

The UK System of State and Government

The United Kingdom is a **parliamentary democracy** with a **constitutional monarchy**.

A '**parliamentary democracy**' means that members of the government are also members of one of the two Houses of Parliament and government is directly accountable to Parliament – not only on a day-to-day basis.

A '**constitutional monarchy**' meaning that a king or queen reigns, with limits to their power, alongside a governing body, Parliament.

Monarchy

The **monarchy** is the most ancient secular institution in the United Kingdom, with a continuous history stretching back over a thousand years.

Queen Elizabeth II, who succeeded to the throne in 1952, is, in addition to being an integral part of the legislature, the heart of the judicial, the commander-in-chief of the armed forces of the Crown and the temporal head of the established Church of England.

The monarchy in the United Kingdom has evolved over the centuries from absolute personal authority to the present constitutional form by which the Queen reigns but does not rule. Her Majesty's government governs in the name of the Queen who must act on the advice of the ministers. The Queen summons, prorogues (dismisses at the end of a session) and dissolves Parliament; she usually opens new sessions of Parliament with a speech from the throne in which the major government policies are outlined. These acts form part of the Royal Prerogative, defined as 'the residue of discretionary or arbitrary authority, which at any given time is left in the hands of the Crown'. Prerogative rights are of legislative, executive and judicial character.

The monarch must give the Royal Assent before a Bill which has passed all its stages in both Houses of Parliament can become a legal enactment (Act of Parliament). The Monarch's consent and approval is required before a Cabinet can be formed or minister take up office. As Head of State the Monarch has the power to sign international agreements, to cede or receive territory, and to declare war or make peace. The Monarch confers honours and makes appointments to all important offices of state, including judges, officers in the armed services, diplomats and the leading positions in the Established Church. As the 'fountain of justice', it is only the Monarch who is able to remit all or part of the penalties imposed upon persons convicted of crimes through the exercise of the prerogative of mercy on the advice of the appropriate minister.

At the present time the Monarch, although exercising residual authority by consent of Parliament and according to the advice of the government of the day, is regularly informed and consulted on many aspects of public affairs. The Privy Council is the body on whose advice and thought the Monarch exercises most statutory and many prerogative powers. There are about 330 members of the Privy Council, which, however, only meets as a full body on the death of the Monarch. It conducts much of its business in committees at which the Monarch may not constitutionally be present. All Cabinet ministers are members; other members are appointed by the Monarch on the recommendation of the Prime Minister.

Parliamentary democracy

The UK Parliament is a 'sovereign parliament' – this means that the legislative body has 'absolute sovereignty', in other words it is supreme to all other government institutions, including any executive or judicial bodies.

Legislature

Parliament is the legislative organ and is constitutionally composed of the Monarch, the House of Lords, and the House of Commons. The Queen in Parliament represents the supreme authority within the United Kingdom.

The **Parliament at Westminster** legislates for the United Kingdom, for any one of the constituent countries, or for any combination of them.

Parliament consists of two Houses: the House of Lords and the House of Commons.

The House of Lords is for the most part still a hereditary body. It consists of the Lords Temporal and Lords Spiritual.

The House of Lords is presided over by the Lord Chancellor who is by virtue of his position chairman of the House.

The **House of Commons** is an elected and representative body; members (at present 650) are elected by almost universal adult suffrage to represent constituencies in England (523), Scotland (72), Wales (38) and Northern Ireland (17).

Executive

The government consists of the ministers appointed by the Crown on the recommendation of the Prime Minister, who is appointed directly by the Crown and is the leader of the political party which for the time being has a majority of seats in the House of Commons. The office of Prime Minister is the subject of a number of constitutional conventions. The Prime Minister is the head of the government and presides over meetings of the Cabinet; by convention he is always a Member of the House of Commons. He consults and advises the Monarch on government business, supervises and to some extent coordinates the work of the various ministers and departments and is the principal spokesman for the government in the House of Commons. He also makes recommendations to the Monarch on many important public appointments, including the Lord Chief Justice, Lords of Appeal in Ordinary, and Lords Justice of Appeal.

The Cabinet is the nucleus of government; its members consist of a small group of the most important ministers who are selected by the Prime Minister. The size of the Cabinet is today about 23 and its principal function, much of the work being carried out in Committee, is to determine, control and integrate the policies of the government for submission to Parliament.

Judiciary

The United Kingdom has no Ministry of Justice. Responsibility for the administration of the judicial system in England and Wales is divided between the courts themselves, the Lord Chancellor, and the Home Secretary. The Lord Chancellor is concerned with the composition of the courts, with civil law, parts of criminal procedure and law reform in general; the Home Secretary is concerned with the prevention of criminal offences, the apprehension, and with the prison service.

To sum up