



PRESS NOTICE

4 May 2010: for immediate release

Confusion over constitutional position in a hung Parliament

Clarification by Prof Robert Hazell of the Constitution Unit and Peter Riddell, Senior Fellow, Institute for Government

Recent newspaper stories suggest there is confusion among the parties and the media about the constitutional position if the election produces no overall winner.

The Cabinet Office Manual setting out the procedure to be followed in a hung Parliament is a balanced and accurate statement of the existing constitutional conventions. By making these guidelines public for the first time, before the election, Sir Gus O'Donnell, the Cabinet Secretary, has sought to ensure that everyone knows what the position will be in case no party wins an overall majority on Thursday.

In the case of a hung parliament Gordon Brown remains Prime Minister until either he decides he can no longer command the confidence of the House of Commons or he loses the vote at the end of the Queen's speech debate. It is his duty to stay in office until it becomes clear which party or combination of parties can command the most support in the new Parliament. There are clear precedents for that, with Baldwin in 1923, and Heath in 1974. We must always have a government, and until a new government can be formed the present government carries on. However, following a tightening of the guidelines, ministers are constrained by the election purdah rules which ensure they should not take actions which could be deferred and which might bind their successors. In practice, the political realities of how many seats each party has will affect how long the period is before a stable administration is formed.

There have also been reported criticisms about the 12 day interval before Parliament meets to elect the Speaker, and the 19 day gap before the Queen's Speech on May 25, in both cases a week longer than normal after recent general elections. The recommendation of these longer intervals by the independent Institute for Government in its report [Transitions: Preparing for Changes of Government](#) and by the all-party Commons Modernisation Committee was nothing to do with the possibility of a hung parliament. It was suggested to allow a slightly longer period both for the induction of the large number of new MPs after the election and for new ministers to get to know their new departments and to prepare legislative proposals for the Queen's Speech.

Notes for Editors

- All the Constitution Unit research on hung parliaments and minority government can be viewed at <http://www.ucl.ac.uk/constitution-unit/research/in-the-round/minority-government.htm>
- Robert Hazell is available for interview and can be contacted on 0207 679 4971 (office). Vicki Spence is the Unit's Administrator and Prof Hazell's PA (v.spence@ucl.ac.uk, 0207 679 4977) and Brian Walker is the Unit's Press Officer (williambrianwalker@gmail.com, 07802 176347).
- The Constitution Unit is an independent and non-partisan research centre based at University College London (www.ucl.ac.uk/constitution-unit).