

UK Constitution and Government

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The Palace of Westminster

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Part I: Political History

The Normans (1066-1154)

William I



Figure 1-1: William I

The course of English political, legal and cultural history was changed in 1066, when William, Duke of Normandy (also called William the Conqueror) successfully invaded the nation and displaced the Saxon king, Harold II.

In 1066 King Edward, also called St Edward the Confessor, died. His cousin, the Duke of Normandy, claimed that the childless King had named him heir during a visit to France, and that the other claimant to the throne, Harold Godwinson, had pledged to support William when he was shipwrecked in Normandy. The veracity of this tale, however, is doubtful, and Harold took the crown upon King Edward's death. William, however, invaded England in September, and defeated Harold at the famous Battle of Hastings in October.

William II

In 1087, King William I died, and divided his lands and riches between his three sons. The eldest, Robert, became Duke of Normandy; the second, William, became King of England; the youngest, Henry, received silver. Henry, however, eventually came to possess all of his father's dominions. William II died without children, so Henry became King. Henry later invaded

Normandy, imprisoned his brother, and took over the Duchy of Normandy.

Henry I, Stephen and Matilda

Henry, whose sons had predeceased him, took an unprecedented step: naming a woman as his heir. He declared that his daughter Matilda would be the next Queen. However, Matilda's claim was disputed by Stephen, a grandson of William I in the female line. After Henry I died in 1135, Stephen usurped the throne, but he was defeated and imprisoned by Matilda in 1141. Later, however, Matilda was defeated, and Stephen took the throne.

Matilda, however, was not completely defeated. She escaped from Stephen's army, and her own son, Henry Plantagenet, led a military expedition against Stephen. Stephen was forced to agree to name Henry as his heir, and when Stephen died in 1154, Henry took the throne, commencing the Plantagenet dynasty.

The Plantagenets (1154-1399)

Henry II

With the death of King Stephen, Henry Plantagenet took the throne as King Henry II. He already had control over the duchy of Normandy; he had also inherited Anjou from his father Geoffrey. Furthermore, he acquired many territories from his wife, Eleanor of Aquitaine. Henry thus had a vast territory when he came to the throne; as King of England, he took over Ireland.

Henry II made other remarkable achievements in England. He established courts throughout England and introduced trial by jury. Furthermore, he reduced the power of ecclesiastical courts. The Archbishop of Canterbury and Lord High Chancellor, Thomas à Becket, opposed the King's attempt to take power from the Church. At a confrontation between the two in 1170, Henry II famously said, "Who will rid me of this turbulent priest?" Four of his knights took him literally, and in December murdered Becket.

Henry, however, did not have good relations with his sons. In 1170, his eldest son Henry was crowned, and is known as Henry the Young King. In 1173, the Young King and his brothers revolted against Henry II, planning to dethrone him and leave the Young King as the sole ruler in England. In 1174, the revolt failed, and all of the brothers surrendered. Later, in 1189, Henry II's third son, Richard, attacked and defeated him. Henry II died days after his defeat, and Richard, nicknamed "the Lionheart," became King.

Richard I

Richard the Lionheart is often portrayed as a hero, but he did not do much for England. In fact, he spent almost all of his time outside the nation, and did not even find it necessary to learn English. He is most famous for his fighting in the Crusades, a holy war seeking to assert Christian dominance over Jerusalem.

John

Richard's successor was his brother, John. Henry II had granted John the lands of Ireland, so when John came to the throne, the titles Lord of Ireland and King of England were united. However, though Ireland became a dominion of the Crown, several lands on the Continent, including most of Normandy, were lost during John's reign.

King John was very unpopular with the nation's magnates, the barons, whom he taxed. A particularly resented tax was the scutage, a penalty paid by barons who failed to supply the King with military resources. In 1215, after John had been defeated in France, several barons rebelled. Later in that year, John compromised and signed the *Magna Carta*, or Great Charter. It guaranteed political liberties and provided for a church free from domination by the monarchy. These liberties and privileges, however, were not extended to the common man; rather, they

were granted to the barons. Nonetheless, the document is immensely significant in English constitutional history as it is a major indication of a limitation on the power of the Crown.

King John, however, broke the provisions of the Charter later, claiming that he agreed to it under duress. In the next year, when he was retreating from a French invasion, John lost England's most valuable treasures - the Crown Jewels - in a marsh known as The Wash. His mental and physical health deteriorated, and he later died from dysentery.

Henry III

John was succeeded by his son, Henry, who was only nine years old. Henry III, despite a reign that lasted over half a century, is not a particularly memorable or noteworthy monarch. Nonetheless, a very significant political development occurred during Henry III's reign. In 1258, one of Henry's opponents, Simon de Montfort, called a Parliament, the forerunner of the modern institution. It, however, bears little resemblance to the modern body, as it had little power.

Simon de Montfort, who was married to Henry III's sister, defeated and imprisoned his brother-in-law in 1264. He was originally supported by Henry's son Edward, but the latter later returned to his father's side. Edward defeated de Montfort in 1265 at the Battle of Evesham and restored Henry III. In 1270, the ageing Henry gave up most of power to his son; two years later, he died, and Edward succeeded to the throne.

Edward I



Figure 2-1: Edward I

Edward I was the monarch who brought the entire British Isles under English domination. In order to raise money in the war against the rebellious Wales, Edward instituted a tax on Jewish moneylenders. The tax, however, was too high for the moneylenders, who eventually became too poor to pay. Edward accused them of disloyalty and abolished the right of Jews to lend money. He also ordered that all Jews wear a yellow star on their clothing; that idea was later adopted by Adolf Hitler in Germany. Edward also executed hundreds of Jews, and in 1290 banished all of them from England.

In 1291, the Scottish nobility agreed to submit to Edward. When Queen Margaret I died, the nobles allowed Edward to choose between the rival claimants to the throne. Edward installed the weak John Balliol as monarch, and easily dominated Scotland. The Scots, however, rebelled. Edward I executed the chief dissenter, William Wallace, further antagonising Scotland.

Edward II

When Edward I died in 1307, his son Edward became King. Edward II abandoned his father's ambitions to conquer Scotland. Furthermore, he recalled several men his father had banished. The barons, however, rebelled against Edward. In 1312, Edward agreed to hand over power to a committee of barons known as "ordainers." These ordainers removed the power of representatives of commoners to advise the monarch on new laws, and concentrated all power in the nobility. Meanwhile, Robert the Bruce was slowly reconquering Scotland. In 1314, Robert's forces defeated England's in battle, and Robert gained control over most of Scotland.

In 1321, the ordainers banished a baron allied with the King, Hugh le Despencer, along with his son. In 1322, Edward reacted by recalling them and attacking the barons. He executed the leader of the ordainers, the Earl of Lancaster, and permitted the Despenchers to rule England. The Despenchers declared that all statutes created by the ordainers were invalid, and that thereafter, no law would be valid unless it had received the assent of the Commons, representatives of the commoners of England. However, the Despenchers became corrupt, causing them to be very unpopular, even with Edward's own wife, Isabella. In 1325, Isabella went to France, and in 1326, she returned, allied with Roger Mortimer, one of the barons Edward had defeated. The two killed the Despenchers and forced Edward to resign his crown to his son, also named Edward. Edward II was imprisoned and later killed.

Edward III

Since Edward III was a child, Isabella and Roger Mortimer ruled England in his stead. When Edward III became eighteen, however, he had Mortimer executed and banished his mother from court. In 1328, when Charles IV, Isabella's father and King of France, died, Edward claimed France, suggesting that the kingdom should pass to him through his mother. His claim was opposed by Philip VI, who claimed that the throne could only pass in the male line. Edward declared war on Philip, setting off the Hundred Years' War. The British claim to the French throne was not abandoned until the nineteenth century.

Richard II

Richard II succeeded his grandfather, Edward III, in 1377. Richard II was only about ten years old when coming to the throne. Even as an adult, Richard II was a rather weak king. In 1399, he was deposed by his cousin, Henry of Bolingbroke, and probably murdered the next year.

The Houses of Lancaster and York (1399-1485)

Henry IV

Henry of Bolingbroke deposed his weak cousin, Richard II, in 1399. Henry IV's reign was marked by widespread rebellion. These were put down thanks to the great military skill of the Henry IV's son, the future King Henry V. Henry IV died in 1413 while plagued by a severe skin disease (possibly leprosy).

Henry V

Henry V's reign was markedly different from his father's in that it involved little domestic turmoil. Overseas, Henry V's armies won several important victories in France. In 1415, the English defeated the French King Charles VI decisively at the Battle of Agincourt. About 100 English soldiers were killed, along with about 5000 Frenchmen.

For the next two years, Henry V conducted delicate diplomacy to improve England's chances of conquering France. He negotiated with the Holy Roman Emperor Sigismund, who agreed to end the German alliance with France. In 1417, the war was renewed; by 1419, English troops were about to take Paris. The parties agreed to a treaty whereby Henry V was named heir of France. Henry V, however, died before he could succeed to the French throne, which therefore remained in the hands of the Frenchmen.

Henry VI and Edward IV



Figure 3-1: Edward IV (left) and the future Edward V (centre)

Henry VI succeeded to the throne while still an infant. His uncles, the Dukes of Bedford and Gloucester, both functioned as Regents. During his reign, many French territories won during the Hundred Years War were lost.

Henry VI's reign was interrupted by Edward IV's due to the War of the Roses. Henry VI was a member of the House of Lancaster, while Edward IV was from the House of York. The former House descended from Henry of Bolingbroke, the fourth son of King Edward III; the latter House descended from Edmund of Langley, Edward III's fifth son.

In 1461, the Lancastrians lost to the Yorkists at the Battle of Towton. The Yorkist claimant, Edward IV, ascended to the throne, with the support of the powerful nobleman Richard Neville, 16th Earl of Warwick, known by the nickname *Warwick the Kingmaker*. In 1464, Lancastrian revolts were put down. In 1469, however, Warwick the Kingmaker switched his allegiance, and in 1470, Henry VI was restored to the throne. The exiled Edward, however, soon returned and defeated Henry's forces. At the Battle of Tewkesbury, the remaining Lancastrians were defeated; Henry VI was also murdered.

Edward V and Richard III

Edward IV was succeeded by his twelve year-old son in 1483. Edward IV's brother, Richard, was made guardian of Edward V and his brother, also named Richard. The young King's uncle usurped the throne and had Parliament declare the two brothers illegitimate. The two princes were then imprisoned in the Tower of London, where they might have been killed (their fate, however, is not certain).

In 1485, Richard III faced Henry Tudor, the Lancastrian claimant, at the Battle of Bosworth Field, during which Richard became the last English monarch to be killed during battle. Henry came to power as Henry VII, establishing the Tudor Dynasty.

The House of Tudor (1485-1603)

Henry VII

Henry VII was one of the most successful monarchs in British history. He was the Lancastrian claimant to the throne and lived in France so as to remain safe from the designs of the Yorkist Kings. At the Battle of Bosworth Field in 1485, he defeated and killed the Yorkist Richard III. His claim was weak due to questions relating to the legitimacy of certain births, but he was nonetheless awarded the throne.

Henry reformed the nation's taxation system and refilled the nation's treasury, which had been bankrupted by the fiscal irresponsibility of his predecessors. He also made peace with France so that the resources of the nation would not be spent trying to regain territories won during the Hundred Years' War. Henry also created marital alliances with Spain and Scotland. Henry's son, Arthur, married Catherine of Aragon, daughter of Ferdinand II of Aragon and Isabella I of Castile. Furthermore, Henry's daughter Margaret married James IV, King of Scots.

When Henry's son Arthur died, he wished to protect the Anglo-Spanish alliance. Therefore, he obtained a dispensation from Pope Julius II allowing Henry's son, also named Henry, to marry Catherine. (Papal permission was necessary since Henry was marrying his brother's widow.) Upon Henry VII's death, Henry took the throne as Henry VIII.

Henry VIII

King Henry VIII is often remembered for his multiple marriages. In his quest to obtain a male heir to the throne, Henry married six different times. His first marriage, as noted above, was to his brother's widow, Catherine of Aragon. That marriage occurred in 1509 and was scarred by several tragedies involving their children. The couple's first child was stillborn, their second lived for just 52 days, the third pregnancy ended as a miscarriage and the product of the fourth pregnancy died soon after birth. In 1516, the couple had a daughter, named Mary, followed by another miscarriage. Henry was growing impatient with his wife and eagerly sought a male heir.

Henry sought to annul his marriage to Catherine. Ecclesiastic law permitted a man to marry his brother's widow only if the previous marriage had not been consummated. Catherine had informed the Pope that her marriage was non-consummated, so the Pope agreed to grant a dispensation allowing her to marry Henry. Now, however, Henry alleged that Catherine had lied, thereby rendering her marriage to him invalid. In 1533, an Act of Parliament annulled his marriage to Catherine, enabling him to marry Anne Boleyn. It was felt by many, however, that the Church, and not Parliament, could govern marriages. Henry had asked Pope Clement VII to issue a divorce several times. Under pressure from Catherine's nephew, Holy Roman Emperor Charles V, the Pope refused. Parliament therefore passed an Act denying appeals to Rome from certain decisions of English Archbishops. The Archbishop of Canterbury, Thomas Cranmer, annulled Henry's marriage to Catherine. In response, the Pope excommunicated Henry. Soon, the

Church of England separated from the Roman Catholic Church. In 1534, all appeals to Rome from the decisions of the English clergy were stopped. An Act of Parliament passed in 1536 confirmed the King's position as *Supreme Head of the Church of England*, thereby ending any ceremonial influence that the Pope still had.

Anne Boleyn, meanwhile, was Henry's Queen, and the only surviving child from the marriage to Catherine, Mary, was declared illegitimate. Anne's first child, Elizabeth, was born in 1533. The next three pregnancies, however, all resulted in stillbirth or miscarriage. A dissatisfied Henry accused Anne of using witchcraft to entice him to marry her and to have five men enter into adulterous affairs with her. Furthermore, Anne was accused of treason because she had supposedly committed adultery while she was Queen. Anne's marriage to Henry VIII was annulled and she was executed at the Tower of London in 1536.

Within two weeks of Anne's death, Henry married Jane Seymour. In 1537, Jane produced the male heir that Henry had long desired. The boy was named Edward and would later succeed Henry to the throne. Meanwhile, his half-sister Elizabeth was declared illegitimate. Shortly after the birth of the child, Jane died. Jane was followed as Queen by Anne of Cleves, whom Henry married in 1540. Anne was the daughter of John III, Duke of Cleves. Henry did not actually see Anne until shortly before their marriage; the relationship was contracted to establish an alliance between Henry and the Duke of Cleves, a major Protestant leader. After Anne married him, Henry found her physically displeasing and unattractive. Shortly thereafter, the marriage was annulled on the grounds that Anne had previously been engaged to the Duke of Lorraine. After her divorce, Anne was treated well. She was given the title of Princess and allowed to live in Hever Castle, the former home of Anne Boleyn's family.

Henry VIII's next marriage was to Catherine Howard, an Englishwoman of noble birth. In 1542, she was charged and convicted of high treason after having admitted to being engaged in an adulterous affair. In 1543, Henry contracted his final marriage, wedding Catherine Parr. The marriage lasted for the remainder of Henry's life, which ended in 1547.

Edward VI and Lady Jane Grey

When Edward VI, son of Henry VIII and Jane Seymour, came to the throne, he was just ten years old. His uncle, Edward Seymour, Duke of Somerset served as Lord Protector while the King was a minor. Several nobles attempted to take over Somerset's role. John Dudley, 1st Earl of Warwick was successful; he was later created Duke of Northumberland.

Edward VI was the first Protestant King of England. His father had broken away from the Roman Catholic Church but had not yet embraced Protestantism. Edward, however, was brought up Protestant. He sought to exclude his Catholic half-sister Mary from the line of succession. As he was dying at the age of fifteen, he made a document barring his half-sisters Mary and Elizabeth from the throne. He named the Lady Jane Grey, daughter-in-law of the Duke of Northumberland, his successor. Her claim to the throne was through her mother, who was a granddaughter of King Henry VII. Jane was proclaimed Queen upon Edward's death in 1553, but she served for only nine days before being deposed by Mary. Mary enjoyed far more popular support; the public also sympathised with the way her mother, Catherine of Aragon, had been

treated. Jane was soon executed; she was seventeen years old at the time.

Mary I

Mary was deeply opposed to her father's break from the Church in Rome. She sought to reverse reforms instituted by her Protestant half-brother. Mary even resorted to violence in her attempt to restore Catholicism, earning her the nickname *Bloody Mary*. She executed several Protestants, including the former Archbishop of Canterbury Thomas Cranmer, on charges of heresy.

In 1554, Mary married the Catholic King of Spain, Philip II. The marriage was unpopular in England, even with Catholic subjects. The couple were unable to produce a child before Mary's death from cancer in 1558.

Elizabeth I

Mary's successor, her half-sister Elizabeth, was one of the most successful and popular British monarchs. The Elizabethan era was associated with cultural development and the expansion of English territory through colonialism.

After coming to power, Elizabeth quickly reversed many of Mary's policies. Elizabeth reinstated the Church of England and had Parliament pass the Act of Supremacy, which confirmed the Sovereign's position as Supreme Governor of the Church of England. The Act also forced public and clerical officers to take the Oath of Supremacy recognising the Sovereign's position. Elizabeth, however, did practice limited toleration towards Catholics.

After Pope Pius V excommunicated Elizabeth in 1570, Elizabeth ended her policy of religious toleration. More Catholics were killed under Elizabeth than Protestants under Mary. One of Elizabeth's chief Catholic enemies was the Queen of Scotland, Mary. Since Elizabeth neither married nor bore any children, her cousin Mary was a possible heir to the English throne. Another possible heir was Lady Jane Grey's sister, Catherine. However, when Lady Catherine Grey died in 1568, Elizabeth was forced to consider that Catholic Mary was the most likely heir. Mary, however, had earlier been deposed by Scottish nobles, putting her infant son James on the throne. Mary had fled to England, hoping Elizabeth would aid her efforts to regain the Scottish throne, but Elizabeth reconsidered after learning of the "Ridolfi Plot", a scheme to assassinate Elizabeth and put the Roman Catholic Mary on the English throne. In 1572, Parliament passed a bill to exclude Mary from the line of succession, but Elizabeth refused to grant Royal Assent to it. Eventually, however, Mary proved to be too much of a liability due to her constant involvement in plots to murder Elizabeth. In 1587, she was executed after having been convicted of being involved in one such plot.

Following Mary's execution, Philip II (widower of Mary I of England) sent a fleet of Spanish ships known as the *Armada* to invade England. England had supported a Protestant rebellion in the Netherlands and was seen as a threat to Catholicism. Furthermore, England had interfered with Spanish shipping and trade. Using Mary's execution as an excuse, Philip II obtained the Pope's authority to depose Elizabeth. In 1588, the Spanish Armada set sail for England. Harmed by bad weather, the Armada was defeated by Elizabeth's naval leaders, including Sir Francis

Drake and the Lord Howard of Effingham.

Towards the end of her life, Elizabeth still failed to name an heir. When she died, she was ironically succeeded by the son of Mary, Queen of Scots, James. James was already James VI, King of Scots; he became James I of England in 1603 and established the rule of the Stuart dynasty.

The House of Stuart and the Commonwealth (1603-1714)

James I



James I of England

With the death of Elizabeth in 1603, the Crowns of England and Scotland united under James I. In 1567, when he was just a year old, James' mother Mary was forced to abdicate, and James became King James VI. Despite his mother's Catholicism, James was brought up as a Protestant.

One of James' first acts as King was to conclude English involvement in the Eighty Years' War, also called the Dutch Revolt. Elizabeth had supported the Protestant Dutch rebels, providing one cause for Philip II's attack. In 1604, James signed the Treaty of London, thereby making peace with Spain.

James had significant difficulty with the English Parliamentary structure. As King of Scots, he had not been accustomed to criticism from the Parliament. James firmly believed in the *Divine Right of Kings*—the right of Kings to rule that supposedly came from God—so he did not easily react to critics in Parliament. Under English law, however, it was impossible for the King to levy taxes without Parliament's consent, so he had to tolerate Parliament for some time.

King James died in 1625 and was succeeded by his son Charles.

Charles I

King Charles ruled at a time when Europe was moving toward domination by absolute monarchs. The French ruler, Louis XIV, epitomised this absolutism. Charles, sharing his father's

belief in the Divine Right of Kings, also moved toward absolutist policies.

Charles conflicted with Parliament over the issue of the Huguenots, French Protestants. Louis XIV had begun a persecution of the Huguenots; Charles sent an expedition to La Rochelle to provide aid to the Protestant residents. The effort, however, was disastrous, prompting Parliament to further criticise him. In 1628, the House of Commons issued the Petition of Right, which demanded that Charles cease his use of arbitrary power. Charles had persecuted individuals using the Court of the Star Chamber, a secret court that could impose any penalty, even torture, except for death. Charles had also imprisoned individuals without a trial and denied them the right to the writ of *habeas corpus*. The Petition of Right, however, was not successful; in 1629, Charles dissolved Parliament. He ruled alone for the next eleven years, which is sometimes referred to as the *eleven years of tyranny* or *personal rule*. Since Parliamentary approval was required to impose taxes, Charles had grave difficulty in keeping the government functional. Charles imposed several taxes himself; these were widely seen as unlawful.

During these eleven years, Charles began instituting religious reforms in Scotland, moving it towards the English model. He attempted to impose the Anglican Prayer Book on Scottish churches, leading to riots and violence. In 1638, the General Assembly of the Church of Scotland abolished the office of bishop and established Presbyterianism (an ecclesiastic system without clerical officers such as bishops and archbishops). Charles sent his armies to Scotland, but was quickly forced to end the conflict, known as the First Bishops' War, because of a lack of funding. Charles granted Scotland certain parliamentary and ecclesiastic freedoms in 1639.

In 1640, Charles finally called a Parliament to authorise additional taxation. Since the Parliament was dissolved within weeks of its summoning, it was known as the *Short Parliament*. Charles then sent a new military expedition to Scotland to fight the Second Bishops' War. Again, the Royal forces were defeated. Charles then summoned Parliament again, this Parliament becoming known as the *Long Parliament*, in order to raise funds for making reparations to the Scots.

Tension between Charles and Parliament increased dramatically. Charles agreed to abolish the hated Star Chamber, but he refused to give up control of the army. In 1641, Charles entered the House of Commons with armed guards in order to arrest his Parliamentary enemies. They had already fled, however, and Parliament took the breach of their premises very seriously. (Since Charles, no English monarch has sought to set foot in the House of Commons.)

The unsafe monarch moved the Royal court to Oxford. Royal forces controlled north and west England, while Parliament controlled south and east England. A Civil War broke out, but was indecisive until 1644, when Parliamentary forces clearly gained the upper hand. In 1646, Charles was forced to escape to Scotland, but the Scottish army delivered him to Parliament in 1647. Charles was then imprisoned. Charles negotiated with the Scottish army, declaring that if it restored him to power, he would implement the Scottish Presbyterian ecclesiastic model in England. In 1648, the Scots invaded England, but were defeated.

The House of Commons began to pass laws without the consent of either the Sovereign or the House of Lords, but many MPs still wished to come to terms with the king. Members of the army, however, felt that Charles had gone too far by siding with the Scots against England and

were determined to have him brought to trial. In December 1648 an army regiment, Colonel Pride's, used force to bar entry into the House of Commons, only allowing MPs who would support the army to remain. These MPs, the *Rump Parliament*, established a commission of 135 to try Charles for treason. Charles, an ardent believer in the Divine Right of Kings, refused to accept the jurisdiction of any court over him. Therefore, he was by default considered guilty of high treason and was executed on January 30, 1649.

Oliver and Richard Cromwell

At first, Oliver Cromwell ruled along with the republican Parliament, the state being known as the *Commonwealth of England*. After Charles' execution, however, Parliament became disunited. In 1653, he suspended Parliament, and as Charles had done earlier, began several years of rule as a dictator. Later, Parliament was recalled, and in 1657 offered to make Cromwell the King. Since he faced opposition from his own senior military officers, Cromwell declined. Instead, he was made a *Lord Protector*, even being installed on the former King's throne. He was a King in all but name.

Cromwell died in 1658 and was succeeded by his son Richard, an extremely poor politician. Richard Cromwell was not interested in his position and abdicated quickly. The Protectorate was ended and the Commonwealth restored. Anarchy was the result. Quickly, Parliament chose to reestablish the monarchy by inviting Charles I's son to take the throne as Charles II.

Charles II

During the rule of Oliver Cromwell, Charles II remained King in Scotland. After an unsuccessful challenge to Cromwell's rule, Charles escaped to Europe. In 1660, when England was in anarchy, Charles issued the Declaration of Breda, outlining his conditions for returning to the Throne. The Long Parliament, which had been convened in 1640, finally dissolved itself. A new Parliament, called the *Convention Parliament*, was elected; it was far more favourable to the Royalty than the Long Parliament. In May 1660, the Convention Parliament that Charles had been the lawful King of England since the death of his father in 1649. Charles soon arrived in London and was restored to actual power. Charles granted a general pardon to most of Cromwell's supporters. Those who had directly participated in his father's execution, however, were either executed or imprisoned for life. Cromwell himself suffered a posthumous execution: his body was exhumed, hung, drawn and quartered, his head cut off and displayed from a pole and the remainder of his body thrown into a common pit. The posthumous execution took place on the anniversary of Charles I's death.

Charles also dissolved the Convention Parliament. The next Parliament, called the *Cavalier Parliament* was soon elected. The Cavalier Parliament lasted for seventeen years without an election before being dissolved. During its long tenure, the Cavalier Parliament enacted several important laws, including many that suppressed religious dissent. The Act of Uniformity required the use of the Church of England's *Book of Common Prayer* in all Church services. The Conventicle Act prohibited religious assemblies of more than five members except under the Church of England. The Five Mile Act banned non-members of the Church of England from

living in towns with a Royal Charter, instead forcing them into the country. In 1672, Charles mitigated these laws with the Royal Declaration of Indulgence, which provided for religious toleration. Parliament, however, suspected him of Catholicism and forced him to withdraw the Declaration. In 1673, Parliament passed the Test Act, which required civil servants to swear an oath against Catholicism.

Parliament's suspicions did turn out to be accurate. As Charles II lay dying in 1685, he converted to Catholicism. Charles did not have a single legitimate child, though he did have, while living in Europe, several illegitimate ones (over 300 by some estimates). He was succeeded, therefore, by his younger brother James, an open Catholic.

James II

James II (James VII in Scotland) was an extremely controversial monarch due to his Catholicism. Soon after he took power, a Protestant illegitimate son of Charles II, James Scott, Duke of Monmouth, proclaimed himself King. James II defeated him within a few days and had him executed.

James made himself highly unpopular by appointing Catholic officials, especially in Ireland. Later, he established a standing army in peacetime, alarming many Protestants. Rebellion, however, did not occur because people trusted James' daughter Mary, a Protestant. In 1688, however, James produced a son, who was brought up Catholic. Since Mary's place in the line of succession was lowered, and a Catholic Dynasty in England seemed inevitable, the "Immortal Seven"—the Duke of Devonshire, the Earl of Danby, the Earl of Shrewsbury, the Viscount Lumley, the Bishop of London, Edward Russell and Henry Sidney—conspired to replace James and his son with Mary and her Dutch husband William of Orange. In 1688, William and Mary invaded England and James fled the country. The revolution was hailed as the *Glorious Revolution* or the *Bloodless Revolution*. Though the latter term was inaccurate, the revolution was not as violent as the War of the Roses or the English Civil War.

William and Mary

Parliament wished then to make Mary the sole Queen. She, however, refused and demanded that she be made co-Sovereign with her husband. In 1689, the Parliament of England declared in the English Bill of Rights, one of the most significant constitutional documents in British history, that James' flight constituted an abdication of the throne and that the throne should go jointly to William (William III) and Mary (Mary II). The Bill of Rights also required that the Sovereign cannot deny certain rights, such as freedom of speech in Parliament, freedom from taxation without Parliament's consent and freedom from cruel and unusual punishment. In Scotland, the Estates General passed a similar Act, called the Claim of Right, which also made William and Mary joint rulers. In Ireland, power had to be won in battle. In 1690, the English won the Battle of the Boyne, thereby establishing William and Mary's rule over the entire British Isles.

For the early part of the reign, Mary administered the Government while William controlled the military. Unpopularly, William appointed people from his native Holland as officers in the English army and Royal Navy. Furthermore, he used English military resources to protect the

Netherlands. In 1694, after the death of Queen Mary from smallpox, William continued to rule as the sole Sovereign.

Since William and Mary did not have children, William's heir was Anne, who had seventeen pregnancies, most of which ended in stillbirth. In 1700, Anne's last surviving child, William, died at the age of eleven. Parliament was faced with a succession crisis, because after Anne, many in the line of succession were Catholic. Therefore, in 1701, the Act of Settlement was passed, allowing Sophia, Electress and Duchess Dowager of Hanover (a German state), and her Protestant heirs, to succeed if Anne had no further children. Sophia's claim stemmed from her great-grandfather, James I. Several lines that were more senior to Sophia's were bypassed under the act. Some of these had questionable legitimacy, while others were Catholic. The Act of Settlement also banned non-Protestants and those who married Catholics from the throne.

In 1702, William died, and his sister-in-law Anne became Queen.

Anne

Even following the passage of the Act of Settlement, Protestant succession to the throne was insecure in Scotland. In 1703, the Scottish Parliament, the Estates, passed a bill that required that, if Anne died without children, the Estates could appoint any Protestant descendant of Scottish monarchs as the King. The individual appointed could not be the same person who would, under the Act of Settlement, succeed to the English crown unless several economic conditions were met. The Queen's Commissioner refused Royal Assent on her behalf. The Scottish Estates then threatened to withdraw Scottish troops from the Queen's armies, which were then engaged in the War of the Spanish Succession in Europe and Queen Anne's War in North America. The Estates also threatened to refuse to levy taxes, so Anne relented and agreed to grant Royal Assent to the bill, which became the Act of Security.

The English Parliament feared the separation of the Crowns which had been united since the death of Elizabeth I. They therefore attempted to coerce Scotland, passing the Alien Act in 1705. The Alien Act provided for cutting off trade between England and Scotland. Scotland was already suffering from the failure of the Darién Scheme, a disastrous and expensive attempt to establish Scottish colonies in America. Scotland quickly began to negotiate union with England. In 1707, the Act of Union was passed, despite mass protest in Scotland, by Parliament and the Scottish Estates. The Act combined England and Scotland into one Kingdom of Great Britain, terminated the Parliament and Estates, and replaced them with one Parliament of Great Britain. Scotland was entitled to elect a certain number of members of the House of Commons. Furthermore, it was permitted to send sixteen of its peers to sit along with all English peers in the House of Lords. The Act guaranteed Scotland the right to retain its distinct legal system. The Church of Scotland was also guaranteed independence from political interference. Ireland remained a separate country, though still governed by the British Sovereign.

Anne is often remembered as the last British monarch to deny Royal Assent to a bill, which she did in 1707 to a militia bill. Due to her poor health, made worse by her failed pregnancies, her government was run through her ministers. She died in 1714, to be succeeded by George, Elector of Hanover, whose mother Sophia had died a few weeks earlier.

The House of Hanover (1714-1901)

George I



King George I

George, Duke and Elector of Hanover became King George I in 1714. His claim was opposed by the Jacobites, supporters of the deposed King James II. Since James II had died, his claim was taken over by his son, James Francis Edward Stewart, the "Old Pretender." In 1715, there was a Jacobite rebellion, but an ill James could not lead it. By the time he recovered, it was too late, and the rebellion was suppressed.

King George was not deeply involved in British politics; instead, he concentrated on matters in his home, Germany. The King could not even speak English, earning the ridicule of many of his subjects. George, furthermore, spent much time in his native land of Hanover. Meanwhile, a ministerial system developed in Great Britain. George appointed Sir Robert Walpole as *First Lord of the Treasury*. Walpole was George's most powerful minister, but he was not termed "Prime Minister"; that term came into use in later years. Walpole's tenure began in 1721; other ministers held office at his, rather than the King's, pleasure. George's lack of involvement in politics contributed greatly to the development of the modern British political system.

George died in 1727 from a stroke while in Germany. He was succeeded by his son, who ruled as George II.

George II

George II was naturalised as a British citizen in 1705; his reign began in 1727. Like his father, George transferred political power to Sir Robert Walpole, who served until 1742. Walpole was succeeded by Spencer Compton, 1st Earl of Wilmington, who served until 1743, and then by Henry Pelham, who served until his death in 1754. During Pelham's service, the nation

experienced a second Jacobite Rebellion, which was almost successful in putting Bonnie Prince Charlie—son of the Old Pretender, himself called the Young Pretender—on the throne. The rebellion began in 1745 and was ended in 1746 when the King's forces defeated the Jacobites at the Battle of Culloden, the last battle ever to be fought on British soil.

Before George II's death in 1760, he was served by two other Prime Ministers: Henry Pelham's elder brother the Duke of Newcastle, and the Duke of Devonshire. George II's eldest son, Frederick, had predeceased him, so George was succeeded by his grandson, also named George.

George III

George III attempted to reverse the trend that his Hanoverian predecessors had set by reducing the influence of the Prime Minister. He appointed a variety of different people as his Prime Minister, on the basis of favouritism rather than ability. The Whig Party of Robert Walpole declared George an autocrat and compared him to Charles I.

George III's reign is notable for many important international events. In 1763, Great Britain defeated France in the Seven Years' War, a global war that also involved Spain, Portugal and the Netherlands and was fought in Europe, America and India. As a result of the Treaty of Paris, New France (the French territory in North America, including Quebec and land east of the Mississippi) was ceded to Britain, as was Spanish Florida. Spain, however, took New Orleans and Louisiana, the vast French territory on the west of the Mississippi. Great Britain came to be recognised as the world's pre-eminent colonial power, displacing France. The nation, however, was left deeply in debt. To overcome it, British colonies in America were taxed, much to their distaste. Eventually, Britain lost its American colonies during the American War of Independence, which lasted from 1776 to 1783. Elsewhere, however, the British Empire continued to expand. In India, the British East India Company took control of many small nation-states nominally headed by their own princes. The island of Australia was also occupied, and Canada's population increased with the number of British Loyalists who left the newly formed United States of America.

In 1801, Parliament passed the Act of Union, uniting Great Britain and Ireland into the United Kingdom. Ireland was allowed to elect 100 Members of Parliament to the House of Commons and 22 representative peers to the House of Lords. The Act originally provided for the removal of restrictions from Roman Catholics, but George III refused to agree to the proposal, arguing that doing so would violate his oath to maintain Protestantism.

George was the last British monarch to claim the Kingdom of France. He was persuaded to abandon the meaningless claim dating to the Plantagenet days in 1801 by the French ruler Napoleon.

In 1811, George III, who had previously suffered bouts of madness, went permanently insane. His son George ruled the country as *Prince Regent*, and became George IV when the King died in 1820.

George IV

George IV is often remembered as an unwise and extravagant monarch. During his Regency, London was redesigned, and funding for the arts was increased. As King, George was unable to govern effectively; he was overweight, possibly addicted to a form of opium and showing signs of his father's mental disease. While he ruled, George's ministers were once again able to regain the power that they had lost during his father's reign.

George opposed several popular social reforms. As his father, he refused to lift several restrictions on Roman Catholics. Upon his death in 1830, his younger brother began to reign as William IV.

William IV

Early in William's reign, British politics was reformed by the Reform Act of 1832. At the time, the House of Commons was a disorganised and undemocratic body, unlike the modern House. The nation included several *rotten boroughs*, which historically had the right to elect members of Parliament, but actually had very few residents. The rotten borough of Old Sarum, for instance, had seven voters, but could elect two MPs. An even more extreme example is of Dunwich, which could also elect two MPs despite having no residents, the entire borough having been eroded away into the North Sea. Other boroughs were called *pocket boroughs* because they were "in the pocket" of a wealthy landowner, whose son was normally elected to the seat. At the same time, entire cities such as Westminster (with about 20,000 voters) still had just two MPs.

The House of Commons agreed to the Reform Bill, but it was rejected by the House of Lords, whose members controlled several pocket boroughs. The Tory Party, furthermore, opposed the bill actively. William IV agreed with his Prime Minister, the Earl Grey, to flood the House of Lords with pro-reform members by creating fifty new peerages; when the time came, he backed down. The Earl Grey and his Whig Party government then resigned, but returned to power when William finally agreed to co-operate. The Reform Act of 1832 gave urban areas increased political power, but allowed aristocrats to retain effective control of the rural areas. Over fifty rotten boroughs were abolished, while the representation of some other boroughs was reduced from two MPs to one. Though members of the middle class were granted the right to vote, the Reform Act did not do much to expand the electorate, which amounted after passage to just three percent of the population.

In 1834, William became the last British monarch to appoint a Prime Minister who did not have the confidence of Parliament. He replaced the Whig Prime Minister, the Viscount Melbourne, with a Tory, Sir Robert Peel. Peel, however, had a minority in the House of Commons, so he resigned in 1835, and Melbourne returned to power.

In 1837, William died and was succeeded on the British throne by his niece Victoria, who was just eighteen years old at the time. The union of the Crowns of Britain and Hanover was then dissolved, since Salic Law, which applied in Hanover, only allowed males to rule. Therefore, Hanover passed to William's brother Ernest.

Victoria



Queen Victoria

A few years after taking power, Victoria married a German Prince, Alfred of Saxe-Coburg-Gotha, who was given the title of *Prince Consort*. Alfred originally wished to actively govern the United Kingdom, but he acquiesced to his wife's requests to the contrary. The extremely happy marriage ended with Alfred's death in 1861, following which Victoria entered a period of semi-mourning that would last for the rest of her reign. She was often called *the Widow of Windsor*, after Windsor Castle, a Royal home.

In 1867, Parliament passed another Reform Act. Like its predecessor, the Reform Act of 1832, true electoral reform was not achieved; the property qualifications limited the electorate to about eight percent of the population. Therafter, power was held by two Prime Ministers—Benjamin Disraeli (a Tory and a favourite of Victoria) and William Ewart Gladstone (a Liberal whom Victoria disliked)—from 1868 to 1885. In 1876, Disraeli convinced Victoria to take the title of Empress of India.

Many of Victoria's daughters married into European Royal Houses, giving her the nickname *Grandmother of Europe*. All of the current European monarchs descend from Victoria.

Victoria died in 1901, holding the record for longest serving British Sovereign. She was succeeded by her son Edward, who became King Edward VII. Edward was deemed to belong not to his mother's House of Hanover, but instead to his father's dynasty, Saxe-Coburg-Gotha.

The Houses of Saxe-Coburg-Gotha and Windsor (1901—)

Edward VII

Edward VII was the oldest person in British history to become King, beginning his reign at the age of fifty-nine. He participated actively in foreign affairs, visiting France in 1903. The visit led to the *Entente Cordiale* (Friendly Understanding), an informal agreement between France and the United Kingdom marking the end of centuries of Anglo-French rivalry. In the case of Germany, however, Edward VII exacerbated rivalry through his bad relations with his nephew, Kaiser Wilhelm II.

Towards the end of his life, Edward was faced with a constitutional crisis when the Liberal Government, led by Herbert Henry Asquith, proposed the *People's Budget*. The Budget reformed the tax system by creating a land tax, which would adversely affect the aristocratic class. The Conservative landowning majority in the House of Lords broke convention by rejecting the budget. They argued that the Commons themselves had broken a convention by attacking the wealth of the Lords. Before the problem could be resolved, Edward VII died in 1910, allowing his son, George, to ascend to the throne.

George V

After George became King, the constitutional crisis was resolved after the Liberal Government resigned and Parliament was dissolved. The Liberals were reelected, in part due to the unpopularity of the House of Lords, and used the election as a mandate to force their Budget through, almost too late to save the nation's financial system from ruin.

The Lords paid a price for their opposition to the Liberals, who in the commons passed the Parliament Bill, which provided that a bill could be submitted for the King's Assent if the Commons passed it in three consecutive sessions, even if the Lords rejected it. The time would later be reduced to two sessions in 1949. When the House of Lords refused to pass the Parliament Bill, Prime Minister Asquith asked George V to create 250 new Liberal peers to erase the Conservative majority. George agreed, but the Lords acquiesced and passed the bill quickly.

World War I occurred during George's reign. Due to the family's German connections, the Royalty began to become unpopular; George's cousin, Wilhelm II, was especially despised. In 1917, to appease the public, George changed the Royal House's name from the German-sounding *Saxe-Coburg-Gotha* to the more English *Windsor*.

In 1922, most of Ireland left the United Kingdom to form the Irish Free State following the Irish Civil War. The Irish Free State retained the British monarch as a Sovereign, but functioned as a Dominion of the Crown, with its own Government and Legislature. Six counties in the Irish province of Ulster remained in the United Kingdom as Northern Ireland. In 1927, the name of the country was changed from *the United Kingdom of Great Britain and Ireland* to *the United*

Kingdom of Great Britain and Northern Ireland.

George V died in 1936 and was succeeded by his son, who ruled as Edward VIII.

Edward VIII

Edward VIII became King in January of 1936 and abdicated in December. His reign was controversial because of his desire to marry the American Wallis Simpson. Simpson was already divorced once; she divorced her second husband so she could marry King Edward. A problem, however, existed because Edward was the Supreme Governor of the Church of England, which prohibited remarriage after divorce. The Government advised him that he could not marry while he was King, so he indicated a desire to abdicate and marry Simpson. The abdication was not unilateral, as the Act of Settlement provided that the Crown go to the heir of Sophia, Electress of Hanover, regardless of that person's willingness to rule. Therefore, Parliament had to pass a special Act in order to permit Edward to abdicate, which he did.

Edward's brother, Albert Frederick Arthur George, became King. He chose to rule as George VI to create a link in the public's mind between him and the previous Kings of the same name during a time of crisis. Edward, meanwhile, was made Duke of Windsor and the issue of his marriage to Simpson were excluded from the line of succession.

George VI

When George took power in 1936, the popularity of the Royal Family had been damaged by the abdication crisis. It was, however, restored when George and his wife, Queen Elizabeth, led the nation and boosted morale during World War II. During the war, Britain was led by one of its most famous Prime Ministers, Winston Churchill

Following the War, the United Kingdom began to lose several of its overseas possessions. In 1947, India became independent and George lost the title of Emperor of India. Until 1950, however, he remained King of India while a constitution was being written. George was also the last King of Ireland; the Irish established a republic in 1949.

George died in 1952 from lung cancer. His daughter Elizabeth succeeded him.

Elizabeth II

During Elizabeth's reign, there have been several important constitutional developments. A notable one occurred in 1963, when Conservative Prime Minister Harold Macmillan resigned. There was no clear leader of the Conservative Party, but many favoured Richard Austen Butler, the Deputy Prime Minister. Harold Macmillan advised the Queen, however, that senior politicians in the party preferred Alec Douglas-Home, 14th Earl of Home. Elizabeth accepted the advice and appointed the Earl of Home to the office of Prime Minister, marking the last time a member of the House of Lords would be so appointed. Home, taking advantage of the Peerage Act passed in 1963, "disclaimed" his peerage. A Conservative member of the House of Commons vacated his seat, allowing Home to contest the by-election for that constituency and

become a member of the House of Commons.

There have also been many recent constitutional developments in the nation. The office of Prime Minister increased greatly in power under the Conservative Prime Minister Margaret Thatcher (the "Iron Lady") and the Labour Prime Minister Tony Blair. Under Blair, many of Parliament's lawmaking functions were devolved to local administrations in Scotland, Wales and Northern Ireland. In 1999, the House of Lords Act was passed, removing the automatic right of hereditary peers to sit in the House.

Elizabeth II continues to reign; her heir is Charles, Prince of Wales.

Part II: Present System

The Constitution

Unlike many other nations, the United Kingdom does not possess a single document for its constitution. The British constitution consists of several different elements and is often referred to as an *unwritten constitution*. Since, however, many parts of the constitution are indeed in written form, it would be more accurate to refer to the body of British constitution as an *uncodified constitution*. British law includes the following elements:

- Acts of Parliament
- Common Law
- Conventions
- Treaties
- European Union Law

Acts of Parliament are explicit statutes enacted by Parliament. Common law is that which, while not specifically passed by Parliament, is well-established by precedents set by the courts. (For example, there is no statute making it illegal to murder; murder is a common law crime.) Conventions are customs that are normally followed by the various figures in Government. Treaties are considered part of the law, but do not have effect in the United Kingdom unless an Act of Parliament otherwise directs. Since the UK is a part of the European Union, laws passed by the Union's Parliament are a part of British law.

Key parts of the British Constitution include:

- Magna Carta (1215)
- The Habeas Corpus Act (1679)
- The Bill of Rights (1689)
- The Act of Settlement (1701)
- The Parliament Acts (1911 and 1941)
- The Peerage Act (1963)
- The European Communities Act (1972)
- The Scotland Act (1998)
- The Human Rights Act (1998)

- The House of Lords Act (1999)

The Sovereign

Succession

In the United Kingdom, succession to the Crown is determined by statute and by common law. Under the Act of Settlement of 1701, the "heir of the body" of the Sovereign is the heir to the throne. The precise meaning of the term is determined by common law, which is deemed to stipulate that an individual's heir is his or her eldest son, and in the absence of sons, the eldest daughter. Deceased sons and daughters are represented by *their* heirs. If one has no descendants, then the heir is the previous incumbent's heir. This system, whereby males have precedence over females and dead individuals are represented by their heirs in the line of succession, is known as *male primogeniture*.

Under the Act of Settlement, the Protestant descendants of Sophia, Electress and Duchess Dowager of Hanover (lived 1630-1714), may succeed to the throne. Furthermore, the individual must be a legitimate child of a lawful marriage. Under the Royal Marriages Act of 1772, all descendants of King George II (except the Sovereign him or herself, and descendants of Princesses who have married into foreign families) require the Sovereign's consent to marry. If the consent is denied, then the individual may make a declaration of intent to marry in any event, and may contract the marriage unless both Houses of Parliament require otherwise.

There are also several religious qualifications; any person who does not meet them is considered "naturally dead." Only Protestants who have never married a "Papist" (Roman Catholic) may succeed to the throne (there is no prohibition on marriage to persons of any other religion). The Sovereign must be in full communion with the Church of England. Oaths to preserve the established Church of England and Church of Scotland, as well as the Protestant succession, must be sworn. These qualifications are personal, however; one is not disqualified if one's ancestor does not meet these requirements.

International Role

The British Sovereign is also the Sovereign of certain other *Commonwealth Realms*: Antigua and Barbuda, Australia, the Bahamas, Barbados, Belize, Canada, Grenada, Jamaica, New Zealand, Papua New Guinea, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, the Solomon Islands and Tuvalu. Each of these nations is a separate monarchy; the Sovereign therefore holds sixteen different crowns. In each nation, the Sovereign is represented by a Governor-General, who is bound by conventions just like the Sovereign is. The Governor-General, therefore, only acts on the advice of ministers. The local government, not the British government, advises the Governor-General.

In addition, the Sovereign is ruler of certain Crown dependencies: the Channel Islands and the Isle of Man. The British government acts for them in the areas of war and foreign policy. They are not, however, part of the United Kingdom; rather, they are dependencies of the British

Crown.

Finally, the Sovereign serves as *Head of the Commonwealth*. The Commonwealth is a body of nations that include former British colonies; in some cases, however, nations that were never under British rule have been admitted. The role of Head of the Commonwealth is a personal role of the present monarch, Elizabeth II, and is not attached to the monarchy. The role is only a ceremonial one and carries with it no power.

Royal Family

The Sovereign's family do not have a specific role in government, though they do exercise ceremonial functions. If the Sovereign is a male, then his wife is a *Queen*, but there is no specific style for the husband of a female Sovereign. (Since the Sovereign is the *Fountain of Honour*, she could make her husband a Prince.) The Sovereign's eldest son and heir is automatically the *Duke of Cornwall*; he is normally created *Prince of Wales* and *Earl of Chester* before reaching adulthood. The style of *Prince* or *Princess* extends to the children of the Sovereign, the children of the sons of the Sovereign and the eldest son of the eldest son of the Prince of Wales. Furthermore, wives of Princes are styled Princesses, though husbands of Princesses may not be Princes. By convention, the Sovereign's sons also receive a peerage either upon turning twenty-one or upon marrying.

The Parliament

Structure

The Parliament is the practically Sovereign lawmaking body in the United Kingdom. The King or Queen is theoretically considered a part of Parliament, though he or she is customarily not included when speaking of the term. In addition to the Monarch, the Parliament includes two Houses: the House of Commons and the House of Lords. In formal terms, the British legislature is the *Queen-in-Parliament*.

Both Houses of Parliament meet at the *Palace of Westminster*.

Parliaments and Sessions

The term "Parliament" can refer to the body constituted for a specific term. The term of a Parliament commences when it is summoned by the Sovereign and ends when the Sovereign "dissolves" it. In practice, Parliament is dissolved on the advice of the Prime Minister. After a dissolution, before a new Parliament is summoned, a General Election for the House of Commons must be held. Thus, a Prime Minister can choose a politically advantageous time for dissolutions.

However, the British constitutional practice is that parliaments may not exceed five years in length. Parliament may extend its term by an Act; such an event is rare; the last occurred during World War II when the MPs elected in 1935 remained in their seats until 1945.

Each Parliament is divided into a number of sessions, each of which concludes when the Sovereign "prorogues" Parliament. The first session commences soon after the General Election. Thereafter, Parliament is prorogued in October or November, and the next session begins soon after the prorogation. Each session is about a year long, except for the first session, which is slightly longer, as it begins after a General Election (normally held in May) and concludes in the October or November of the next year.

At the beginning of each session, the Sovereign conducts the *State Opening of Parliament*, during which the *Speech from the Throne* is delivered. During the State Opening, the Sovereign takes a seat at the Throne in the House of Lords Chamber and then orders the Gentleman Usher of the Black Rod (a Lords officer) to summon the House of Commons. When Black Rod reaches the door of the Commons, its door is shut on his face to symbolise the right of the Commons to debate independently of the Sovereign. (The Sovereign, by convention, may not even enter the Commons chamber, hence requiring the State Opening to be conducted in the Lords chamber.) Black Rod then knocks on the Door of the Commons chamber thrice with his staff of office; the Commons then permit him to enter and deliver his summons. MPs listen to the Sovereign's Speech from the bar of the House of Lords, outside the Lords chamber. During the speech, the Sovereign outlines the legislative agenda of the Government for the upcoming session. The

speech is actually written by the Sovereign's ministers, who determine the legislative agenda for the year.

House of Commons

Composition

The House of Commons is the directly elected House representing the people. Members of the House of Commons are described as *Members of Parliament* or *MPs*. The members of the House of Lords are also members of Parliament, but they are not normally so described.

The House includes over 650 members elected by constituencies. Each constituency returns one member. Elections are held after each dissolution of Parliament; Parliament's maximum term is five years. A candidate wins the election if he or she obtains a *plurality* of votes, that is, he or she receives more votes than any other person (not necessarily a majority).

Citizens of the United Kingdom, the Republic of Ireland and Commonwealth countries who are resident and aged over eighteen in the constituency are entitled to vote. Furthermore, British citizens who have lived overseas for a period of not more than twenty years may vote. Members of the House of Lords, prisoners, individuals convicted of electoral malpractice within the past five years and insane persons are disqualified from voting. Furthermore, though not technically disqualified, the Sovereign, who is supposed to be politically neutral, and his or her close relatives do not vote.

To be a candidate, one must be a citizen of the United Kingdom, the Republic of Ireland or a Commonwealth country and aged over twenty-one. One need not be a resident in the constituency being contested. Members of the House of Lords, prisoners serving terms of one year or more, those convicted of electoral malpractice in the past ten years, insane persons, undischarged bankrupts, traitors (individuals found guilty of treason), members of foreign non-Commonwealth legislatures and holders of certain offices of trust and profit under the Crown are disqualified. The final category includes civil servants, judges and members of the military. They are excluded because individuals receiving payment from the Crown may not act independently in Parliament.

Members of the House of Commons may not resign. When the prohibition on resignations was devised, it was felt that members of Parliament were given a trust to represent their constituencies, and therefore were not at liberty to resign them. Parliament not being very powerful then, and members not being compensated with a salary, service in Parliament was sometimes a resented duty. However, members of the House who wish to leave the body may do so by means of a legal fiction. The member secures appointment to the office of *Crown Steward and Bailiff of the three Chiltern Hundreds of Stoke, Desborough and Burnham* or of *Crown Steward and Bailiff of the Manor of Northstead*. These offices are offices of trust and profit under the Crown and are rewarded by a nominal salary. However, they carry with them no actual duties. Thus, a member may apply to the Chancellor of the Exchequer for appointment to either office and become disqualified from being a member of the House upon taking up the post. The two offices aforementioned are used alternately; an appointee retains the office until another

Member of Parliament who wishes to resign is appointed.

Speakership and Procedure

The House of Commons is presided over by a Speaker. There are also three Deputy Speakers with the titles of *Chairman of Ways and Means*, *First Deputy Chairman of Ways and Means* and *Second Chairman of Ways and Means*. The names of the offices come from the Committee of Ways and Means, a now moribund body that once dealt with taxation issues.

Speakers are elected at the commencement of a Parliament and serve until dissolution. Following a general election, the *Father of the House* (the member with the longest unbroken service in the House, excluding ministers of the Crown) takes the chair. If the Speaker from the previous Parliament is still a member and intends to continue in office, then the House votes on a motion that the member take the chair as Speaker. If the Speaker is unwilling, or if he does not remain a member of Parliament, or if the motion for his re-election fails, then members vote by secret ballot in several rounds; after each round, the candidate with the fewest votes is eliminated. The election ends when one member secures a majority of votes in a particular round. Thereafter, the Speaker-elect leads the House of Commons to the House of Lords, where Lords Commissioners (five Lords representing the Sovereign) officially declare the Royal Approbation (approval) of the Speaker, who immediately takes office. The Speaker traditionally lays claim to all of the House's privileges, including freedom of speech in debate, and the Lords Commissioners confirm them on behalf of the Sovereign.

If a Speaker should choose to resign from his post during the course of Parliament, then he must preside over the election of his successor. The secret ballot procedure mentioned earlier is employed. The new Speaker-elect, furthermore, receives the Royal Approbation from Lords Commissioners, though the ceremonial claim of the rights of the Commons does not occur.

The Speaker of the House of Commons is a powerful officer. He controls the flow of the House's debates, by calling on members to speak. Usually, the Speaker alternates between the Government and the Opposition parties. The Speaker, furthermore, is responsible for keeping order and may punish members who violate his commands. The Speaker and his deputies are supposed to be neutral and generally do not vote or speak during debates. However, the occupant of the Chair does have a *casting vote* in the event of a tied vote.

The Speaker may exercise certain disciplinary powers. The Speaker may order any member to resume his or her seat if that person consistently contributes irrelevant or repetitive remarks during debate. An individual who has disregarded the Speaker's call to sit down may be requested to leave the House. If the request is declined, then the Speaker may "name" the member. The House may then vote on suspending the member in question for a number of days, or, in case of repeated breaches, for the remainder of the session. In the most serious cases, the House may vote to expel a member. In the case of grave disorder, the Speaker may adjourn the House without a vote.

The House votes on all questions by voice first. The Speaker asks all those in favour of the proposition to say "Aye," and those opposed to say "No." Then, the Speaker assesses the result,

saying "I think the Ayes have it" or "I think the Noes have it." Only if a member challenges the Speaker's opinion is a *division*, or formal count, called. During a division, members file into two separate lobbies on either side of the Commons chamber. As they exit each lobby, clerks and tellers count the votes and record the names. The result is then announced by the Speaker; if necessary, the Speaker (or other occupant of the Chair) must cast the tie-breaking vote.

House of Lords

Composition

The House of Lords consists of several hundred appointed members. Formerly, it included Peers (Dukes, Marquesses, Earls, Viscounts, Barons and Lords of Parliament) who inherited their seats, but since 1999, hereditary titles no longer carry with them an automatic right to sit in the House. Now, only peers holding life peerages sit and vote in the House, but on an interim basis, some hereditary peers still remain. According to a compromise agreed to in 1999, the hereditary peers were allowed to elect ninety of their number to sit in the House until further reforms are completed. In addition, two hereditary peers, who exercise the ceremonial offices of Earl Marshal and Lord Great Chamberlain, are members of the House so that they may perform the (largely ceremonial) duties associated with their positions.

The House of Lords also includes "Lords Spiritual," the representatives of the established Church of England. These always include the Church's two Archbishops (the Archbishops of Canterbury and York), and the three important Bishops (the Bishops of London, Durham and Winchester). Furthermore, the twenty-one bishops who have served the longest sit in the House of Lords.

To sit and vote in the House, one needs to be at least twenty-one years old and a citizen of the United Kingdom, the Republic of Ireland or a Commonwealth country. Traitors and insane persons are prohibited from serving. Prisoners are not disqualified from voting *per se*, though, obviously, an incarcerated person cannot attend.

Speakership and Procedure

The Lord Chancellor, a minister of the Crown, is the *ex officio* Speaker of the Lords. In addition to being Speaker, the Lord Chancellor has a range of functions, including being head of the Department of Constitutional Affairs (formerly the Lord Chancellor's Department), overseeing the nation's judicial system and sitting in various Courts including the Court of Appeals and the High Court. The most senior deputy to the Chancellor is the *Chairman of Committees*. Other deputies include the *Principal Deputy Chairman of Committees*, the *Deputy Chairmen* and the *Deputy Speakers*. All of these officers are appointed by the Crown.

The Lord Speaker is weak compared to his Commons counterpart. He is merely the mouthpiece of the House; he does not have the sole authority to maintain order, as that function is exercised by the Lords collectively. The Lord Chancellor remains a member of his party and can participate in debates unlike the Speaker of the other House. Furthermore, the occupant of the *Woolsack* (the seat of the Lord Speaker, so called because it is stuffed with wool) may vote along with the other members and does not have a casting vote.

As the House of Commons does, the Lords also vote by voice first. The Lord Chancellor (or whoever else is presiding) puts the question, with those in favour saying "Content," and those opposed saying "Not-Content." If the Lord Chancellor's assessment of the result is challenged, a division follows, with members voting in the appropriate lobby like in the House of Commons. The officer presiding may vote from his place in the chamber rather than from a lobby. In the case of a tie, the result depends on what type of motion is before the House. A motion that a bill be advanced to the next stage or passed is always decided in the positive, while amendments to bills or other motions are decided in the negative, if there is an equality of votes.

Acts of Parliament

Legislation passed by the Parliament is normally in the form of an *Act of Parliament*. A *Bill* becomes an Act of Parliament if it is passed by both Houses of Parliament and receives Royal Assent (in some cases, however, passage by the Lords is not necessary). In each House, the bill must first complete several stages. Before passing in either House, a bill must be read three times. Formerly, the entire bill was read aloud to enable all members to determine its contents. Now, however, with the advent of modern printing and increased literacy rates, only the title of the bill is read aloud. Each House may also send the Bill to one of its various committees, which consider the bill in detail. Several of the stages of the bill are common to both Houses, though the particulars do differ.

Bills may be classified as *Government Bills* or as *Private Members' Bills*. Ministers of the Crown introduce Government Bills while private members (that is, those who are not Ministers) introduce Private Members' Bills. Bills may also be classified as *Public*, *Private*, *Personal* or *Hybrid*. Public bills create laws applied generally (for instance, reforming the nation's electoral system). Private bills affect a specific company, person or other entity differently from other individuals (for instance by authorising major constructions on public lands). Personal bills are private bills that confer specific rights to certain individuals (for example by granting the right to marry a person one would not normally be allowed to wed). Hybrid bills are public bills that directly and specially affect private interests.

Public Bills

At the time set for the presentation of the bill, the bill (in practice, only the title) is read for a first time without any debate or vote. After two weeks, the minister in charge moves *that the bill be now read a second time*. At the second reading debate, the bill's general characteristics and underlying principles, rather than the particulars, are discussed. If the vote on the Second Reading fails, the bill dies. It is, however, very rare for the Government to be defeated at the Second Reading; such a defeat signifies a major loss.

In the House of Commons, following the Second Reading, various procedural resolutions may need to be passed. If the bill seeks to levy or increase a tax or charge, then a *Ways and Means Resolution* has to be passed. If it involves significant expenditure of public funds, then a *Money Resolution* is necessary. Finally, the government may proceed with a *Programme Motion* or an *Allocation of Time Motion*. A Programme Motion outlines a timetable for further debate on the bill and is normally passed without debate. An Allocation of Time Motion, commonly called the

Guillotine, limits time available for debate. Normally, a Programme motion is agreed to by both parties while an Allocation of Time Motion becomes necessary if the Opposition does not wish to cooperate with the Government. In the House of Lords, there are no Guillotines or other motions that limit the time available for debate.

Next, the bill can be committed to a committee. In the House of Commons, the bill may be sent to the *Committee of the Whole House*, a *Standing Committee*, a *Special Standing Committee* or a *Select Committee*. The Committee of the Whole House is a committee that includes all members of the House and meets in the regular chamber. The Speaker is normally not present during the meetings; a Deputy Speaker normally takes the chair. The procedure is used for parts of the annual Finance Bill and for bills of major constitutional importance. More often, the bill is committed to a Standing Committee. Though the name may suggest otherwise, the membership of Standing Committees is temporary. There can be from sixteen to fifty members; the strength of parties in the committee is proportional to their strengths in the whole House. It is possible for a bill to go to a Special Standing Committee, which is like a Standing Committee except that it may take evidence and conduct hearings; the procedure has not been used in several years. Finally, the bill may be sent to a Select Committee. Select Committees are permanent bodies charged with the oversight of a particular Government department. This last procedure is rarely used; the quinquennial Armed Forces Bill, however, is always referred to the Defence Select Committee.

In the House of Lords, the Bill is committed to the *Committee of the Whole House*, a *Public Bill Committee*, a *Special Public Bill Committee*, a *Select Committee* or a *Grand Committee*. The most common committee used is the Committee of the Whole House. Sometimes, the bill is sent to a Public Bill Committee of twelve to sixteen members (plus the Chairman of Committees) or to a Special Public Bill Committee of nine or ten members. These committees correspond in function to the Commons Standing and Special Standing Committees, but are less often utilised. Select Committees may also be used, like in the Commons, though it is rare for this to be done. The Grand Committee procedure is the only one unique to the House of Lords. The procedure is reserved for non-controversial bills that must be passed quickly; a proposal to amend the bill is defeated if a single member votes against it.

In both Houses, the committee used considers the bill clause-by-clause and may make amendments. Thereafter, the bill proceeds to the *Consideration* or *Report Stage*. This stage occurs on the Floor of the House and offers it an opportunity to further amend the bill. While the committee is bound to consider every single clause of the bill, the House need only debate those clauses which members seek to amend.

Following the Report Stage, the bill is considered, the motion *that the bill be now read a third time* is considered. In the House of Commons, there is a short debate followed by a vote; no further amendments are permitted. If the motion passes, then the Bill is considered passed. In the Lords, however, amendments may be moved. Following the vote on the third reading, there must be a separate vote on passage.

After one House has passed a bill, it is sent to the other for its consideration. Assuming both Houses have passed a bill, differences between their separate versions must be reconciled. Each

House may accept or reject amendments made by the other body, or offer other amendments in lieu. If the one House has rejected an amendment, then one House may "insist" upon it. But if the other body then insists on the rejection, the bill is lost.

The Bill is next submitted to the Sovereign for *Royal Assent*. The Sovereign may *grant*, *withhold* or *reserve* the assent. If Assent is granted, the Bill becomes law. If it is withheld, then the Bill dies. Reserving Assent delays a decision on the bill until a later time. Since 1707, however, no Sovereign has failed to grant Royal Assent to a bill; now, the granting of Assent is a mere formality.

Private, Personal and Hybrid Bills

Formerly, private bills were most often used to authorise the creation of transportation infrastructure on public property, but since 1992, the Government may grant such authorisation separately. Thus, the number of private bills passed by Parliament has reduced, though the procedure still exists. A private bill is initiated when an individual petitions Parliament for its passage. After the petition is received, it is officially gazetted so that other interested parties may support or contest it. Counter-petitions objecting to the passage of the bill may also be received. To be able to file such a petition, the bill must "directly and specially" affect the individual. If those supporting the bill disagree that such an effect exist, then the matter is resolved by the *Court of Referees*, a group of senior Members of Parliament.

The bill then proceeds through the same stages as public bills. Generally, no debate is held on the Floor during the Second Reading unless a Member of Parliament files a "blocking motion." It is possible for a party whose petition was denied by the Court of Referees to instead lobby the Member to object to the bill on the Floor. After the bill is read a second time, it is sent to one of two committees: the *Opposed Bill Committee* if there are petitions against the bill, or the *Unopposed Bill Committee* if there aren't. After taking evidence, the committee may return a finding of *Case Proved* or *Case Not Proved*. In the latter case, the bill is considered rejected, but in the former case, amendments to the bill may be considered. After consideration, third reading and passage, the bill is sent to the other House, which follows the same procedure. If necessary, the bill may have to face two different Opposed Bill Committees. After differences between the Houses are resolved, the bill is submitted for Royal Assent.

Personal bills relate to the "estate, property, status, or style" or other personal affairs of an individual. By convention, these bills are brought first in the House of Lords, where it is referred to a Personal Bill Committee *before* being read a first time. The Committee may make amendments or even reject the bill outright. If the bill is reported to the House, then it follows the same procedure as any other private bill, including going through an Unopposed or Opposed Bill Committee in both Houses. A special case involves bills that seek to enable marriages between those who are within a "prohibited degree of affinity or consanguinity". In those cases, the bill is not discussed on the Floor and is sent at the committee stage to a Select Committee that includes the Chairman of Committees, a bishop and two lay members.

Hybrid bills are public bills that have a special effect on a private interest. Prior to the second reading of any public bill, it must be submitted to the Clerk, who determines if any of the

House's rules have been violated. If the Clerk finds that the bill does have such an effect on a private interest, then it is sent to the *Examiners*, a body which then may report to the House that the bill does or does not affect private interests. If the latter, then it proceeds just like a public bill, but if the former, then it is treated as hybrid. The first and second readings are just as for public bills, but at the committee stage, if petitions have been filed against the bill, it is sent to a Select Committee, but the Committee does not have the same powers of rejection as Private Bill Committees. After the Committee reports, the bill is recommitted to another committee as if it were a public bill. Thereafter, the stages are the same as for a public bill, though, in the other chamber, the bill may have to be considered once more by a Select Committee.

Commons Supremacy

Under the Parliament Acts of 1911 and 1949, the House of Commons is essentially the pre-eminent chamber in Parliament. If the Lords fail to pass a bill (by rejecting it outright, insisting on amendments disagreed to by the Commons or failing to vote on it) passed by the Commons in two consecutive sessions, then the bill may be presented for Royal Assent unless the House of Commons otherwise directs. However, for the procedure to apply, at least one month must remain in each session when the bill is passed by the Commons. Furthermore, one year must pass between the Second Reading in the first session and the final vote on passage in the second one. Finally, the bill passed in each session must be identical, except to take into account the passage of time since the bill was first proposed. In other words, the House of Lords may delay a bill for at least thirteen months. The procedure, however, does not apply in the case of private or personal bills, or bills seeking to extend the life of Parliament beyond five years.

Under the Parliament Acts, a special procedure applies to "money bills." A bill is considered a money bill if the Speaker certifies that it relates solely to national taxation or to the expenditure of public funds. The Speaker's decision is final and cannot be overturned. Following passage by the House of Commons, the bill can be considered by the House of Lords for not longer than one month. If the Lords have not passed the bill within that time, it is submitted for Royal Assent nonetheless. Any amendments made by the House of Lords are invalid unless accepted by the House of Commons.

In addition to the Parliament Acts, tradition and conventions limit the House of Lords. It is the privilege of the House of Commons to levy taxes and authorise expenditure of public funds. The House of Lords cannot introduce bills to do either; furthermore, they are barred from amending supply bills (bills appropriating money to the Government departments). In some cases, however, the House of Lords can circumvent the rule by inserting a *Privilege Amendment* into a bill they have originated. The Amendment would read:

Nothing in this Act shall impose any charge on the people or on public funds, or vary the amount or incidence of or otherwise alter any such charge in any manner, or affect the assessment, levying, administration or application of any money raised by any such charge.

The House of Commons then amend the bill by removing the above clause. Therefore, the privilege of the Commons is not violated as they, not the Lords, have approved the tax or public expenditure.

Privilege

Each House of Parliament has a body of rights that allow it to carry out its duties without let. These rights are collectively referred to as *Parliamentary Privilege*. Members of each House have freedom of speech during debate; what they have said cannot be questioned in any place outside Parliament. Thus, speech made in Parliament cannot constitute slander. Each House, however, may discipline its members for abusing the rules.

Each House may also control its own proceedings and determine its own rules. Furthermore, each House is the sole judge of the qualifications of its members. Collectively, each House has the right of access to the Sovereign. Individually, members must be left free to attend Parliament. Therefore, they cannot be arrested in civil cases, be called to serve on a jury or be subpoenaed as a witness while Parliament is in session. (Arrest for felony is still possible, but the relevant House must be notified of the same.) Furthermore, Parliament has the power to punish *contempt of Parliament*, that is, violation of the privileges and rules of a House. Any decisions made in this regard are final and cannot be appealed to any court.

Her Majesty's Government

Structure

Her Majesty's Government (His Majesty's Government whilst the Sovereign is a King) is the term for the executive authority of the United Kingdom. The Government includes ministerial departments, headed by politicians, and non-ministerial departments, headed by civil servants. The Prime Minister is the head of the Government. Other officers include *Secretaries of State*, *Ministers of State*, *Parliamentary Secretaries* and other persons.

Prime Minister

The Prime Minister is the head of the Government and holds the post of *First Lord of the Treasury*. The appointment of the Prime Minister is controlled by several conventions. One of the most important conventions is that the Prime Minister must retain the confidence (or support) of the House of Commons. Whenever the office of Prime Minister is vacant, the Sovereign appoints someone else to that office, often a member of the House of Commons, but it is within their power to appoint someone from the House of Lords or from outside Parliament. This person is often the leader of the largest party in the commons; in some cases, however, the largest party does not form a majority. If there is no single party with a majority, then a coalition of parties may have to be formed.

The Prime Minister holds office until resignation. The Prime Minister must resign if the House of Commons passes a motion of no-confidence. Furthermore, if the Commons reject a major piece of legislation, the Prime Minister must resign. Alternatively, the Prime Minister could ask for a dissolution of Parliament, which is by convention granted by the Sovereign. One should note that, even after a dissolution of Parliament, the Prime Minister still continues to hold office. Dissolutions are sometimes timed so as to increase the Government's chances of winning a majority in the House of Commons. If the Prime Minister still retains a majority, then he remains in office, but if another party wins a majority, then its leader may be appointed Prime Minister.

The Prime Minister is an extremely powerful head of government; the post has often been compared to an "elected dictatorship." The Cabinet normally does not challenge the Prime Minister since they can be easily dismissed. In Parliament, the House of Commons may be unable to overrule the Government due to the "whipping" system, whereby members who disregard certain party directives may be expelled from the party. The term "whip" arises from the underlining, or whipping, of items on party agendas handed out to members. A one-line whip indicates that there are no special restrictions on the vote; a two-line whip indicates an expectation for MPs to vote in a certain manner; three-line whips indicate that a member may be expelled for voting against the wishes of the party, or even failing to attend the session.

Cabinet

Other officers and departments are appointed by the Sovereign on the advice of the Prime Minister. Most of members of the *Cabinet* - the body of senior politicians heading ministerial departments - officers are from the House of Commons, but some, such as the Lord Chancellor, are from the House of Lords. The Lord Chancellor is responsible for the nation's judicial system. Another important officer is the Chancellor of the Exchequer, who also holds the post of *Second Lord of the Treasury*. The Chancellor is responsible for Her Majesty's Treasury, another name for which is the *Exchequer*. Other Cabinet officers are generally known as Secretaries of State, as in *Secretary of State for Defence* or *Secretary of State for Foreign and Commonwealth Affairs*. (The exact titles and number of departments, however, may differ from one Prime Minister's Government to the next.) The next level is that of *Minister of State*, followed by *Parliamentary Secretary*. These positions, however, may not be of Cabinet level.

Ministers hold their posts until dismissal or resignation. They are bound by two conventions: *cabinet collective responsibility* and *cabinet individual responsibility*. The former requires that members resign if they do not support the policies of the Government set by the Prime Minister. Furthermore, if a motion of no-confidence passes, all cabinet ministers must resign. The latter responsibility requires that if a minister's department is involved in a major scandal, the minister is considered responsible for the problem, even though the fault may not be his or hers. Furthermore, if the minister is involved in a personal scandal (such as an extramarital affair), the minister must resign. In addition, a Prime Minister may choose to have the Sovereign dismiss a minister, or to conduct a Cabinet "reshuffle," under which ministers are reassigned to different departments.

Privy Council

Her Majesty's Most Honourable Privy Council is a ceremonial body of advisors to the Sovereign. The Sovereign appoints all Privy Counsellors, who hold office for life and may use the style of *Right Honourable*. Normally, appointees include senior members of the Royal Family, all members of the Cabinet, some senior ministers who are not part of the Cabinet, leaders of recognised Parliamentary Parties, archbishops and senior bishops of the Church of England and certain senior judges. The Privy Council is headed by the Lord President of the Council, who is a member of the Cabinet. By convention, the post of Lord President is combined with that of Leader of the House of Commons or Leader of the House of Lords. At meetings of the Council, the *Queen-in-Council* may issue executive Orders. These Orders are read aloud by the Lord President; the Sovereign then merely says "Agreed." The meetings are merely ceremonial and are often extremely short.

The Judiciary

Structure

In general, each of the constituent nations of the United Kingdom (England, Wales, Scotland and Northern Ireland) have distinct legal systems. England and Wales have a common legal system, to which the Northern Irish system is very similar. Scotland's system has developed separately, so its courts have little in common with those of the rest of the United Kingdom.

England and Wales

The lowest court in England and Wales is the *Magistrate's Court*. Magistrates, also known as Justices of the Peace, are laypersons who may not necessarily have a legal degree and are appointed by the Sovereign. The court hears "summary" offences (punishable by six months or less in prison). When hearing such cases, three magistrates sit together as a panel without a jury. In some metropolitan areas, such as London, there are no magistrates; instead, summary cases are tried by a single District Judge who is trained in law.

Serious criminal cases are tried before a *Crown Court* with a jury of twelve. The accused may also choose to have a summary offence tried before a Crown Court and jury; furthermore, the Court hears appeals from Magistrate's courts. Though the Crown Court is a single body, it sits at several different centres across England and Wales.

The counterpart to the Crown and Magistrate's Courts in the civil justice system is the *County Court*. There are 218 County Courts in England and Wales. Appeal lies from the County Court to the *High Court of England and Wales*. The High Court, a unitary body, may also have original jurisdiction in complex cases.

The High Court has three divisions: the Family Division, the Chancery Division and the Queen's Bench Division. The Family Division is presided over by the Lord President of the Family Division; it hears cases relating to matrimonial affairs, child welfare, child custody and adoption. The Chancery Division is headed by the Lord Chancellor and hears cases involving land, companies, bankruptcy and probate. Since the Lord Chancellor has several other duties, including sitting in Parliament and serving as a Government minister, the Vice-Chancellor actually presides.

Finally, the Queen's Bench Division, headed by the Lord Chief Justice, hears most other cases, including those involving torts (civil wrongs). The Queen's Bench Division also includes the Administrative Court, which hears cases involving judicial review, and the Commercial Court, which hears business-related disputes. The Queen's Bench also encompasses four other courts: the Admiralty Court (which considers matters relating to shipping), the Commercial Court (which considers cases involving insurance, banking and commerce), the Technology and Construction Court (which considers cases involving complex technological matters) and the

Administrative Court (which exercises judicial review in relation to the decisions of local government). In addition to civil cases, the Queen's Bench, alone amongst the three divisions, has a role in criminal justice. The Court may hear appeals for writs of *habeas corpus*. Also, the Queen's Bench may hear appeals from the Magistrate's Court if that Court refers the case to it for legal advice.

Above the High Court in civil cases and the Crown Court in criminal cases is the Court of Appeal, which includes the Master of the Rolls, 35 Lords Justices of Appeal, and other judges. The Court is divided into the Civil Division (presided over by the Master of the Rolls) and the Criminal Division (presided over by the Lord Chief Justice, who is also the head of the Queen's Bench). In civil cases, the Lord Chancellor, Lord President of the Family Division, Vice-Chancellor and other judges of the High Court may sit along with Lords Justices of Appeal in hearing cases. Appeals may only be heard "by leave," that is, with the permission of either the Court of Appeal or the judge whose decision is being contested. In some cases, it is possible to "leapfrog" the High Court and bring a case directly from a County Court.

Together, the Crown Court, High Court and Court of Appeal constitute the Supreme Court. Thus, since they are theoretically one body, it is possible for judges of one court to sit in other courts. Despite its name, however, the Supreme Court is not the highest British court; that distinction goes to the House of Lords. Cases may be appealed from the Court of Appeal; it is also possible to leapfrog from the High Court, but not from the Crown Court. Normally, leave to appeal is not granted unless the case is of great constitutional importance. Though the House of Lords as a whole is empowered to hear cases, by convention, only some members, called Law Lords (or, more formally, Lords of Appeal) actually do so. There are up to twelve Lords of Appeal in Ordinary, who are normal members of the House of Lords but do not normally vote on political questions. The Law Lords are joined by the Lord Chancellor and other Lords who have previously held high judicial office. The case is heard by a committee of Law Lords, but the decision is rendered during a full session of the House of Lords. Though Lords who are not Lords of Appeal may take part in any of these proceedings, they, by convention, do not do so.

Northern Ireland

Northern Ireland's system follows basically the same model as England and Wales'. One main difference lies in the number of judges; Northern Ireland has far fewer courts and judges than England and Wales. Furthermore, there is no Lord Chancellor or Master of the Rolls in Northern Ireland. Otherwise, there are very few fundamental differences between the two court systems.

Scotland

Scotland's court system developed independently of England's. In the Treaty of Union of 1707 uniting England and Scotland, the Scottish legal system was guaranteed.

The equivalents of the Magistrate's Courts of England are Scotland's District Courts. District Courts may not impose a sentence of more than sixty days. As in England, lay Justices of the Peace sit in sets of three; furthermore, again like in England, paid and trained judges may sit in metropolitan areas. It is also possible for a single lay Justice of the Peace to sit along with a

legally qualified clerk.

The next court in the hierarchy is the Sheriff's Court. There are 49 Sheriff's Courts across Scotland; these hear both criminal and civil cases. In serious cases, the judge, known as a Sheriff, uses a jury of fifteen persons. The Sheriff's Courts are grouped into six different Sheriffdoms, each of which is headed by a Sheriff Principal. Within the Sheriff's Court system, the Sheriff Principal may hear appeals from other Sheriffs in summary cases (minor cases tried without a jury).

The highest Scottish courts are the Court of Session and the High Court of Justiciary. The two courts have identical membership; the judges have different titles depending on which court they are sitting in. In the Court of Session, the judges are known as *Lords and Ladies of Council and Session* or *Senators of the College of Justice*. In the High Court, they are the *Lords Commissioners of Justiciary*. The head of the Court is called the *Lord President* in the Court of Session and the *Lord Justice-General* in the High Court. The Lord President's deputy is called the *Lord Justice Clerk* in each case. Including the Lord President and Lord Justice Clerk, there may be up to thirty-two judges in the Court of Session and High Court.

The High Court hears criminal cases in Scotland. The Court hears cases involving very serious crimes such as murder and drug trafficking. In such instances, a single judge sits with a jury of fifteen. Also, the Court hears appeals from the Sheriff's and District Courts in criminal cases. Internal appeals against decisions by High Court judges in criminal trials may also be heard. Two judges consider appeals against sentences while three consider appeals against convictions. The decision of the High Court is final and cannot be appealed, even to the House of Lords.

The Court of Session considers civil cases. It is divided into the Outer House, of nineteen judges, and the Inner House, which includes the remaining judges. The Outer House has original jurisdiction, while the Inner House has appellate jurisdiction. The Inner House is further divided into the First and Second Divisions, headed by the Lord President and Lord Justice Clerk respectively. Sometimes, when many cases are before the court, an Extra Division may be appointed. Each Division may sit as a panel hearing an appeal from the Sheriff's Court or from the Outer House. Appeals are possible to the House of Lords.

Privy Council

Appeals are also possible to the Privy Council. Generally, the Privy Council does not deal with many domestic cases; most appeals are from Commonwealth Realms. The appeal is heard by the Judicial Committee, which is composed of the Lord Chancellor, ex-Lord Chancellors, Law Lords (who also serve in the House of Lords), Privy Counsellors who are or were Lords Justices of Appeal in England and Wales or Northern Ireland, Privy Counsellors who are or were members of the Inner House of the Court of Session and also a number of judges of the courts of certain other Commonwealth countries. Members must retire at the age of 75, but the sitting Lord Chancellor is exempt from this limit.

Appeals may be made to *Her Majesty in Council* from several Commonwealth realms and from all of the United Kingdom's overseas territories and Crown dependencies. The Sovereign

formally makes the decision on the "advice" of the Judicial Committee. Some Commonwealth Realms (Australia, Canada, New Zealand, Papua New Guinea and the Solomon Islands) have abolished appeals to the Queen-in-Council, instead choosing to have a local court be the court of last resort.

In some cases, appeals are made to the Judicial Committee rather than to the Queen-in-Council. This occurs in the cases of Trinidad and Tobago, Dominica, Kiribati and Mauritius. These nations are republics, but have chosen to retain an appeal to the Privy Council. Finally, appeals are heard by the Privy Council Judicial Committee from the Sultanate of Brunei. In that case, the appeal is technically to the Sultan of Brunei, who receives the "advice" of the Judicial Committee.

The Judicial Committee also has limited domestic jurisdiction. The Queen-in-Council can hear issues relating to devolution (see next chapter). A Law Officer of the Crown (such as the Attorney-General) may refer a bill, issue or case to the Committee, as may any appellate court. The Committee must decide if the devolved authority has acted within the bounds set by Parliament.

The Queen-in-Council also considers appeals from the disciplinary committees of certain medical bodies such as the Royal College of Surgeons. Also, cases against the Church Commissioners (cabinet officers who control ecclesiastic estates) may be considered. Appeals may be heard from certain ecclesiastic courts (the Court of Arches in Canterbury and the Chancery Court in York) in cases that do not involve Church doctrine. Appeals may also be heard from certain obsolete courts, including Prize Courts (which may hear cases relating to the capture of enemy ships at sea, and the ownership of property seized from the captured ships) and the Court of Admiralty of the Cinque Ports. Finally, the Queen-in-Council determines if an individual is qualified to be elected to the House of Commons under the House of Commons Disqualification Act.

Devolved Administrations

Devolution

Devolution is the decentralisation of political power by establishing separate legislative and executive local authorities. The term specifically applies to the creation of a Parliament and Executive for Scotland, Wales and Northern Ireland. In each case, the power of the local government differs. Scotland has a wide range of powers and can even repeal some Acts of Parliament, while Wales can only make "secondary legislation" relating to local matters. In Northern Ireland, the local Parliament and Executive are currently suspended due to the instability of the political situation there.

Scotland

The Scottish legislative authority is the Scottish Parliament. The Scottish Parliament is a unicameral body composed of 129 members (called Members of Scottish Parliament, or MSPs) elected for fixed four-year terms. Each of 73 members is elected by a constituency. The remaining are elected by eight regions, with each region electing seven members. Each voter has one constituency vote—cast for a single individual—and one regional vote—cast either for a party or for an independent candidate. Regional members are allocated in such a way as to permit a party's share of the regional vote to be proportional to its share of seats in the Scottish Parliament.

The Scottish Executive is the executive authority of Scotland; it is led by the First Minister. Other members of the Scottish Cabinet are generally given the title of Minister. The First Minister must retain the confidence of the Scottish Parliament to remain in power.

Scotland has responsibility over several major areas, including taxation, criminal justice, health, education, transport, the environment, sport, culture and local government. The Parliament at Westminster, however, retains authority over a certain number of *reserved matters*. Reserved matters include foreign affairs, defence, immigration, social security and welfare, employment, and general economic and fiscal policy.

Wales

The National Assembly for Wales is the Welsh legislative authority. It is, like the Scottish Parliament, a unicameral body; it also uses a similar electoral system. Forty of its sixty members are chosen from single-member constituencies, while the remaining twenty are regional members. (There are five regions.) The Welsh Government is led by the First Minister and includes other Ministers, who must retain the confidence of the Assembly.

In contrast with Scotland, the Welsh Assembly cannot legislate in several areas. Primary Welsh legislation is still made at Westminster. Rather, the Welsh Assembly is competent to consider

only local matters, such as health, education, transport, the environment, culture and local government.

Northern Ireland

The Northern Ireland Assembly is now suspended and direct rule from Westminster imposed. Six members of the unicameral assembly were elected by Proportional Representation from each of the eighteen Westminster constituencies, giving 108 members in total. The Executive was headed by a national cabinet member, the Secretary of State for Northern Ireland. There was also a Cabinet headed by a First Minister. The Assembly's powers were broad and similar to those of the Scottish Parliament.

Elections

General Elections

Members of the House of Commons are elected in General Elections. General Elections are called by the Prime Minister. General Elections are held at least once every five years.

Local Elections

From 2007 Scotland will use Single Transferable Vote to elect all of its local councillors. England and Wales use first past the post or multiple-member first past the post for local elections. Northern Ireland uses STV for its local elections.

European Elections

Members of the European Parliament for Northern Ireland are elected using Single Transferable Vote (STV). MEPs for England, Scotland and Wales are elected using the D'Hondt method.

Part III: Appendices

Monarchs of England			Monarchs of Scotland		
Name	Reign	Notes	Name	Reign	Notes
The Saxons			The House of Alpin		
Alfred the Great	878-899		Kenneth I	843-858	
Edward the Elder	899-924	Alfred's son	Donald I	858-862	Kenneth I's brother
Ethelweard	924	Edward's son	Constantine I	862-877	Kenneth I's son
Athelstan	925-940	Edward's son	Aedh	877-878	Kenneth I's son
Edmund I	939-946	Edward's son	Eochaid	878-889	Aedh's nephew Jointly with Giric
Edred	946-955	Edward's son	Giric	878-889	Aedh's first cousin Jointly with Eochaid
Edwy	955-959	Edmund's son	Donald II	889-900	Constantine I's son
Edgar the Peaceful	959-975	Edmund's son	Constantine II	900-943	Aedh's son
St Edward the Martyr	975-978	Edgar's son	Malcolm I	943-954	Donald II's son
Ethelred II	978-1013 1014-1016	Edgar's son	Indulf	954-962	Constantine II's son
Edmund II	1016	Ethelred II's son	Dubh	962-966	Malcolm I's son
The Danelaw For a period of time, both the Saxons and the Danish claimed the English throne.			Culen	966-971	Indulf's son
Sweyn Forkbeard	1013-1014		Kenneth II	971-995	Malcolm I's son
Canute the Great	1016-1035	Sweyn's son	Constantine III	995-997	Culen's son
Harold I	1035-	Canute's illegitimate	Kenneth III	997-1005	Dubh's son

	1040	son			
Harthacanute	1040-1042	Canute's son	Malcolm II	1005-1034	Kenneth II's son
The Saxon Restoration			Duncan I	1034-1040	Malcolm II's grandson
St Edward the Confessor	1042-1066	Ethelred II's son	Macbeth	1040-1057	Malcolm II's grandson
Harold II	1066	Edward the Confessor's brother-in-law	Lulach	1057-1058	Kenneth III's grandson

The Normans

After the Norman Conquest in 1066, numbering of kings (a French tradition applied to the Saxons only by historians) begins anew, although this affects only the Edwards.

The House of Dunkeld

William I	1066-1087		Malcolm III	1058-1093	Duncan I's son
William II	1087-1100	William I's son	Donald III	1093-1094-1094-1097	Duncan I's son
Henry I	1100-1135	William I's son	Duncan II	1094	Malcolm III's son
Stephen	1135-1154	William I's grandson	Edgar	1097-1107	Malcolm III's son

The Plantagenets

The Royal House name changed to reflect Matilda's marriage to Geoffrey Plantagenet.

			Alexander I	1107-1124	Malcolm III's son
Matilda (Empress Maud)	1141	Henry I's daughter	David I	1124-1153	Malcolm III's son
Henry II	1154-1189	Matilda's son	Malcolm IV	1153-1165	David I's grandson
Richard I	1189-1199	Henry II's son	William I	1165-1214	David I's grandson

John	1199-1216	Henry II's son	Alexander II	1214-1249	William I's son
Henry III	1216-1272	John's son	Alexander III	1249-1286	Alexander II's son
Edward I	1272-1307	Henry III's son	Margaret	1286-1290	Alexander III's granddaughter
Edward II	1307-1327	Edward I's son	The House of Balliol When Margaret died, there was no clear heir. King Edward I of England took over and installed a puppet, John Balliol.		
Edward III	1327-1377	Edward II's son	John Balliol	1292-1296	David I's great-great-grand-son
Richard II	1377-1399	Edward III's grandson	The House of Bruce When John Balliol rebelled, the Wars of Scottish Independence commenced, during which Robert the Bruce became King.		
The House of Lancaster Henry Bolingbroke deposed Richard II, and the Royal House name came to reflect Henry's father's title, Duke of Lancaste.			Robert I	1306-1329	David I's great-great-great-grand-son
Henry IV	1399-1413	Edward III's grandson	David II	1329-1371	Robert I's son
Henry V	1413-1422	Henry IV's son	The House of Balliol For a period of time, both Edward Balliol and David II claimed the throne.		
Henry VI	1422-1461	Henry V's son	Edward Balliol	1332-1338	John Balliol's son
The House of York The Houses of Lancaster and York had fought the War of the Roses, and the Yorkists took the throne.			The House of Stuart When Robert Stewart took over, the Royal House name was changed to Stuart (the French spelling of Stewart).		
Edward IV	1461-1483	Edward III's great-great-grandson	Robert II	1371-1390	Robert I's grandson
Edward V	1483	Edward IV's son	Robert III	1390-1406	Robert II's son

Richard III	1483-1485	Edward IV's brother	James I	1406-1437	Robert III's son
The House of Tudor The Lancastrian Henry Tudor reclaimed the throne from the Yorkists.			James II	1437-1460	James I's son
Henry VII	1485-1509	Edward III's great-great-grandson	James III	1460-1488	James II's son
Henry VIII	1509-1547	Henry VII's son	James IV	1488-1513	James III's son
Edward VI	1547-1553	Henry VIII's son	James V	1513-1542	James IV's son
Lady Jane Grey	1553	Henry VII's great-granddaughter	Mary I	1542-1567	James V's daughter
Mary I	1553-1558	Henry VIII's daughter	James VI	1567-1625	Mary I's son
Elizabeth I	1558-1603	Henry VIII's daughter			

Monarchs of England and of Scotland In 1603, James VI of Scotland inherited the English throne upon the death of Elizabeth I. From then until 1707, England and Scotland had shared monarchs.		
Name	Reign	Notes
James I (England) James VI (Scotland)	1603-1625	Henry VII of England's great-great-grandson Mary of Scotland's son
Charles I	1625-1649	James I's son
The Commonwealth and Protectorate There was no King between Charles I's execution in 1649 and the Restoration in 1660. The nation's rulers were known as Lords Protector.		

Name	Reign	Notes
Oliver Cromwell	1653-1658	
Richard Cromwell	1658-1659	Oliver Cromwell's son

Monarchs of England and of Scotland		
In 1659, Richard Cromwell abdicated. Anarchy existed until the Stuart Restoration in 1660.		
Name	Reign	Notes
Charles II	1660-1685	Charles I's son
James II (England) James VII (Scotland)	1685-1689	Charles I's son
Mary II	1689-1694	James II's daughter Jointly with William III
William III (England) William II (Scotland)	1689-1702	Mary II's husband Jointly with his wife
Anne	1702-1707	James II's daughter

Monarchs of Great Britain		
In 1707, the Act of Union combined the Kingdom of England and the Kingdom of Scotland into the Kingdom of Great Britain.		
Name	Reign	Notes
Anne	1707-1714	James II's daughter
The House of Hanover		
Under the Act of Settlement, descendants of Sophia, Electress of Hanover, as the closest Protestant relatives of Anne, became entitled to the throne, and the Royal House name was changed when George, Elector of Hanover became King.		
George I	1714-1727	James I's great-grandson

George II	1727-1760	George I's son
George III	1760-1801	George II's grandson

Monarchs of the United Kingdom of Great Britain and Ireland
 In 1801, the Act of Union combined the Kingdom of Great Britain and the Kingdom of Ireland into the United Kingdom.

Name	Reign	Notes
George III	1801-1820	George II's grandson
George IV	1820-1830	George III's son
William IV	1830-1837	George III's son
Victoria	1837-1901	George III's granddaughter

The House of Saxe-Coburg-Gotha
 The Royal House name was changed to reflect Victoria's marriage to Prince Albert of Saxe-Coburg-Gotha.

Victoria	1837-1901	George III's granddaughter
Edward VII	1901-1910	Victoria's son
George V	1910-1936	Edward VII's son

The House of Windsor
 The name of the Royal House changed from Saxe-Coburg-Gotha to Windsor due to anti-German sentiments during World War I.

George V	1910-1936	Edward VII's son
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Monarchs of the United Kingdom of Great Britain and Northern Ireland
 In 1922, the Irish Free State left the United Kingdom. The name of the Kingdom was amended in 1927 to reflect the change.

Name	Reign	Notes
George V	1910-1936	Edward VII's son

Edward VIII	1936	George V's son
George VI	1936-1952	George V's son
Elizabeth II	1952-	George VI's daughter

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