

Q → UK's king reigns but does not rule.
Discuss.

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1. Introduction:

British constitution is a child of wisdom and chance. It has grown like an organism from age to age. There is gap between constitutional theory and governmental practices. In England,

"Nothing is what it seems to be"

In theory the government of England is vested in the crown. All officers of government are the servants of king, summoned and dismissed at royal discretion. King is the source of all power. But on practice, the king has become merely a figure head. He reigns but does not rule. All the political powers has shifted from the king to the people's representatives in parliament.

2. Distinction between Crown and King:

This is just like the distinction between the "monarch" as person and "monarchy" as an institution

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(i) Succession to the throne

In Anglo-Saxon days, kingship was elective. Today succession through the throne is regulated by "Act of settlement", 1701, which provided in default heirs to William III and of his expected successor, Anne, through the heirs to princess Sophia, who was grand daughter of James I.

(ii) Principle of Hereditary

Principles of hereditary is determined by the rule of "Primogeniture" that means the elder in line being preferred to the younger and the male being preferred to a female.

The heir must be Protestant.

3 Powers of the King

The powers of the king are derived from two sources that are prerogative and statute.

Originally, the powers of crown were deemed to "prerogatives" which inhered in the king and were not conferred upon him by action of parliament. Later parliament began stripping away the powers of king and bestowing new ones.

According to Professor Dicey,

"The prerogatives are the residues of discretionary power which have been left legally with king."

Powers of king may be considered under these three categories.

(i) Executive powers

The king is the executive. All executive authority is vested in it. He is the head of state, all powers are exercised by his name

(a) power of appointment

It appoints all the high executives and administrative officers, judges, bishops, and the officers of army, navy and air force. He directs the work of administration, looks to

the enforcement of all national laws and hold a supreme command over the armed establishment as commander in chief.

(b) conducts country's foreign policy
king deals with foreign policy as he has the power to sign the treaties. He deals with the colonies and dominions. He can even declare war or peace.

(c) appointment of ambassadors
or appoints the ambassadors to the other states and receives ambassadors from other states.

(ii) Legislative powers

The king is not only an executive but also an integral part of national legislature.

(a) king summons and prologues the session of the British Parliament

(b) king delivers a speech on the beginning of session in which he discuss agenda how to work.

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(c) No bill passed by the parliament can become an Act unless and until assented to by the king.

(iii) Judicial powers

It is said, "The king is the fountain of justice". All the justice in England is rendered in the name of king.

(a) appointment of judges

The king appoints the judges, including the Justices of Peace in the counties. All the issues which come before the judicial committee are decided by the king.

(b) power of pardon and reprieve

The king exercises the prerogative mercy and may grant pardon to the person convicted of criminal offences.

(iv) Head of church

The king is the head of the British church. The archbishops, bishops and other officers are appointed by him. It is the final power in relation to ecclesiastical matters.

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4. Powers of king are exercised by cabinet

powers of king are immense and important but theoretically. In practice powers of king are exercised by the ministers of cabinet under the leadership of Prime minister.

(a) ~~Legislative~~ powers

king summons the parliament's session on the advice of cabinet ministers.

Cabinet prepares the speech of king.

Once a bill passed by cabinet, king is bound to sign it. He can hold

a money bill for one month and non-money bill for two years.

(b) Executive powers

king make appointments on the advice of cabinet. For the foreign

policy, cabinet have own foreign minister.

There is defence minister to declare

war or peace. They have own law

ministers to appoint judges.

“The cabinet in England is the steering wheel of the ship of state”

(Ramsay Muir)

5- The king can do no wrong
king is above all the responsibility for
the acts done in his name. No person
can plead the orders of the king
in defence of any wrong act by him.
The king can not authorise any person
to do an illegal act, it is the
officer who will be held responsible for
offence.

6- Conclusion

Cabinet is responsible for
the day to day administration of
UK. legislation is thus handmaid
of administration. It is the pivot
around which whole political machinery
revolves.

king virtually performs no official
acts on his own initiative. This was
the fact that led Sir Henry Maine
to remark that "the king of England
reign but does not rule"