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Lesson Three

British Legal System (part A)

The United Kingdom is a union of four countries: England, Northern Ireland, Scotland and Wales. It is governed by a parliamentary system with its **seat of government** in London, the capital, and is a **constitutional monarchy** with Queen Elizabeth II as **the head of state**. **The monarch** of the UK also serves as head of state of fifteen other Commonwealth **realm**¹ countries (shown on the map below), putting the UK in a personal union with those other states.

The Commonwealth of Nations as of 2008



http://en.wikipedia.org/wiki/Image:Commonwealth_of_Nations.svg

England and Wales, Scotland and Northern Ireland all have their own legal systems, with minor differences in law, organization and practice. English law, which applies in England and Wales, and Northern Ireland law, which applies in Northern Ireland, are based on **common-law** and **equity law** principles and are different from other European legal systems which base mainly on **Roman law** principles which apply also to Scots law.

The UK has no single constitutional document comparable to the Constitution of the United States. We say that the country has an "unwritten" or *de facto* constitution. However, the majority of the British constitution does exist in the written form of **statutes**, **court judgments** and **European treaties**.

¹ **The Commonwealth**, is a voluntary association of 53 independent sovereign states, most of which are former British colonies, or dependencies of these colonies (the exceptions being the United Kingdom itself and Mozambique). The symbol of this free association is Queen Elizabeth II, known for this purpose as Head of the Commonwealth. A **Commonwealth realm** is any one of 16 sovereign states within the Commonwealth of Nations that each have Elizabeth II as their respective monarch

The Queen

According to the law the Queen is the head of the executive branch of the government, an integral part of the legislature, head of the judiciary, **the commander-in-chief of all the armed forces** of the Crown and the 'supreme **governor**' of the established Church of England.

The present monarch, Queen Elizabeth II, has reigned since 6 February 1952. She and her immediate family undertake various official, ceremonial and representational duties. As a constitutional monarch, the Queen is limited to **non-partisan** functions such as **bestowing** honours.

The Queen officially has numerous **Royal Prerogatives** (powers vested in the monarch), e.g. **the dissolution of the Parliament, the declaration of war, the calling of elections, the appointment and dismissal of ministers, the issuing and the withdrawal of passports**. However, in reality, they have been passed to politicians. They enable decisions to be taken without the backing of, or consultation with, Parliament. In practice, the Queen must follow the advice of government ministers.

The Royal Prerogative has only been used 13 times since 1947 to refuse passports, the last being 1976.

The UK has a constitutional monarchy – not an **absolute monarchy**. This means that the monarchy is apolitical and **impartial**. The work that it does in politics is largely symbolic. The work of the monarch **within the remit** of the royal prerogative is seen as being on behalf of elected ministers.

In the 19th century Walter Bagehot described the monarchy as being “symbolic and ceremonial” but with little actual power. Now this is even more true. **“The Queen reigns but does not rule”**.

Glossary

absolute monarchy	- monarchia absolutna
appointment and dismissal of ministers	- powoływanie i odwoływanie ministrów
bestow	- przyznawać, udzielać
calling of elections	- zwołanie wyborów
commander-in-chief of the armed forces	- dowódca sił zbrojnych
common-law	- prawo zwyczajowe
constitutional monarchy	- monarchia konstytucyjna
court judgment	- orzeczenie sądu
declaration of war	- wypowiedzenie wojny
dissolution of Parliament	- rozwiązanie Parlamentu
equity law	- prawo słuszności
European treaties	- traktaty Europejskie
governor	- zwierzchnik
head of state	- głowa państwa
impartial	- bezstronny
issuing of passports	- wydawanie paszportów
monarch	- monarcha
non-partisan	- bezstronny
Queen reigns but does not rule	- Królowa panuje, ale nie rządzi
realm / <i>reɪlm</i> /	- królestwo
Roman law	- prawo rzymskie
Royal Prerogatives	- przywilej królewski
seat of government	- siedziba rządu
statute	- ustawa
withdrawal of passport	- odebranie paszportu
within the remit	- w ramach kompetencji

Exercises

Reading Comprehension

Answer the question below in full sentences.

1. What is the Commonwealth?
2. What is the United Kingdom?
3. What political system has Great Britain got?
4. Has Great Britain got the Constitution?
5. What are the sources of English law?
6. Where does English law apply and what principles is it based on?
7. What are the Royal Prerogatives?
8. What does the sentence that “the Queen reigns, but does not rule” mean?

Lexis

1. What functions, according to law, does the Queen perform?

Fill in the gaps below with the words from the text above. The first letters of the words are given.

- a. The Queen is the h..... of the e..... branch.
- b. The Queen is an i..... part of the l.....
- c. The Queen is the h..... of the j.....
- d. The Queen is the c..... in chief of the a..... forces.
- e. The Queen is the supreme g..... of the C..... of England.
- f. In reality the Queen r..... but does not r.....

2. What Royal Prerogatives does the Queen have? Fill in the functions in the left column. Then think of the corresponding verbs and write them in the right column.

Functions	Corresponding Verbs
1. d..... of the Parliament	1. to dissolve the Parliament
2. d..... of war	2. to
3. c..... of elections	3. to
4. a..... of ministers	4. to
5. d..... of ministers	5. to.....
6. i..... of passports	6. to.....
7. w..... of passports	7. to.....

Prime Minister Gordon Brown has (a)..... a practising surgeon as a minister at the Department of Health.

Great Britain (b)..... war on Germany on 4 August 1914.

Before a General Election, Parliament (c)..... by Royal Proclamation. (d)..... is granted by the monarch at the request of the prime minister.

Zimbabwe's High Court declared that the invalidation or (e)..... or cancellation of the applicant's passport was unlawful, null, void and of no force and effect.

Ukrainian President Viktor Yuschchenko has threatened to use his right to (f)..... parliament and (g)..... early elections if a new coalition is not formed within 30 days.

More than a million British passports have (h)..... to immigrants over the past decade according to new Government figures. The 1,020,510 total - an average of 102,000 every year - means an immigrant is granted British citizenship every five minutes.

Answers

Reading Comprehension

1. The Commonwealth, is a voluntary association of 53 independent sovereign states, most of which are former British colonies, or dependencies of these colonies.
2. The United Kingdom is a union of four countries: England, Northern Ireland, Scotland and Wales.
3. Great Britain is governed by a parliamentary system with its seat of government in London, the capital, and is a constitutional monarchy with Queen Elizabeth II as the head of state.
4. The UK has no single constitutional document comparable to the Constitution of the United States. We say that the country has an "unwritten" or *de facto* constitution.
5. Sources of English law are statutes, court judgments and European treaties.
6. English law, which applies in England and Wales, is based on common-law and equity law principles.
7. Royal Prerogatives are privileges and powers vested in the monarch.
8. It means that the Queen's role is only symbolic and in practice, the Queen must follow the advice of government ministers.

Lexis

1. a. head executive
 b. integral legislature
 c. head judiciary
 d. commander armed
 e. governor Church
 f. reigns rule
- 2.

Functions	Corresponding Verbs
2. dissolution of the Parliament	3. to dissolve the Parliament
4. declaration of war	4. to declare war
5. calling of elections	5. to call elections
6. appointment of ministers	6. to appoint ministers
7. dismissal of ministers	7. to dismiss ministers
8. issuing of passports	8. to issue passports
9. withdrawal of passports	8. to withdraw passports

- (a) appointed (b) declared (c) was dissolved (d) dissolution
 (e) withdrawal (f) dissolve (g) call (h) been issued