

Dissolution Principles

Background:

Prerogative powers are exercised by the Sovereign on the advice of his or her ministers, or by ministers on the Sovereign's behalf. The powers that still can be exercised solely by the Sovereign are usually referred to as the 'personal Prerogative powers'. These include the power to appoint and dismiss the Prime Minister and, prior to the Fixed-term Parliaments Act 2011, included dissolution.

Since 2011, dissolution has been covered by the mechanics of the 2011 Act with only a residual set of conventions governing matters such as restrictions on government activity and the finalisation of Parliamentary business.

The Government is now proposing to repeal the 2011 Act and return to the pre-2011 status quo ante. Given the importance of the non-legislative principles that operate under the Prerogative powers, alongside the draft Fixed-term Parliaments Act 2011 (Repeal) Bill, the Government is publishing this draft statement of the non-legislative constitutional principles that apply to dissolution. The Government would welcome Parliament's careful scrutiny of these principles.

The effect of repeal of the 2011 Act on the principles surrounding dissolution:

In restoring the pre-2011 Act position, the United Kingdom is returning to a position where the Prime Minister (by virtue of commanding the confidence of the House of Commons), can advise the Sovereign to dissolve Parliament at a time of their choosing.

The circumstances in which a Prime Minister might seek a dissolution are underpinned by two core constitutional principles:

- The Prime Minister holds that position by virtue of their ability to command the confidence of the House of Commons and will normally be the accepted leader of the political party that commands the majority of the House of Commons.
- The Sovereign should not be drawn into party politics, and it is the responsibility of those involved in the political process to ensure that remains the case. As the Crown's principal adviser this responsibility falls particularly on the incumbent Prime Minister.

A return to the pre-2011 status quo ante will also restore the position whereby the Prime Minister, having lost a designated or explicit vote of confidence, can either resign or seek a dissolution, which would usually be granted and lead to an election.

The Sovereign, by convention, is informed by and acts upon the advice of the Prime Minister so long as the Government appears to have the confidence of the House, and the Prime Minister maintains support as the leader of that Government.