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Constitutional frameworks.

1a)

The term separation of powers refers to having the three governmental functions; the executive judiciary and legislative all separated. The separations of these functions are most prominent in the US government. The separation of powers means that no one can be a member of more than one of the houses at any one time. This is done on purpose to ensure that there is no overlapping in the three separate functions of government. In the UK these functions of government are just touching making it very easy for legislation to go through. The USA makes it more difficult for legislation to go through as the checks and balances are a lot more prominent in their governmental system. The separation of the powers like this make a difference in the powers delegated to the president and the prime minister. The separations of powers in the US give the president far less power than the prime minister in the UK where the powers are fused together.

b)

The UK and the US have different ways of making constitutional changes. Constitutional changes occur far less frequently in the US than they do in the UK. In the US only 27 amendments have been made to the constitution since 1791 the last amendment was in 1992. The constitutional changes take a lot of time and effort in the US because a tremendous amount of support is needed to pull one through. For an amendment to be passed in the US two thirds of congress and three quarters of the US need to back it as well. This makes it very difficult for amendment to actually do through. Another way for a change in the constitution to be made is judicial review. This takes place when a federal law is deemed unconstitutional; it is then taken to the Supreme Court. In contrast to the UK changes in constitution like this happen frequently and are mainly due to the fusion of the three houses which results in a lack of checks and balances. For the United Kingdom to make changes to their constitution it is thought that we would be able to find it in one place like the Americans can, however this is not the case as our constitution comes from a number of sources including; legislation, common law, conventions and EU law. This is why the UK constitution is said to be far less entrenched than the USA constitution. The USA constitution is deeply entrenched due to the fact that the constitution can be found in one place only. In the UK a constitutional change occurs by the passing of a statute in parliament.

c) “The constitution limits the power of the government in the USA but not in the UK” discuss

When comparing the UK and the US constitution, we can clearly see that two entirely different kinds of government are at work here. The UK has no written constitution that anyone could find in one place this is the total opposite of the US. The US has a rigid constitution which means that amendment there is a very difficult process which requires special procedures to be employed before any changes can be made. By contrast again the UK has an extremely flexible parliament, as the supreme law

making body of the UK may alter the constitution at will. The US constitution remains difficult to amend as 2/3 of congress must approve the amendment and so must 3/4 of the USA. For this reason it remains difficult to amend the US constitution.

In the UK the constitution can be changed by Parliament. There can be no limit as to the matters on which Parliament may legislate. Acts that have been passed in parliament that are said would be difficult to change due to the constitutional nature of them are: the protection of civil and political rights (e.g. the HRA 1998), and the provision for national representative assemblies (the Northern Ireland Act 1998, Scotland Act 1998, Government of Wales Act 1998). In theory, however, none of these has a formal constitutional status: they can be amended at Parliament's will without any special procedure. In practice, it would be difficult for Parliament to amend or repeal such statutes without the clear consent of the people.

To a certain extent the constitution does definitely deny some powers to congress. Constitutional limits upon congress are set forth in the bill of rights. For example in the first amendment congress is limited in making any law 'respecting an establishment of religion'. This amendment allows the freedom of speech and press and also ensures that congress can make no laws singling out a particular religion. To add to this congress can not suspend the writ of Habeas Corpus. As this would require a prisoner to be brought to court and shown why he/she is being detained. Another limitation is that congress is denied the right to pass bills of the attainder. A bill of the attainder is a law that sentences a person to jail without granting the right to trial. Congress is also prohibited from passing an ex post facto law. Thisd