



ROLE OF CUSTOMS AND CONVENTIONS IN UK

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Introduction:

- Conventions form a prominent part of the British Constitution. (Dicey)
- They are the unwritten maxim of the constitution says J.S. Mill.
- They form an important source of the English constitution which are in the form of customs and usages which regulate the most fundamental aspects of the British administrative system. These customs and usages are called as conventions of the constitution.
- These customs provide the lubricating oil which keeps the wheels of political machinery moving.

Difference between conventions and Law:

- There are difference between laws of the constitution and conventions of the constitution.
 - The difference between the two is more formal than real.
- I. Laws are made by legally constituted bodies but conventions are extra legal as it grows out of customs and practices.

Differences

2. Law is precise and to the point(Definite) and obeyed by everybody. Conventions are not formulated as they grow out of practices and customs. They may be modified from time to time.
3. Laws are enforced by the courts and their disobedience is punishable but conventions cannot be enforced in the courts of law.

Sanctions behind conventions:

- Violation of conventions does not invite any punishments.
- But they are followed because of the following reasons –
 - a. The conservative nature of the people.
 - b. Violations of any well established conventions is sure to arouse strong popular reactions (Public opinion).
 - c. These conventions are followed because of their utility.

Sanctions

- “They provide the flesh which clothes the dry bones of law” J.S. Mill.
- In the absence of conventions the structure and functions of the British Government might have been very different from what they are.
- Thus the laws are the steel framework but conventions provides the necessary flexibility for the smooth working of the governmental machinery in UK.

Kinds of conventions:

- For the sake of the convenience of our study we may classify them into –
 - a. Conventions relating to the Cabinet,
 - b. Conventions relating to the Monarch,
 - c. Conventions relating to the Parliament,
 - d. Conventions relating to the Dominions.

a. .Conventions relating to Cabinet:

- Following are the main conventions relating to the cabinet –
 1. Cabinet shall be responsible to the House of Commons.
 2. Ministers must be the members of the Parliament.
 3. Leader of the majority party in the Commons to be appointed as the PM.
 4. If the cabinet loses the confidence of the Commons either the cabinet should resign or the House of Commons shall be dissolved.

a. Conventions relating to Cabinet ..

5. PM alone can request the queen to dissolve to dissolve the House of Commons.
6. If a bill presented by the cabinet is not passed by Commons, the cabinet will have to resign.
7. Ministers are collectively responsible to the Parliament.
8. In case of serious crisis in domestic matters or foreign affairs the ministry must summon the parliament for consultation.

b. Conventions relating to Monarch:

1. The king shall summon the parliament at least once in a year.
2. If both the Houses of the Parliament passes a bill, the King will have to sign it.
3. The King will have to invite the leader of the majority party to form the government immediately after the general elections.
4. The king would not perform any functions without the advice of the cabinet.

b. Conventions relating to Monarch..

5. The king would generally dissolve the House of commons on the advice of the cabinet
6. He can appoint any number of Peers to the House of Lords with the advice of with the advice of the PM.
7. The queen is not to preside over the meetings of the cabinet.

c. Conventions relating to the Parliament:

1. Parliament must be convened at least once in a year.
2. The speaker of the House of commons shall be above party politics.
3. Once a speaker always be a speaker.
4. Speaker has a casting vote in case of a tie.
5. All money bill must first be introduced / originated in the lower House.

Conventions related to Parliament ..

6. Only Law Lords can sit when the House of Lords is acting as a court of appeal.
7. Every bill must be read 3 times in each house before it is being passed.
8. A speech from the government benches is to be followed by the speech from the opposition.
9. Bicameralism of the British Parliament is also a product of convention.
10. Her Majesty's Opposition is an idea based on convention.
11. The government will not initiate controversial legislation without specific mandate from the electorate.

d. Conventions relating to

Dominions:

- There are conventions relating to the relationship between the dominions and the UK. They are –
 1. Every dominion more or less is to be regarded as an independent state internally as well as externally however nominal allegiance to the Queen is to be given.
 2. The British cabinet should consult the dominions not only in matters of mutual interest but also in regard to matters which concern them E.g. any change in the law relating to succession to the Throne, etc.
 3. During the time of the appointment of the Governor General of a Dominion, the British Cabinet has to consult the Cabinet of the Dominion.
- The Statute of the Westminster 1931 contains all the conventions relating to the Dominions.

Conclusion:

- In conclusion we may say that these conventions are the rules of political behavior for the smooth working of the constitution and government in UK.
- These provide the blood and flesh to the constitution.
- Thus, J.S. Mill is very much right in saying that these conventions are “unwritten maxims” of the constitution.