

Module Name : 'Features of the UK Constitution '

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Paper Title : DSE Comparative Government.

Features of UK Constitution

1) Partly written, partly unwritten

The British Constitution to a large extent is of **an unwritten nature**. There is no such thing as a written, precise and compact document, which may be called as the British Constitution. But unwritten does not mean that none of its principles are written. There are several written parts to British Constitution e.g **Magna carta, Reforms Act, Parliamentary Act of 1911** etc. However unwritten means that the written part is lesser than the unwritten and written part was not written at one time.

2) Evolutionary

The British Constitution is a specimen of **evolutionary development**. It is a product of gradual growth and development. It has an unbroken continuity of development over a period of more than a thousand years. It has evolved itself in **different Charters, Statutes, precedents, usages and traditions**.

3) Parliamentary Sovereignty

It means that Parliament is Supreme. It can make ,unmake and repeal any kind of law and no court can question the validity of the laws passed by the British Parliament. There is no judicial review and no authority can declare that the laws made by Parliament as ultra vires.

4) Difference between Theory and Practice

Gap between constitutional theory and governmental practices. "The government in UK in theory is an absolute monarchy, in form a limited constitutional monarchy and in actual character democratic republic." Ogg

5) A Flexible Constitution

The British Constitution is a classic example of flexible Constitution. The British Constitution can be passed amended and repealed by a simple majority (50% of members present and voting of the parliament) since no distinction is made between a constitutional law and an ordinary law. The power to make and amend the constitutional law is vested in Parliament and no special procedure is required. This flexibility of the constitution permits it to be adapted more readily to the new conditions than is possible in any federal country.

6) A Unitary Government

The entire power of the government is vested in the **central government** at London. All the powers of the government are vested in the British Parliament, which is a sovereign body. The local areas, as they exist in Britain, derive their powers from the acts of Parliament which may be enlarged or restricted at its will. Parliament is constitutionally supreme and local government is merely an agent of the central Government.

7) A Parliamentary form of government

England has a Parliamentary form of government as distinct from Presidential type of government. The king is the nominal head of the State and the real functionaries are the Ministers who belong to majority party in Parliament. The ministers are both executive heads and members of Parliament.

8) Rule of Law

It is based on the Common law of the land and is the product of centuries of struggle of the British people for the recognition of their inherent rights and privileges.

It has three implications

- * All persons are equal before law, irrespective of their position or rank.
- * Supremacy of law and not of any individual
- * No one can be detained or imprisoned without a fair trial by a competent court.

9) **Blend of Monarchy, Aristocracy and Democracy**

The British Constitution is a mixture of the monarchical, aristocratic and democratic principles.

- *The British king represents the monarchy which rests on hereditary principle.
- * The House of Lords is the aristocracy representing the nobles of the land.
- * The House of Commons is the democracy representing the people of the land