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The King and the Prime Minister

The British constitution is unwritten and is built up on practice and precedent over very many years. Its procedure is well defined in some respects; in others less so; new situations arise and to meet them there are modifications, often imperceptible, which in themselves become precedents and part of established practice. For these reasons it is impossible in many cases to be dogmatic on broad constitutional issues, and it may well be misleading to say, for example, that "the King must do this" or that "the Prime Minister must do that." It will often be found that there is an exception or that an exception can be made which in itself will prove a precedent.

Therefore, to define in precise terms the general relationship between the King and the Prime Minister is difficult even if the matter were to be set out at length. It is impossible to do so in a few paragraphs. What follows is only a brief and simplified outline of the main principles of this relationship.

The British monarchy is hereditary and constitutional, the King being head of the State. Hereditary explains itself but constitutional needs some explanation. The first main point to note is that under this system Ministers must be prepared to assume responsibility for every act or omission of the King which has any political significance. This is a fundamental constitutional doctrine and it follows as a necessary corollary that on all such matters Ministers have the right to tender advice. This is the basis of the well-established tradition that in the last resort the King accepts the advice of his Ministers, although this does not in any way derogate from his right and indeed duty to make known to Ministers his views about or objections to any course of action they propose.

On general matters the King is advised by the Prime Minister, and on matters affecting only individual Departments of State by the Minister in charge of that Department.

It will be noted that Ministers are responsible not only for every act but also for any omission of the King which has political significance, and Ministers cannot avoid responsibility in any particular case by not choosing to tender advice. This would be a deliberate decision on their part and therefore they would still remain responsible. It may also be asked how it is possible to decide whether any act or omission will have political significance. This is not ordinarily in doubt and borderline cases can be adjusted by the exercise of tolerance and commonsense. On the whole, however, the tendency has been to regard more and more matters as having political significance.

The second main point which requires noting about the implications of constitutional monarchy in this country is that the King should not take sides in party politics. This was not observed even so late as the middle of the last century. But it is now an accepted principle of the monarchy in this country, and indeed one of its great strengths, that the King not only does not take sides but is clearly seen to be impartial. This, however, in no way affects the position that the King is entitled to expect the support of his Ministers where he has acted on advice and similarly that Ministers in their turn are entitled to expect the confidence of the King. Naturally the relationship between the Prime Minister and the King is closer than that of any other Minister.

The choice of a Prime Minister by the King is not made on formal advice or submissions. In many cases the choice is clear, but the King has an absolute right in all cases to consult anyone he pleases. This right may of course be of the greatest value in cases where there is doubt about the choice; such as in the event of the death of a Prime Minister in office, the resignation of the Prime Minister for personal reasons, a complicated political situation, and so forth. Nevertheless, as the King should not exercise, or appear to exercise, any political bias, he would normally choose as Prime Minister the leader of the Party having the largest number of seats in the House of Commons. Customarily he would make his choice in a clear case of this kind without any overt or personal consultations, as such consultations might imply political partisanship.

While there is no constitutional bar to the choice of a Peer as Prime Minister no such choice has in fact been made since the end of Lord Salisbury's administration in 1902, and the passing over in 1923 of Lord Curzon in favour of Lord (then Mr.) Baldwin may possibly mark a constitutional convention excluding a Peer from being Prime Minister.

The Prime Minister himself recommends to the King those whom he proposes for appointment to the Ministerial office comprising the Government. Equally the Prime Minister himself recommends any changes in Office or any dismissals from Office.

Although the nomination of Ministers rests with the Prime Minister, the King may exercise a considerable influence; but, being a constitutional monarch, he is bound in the ultimate resort to accept the advice of the Prime Minister, or find another Prime Minister who can command the support of the House of Commons or the country. There are no known cases in recent years when the King has in the final resort not accepted a recommendation of the Prime Minister for the appointment of a Minister.

In selecting the members of his administration the Prime Minister is not bound to consult anyone, though normally he would consult other leading members of his Party. The Cabinet as such, however, has no right to be consulted, but the Prime Minister is perfectly free to do so if he wishes.