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## INFORMATION NOTE

### **Supplementary Information: Systems of Government in Some Foreign Countries**

#### **1. Background**

1.1 When the Panel on Constitutional Affairs discussed on 17 April 2000 the research reports on "Systems of government in some foreign countries", members requested that the following additional information be provided -

- (a) When a general election is conducted after dissolution of Parliament - Appendix I;
- (b) Number of UK ministers who have resigned and been dismissed between 1980 and 2000 as a result of taking individual responsibility for major errors - Appendix II; and
- (c) Scrutiny of administration by Parliament - Extract from the International Centre for Parliamentary Documentation of the Inter-Parliamentary Union on Parliamentary systems of Government in other jurisdictions in Appendix III.

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## Appendix I

Table 1 - When a general election is held after dissolution of Parliament

| <i>Country</i> | <i>General election after dissolution</i>                                                                                                                                                                                                            | <i>Details</i>                                                                                                                                                                                                                                                                                                                                                                                                   |
|----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| France         | Not less than 20 days and not more than 40 days after dissolution (Art. 12 of Constitution)                                                                                                                                                          | The President of the Republic, after consulting the Prime Minister and the Presidents of the Senate and the National Assembly, declare the National Assembly dissolved. No further dissolution shall take place within a year following the new election of the National Assembly. The new National Assembly shall convene as of right on the second Thursday following its election. (Art. 12 of Constitution)  |
| United States  | Not applicable                                                                                                                                                                                                                                       | Dissolution of US Congress is not provided in the Constitution.                                                                                                                                                                                                                                                                                                                                                  |
| United Kingdom | 17 days following the date of the proclamation which dissolves the old parliament and at the same time summons the new parliament (Schedule 1 to the Representation of the People Act 1983, as amended by the Representation of the People Act 1985) | The House of Commons is dissolved by Royal Proclamation which is granted by the monarch at the request of the Prime Minister. The 17 days between the dissolution of Parliament and the holding of the general election exclude Saturdays, Sundays, Christmas Eve, Christmas Day, Maundy Thursday, Good Friday and other Bank Holidays, and days appointed for public thanksgiving or mourning.                  |
| Japan          | Within 40 days from the date of dissolution (Art. 54 of the Constitution)                                                                                                                                                                            | The Diet must be convoked within 30 days from the date of the election. (Art. 54 of Constitution)                                                                                                                                                                                                                                                                                                                |
| Germany        | A new election would be held within 60 days after the Bundestag is dissolved (Art 39(1) of the German Basic Law)                                                                                                                                     | The Bundestag is required to assemble not later than 13 days after the election. (Art. 39(2) of the Constitution)                                                                                                                                                                                                                                                                                                |
| New Zealand    | The polling day is legally required to be held within 20 to 27 days of the dissolution.                                                                                                                                                              | The Governor-General is required to direct the Clerk of Writs to issue the writs calling for nomination within seven days after expiry or dissolution of Parliament. Parliament is required to meet not later than 6 weeks after the day fixed for the return of the writs for that election.                                                                                                                    |
| Singapore      | Within three months of the dissolution (Art. 66 of the Constitution)                                                                                                                                                                                 | The President has power to dissolve the Parliament (a) on the advice of the Prime Minister; or (b) when he is satisfied that the Office of Prime Minister is vacant. There must be a session of Parliament once at least in every year and the period between the last sitting of Parliament in any session and the first sitting in the next session must not exceed 6 months (Art. 64 (1) of the Constitution) |

## Appendix II

**Table 2 - Resignation and Dismissal of Ministers in the United Kingdom From 1980 to Present**

| Year  | Name and Position                                          | Reasons                                                                                                                                                                                                                                                                                                                     |
|-------|------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1982  | Nicolas Fairbairn, Solicitor-General for Scotland          | Resigned following criticism for his handling of a rape case.                                                                                                                                                                                                                                                               |
| 1982  | Lord Carrington, Foreign Secretary                         | Resigned because he believed that he was responsible for not protecting British interests and for the failure to alarm the government of the imminent Argentine invasion of the Falkland Islands.                                                                                                                           |
| 1982  | Richard Luce, Minister of State at the Foreign Office      | Resigned following heavy criticism for his handling of events preceding the Argentine invasion of the Falkland Islands.                                                                                                                                                                                                     |
| 1983  | Cecil Parkinson, Secretary of State for Trade and Industry | Resigned because of an extra-marital affair.                                                                                                                                                                                                                                                                                |
| 1985  | Allan Stewart, Scottish Office Minister                    | Resigned after being fined £200 for confronting anti-roads protesters with a pick-axe in his constituency.                                                                                                                                                                                                                  |
| 1986  | Michael Heseltine, Cabinet Minister                        | Resigned over the Westland Affair. The affair revolved around the Westland helicopter company which ran into financial trouble and looked to an American consortium for rescue with a take-over bid. Heseltine favoured the link-up with a European consortium and when he was unable to persuade his cabinet, he resigned. |
| 1986  | Leon Brittan, Trade and Industry Secretary                 | Resigned following the controversy over the leaking of the Solicitor General's letter during the Westland affair.                                                                                                                                                                                                           |
| *1989 | Nigel Lawson, Chancellor of the Exchequer                  | Resigned over disagreements about exchange rate policy.                                                                                                                                                                                                                                                                     |
| *1990 | Geoffrey Howe, Deputy Prime Minister                       | Resigned because of differences in opinion with the Prime Minister.                                                                                                                                                                                                                                                         |
| 1992  | David Mellor, National Heritage Secretary                  | Resigned because of an extra-marital affair with Antonia De Sancha and Mellor's relationship with Mona Bauwens. It emerged in a court case that Ms Bauwens had contributed to a holiday Mellor took in Marbella.                                                                                                            |
| *1993 | Edward Leigh, Trade Minister                               | Sacked because of his anti-European stance.                                                                                                                                                                                                                                                                                 |
| 1993  | Michael Mates, Northern Ireland Minister                   | Resigned over his business links with a fugitive businessman Asil Nadir. Nadir fled Britain in May 1993, before his trial on charges of theft and fraud involving £150 million.                                                                                                                                             |

| <b>Year</b> | <b>Name and Position</b>                                                                                                            | <b>Reasons</b>                                                                                                                                                         |
|-------------|-------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1994        | Tim Yeo,<br>Minister of State for the<br>Environment and<br>Countryside                                                             | Resigned followed revelations that he has a child from an extra-marital affair.                                                                                        |
| 1994        | Hartley Booth,<br>Parliamentary Private<br>Secretary to Douglas Hogg                                                                | Resigned after allegations about an affair with his former Commons researcher.                                                                                         |
| 1994        | Graham Riddick,<br>Parliamentary Private<br>Secretary to John<br>MacGregor                                                          | Resigned in the midst of the 'Cash for Questions' affair. He had accepted £1,000 to table a parliamentary question.                                                    |
| 1994        | David Tredinnick,<br>Parliamentary Private<br>Secretary to Sir Wyn<br>Roberts                                                       | Resigned in the midst of the 'Cash for Questions' affair. He had accepted £1,000 to table a parliamentary question.                                                    |
| 1994        | Neil Hamilton,<br>Parliamentary Under-<br>Secretary of State for<br>Corporate Affairs at the<br>Department of Trade and<br>Industry | Resigned after allegations about receiving payments for asking parliamentary questions.                                                                                |
| 1995        | Jonathan Aitken,<br>Chief Secretary to the<br>Treasury                                                                              | Resigned over allegations that he had accepted financial favours from the Saudi Arabian government, and had been involved in secret weapons deals with Arab countries. |
| 1995        | Tim Smith,<br>Northern Ireland Minister                                                                                             | Resigned over allegations that he had accepted money from Mohammed Al Fayed to table parliamentary questions about Harrods.                                            |
| 1995        | Richard Spring,<br>Parliamentary Private<br>Secretary in the Northern<br>Ireland Office                                             | Resigned following a sex scandal.                                                                                                                                      |
| *1995       | Charles Wardle,<br>Junior Trade and Industry<br>Minister                                                                            | Resigned as he was unable to persuade the Cabinet to accept his stance against European interference on immigration controls.                                          |
| 1995        | Robert Hughes,<br>Junior Minister for the<br>Office of Public Service<br>and Science                                                | Resigned after admitting an extra-marital Affair.                                                                                                                      |
| 1995        | Derek Lewis,<br>Head of Prison Service                                                                                              | Sacked by the Home Secretary over the Parkhurst prison break-out.                                                                                                      |
| 1996        | Rod Richards,<br>Welsh Office Minister                                                                                              | Resigned following an extra-marital affair.                                                                                                                            |

| Year  | Name and Position                                   | Reasons                                                                                                                                                                                                                                                                                  |
|-------|-----------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| *1996 | David Heathcoat-Amory,<br>Paymaster General         | Resigned as he was unable to persuade the Cabinet to accept his stance against European Monetary Union.                                                                                                                                                                                  |
| 1996  | David Willetts, Paymaster General                   | Resigned because he had been criticized for 'dissembling' by the Standards and Privileges Committee. The Committee was investigating an allegation that he had improperly sought to influence a select committee investigation into Neil Hamilton. Willetts had been a whip at the time. |
| 1996  | Chris Green,<br>Chief Executive of English Heritage | Resigned after a report concerning "alleged administrative irregularities" in the discharge of his duties.                                                                                                                                                                               |
| 1996  | Rod Richards,<br>Junior Welsh Office Minister       | Resigned following allegations that he was having an affair.                                                                                                                                                                                                                             |
| *1997 | Malcolm Chisholm,<br>Scottish Office Minister       | Resigned as he was unable to persuade the Cabinet to refuse benefit cutbacks.                                                                                                                                                                                                            |
| 1998  | Ron Davies,<br>Welsh Secretary                      | Resigned after he was robbed in Clapham Common. The incident was bound to cause embarrassment as areas of Clapham Common were well known as a meeting place for homosexuals. He admitted a "serious lapse of judgment".                                                                  |
| 1999  | Peter Mandelson,<br>Trade Secretary                 | Resigned after revelations of a secret loan between him and the Paymaster General, Geoffrey Robinson, who also resigned.<br>Within a year, Mandelson was re-appointed as the Northern Island Secretary and became a Cabinet Minister again.                                              |
| 1999  | Geoffrey Robinson,<br>Paymaster General             | Resigned after revelations of a secret loan between him and the Trade Secretary, Peter Mandelson, who also resigned.                                                                                                                                                                     |
| 2000  | Alun Michael,<br>Welsh Secretary                    | Resigned just moments before a vote of no confidence.                                                                                                                                                                                                                                    |

## Remark:

\* unable to assume collective responsibility of the cabinet system of the government.

## Sources:

1. Secretary of the Commonwealth Parliamentary Association, *The Parliamentarian, Journal of the Parliaments of the Commonwealth*, 1978-2000.
2. <http://www.bbc.co.uk/>
3. <http://www.telegraph.co.uk/>
4. <http://www.solicitor-uk.com/nadir8.htm>
5. <http://www.independent.co.uk/news/UK/>

## Appendix III

Table 3 - Scrutiny of Administration by Parliament

| Country and House(s)                      | If Administration accountable to Parliament                                                          | Legal basis of administrative accountability | If parliamentary committees have investigatory powers | a) Right of MPs to put questions<br>b) Time allotted to questions and limit for answers                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | a) Cases in which questions can raise debates<br>b) Other devices                                                                                                                                                                                                                                      |
|-------------------------------------------|------------------------------------------------------------------------------------------------------|----------------------------------------------|-------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| FRANCE<br>Senate<br><br>National Assembly | No                                                                                                   | NA                                           | When provided in their terms of reference             | a) Written questions published in Official Journal; oral questions with or without debate (notified in writing); questions to Govt<br>b) 1 day a week in sessions; 1 sitting each House per month (2 hours on a Thursday) with all Ministers present to give immediate replies. Written questions answered within 1 month<br><br>a) Written; and oral, which require written notice and receive a reply if they are entered in Daily Orders<br>b) Wednesday or Friday afternoons and 1-1/2 hours for Govt policy questions. Written questions answered within 1 month | a) Oral questions without notice, with debate; when 30 Senators present request and Senate agrees<br>b) None<br><br>a) On decision of the presidents' Conference<br>b) Written Notice of interpellation with a motion of censure signed by 1/10 of the National Assembly. Debate occurs 48 hours later |
| NEW ZEALAND<br>House of Representatives   | Indirectly through Ministers. Public servants may also be called to appear before select committees. | Ministerial responsibility to Parliament     | Yes                                                   | a) Yes<br>b) 40 minutes each day for oral questions for reply in 2 days. Written questions require answer in 7 days                                                                                                                                                                                                                                                                                                                                                                                                                                                   | a) A 1 hour debate on questions is held each fortnight<br>b) Debate on a matter of urgent public importance, and urgent questions without notice                                                                                                                                                       |

| Country and House(s)                                               | If Administration accountable to Parliament | Legal basis of administrative accountability       | If parliamentary committees have investigatory powers | a) Right of MPs to put questions<br>b) Time allotted to questions and limit for answers                                                                                                                                                                                                                                                                                                                              | a) Cases in which questions can raise debates<br>b) Other devices                                                                                                                                               |
|--------------------------------------------------------------------|---------------------------------------------|----------------------------------------------------|-------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| UNITED STATES OF AMERICA<br>Senate<br><br>House of Representatives | Yes                                         | Legislative Re-organisation Act 1946, Section 136. | Yes<br><br>All permanent committees                   | a) On their own initiative or through the committee process but govt officials do not appear before plenary sittings to answer questions<br>b) -<br><br>a) Through committee procedure or full House through a resolution of inquiry<br>b) Time delay established by committee; within a week for House resolution                                                                                                   | a) NA<br>b) None<br><br>a) NA<br>b) Each permanent committee has an "oversight" sub-committee                                                                                                                   |
| UNITED KINGDOM<br>House of Lords<br><br>House of Commons           | Yes                                         | Constitutional convention                          | No<br><br>Yes                                         | a) Oral (usually without notice) and written<br>b) About 20 minutes each sitting day. Written questions to be answered within 2 weeks<br><br>a) Ordinary and urgent (private notice) questions<br>b) 55 minutes each sitting day except Fridays (excluding urgent questions). Answer required between 2 days and a working week depending on question, except urgent questions which are to be answered the same day | a) None, except "unstarred questions" which resemble Commons adjournment debates<br>b) Private Member's motions<br><br>a) None<br>b) 1/2 hour adjournment debates at end of a sitting; Private Member's motions |

| Country and House(s)                                          | If Administration accountable to Parliament | Legal basis of administrative accountability | If parliamentary committees have investigatory powers                                      | a) Right of MPs to put questions<br>b) Time allotted to questions and limit for answers                                                                                                                                                                                                                                                                     | a) Cases in which questions can raise debates<br>b) Other devices                                                                                                                                                                                                                                                                                              |
|---------------------------------------------------------------|---------------------------------------------|----------------------------------------------|--------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| JAPAN<br>House of Councillors<br><br>House of Representatives | No                                          | NA                                           | Yes                                                                                        | a) Oral (urgent) questions for immediate answer can be put to Govt by resolution of House. Written questions are transmitted to the Cabinet by the Presiding Officer<br>b) As arranged by Committee on Rules and Administration. Written questions usually answered within 7 days. If response deferred, reasons and time for answer must be stated.        | a) -<br>b) -                                                                                                                                                                                                                                                                                                                                                   |
| GERMANY<br>Federal Council<br><br>Federal Diet                | No                                          | NA                                           | No<br><br>Only Petitions Committee, Defence Committee and ad hoc investigatory Committees. | a) Members may pose questions on any agenda item. States may pose any question on 2 weeks notice<br>b) According to the agenda<br><br>a) 2 questions for oral answer per week (22 a year) and 4 questions a month for written answer<br>b) 3 hours per sitting week. Oral answers are given in the following sitting week and written answers within a week | a) No specific provisions but debate is not necessary if the questioning State accepts a written answer<br>b) None<br><br>a) 26 Members may request a debate limited to 60 minutes, immediately after question time<br>b) Interpellations which must be signed by 26 Members. Some inter-pellations are answered in writing within 14 days; others are debated |

Source: The International Centre for Parliamentary Documentation of the Inter-Parliamentary Union, 2nd ed., *Parliament of the World*, Aldershot, England: Inter-Parliamentary Union, 1986.