Overview of the UK system of government

The United Kingdom is a parliamentary democracy with a constitutional monarch. A king or queen is the head of state, and a prime minister is the head of government. The people vote in elections for Members of Parliament (MPs) to represent them.

Constitution

The United Kingdom doesn't have a single, written constitution (a set of rules of government). But this doesn’t mean that the UK has an ‘unwritten constitution’. In fact, it is mostly written – but instead of being one formal document, the British constitution is formed from various sources including statute law, case law made by judges, and international treaties.

There are also some unwritten sources, including parliamentary conventions and royal prerogatives.

Where your rights come from

The rights and responsibilities you have today come from a number of different sources. They can come through Acts of Parliament and laws made by judges, and some from European law. Together they form the British Constitution.

The British Constitution

The British Constitution is a set of rules of government. Some of the rules are about procedures such as how often elections must be held. Others are concerned with the amount of power held by the government – specifying what the government can or cannot do.

Unlike most other countries, such as the United States of America or India, the British Constitution is not written down in a single formal document. Instead the rights and responsibilities we have as individuals and as a society are formed from a number of different sources.

Much of the constitution is based on unwritten customs and rules called conventions. In addition further protection is provided by:

- formal written legislation created and agreed by Parliament
- statute law law developed by judges as part of the justice system
- common law
- law made in Europe which affects the UK as a factor of our membership in the European Union - EC law

Statute law

The first document to have influenced the constitution is the Magna Carta, written in 1215. This set down the king’s duty to his subjects and their rights and responsibilities. More recently, constitutional law has been affected by the Acts that brought Britain into the European Community in 1972, established the Scottish Parliament in 1998 and the Human Rights Act 1998. These laws enacted by Parliament are known as statute law. As a result of devolution, the Scottish Parliament is also able to create constitutional legislation that affects its citizens. The Northern Ireland Assembly and Executive have even greater powers.
Common law

Law and the rights and protections formed under them are also created by judges’ decisions in court. This is known as common law. Common law has its basis in precedent – this means that judges follow decisions made in similar cases to create a consistent, just and fair system. However, there are cases when the circumstances or facts of the case are very different, have not arisen before or are viewed by a senior judge as not reflecting current society, so that a decision is made to create or amend the law.

European law

European Community law, which applies in the UK, comes from EC treaties, Community legislation adopted under them, and decisions of the European Court of Justice. That court has the highest authority to decide points of EC law.

Where EU member states have agreed to act together, all laws passed at the European level are considered legally superior to domestic law, and are ultimately protected by a higher constitutional court, the European Court of Justice – in these circumstances, should European Community law and UK law conflict, EC law prevails.

Rights and responsibilities as a British citizen

There are a wide range of rights within the constitution, covering all aspects of life from human rights, such as freedom of speech and freedom from torture, to more specific rights such as those relating to education and healthcare, and protection from discrimination.

It is important to remember that the human rights incorporated into UK law through the Human Rights Act are not all absolute. They may be limited or withdrawn under certain circumstances.

With these rights come responsibilities such as loyalty, which means not plotting against the state, abiding by the law as a responsible citizen, and certain civic duties such as voting, jury service and giving evidence in court.
The Monarchy

Politics in the United Kingdom takes place within the framework of a constitutional monarchy, in which the monarch (Queen Elizabeth II) is head of state and the prime minister is the head of the UK government.

In a monarchy, the king or queen is head of state. The UK is a ‘constitutional monarchy’, meaning that a king or queen reigns, with limits to their power, alongside a governing body, Parliament.

The monarch and government

The monarchy is the oldest institution of government in the United Kingdom. The UK’s monarchy is considered the oldest of all modern constitutional monarchies (others exist in countries including Belgium, Norway, the Netherlands, Spain and Monaco).

Most of the powers once exercised by the monarch have now been devolved (transferred) to ministers. In certain circumstances, however, the monarch retains the power to exercise personal discretion over issues such as appointing the prime minister and dissolving Parliament, even though these powers may never be used in practice, or may only be exercised symbolically.

As a result of a long process of change during which the monarchy’s absolute power has been gradually reduced, custom now dictates that the Queen follows ministerial advice.

The Queen performs a range of important duties, such as summoning and dissolving Parliament and giving royal assent to legislation passed by the UK Parliament, the Scottish Parliament, the National Assembly for Wales or the Northern Ireland Assembly.

The Queen formally appoints important office holders, including the prime minister and other government ministers, judges, officers in the armed forces, governors, diplomats, bishops and some other senior clergy of the Church of England. She also grants peerages, knighthoods and other honours. In instances where people have been wrongly convicted of crimes, she is involved in pardoning them.

In international affairs, the Queen (as head of state) has the power to declare war and make peace, to recognise foreign states, to conclude treaties and to take over or give up territory.

The Privy Council and other work

The Queen holds Privy Council meetings, gives audiences to her ministers and officials in the UK and overseas, receives accounts of Cabinet decisions, reads dispatches and signs state papers.

She is consulted on many aspects of national life, and must show complete impartiality in the advice she gives. The law states that a regent has to be appointed to perform the royal functions if the monarch is totally incapacitated.

The Privy Council was formerly the chief source of executive power in the state, but as the system of Cabinet government developed in the 18th century, the Cabinet took on much of its role.
Today, the Privy Council is the main way in which ministers advise the Queen on the approval of Orders in Council, such as those granting Royal Charters or enacting subordinate legislation, or on the issue of royal proclamations such as the summoning or dissolving of Parliament.

There are about 500 Privy Counsellors, whose appointments are for life. The Privy Council consists of all members of the Cabinet, other senior politicians, senior judges and some individuals from the Commonwealth. Only members of the government of the day, however, play any part in its policy work. The prime minister recommends new members of the Privy Council to the sovereign.

The monarch and the Commonwealth

The United Kingdom’s current monarch is Elizabeth II. She is resident in and most directly involved with the UK (her oldest realm), although she is Queen (separately and equally) of 15 other independent states, their overseas territories and dependencies.

Queen Elizabeth II and the royal family

Born in 1926 (the great-great-granddaughter of Queen Victoria), Elizabeth became Queen at the age of 25, on the death of her father, King George VI. She is the 40th monarch since William the Conqueror.

Elizabeth II was crowned on 2 June 1953 in Westminster Abbey, despite having acceded to the throne on 6 February 1952 when her father died. British law states that the throne is not left ‘vacant’ and therefore the new monarch succeeds the old monarch immediately. The official coronation usually takes place months later, as it’s considered a happy occasion and not appropriate for the period of mourning.

The members of the royal family support the Queen in her public duties, nationally and internationally. Official duties are undertaken by members of the Queen’s close family, such as her children and her cousins (the children of her father’s brothers), and their wives or husbands.

The royal family plays an important role in supporting and encouraging the public and charity sectors, and around 3,000 organisations list a member of the royal family as a patron or president. Use the link below to discover the various charities and organisations supported by a member of the royal family.

There is no strict legal or formal definition of who is or isn’t a member of the royal family, but those carrying the title His or Her Majesty (HM), His or Her Royal Highness (HRH) or Their Royal Highnesses (TRH) are generally considered members.

The Crown

The title to the crown derives partly from statute and partly from common law rules of descent. Despite interruptions in the direct line of succession, inheritance has always been the way royal power has passed down the generations, with sons of the sovereign coming before daughters in succeeding to the throne.

When a daughter does succeed, she becomes Queen Regnant and has the same powers as a king. The ‘consort’ of a king takes her husband’s rank and style, becoming Queen. No special rank or privileges are given to the husband of a Queen Regnant.
Under the Act of Settlement of 1700, only Protestant descendants of Princess Sophia, the Electress of Hanover (a granddaughter of James I of England and VI of Scotland) are eligible to succeed. The order of succession to the throne can be altered only by common consent of the countries of the Commonwealth of which the monarch is sovereign. The sovereign succeeds to the throne as soon as his or her predecessor dies. He or she is at once proclaimed at an Accession Council, to which all members of the Privy Council are called. Members of the House of Lords, the Lord Mayor, Aldermen and other leading citizens of the City of London are also invited.

The coronation follows the accession. The ceremony takes place at Westminster Abbey in London in the presence of representatives of both Houses of Parliament and all the major public organisations in the UK. The prime ministers and leading members of the Commonwealth nations and representatives of other countries also attend.
Prime Minister and Cabinet

The Cabinet is a formal body made up of the most senior government ministers chosen by the prime minister. Most members are heads of government departments with the title ‘Secretary of State’.

Formal members of the Cabinet are drawn exclusively from the House of Commons and the House of Lords.

Her Majesty’s Government consists of those ministers responsible for the conduct of national affairs. The Queen alone appoints the Prime Minister, and all other ministers are appointed by her on the Prime Minister’s recommendation.

Government ministers

Most ministers are members of the House of Commons, although the government is also fully represented by ministers in the House of Lords.

The composition of governments can vary both in the number of ministers and in the titles of some offices. New ministerial offices may be created, others may be abolished, and functions may be transferred from one minister to another.

The Prime Minister

As head of the UK government, the Prime Minister oversees the operation of the Civil Service and government agencies, appoints members of the Cabinet, and is the principal government figure in the House of Commons. The Prime Minister is also, by tradition, the First Lord of the Treasury – and draws his or her salary in that role, rather than as Prime Minister.

The Prime Minister’s unique position of authority comes from majority support in the House of Commons and the power to appoint and dismiss ministers. By modern convention, the Prime Minister always sits in the Commons.

The Prime Minister presides over the Cabinet, is responsible for allocating functions among ministers and, at regular meetings with the Queen, informs her of the general business of the government.

The Prime Minister’s other responsibilities include recommending a number of appointments to the Queen. These include high-ranking members of the Church of England, senior judges and certain civil appointments. He also recommends appointments to several public boards and institutions, as well as to various royal and statutory commissions.

The Prime Minister’s Office supports him in his role as head of government. This includes providing policy advice, tracking the delivery of government commitments and initiatives, and ensuring effective communications to Parliament, the media and the public.

The Cabinet

The Cabinet is the committee at the centre of the British political system and the supreme decision-making body in government.

The British Prime Minister has traditionally been referred to as ‘primus inter pares’, which means ‘first among equals’ and demonstrates that he or she is a member of the collective
decision-making body of the Cabinet, rather than an individual who has powers in their own right. The Prime Minister is first among equals simply in recognition of the responsibility held for appointing and dismissing all the other Cabinet members.

Cabinet ministers are the highest-ranking ministers in the government, and most government departments have one Cabinet minister (or more). Most Cabinet ministers are titled ‘Secretary of State’ – although some have traditional titles, such as the Chancellor of the Exchequer and the Chief Whip.

How Cabinet works

Every Tuesday while Parliament is in session, the Cabinet meets in the Cabinet room at 10 Downing Street to discuss the issues of the day. Government Cabinets have met in the same room since 1856, when it was called the Council Chamber.

The Prime Minister chairs the meeting and sets its agenda; he also decides who speaks around the Cabinet table, and sums up at the end of each item. It is this summing up that then becomes government policy.

Cabinet committees

In addition to the whole Cabinet meetings, a range of Cabinet committees meet in smaller groups to consider policy with other ministers who are closely involved with the relevant issue.

The Prime Minister decides who will sit on these committees, and the relevant committee is consulted for clearance before any new piece of legislation that an individual minister wants to introduce is brought before Parliament.

A list of the current committees and the ministers who sit on them is available from the Cabinet Office website.

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Parliamentary democracy

The UK is a parliamentary democracy. This means that:

members of the government are also members of one of the two Houses of Parliament (the House of Commons and the House of Lords) – although there are rare exceptions to this rule

government is directly accountable to Parliament – not only on a day-to-day basis (through parliamentary questions and debates on policy) but also because it owes its existence to Parliament: the governing party is only in power because it holds a majority in the House of Commons, and at any time the government can be dismissed by the Commons through a vote of ‘no confidence’

The main functions of Parliament are to pass laws, to finance through taxation the work of government, to scrutinise government policy and administration, including proposals for expenditure, and to debate the major issues of the day.

Parliament

Parliament at Westminster in London can legislate for the UK as a whole and has powers to legislate for any parts of it separately. However, it will not normally legislate on devolved matters in Scotland and Northern Ireland without the agreement of the Scottish Parliament and the Northern Ireland Assembly respectively. The Westminster Parliament still has UK-wide responsibility in a number of areas including defence, foreign affairs, economic and monetary policy, social security, employment, and equal opportunities.

In the Channel Islands and the Isle of Man, which are Crown dependencies and not part of the UK, legislation on domestic matters normally takes the form of laws enacted by Island legislatures. However, UK laws are sometimes extended to the Islands with their agreement, for example in matters such as immigration and broadcasting.

As there are no legal restraints imposed by a written constitution, Parliament may legislate as it pleases as long as the UK meets its obligations as a member of the European Union. It can make or change law, overturn established conventions or turn them into law. It can even legislate to prolong its own life beyond the normal period without consulting the electorate.

In practice, however, Parliament does not conduct itself in this way. Its members work within the common law and normally act according to convention. The House of Commons is directly responsible to the electorate and during the 20th century the House of Lords increasingly recognised the supremacy of the elected chamber.

The three parts of Parliament - the House of Commons, the House of Lords and the Sovereign - only meet together on occasions of symbolic significance such as the State Opening of Parliament when the Commons is summoned by the Sovereign to the House of Lords. The agreement of all three is normally needed to pass laws, but that of the Sovereign is given as a matter of course.
House of Commons

The House of Commons consists of 646 elected MPs. Of the 646 seats, 529 represent constituencies in England, 40 in Wales, 59 in Scotland, and 18 in Northern Ireland.

After a Parliament has been dissolved and a General Election has been held, the Sovereign summons a new Parliament. When an MP dies, resigns or is made a member of the House of Lords a by-election takes place.

The chief officer of the House of Commons is the Speaker, elected by MPs to preside over the House. Other officers include the Chairman of Ways and Means and two deputy chairmen, who may all act as Deputy Speakers. They are elected by the House as nominees of the government, but may come from the Opposition as well as the government party. The House of Commons Commission, a statutory body chaired by the Speaker, is responsible for the administration of the House.

Permanent officers (who are not MPs) include the Clerk of the House of Commons, who is the principal adviser to the Speaker on the House’s privileges and procedures. The Clerk’s other responsibilities relate to the conduct of the business of the House and its committees. The Clerk is also accounting officer for the House. The Serjeant at Arms, who waits upon the Speaker, carries out certain orders of the House. He is also the official housekeeper of the Commons’ part of the Palace of Westminster and is responsible for security.

House of Lords

The House of Lords is the second chamber or upper house of the UK Parliament. It works with the House of Commons to make laws, scrutinise the actions of the government, and provide a forum of independent expertise. It consists of the Lords Spiritual and the Lords Temporal. The Lords Spiritual include the Archbishop of Canterbury, the Archbishop of York, the Bishop of London, the Bishop of Durham, and the Bishop of Winchester. Membership of the House of Lords also extends to the longest-serving other bishops of the Church of England. The Lords Temporal are hereditary or life peers. They may support a political party; non-partisan Lords are called cross-benchers. Legislation since 1999 has limited the number of hereditary peers and the largest number of peers in the Lords are life peers (whose peerages are not inheritable).

The House of Lords Chamber spends about 60 per cent of its time on legislation; the other 40 per cent is spent on scrutiny - questioning government and debating issues and policy. Committee work takes place outside the Chamber.

Each sitting day the Members of the Lords start by questioning government ministers in the Chamber to find out what they are doing, or propose to do, on any subject. After these ‘Oral Questions’, Lords may then examine and improve draft legislation. This may have begun in the House of Commons or the House of Lords. Members may also debate important topics to highlight what the House thinks on an issue, signalling their views to the country and the government.
Parliamentary sovereignty

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. This stems from there being no single written constitution, and contrasts with notions of judicial review, where, if the legislature passes a law that infringes on any of the basic rights that people enjoy under their (written) constitution, it is possible for the courts to overturn it.

In the UK, it is still Parliament (and not the judges) that decides what the law is. Judges interpret the law, but they do not make the law.

Parliament passes statute law (legislation). The Government introduces most new laws - although some can be initiated by an MP - and many are included in the Queen's speech at the opening of each session of Parliament.

White and Green Papers

Proposals for new laws may be outlined in government White Papers. These may be preceded by consultation papers, sometimes called Green Papers, which seek comments from the public. There's no requirement that a White or Green Paper be introduced.

Bills

A Bill is a proposal for a new law or a change to a law presented before Parliament. When the contents of a Bill have been debated and agreed by both House of Parliament, it gets approved by the Monarch (called Royal Assent) before becoming an Act of Parliament and law.

Public Bills

Public Bills are the most common type of Bill and change the law that applies to the general public. Government ministers propose the majority of Public Bills.

If you object to a Public Bill you can:

- write to your MP or a Lord
- contact the government department responsible for the Bill
- lobby Parliament
- submit evidence to the relevant Public Bill Committee

Private Members’ Bills

Private Members' Bills are Public Bills introduced by MPs or Lords who are not ministers. Even if they do not become law, they can be an effective way to bring an issue to public attention.

Private Bills

Private Bills are usually promoted by organisations, like local authorities or private companies, to give themselves powers beyond, or in conflict, with the general law. They change the law as it applies to specific people or organisations rather than the general public.

Private Bills must be advertised through newspapers and in writing to all interested people.
Any group or individual affected by a Bill can object to it through petitions, which are then examined by committees of MPs and of Lords.

**Bill stages**

Basically, a Bill pass must through several stages in both Houses of Parliament to become a law.

These stages take place in both Houses:

1. First reading (introduction of the Bill without debate)
2. Second reading (general debate)
3. Committee stage (detailed examination, debate and amendments - in the House of Commons this stage takes place in a Public Bill Committee)
4. Report stage (opportunity for further amendments)
5. Third reading (final chance for debate; amendments are possible in the Lords)

**Acts of Parliament**

An Act of Parliament creates a new law or changes an existing one. An Act is a Bill approved by both Houses of Parliament and formally agreed by the reigning monarch.

An Act can come into force immediately, at some other date, or in stages. Its practical implementation is the responsibility of the relevant government department.

**Royal Prerogative**

Traditionally, the Royal Prerogative is a body of customary authority, privilege and immunity, recognised in common law jurisdictions possessing a monarchy as belonging to the Crown alone.

Today, most prerogative powers are instead directly exercised by ministers, rather than the Crown. They relate to areas including the regulation of the Civil Service, certain areas of foreign and defence policy, and the granting of appointments and honours.

These powers are beyond the control of the House of Commons and the House of Lords. This means that if, for example, the British government wanted to put British troops into action, this would not formally require the consent of Parliament – even if, in practice, a debate might actually take place in Parliament before such an action was taken.
Unitary government and devolution

The UK has a unitary system of government, meaning a system where power is held in the centre, although some powers have been devolved to Scotland, Wales and Northern Ireland.

In Scotland, Wales and Northern Ireland, some government policies and public services are different from those in England. The UK central government has given certain powers to devolved governments, so that they can make decisions for their own areas.

Devolution of powers

Following referendums in Scotland and Wales in 1997, and in both parts of Ireland in 1998, the UK Parliament transferred a range of powers to national parliaments or assemblies.

The Scottish Parliament, the National Assembly for Wales and the Northern Ireland Assembly were established, and took control in 1999. The arrangements are different in the three parts of the country, reflecting their history and administrative structures.

The UK Parliament and devolved matters

The UK government remains responsible for national policy on all matters that have not been devolved, including foreign affairs, defence, social security, macro-economic management and trade.

It is also responsible for government policy in England on all the matters that have been devolved to Scotland, Wales or Northern Ireland. The UK Parliament is still able to pass legislation for any part of the UK, though in practice it only deals with devolved matters with the agreement of the devolved governments.

UK government ministers

Within the UK government, the Secretaries of State for Scotland, Wales and Northern Ireland are responsible for the Scotland Office, the Wales Office and the Northern Ireland Office.

They ensure that devolution works smoothly, and help to resolve any disputes. They represent their parts of the country in UK government, and represent the UK government in those parts of the country.

Most contact between the UK government and the devolved administrations takes place between the individual government departments that deal with particular matters.
Permanent and impartial civil service

The UK has a civil service that acts impartially and doesn’t change when the government changes.

Impartiality is not the same as neutrality. Civil servants work for ministers in the government of the day. Impartiality means that, while working for current ministers, civil servants retain the confidence of the opposition parties to work for them if they come to power.

The Civil Service carries out the practical and administrative work of government. Civil servants are politically impartial employees, who carry out the policies of the government departments under the control of elected ministers.

The role and management of civil servants

Civil servants are servants of the Crown - in effect, they work for the UK government, the Scottish Government and the National Assembly for Wales. The Crown’s executive powers are exercised by government ministers, who answer to the appropriate Parliament or Assembly. There is a separate Northern Ireland Civil Service.

The duty of civil servants

The Civil Service has no separate constitutional personality or responsibility. The duty of a civil servant is to the minister in charge of the department where they are serving. A change of minister does not involve a change in staff.

The Civil Service Code states the role and responsibilities of civil servants. It was introduced in 1996 and revised in 1999 to take account of devolution. The Code includes an independent line of appeal to the Civil Service Commissioners on alleged breaches of the Code.

As Minister for the Civil Service, the Prime Minister is responsible for central co-ordination and management of the Civil Service. He is supported by the Head of the Home Civil Service, who chairs the Civil Service Management Board.

The Cabinet Office oversees the management of the Civil Service. Day-to-day responsibility is with departments and agencies, and with the Scottish Government and the National Assembly for Wales.

Where civil servants work

About half of all civil servants provide services direct to the public. These include paying benefits and pensions, running employment services, staffing prisons, issuing driving licences, and providing services to industry and agriculture.

Around one in five are employed in the Ministry of Defence and its agencies. The rest are divided between central administrative and policy duties, support services, and services that are largely financially self-supporting, such as those provided by the Royal Mint. About 80 per cent of civil servants work outside London.
Recruitment

The Civil Service Commissioners are responsible for ensuring that recruitment to the Civil Service should be on merit and based on fair and open competition.

The Commissioners, who are independent of government, produce a mandatory recruitment code and audit the recruitment policies and practices of departments and agencies to ensure that they comply.

They also approve appointments through external recruitment to the Senior Civil Service, and hear and determine appeals in cases of concern about propriety and conscience under the Civil Service Code.