and the Liberal Democrats on political reform before the 1997 election. In the event no coalition was considered necessary although Paddy Ashdown did temporarily sit on the Cabinet Committee concerned with constitutional reform. There have, however, been coalition governments in both Scotland and Wales since devolution and in other European countries, coalition governments are common.

minority administration and lost a vote on the King’s Speech. Ramsay MacDonald was called to form a Labour administration.

The 2010 general election left Gordon Brown as a “caretaker” Prime Minister while negotiations took place to form a government. The last time comparable events occurred was following the February 1974 election. Edward Heath resigned as Prime Minister on the Monday following polling day after talks with Jeremy Thorpe, leader of the Liberals, failed to produce a coalition agreement. Thorpe had attempted to meet Heath without the glare of publicity, walking through muddy fields to escape detection on his way to London. By contrast, in 2010 the party leaders all made public statements and negotiations took place in an era of rolling news coverage. Some pressure was exerted for an outcome to be reached as quickly as possible, with financial markets looking for reassurance of stability.

### A BALANCED COMMONS?

In recent years, large parliamentary majorities have been the norm. Sitting hours have become more predictable and proceedings through the night have become rare. When the Conservative Party lost its majority in February 1997 through a succession of defections and by-election defeats, sittings often went late into the night and the outcome of votes was uncertain. Such practices could return. There could be an increased media focus on the Commons, and a rebalance towards the chamber from constituency work by Members. The impact of a lone rebel on the sustainability of the Government could lead to stronger whipping. Backbench rebellions may become rarer as

individuals may not wish to inadvertently bring down an administration. Past experience shows that the amount of legislation passed during periods of minority government does not alter dramatically from majority administrations.

Governments do not have to win every vote in the Commons to remain in power. The votes that matter are ultimately those of confidence and supply. A motion of no confidence may be tabled, or a government can make it clear that a particular vote is an issue of confidence and a defeat would be taken as a resigning matter. Supply motions provide funding for government policy and a defeat would likewise require the administration to fall. In July 1993 the Conservative Government lost a vote on legislation to do with the Maastricht Treaty but won a subsequent confidence motion.

Scotland has been governed by coalitions since 1999. Until 2007 there was a Labour/Liberal Democrat coalition administration. In 2007 the Greens agreed to sustain the SNP as a minority government in return for commitments on the environment. Since then, the SNP has lost several important votes without anyone having to resign.

### A SUSTAINABLE PARLIAMENT?

The Prime Minister advises the monarch on the timing of general elections. A dissolution may only be refused if it is improperly or unconstitutionally sought. Hence a defeated Prime Minister cannot ask for a second attempt at winning a majority. If an incumbent Prime Minister fails to form an administration or loses the vote on the

Queen’s speech, the party or parties likely to be able to form an administration are asked to do so. Only once they have shown they can command the confidence of the House could they properly seek and be granted a general election.

Must an uncertain general election result inevitably lead to another general election soon after? In 1924 the minority Labour administration lasted from February to October of that year before the loss of a confidence motion triggered a dissolution. In 1974 Wilson governed from February until October before seeking an election. As the loss of a confidence motion usually triggers a dissolution, the Opposition must be ready to fight a general election before inflicting such a defeat.

### PRESSURES FOR REFORM?

Without a written constitution, a series of conventions and precedents inform processes in a situation of no overall control. In February 2010, those precedents were drawn together and published by the Cabinet Office as a draft chapter of a larger Cabinet Manual not yet completed. Lessons learned from the 2010 election results and the subsequent Parliament will no doubt feed back into future versions of this document. In addition, the election result may mean moves towards a more proportional voting system where coalitions might be more common. Pressure might grow for fixed term Parliaments, or an investiture vote at the beginning of a Parliament to confirm an individual as Prime Minister. We will only be able to judge the full consequences of the 2010 election for our constitution in some years to come.