

Constitutional and administrative law (uk)



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Constitutional and Administrative Law (UK) Common Law can be described as unwritten law of the people and can date back centuries, although it can also be described as laws that are determined and enforced by the courts.

The remaining powers of the monarchy derive from Common law.

Finally, Convention. These are unwritten rules that keep the behaviour of the constitutional figures in check. These conventions are also hard to put a date on as they can date back centuries.

The executive branch of the Constitution can be described as "... the core of government. The term refers to the political leaders who form the apex of government; it is the energising force of government. It is charged with directing nation's affairs, supervising how policy is carried out, mobilising support for its goals and providing both ceremonial and crisis leadership."

(Ian Wright, Exeter School, April 2001).

The first area of the executive branch to look at is the Cabinet.

The Cabinet is selected by the Prime Minister and is made up of between 20-24 government ministers who are responsible for running the departments of state and deciding government policy. The most senior members of the Cabinet are the Deputy Prime Minister, Foreign Secretary, Chancellor of the Exchequer and Home Secretary. Also, Members of parliament who are 'Parliamentary Private Secretaries' - unpaid assistants to ministers - there are about 110 members of the Government in all. With this in mind, the Cabinet represents about one-fifth of the whole Government. All Cabinet ministers must be members of parliament, either the Commons or the Lords. Most come from the Commons, but there must be some members from the Lords who can represent Cabinet there. Since the Lord Chancellor and Leader of the House of Lords are automatic members, there can be no fewer

than two representatives from the Lords.

The framework of the cabinet can be described as, "to take or review the major decisions (of Government), to consider (though not necessarily at the formative stage) any proposals which might affect the future of the Government, and to ensure that no departmental interests are overlooked, thus giving the work of the government a measure of unity" (Mackintosh, J. 1977).

The United Kingdom can be seen as a Cabinet government in that the Cabinet meet together as a collective body and discuss and debate on routine items, Parliamentary business, reports on foreign affairs and concerning government issues and also new legislations. Following discussion, decisions are made by the majority of the cabinet which then, if backed by the House of Commons, becomes Government policy. The members of the cabinet then follow a procedure known as 'collective responsibility' in which all members are expected to support the decisions of the Cabinet whether or not he/she has private discrepancies against the outcome(s) and also that relevant decisions are enforced by the officials in his/her department.

As well as the Cabinet, there is also the Cabinet committees and the Cabinet office.

The cabinet committees were established due to the 'sheer volume and complexity of modern governmental business, the bulk of decisions within the Cabinet system are taken by the Cabinet committees (either ministerial standing committees or ministerial ad hoc committees).' There are many forms of committee but their basic functions are to deal with less complex matters on behalf of the cabinet, either to take decisions themselves or

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prepare information for, mainly, the Cabinet.

The Cabinet office is another system set up due to the volume of government business. Its basic principles are to support the prime minister and the cabinet, to organise security and intelligence etc.

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