10. Prerogative Powers

This chapter examines the meaning and the continuing significance of prerogative powers. Prerogative powers are those that were originally exercised by the Monarch before the modern parliamentary system was established. While most prerogative powers have now been replaced by statutory powers, prerogative powers remain important in some contexts, especially in relation to the conduct of the United Kingdom’s foreign affairs. In this context the decision of the UK Supreme Court in *R (Miller) v Secretary of State for Exiting the European Union* is of particular importance. The chapter is organized as follows. Section 2 considers the various legal foundations on which central government ministers may base their actions and compares prerogative and statutory powers. Section 3 examines prerogative power—a source of power possessed only by ministers in UK government and the monarch—in more detail. Section 4 considers the progress towards the reform of ministerial prerogatives.
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