Opposition parties in the House of Commons

This note describes the development of the roles and entitlements of the opposition parties, in particular the Official Opposition, in the House of Commons. It lists the current opposition parties and their electoral performance, and discusses how the procedures and practices of the House make allowances for the Opposition.
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1 Background

1.1 History of the role of ‘official opposition’

The UK has historically been characterised by an adversarial, normally two-party, system of politics. In this context the role of the ‘official opposition’ has long been acknowledged as constitutionally important. The first reference to “His Majesty’s Loyal Opposition” was recorded in 1826. Nevertheless, the phrase was not commonly used until recognisable forms of political party organisation began to develop in the 1890s.

The key role of the leader of the Official Opposition was first acknowledged in statute in 1937, in the Ministers of the Crown Act 1937. This provided for a salary to be paid to the Leader of the Opposition, in recognition of the significance of that role. The Ministerial and other Salaries Act 1975 also permitted the payment of salaries to the Opposition whips.

Today, the Leader of the Opposition appoints a Shadow Cabinet, together with junior shadow Ministers in both Houses of Parliament. The current Opposition, the Labour Party, had a system of elections to the Shadow Cabinet, with votes cast by Labour MPs. The leader of the party then assigned the winners to roles in the shadow cabinet; and appointed junior shadow ministers freely from the parliamentary party. This system was abolished in July 2011.

1.2 The British political system

The nature of opposition has developed alongside the changes in the UK’s political party system. The role of opposition was less clear during the 1920s and 1930s, which witnessed large swings in the electoral fortunes of some parties and the existence of the National Government between 1931 and 1935. During the 1924 Labour government, the Liberal Party were third in terms of seats, but their leader, Herbert Asquith, came to the Despatch Box to speak to the House, in effect enjoying the same right as the official opposition.

From 1935 to approximately 1966, the two-party system dominated in the UK, reaching its zenith in the 1955 General Election, where 95% of all votes were cast for either the Conservative or Labour parties. Two factors have contributed since then to drive the UK towards what some analysts have called a “two-and-a-half party system”:

- The gradual rise in votes, and latterly seats, won by the Liberal Democrats. Until entering the coalition formed in May 2010, they had achieved enough success to be recognised as the ‘second largest opposition party’ for certain purposes (see below);

- The rise of ‘regional’ parties in the non-English parts of the UK. This includes the Scottish National Party and Plaid Cymru/The Party of Wales. In Northern Ireland, the dominance of the Ulster Unionist Party from 1921 to 1972, under the Stormont parliament, has given way to success for the Democratic Unionist Party, and the nationalist parties of Sinn Fein and the Social Democratic and Labour Party. The Democratic Unionist Party is currently the best-represented in the House of Commons, with eight seats; the most seats ever held by a ‘regional’ party is the 11 won by the SNP at the October 1974 general election.

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2 The results of the 2010 Shadow Cabinet elections, including unsuccessful candidates, can be found at http://www.guardian.co.uk/politics/2010/oct/08/shadow-cabinet-election-results-list.
3 “Labour MPs vote to abolish shadow cabinet elections” 6 July 2011 Guardian
4 This phrase appears to originate with Blondel’s 1968 paper “Party Systems and Patterns of Government in Western Democracies”, available at http://www.jstor.org/stable/3231605
The shape of the opposition parties in the House underwent a shift in 2010, as the Liberal Democrats moved from 30 or more years as the ‘second largest opposition party’ to being a party of government. After the 2010 general election, the opposition consisted of the Labour Party (258 seats) and other parties (28 seats, including one independent member).

2 Rights and privileges of the opposition

2.1 Opposition days

Standing Order no 14 (2) provides for the business on twenty days to be determined by opposition parties:

Twenty days shall be allotted in each session for proceedings on opposition business, seventeen of which shall be at the disposal of the Leader of the Opposition and three of which shall be at the disposal of the leader of the second largest opposition party; and matters selected on those days shall have precedence over government business….

For the purposes of this order ‘the second largest opposition party’ shall be that party, of those not represented in Her Majesty's Government, which has the second largest number of Members elected to the House as members of that party.5

Alongside this provision, the Backbench Business Committee was established in June 2010, with the right to establish business on 35 days each session, of which 27 must be in the Chamber (see Standing Order 14 (3)). This is separate from the Opposition’s entitlement.6

There is no business committee for the rest of the business taken in the House of Commons. According to Standing Order 14 (1), government business shall have precedence at every sitting. Therefore, the House of Commons has no formal means of involving the Opposition parties in determining the House’s agenda. However, informal consultations are held through the ‘usual channels’. This is the term used within the House to denote confidential discussions between the major party whips, which are intended to ease the flow of business in the House.7

However, opposition whips are rarely able to use the usual channels to influence whether or not the Government is able to have its business successfully passed through the House. The only times at which this may happen is when the Government is facing a tight deadline to legislate. The most common instances of this are where it is introducing emergency legislation into the House, which it wishes to pass in a few days; and at the ‘wash-up’ – the conclusion of all remaining business in advance of the dissolution of Parliament before a General Election.8

Standing Order 86 requires the Committee of Selection to have regard to the composition of the House, among other factors, when allocating places on standing committees to consider bills. In practice, a standard formula is agreed reflecting the various party strengths within the House; this is also applied to select committees. The formula is varied, at the discretion of the major parties, to allow for minor parties to be represented on committees.

5 House of Commons, Standing Orders of the House of Commons, December 2010. These provisions were not changed at the time of the Liberal Democrats’ entry into government in May 2010.
6 See Library Standard Note SN/PC/5269 for more details of the Backbench Business Committee.
7 For further information see SN/PC/2829 The Whips’ Offices; also Michael Rush and Clare Ettinghausen, Opening up the Usual Channels, 2002, Hansard Society.
8 See Library Standard Note SN/PC/5398 for more details of the ‘wash-up’.
There have been suggestions in the past for the formation of a business committee to bring the discussions of the usual channels into the public domain. The most recent instance can be found in the report of the Wright Committee in 2009, which recommended the establishment of the Backbench Business Committee. The Wright Committee noted research from Meg Russell and Akash Paun at UCL, who found that business committees in many other parliaments and assemblies were dominated by whips. The Coalition Government’s 2010 Programme for Government contains a commitment to introduce a House business committee to consider Government business by the third year of the Parliament. However, this is not now likely to happen in the near future.

In addition, Erskine May makes the following observation: “By established convention the government always accedes to the demand from the Leader of the Opposition to allot a day for the discussion of a motion tabled by the official Opposition, which, in the government’s view, would have the effect of testing the confidence of the House”. The government decides when the motion will be debated but “a reasonably early day is invariably found”. The Fixed Term Parliaments Bill 2010-12 gives a statutory role to confidence motions.

The leader of the Opposition is conventionally allowed additional rights at Prime Minister’s Questions, though these are not recorded in standing orders. S/he can expect to be permitted up to six supplementary questions to the Prime Minister for each question that is asked. Prior to May 2010, the leader of the Liberal Democrats could expect to put two supplementary questions for each question that is asked. That privilege has not been extended to the minor opposition parties following the formation of the Coalition Government in 2010.

3 Public funding for opposition parties
3.1 Short money

“Short money” is available exclusively to opposition parties. It was introduced in 1975 by the Labour Leader of the House, Edward Short, and has three components:

- Funding to assist an opposition party in carrying out its Parliamentary business;
- Funding for the opposition parties’ travel and associated expenses; and
- Funding for the running costs of the Leader of the Opposition’s office.

The current system was instituted by a Resolution of the House of 26 May 1999. It is open to all parties that have taken their seats in the House of Commons (which thus excludes Sinn Fein, whose representatives do not take the Oath of Allegiance).

The first two elements are available to all opposition parties with two or more MPs (a party with a single MP that secured more than 150,000 votes in a general election is also eligible). Different formulae are used to allocate the three different elements. Under the first element, parties receive funds based on the number of seats won and the number of votes received. The second element is a finite budget allocated in proportion to the first element. The third

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9 See House of Commons Reform Committee (‘the Wright Committee’), Rebuilding the House, HC 1117 2008-09, pp.51-65
11 Erskine May, 24th ed., 2011, p344
12 For background, see Library Research Paper 10/54, The Fixed Term Parliaments Bill.
13 HC Deb 26 May 1999 c427-9
element is payable only to the main opposition party. A similar scheme, known as ‘Cranborne money’, operates in the House of Lords (see Library standard note SN/PC/01663 for further information on both schemes, plus historical allocation figures).

3.2 Sinn Fein allowances

On 8 February 2006, the House agreed to a motion that created a similar scheme to Short Money solely for an opposition party “represented by Members who have chosen not to take their seats”. The motion provided for “expenses wholly, exclusively and necessarily incurred for the employment of staff and related support to Members designated as that party’s spokesman in relation to the party’s representative business.” There is no definition of “representative business” in the motion, and, hitherto, the term has not been used in parliamentary procedure. The terms of the motion appear to allow Sinn Féin to use funds calculated on the same terms as Short Money for different types of expenditure, such as for press and publicity and other representative functions. Other opposition parties have access to Short Money to support parliamentary business only and no equivalent extension for representative work has been announced for them. For further details see Library standard note SN/PC/01667.

A number of oral questions have been asked in the current Parliament which are implicitly critical of this scheme.

The Liberal Democrats lost their entitlement to Short Money when they entered the Coalition Government in May 2010. There have been reports that this had a significant effect on their finances.15

3.3 Policy Development Grants

Policy Development Grants were introduced by the Political Parties, Elections and Referendums Act 2000. Under the provisions of the Act, £2 million is allocated between all political parties with more than two MPs in the House of Commons which have taken the oath of allegiance. The funds are made available to assist political parties with the development of policies for inclusion in any manifesto.

£1 million of the funding is shared equally among the eligible parties. The different nature of party politics in England, Wales, Scotland and Northern Ireland and the size of the electorate in the four countries are reflected in the formulae used to allocate the remaining £1 million.

Policy Development Grants are available to the governing party/parties as well as to opposition parties. For further information see Library standard note SN/PC/03138.

4 The Liberal Democrat Party

The Liberal Democrat Party has its roots in the Liberal Party. However, during the 1920s and 1930s the Liberals became the third party behind Labour and the Conservatives. The party forged an alliance with the new Social Democratic Party, which was formed in 1981. In 1988 the parties merged and took the name ‘Liberal Democrats’. The party entered government in May 2010, in a coalition with the Conservative Party.

Election trends: UK 1979-2005

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14 HC Deb 08 Feb 2006 c897-975
15 See Toby Helm, “Liberal Democrat ministers asked for ‘tithe’ as party faces financial crisis”, Guardian [online], 27 February 2011
5 Opposition parties

The opposition parties in the 2010-15 Parliament are very small in size. They make up a total of 28 members (including one independent member) in a parliament of 650 members. Most of them are territorially-based parties, which organise and field candidates only in specific parts of the United Kingdom. The standing orders of the House of Commons do not provide them with any special rights to representation on the committees of the House, or to have their voices heard. Some members of the territorially-based parties do sit on the select committee covering their territory, but this occurs, in effect, at the discretion of the negotiations between major party whips.

5.1 The Democratic Unionist Party

The Democratic Unionist Party was formed in 1971 by Reverend Ian Paisley and William Boal. It replaced the Protestant Unionist Party, which Ian Paisley had led since 1964, and is now the largest unionist political party in Northern Ireland.

Until 2001 the DUP had consistently won 3 seats at Westminster, rising to 5 in 2001. In the 2005 election, the party gained four seats from the Ulster Unionists, bringing their total to nine, giving them the largest Northern Ireland representation at Westminster. The party is also the largest in the Northern Ireland Assembly, winning 39 seats in the 2011 elections there, and has held the position of First Minister in Northern Ireland since 2007.

Election trends: UK 1979-2005

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<tbody>
<tr>
<td>Seats won</td>
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<td>3</td>
<td>3</td>
<td>3</td>
<td>2</td>
<td>5</td>
<td>9</td>
<td>8</td>
</tr>
<tr>
<td>Votes (thousands)</td>
<td>71.0</td>
<td>152.7</td>
<td>85.6</td>
<td>103.0</td>
<td>107.3</td>
<td>182.0</td>
<td>241.9</td>
<td>168.2</td>
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<tr>
<td>% vote (N. Ireland)</td>
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<td>20.0</td>
<td>11.7</td>
<td>13.1</td>
<td>13.6</td>
<td>22.5</td>
<td>33.7</td>
<td>25.0</td>
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</tbody>
</table>

5.2 The Scottish National Party

The Scottish National Party was formed on 7 April 1934 with the merger of the National Party of Scotland and its rival the Scottish Party. The new party unsuccessfully contested a number of seats in the 1935 General Election as well as a number of by-elections in the late 1930s. Their candidate, Dr Robert Macintyre, successfully contested a 1945 by-election to gain Motherwell and Wishaw from Labour but then lost the seat 3 months later.

The SNP next won a seat at Westminster in 1967, in a by-election in the previously safe Labour seat of Hamilton. Winifred Ewing held this seat for three years. This brought the SNP to national prominence. The party’s best performance in a Westminster election took place in the 1970s, when they returned 11 MPs to Westminster. Currently the SNP forms the Scottish Government, with 69 of 129 MSPs. Their leader, Alex Salmond, has been first minister of Scotland since 2007.
5.3 Sinn Féin

In 1905, former journalist, Arthur Griffith, founded a new Irish Republican group called Sinn Féin (Ourselves Alone); originally a cultural revival movement, it gradually became a political party. In 1918 (when all of Ireland was still part of the UK) Sinn Féin put forward 102 candidates for the General Election and won 73 seats, including that of the first elected woman Member, Countess Markiewicz. However, the newly elected Members did not take up their seats in the House of Commons and instead established an independent parliament, Dail Eireann, at Dublin in January 1919.

The current form of the party dates back to 1970 when ‘Provisional Sinn Féin’ split away from ‘Official Sinn Fein’, the latter becoming the Workers’ Party. Since the early 1980s, Sinn Féin has slowly gained strength and political power. There are currently five Sinn Féin MPs elected to represent constituencies at Westminster but they have not taken up their seats, as they have not taken the parliamentary oath. The party is, however, the second largest in the Northern Ireland Assembly, with 28 seats as of May 2011, and holds the position of Deputy First Minister of Northern Ireland.

5.4 Plaid Cymru

Plaid Cymru/The Party of Wales, was formed in August 1925 and unsuccessfully fielded candidates for elections until 1966, when the party president, Gwynfor Evans, won a Carmarthen by-election. Thereafter Plaid Cymru representation at Westminster rose to a high of four seats between 1992 and 2005. From 2007-11 they were junior coalition partners with the Labour Party in the National Assembly for Wales.
5.5 The Social Democratic and Labour Party

The SDLP is one of the two main nationalist parties in Northern Ireland. It was formed on 21 August 1970 by six Stormont MPs and one Senator who represented a variety of republican and labour parties.\(^\text{17}\)

Election trends: UK 1979-2005

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<td>1</td>
<td>3</td>
<td>4</td>
<td>3</td>
<td>3</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Votes (thousands)</td>
<td>126.3</td>
<td>137.0</td>
<td>154.1</td>
<td>154.4</td>
<td>190.8</td>
<td>169.9</td>
<td>125.6</td>
<td>111.0</td>
</tr>
<tr>
<td>% vote (N. Ireland)</td>
<td>18.2</td>
<td>17.9</td>
<td>21.1</td>
<td>19.7</td>
<td>24.1</td>
<td>21.0</td>
<td>17.5</td>
<td>16.5</td>
</tr>
</tbody>
</table>

5.6 The Ulster Unionist Party

Established in 1905, the Ulster Unionist Party was the largest political party in, and formed the government of, Northern Ireland during devolution to the Stormont Parliament between 1921 and 1972. In the last ten years they have gradually lost ground electorally to the Democratic Unionist Party, both at Westminster and in the Northern Ireland Assembly. Their one remaining Member in the 2005-10 Parliament, Sylvia Hermon, ran as an independent in 2010, holding her seat. This was in response to the party’s electoral alliance with the Conservative Party at those elections. Consequently, the UUP now hold no seats in the House of Commons. They hold 16 seats in the Northern Ireland Assembly as of May 2011, with one member on the Northern Ireland Executive.

Election trends: UK 1979-2005

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<tbody>
<tr>
<td>Seats won</td>
<td>5</td>
<td>11</td>
<td>9</td>
<td>9</td>
<td>10</td>
<td>6</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Votes (thousands)</td>
<td>254.6</td>
<td>260.0</td>
<td>276.2</td>
<td>271.0</td>
<td>258.3</td>
<td>216.8</td>
<td>127.4</td>
<td>102.4</td>
</tr>
<tr>
<td>% vote (N. Ireland)</td>
<td>36.6</td>
<td>34.0</td>
<td>37.8</td>
<td>43.5</td>
<td>32.7</td>
<td>26.8</td>
<td>17.8</td>
<td>15.2</td>
</tr>
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</table>

5.7 The Alliance Party of Northern Ireland

The Alliance Party was formed in 1970. Although initially a Unionist party, it has evolved into the largest explicitly cross-community party in Northern Ireland, and it has won a small number of seats at each election for the Northern Ireland Assembly since the Assembly’s formation in 1998. The Alliance has links with the Liberal Democrats.

Naomi Long won the seat of Belfast East for the Alliance at the 2010 election, causing a major upset by defeating the DUP leader and current First Minister of Northern Ireland, Peter Robinson. This was the first seat that the Alliance has won in the House of Commons (it briefly held a seat, in 1973-74, due to the defection of Stratton Mills from the Ulster Unionist Party).

Election trends: UK 1979-2005

|----------------|------|------|------|------|------|------|------|------|

\(^{17}\) www.bbc.co.uk/history
The Green Party of England and Wales was first established as the Ecology Party in the early 1970s, changing its name to the Green Party in 1985. The party has held two seats in the European Parliament since 1999, and has been represented in the London Assembly and in several local authorities. The separate Green Parties in Scotland and Northern Ireland hold seats in those territories’ devolved institutions. Caroline Lucas was appointed the party’s first leader in 2008, the party having operated a system of rotating ‘principal speakers’ before then. Ms Lucas won the seat of Brighton Pavilion at the 2010 election, a three-way marginal with the Conservatives and Labour.

**Election trends: UK 1979-2005**

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<tbody>
<tr>
<td>Seats won</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Votes (thousands)</td>
<td>39.9</td>
<td>54.2</td>
<td>89.8</td>
<td>170.0</td>
<td>61.7</td>
<td>166.5</td>
<td>283.4</td>
<td>285.6</td>
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<tr>
<td>% vote (UK)</td>
<td>0.1</td>
<td>0.2</td>
<td>0.3</td>
<td>0.5</td>
<td>0.3</td>
<td>0.6</td>
<td>1.0</td>
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</tr>
</tbody>
</table>

**5.9 Independents**

Independent MPs are not affiliated to any political party. It is rare for independents to be elected to the House of Commons. Independents who have been elected in recent years are listed below.

<table>
<thead>
<tr>
<th>Name</th>
<th>Constituency</th>
<th>Period served</th>
</tr>
</thead>
<tbody>
<tr>
<td>Martin Bell&lt;sup&gt;18&lt;/sup&gt;</td>
<td>Tatton</td>
<td>1997-2001</td>
</tr>
<tr>
<td>Richard Taylor&lt;sup&gt;19&lt;/sup&gt;</td>
<td>Wyre Forest</td>
<td>2001-10</td>
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<tr>
<td>Peter Law&lt;sup&gt;20&lt;/sup&gt;</td>
<td>Blaenau Gwent</td>
<td>2005-06</td>
</tr>
<tr>
<td>Dai Davies&lt;sup&gt;21&lt;/sup&gt;</td>
<td>Blaenau Gwent</td>
<td>2006-10</td>
</tr>
<tr>
<td>Lady Sylvia Hermon&lt;sup&gt;22&lt;/sup&gt;</td>
<td>North Down</td>
<td>2010-</td>
</tr>
</tbody>
</table>

A number of other Members have taken the designation ‘Independent’ after having resigned their party whip, or having it withdrawn. Some have taken designations such as ‘Independent Labour’ or ‘Independent Conservative’. Examples of this in the 2005-10 session are as follows:

<sup>18</sup> Both the Labour and Liberal Democrat candidates withdrew in Mr Bell’s favour in 1997.

<sup>19</sup> Richard Taylor was the leader of Kidderminster Hospital Health Concern, a local party which ran candidates for Wyre Forest District Council, in addition to his own candidacy for Parliament. Both the Conservative and Liberal Democrat candidates withdrew in his favour in 2001, and the Liberal Democrats did so again in 2005.

<sup>20</sup> Peter Law had been a long-serving member of the Labour Party and a Labour member of the National Assembly for Wales.

<sup>21</sup> Dai Davies stood as an independent in the wake of Peter Law’s death in 2006, and was closely associated with him.

<sup>22</sup> Sylvia Hermon had been Ulster Unionist Party MP for North Down from 2001-2010.
<table>
<thead>
<tr>
<th>Name</th>
<th>Constituency</th>
<th>Former party</th>
</tr>
</thead>
<tbody>
<tr>
<td>Derek Conway</td>
<td>Old Bexley and Sidcup</td>
<td>Conservative</td>
</tr>
<tr>
<td>Clare Short</td>
<td>Birmingham Ladywood</td>
<td>Labour</td>
</tr>
<tr>
<td>Andrew Pelling</td>
<td>Croydon Central</td>
<td>Conservative</td>
</tr>
<tr>
<td>Bob Spink</td>
<td>Castle Point</td>
<td>Conservative</td>
</tr>
<tr>
<td>Bob Wareing</td>
<td>Liverpool West Derby</td>
<td>Labour</td>
</tr>
</tbody>
</table>

Andrew Pelling and Bob Spink both contested their seats as independents, unsuccessfully, at the 2010 General Election.
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