

General Election 2010

Constitution Unit guide: Stabilising minority Parliaments and minority government

Minority government is understandably regarded as more unstable than majority government. There are four ways in which the rules can be changed to help make minority government and minority parliaments more stable. The first three procedures described below already operate in the Scottish Parliament. The last rule operates in Germany and Spain.

Fixed term parliaments

This helps create an expectation that a parliament will run to full term. Fixed terms operate in most countries of Europe, and are growing within the Westminster world. In Canada the federal government introduced fixed term legislation in 2007, but a year later breached their own legislation by calling an election a year early. This raises two questions about fixed term legislation:

- How it provides a safety valve to enable a parliament which has become deadlocked or ineffective to be dissolved mid term
- How it regulates the prerogative power to dissolve parliament.

The safety valve can be provided for by a dissolution vote (see below). The prerogative power to dissolve parliament could be made subject to the new statute. In Canada the prerogative powers were preserved, but that was to avoid an amendment to the Canadian constitution. The result was to leave a large loophole in their fixed term legislation.

Investiture vote

The next two reforms would also benefit the Crown in the exercise of its prerogative powers to appoint a PM and dissolve Parliament, by making it clear where the will of the House lies. At present the Queen has to divine who can command confidence in the new Parliament, and that person then faces their first major test of confidence in votes on the Queen's Speech. It would make her task easier if there was an investiture vote, by which the Commons identified who could command confidence, and nominated that person to be appointed as PM. That is what happens in Scotland, where the Parliament is required to elect a First Minister within 28 days of the election.

Dissolution vote

This was proposed in Gordon Brown's *The Governance of Britain* (July 2007, para 35) when he suggested that a PM seeking a dissolution should first obtain the approval of Parliament. It would make it harder for the head of a minority government to seek an early election simply to improve the government's position. It also avoids the need for the Monarch to consider refusing a dissolution because an alternative government could be formed from within the existing House. By definition, if the House votes for its own dissolution, it accepts that no alternative government could be formed.

Constructive vote of no confidence

In Germany a no confidence motion may not be tabled without nominating an alternative government. This voids the risk of no confidence motions which bring the government down, without identifying an alternative government which could take its place. It helps strengthen the stability of the government; and again, facilitates the task of the Crown, by identifying where the confidence of the House lies.