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## The United Kingdom

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### Britain's twenty-year constitutional revolution

Other chapters in this book record the common principles underlying the Westminster system of government, and the conventions which other countries have inherited or adapted from Westminster since the nineteenth century. This chapter has no such grand historical sweep, but focuses just on the last twenty years. Since the advent of the first Blair government in 1997 the United Kingdom has gone through an unprecedented period of constitutional change, which has seen the creation of important new conventions; modification of old conventions; codification of many conventions; and the demise of conventions rendered obsolete. So the United Kingdom's recent history is a test bed for the birth, death, evolution and codification of constitutional conventions. There have been so many changes to our conventions that coverage of each must necessarily be brief.

The constitutional reforms can be divided into four successive waves, linked to the different prime ministers in charge. Blair's first government (1997–2001) introduced the first big tidal wave of reforms, with the creation in 1998 of devolved governments and legislatures in Scotland, Wales and Northern Ireland; a directly enforceable bill of rights in the Human Rights Act 1998; and removal of the hereditary peers in 1999, leaving the House of Lords an almost entirely appointed House. His

second government (2001–2005) introduced a second wave of judicial reforms in the Constitutional Reform Act 2005, with the Lord Chief Justice replacing the Lord Chancellor as head of the judiciary, introduction of a Judicial Appointments Commission, and creation of the new Supreme Court, separate from the House of Lords. Then under Gordon Brown (2007–2010) a third wave focused mainly on codifying the prerogative powers, but with only modest results in the Constitutional Reform and Governance Act 2010. It was not until the fourth wave under David Cameron (2010–date) that the most important prerogative powers (appointing and dismissing a prime minister, summoning and dissolving parliament) were codified in the new Cabinet Manual; dissolution of parliament was brought under statutory regulation by the Fixed Term Parliaments Act 2011; and old conventions have been tested in the new context of coalition government.

These big constitutional reforms have led to changes in the main conventions governing the Monarch, executive, legislature and judiciary. The sweep of this chapter is deliberately wide, to remind readers that conventions operate in all branches of government. In all cases conventions are a code of self-restraint: about not exercising powers to the full, not abusing power and respecting the constitutional role and functions of the other branches of government. So to take just four examples covered in this chapter, there are conventions limiting the Monarch's choice of prime minister, conventions restraining the prime minister's power to make war, conventions constraining the Westminster parliament's exercise of its legislative power, and conventions regulating the conduct of the judiciary. In most cases conventions have been developed as a self-denying ordinance by one branch of government to restrain its own behaviour but occasionally in consultation with, or at the instigation of, others. At

the end of the chapter we consider who the guardians of each different convention are. Conventions may not be legally enforceable, but that does not mean they do not have enforcers.

## **New conventions resulting from United Kingdom's constitutional reform programme**

These big constitutional changes have given rise to some important new conventions to guide the behaviour of government and parliament in the new reformed world. The first two conventions discussed below arise from new processes required by devolution; the third from managing the composition of the new House of Lords; and the fourth from the operation of the Human Rights Act. They illustrate how conventions are created, some instantly but others more gradually. They also illustrate the fluidity of conventions; not everyone would agree that the second, third or fourth items yet count as conventions.

### ***Devolution conventions: the Sewel convention***

This convention was created instantly, on the floor of the House of Lords, during the passage of the Scotland Act 1998. Unlike in federal systems, the UK Parliament may still legislate on matters which are within the competence of the Scottish Parliament: Section 28(7) of the Scotland Act makes that clear. However during the passage of the Scotland Act, Lord Sewel (a government minister) announced that the UK government 'would expect a convention to be established that Westminster would not normally legislate with regard to devolved matters in Scotland without the consent of the Scottish Parliament.' This became known as the Sewel Convention, and was subsequently given

more formal expression in the Memorandum of Understanding (MoU) between the UK government and Scottish government, first issued in 2001 ([UK Government 2013](#): para 14). Under the convention, legislative consent motions are tabled before the Scottish Parliament for any UK legislation that trespasses on devolved matters, and it has become a convenient device for Westminster to legislate for Scotland, saving the Scottish Parliament the time and trouble of doing so.

### ***Devolution conventions: the need for referendums***

The requirement for referendums is less clear cut, and a convention which has grown more by usage than by declaration. Referendums were held in Scotland, Wales and Northern Ireland in 1997 and 1998 before legislating to establish the devolved institutions, and in 1998 before the creation of the Greater London Authority with a directly elected mayor (the first in the United Kingdom). A referendum was also held (and defeated) on the proposal for an elected Regional Assembly in the north-east of England in 2004. Have these precedents created a convention that devolution will not be introduced into any part of the United Kingdom without a referendum? And if established by referendum, is there an implied convention that devolved institutions will not be abolished or significantly altered without a further referendum? A referendum was subsequently held in Wales in 2011 before the Welsh Assembly was given primary legislative powers, but there was no referendum before the fiscal powers of the Scottish Parliament were extended in the Scotland Act 2012. (But, under the Sewel convention, the Scottish Parliament had given its consent to Westminster legislating to amend its powers).

In 2010 the House of Lords Constitution Committee held an inquiry into the use of referendums in the United Kingdom. Their report opened with a list of all the referendums held so far, and asked to what extent these created precedents for the future. In evidence, Professor Bogdanor suggested that ‘conventions have grown up’, that a referendum is required before any ‘significant devolution of powers away from Westminster’, or ‘when a wholly novel constitutional arrangement is proposed’. But although eight out of the nine referendums held in the United Kingdom since 1973 had related to devolution, the committee did not include devolution in its list of ‘fundamental constitutional issues’ which would require a referendum (2010 HL 99: Box 1, paras 89, 94).

## ***Proportionality convention for appointments to the House of Lords***

With the departure of almost all the hereditary peers in 1999, the House of Lords has become an all-appointed chamber, save for the ninety-two remaining hereditary peers and the twenty-six bishops. Appointments to the Lords are made on the advice of the prime minister. There is no limit to the size of the House, so it is open to the prime minister to pack the Lords with as many of his own party supporters as he likes. Aware of this danger, the Labour party declared in its 1997 election manifesto that ‘No one political party should seek a majority in the House of Lords... Our objective will be to ensure that over time party appointees as life peers more accurately reflect the proportion of votes cast at the previous general election’ (Labour Party Manifesto 1997). In office Blair remained true to this principle, and despite accusations of the appointment of Tony’s cronies, it was not until 2006 that the Labour group for the first

time outnumbered the Conservative group in the Lords. Brown was similarly restrained, and under his premiership the net increase in the Labour group was five members (Hazell 2010: ch 4.4 and fig 4.1; Russell 2011). The coalition government in 2010 repeated the proportionality principle that 'Lords appointments will be made with the objective of creating a second chamber reflective of the share of the vote secured by the political parties in the last general election' (Conservative/Liberal Democrat Coalition Agreement, 2010).

This is another example of a convention emerging through usage and the declaration of a principle which is then followed in practice. It has been followed by three prime ministers. So long as the House of Lords remains (almost) all appointed, it is hard to see any future prime minister departing from the proportionality principle. How many more instances do we need before it is considered to be a convention? (For a contrary view, see Russell 2011: 10–11).

### ***Human Rights Act convention: responding to declarations of incompatibility by the courts***

Under s. 4 of the Human Rights Act 1998, courts may make a declaration of incompatibility, which is a finding that a law does not comply with the European Convention on Human Rights (ECHR). This ruling does not invalidate the law, but constitutes formal notification to government and parliament that the law is incompatible with the Convention rights. It is an invitation to the political branches of government to legislate to remedy the breach. There is no legal obligation on them to do so, but a convention has developed that government and parliament will respond to declarations of incompatibility. Compliance is monitored by the parliamentary Joint

Committee on Human Rights, to which the government submits an annual report. The 2013 annual report records that of twenty-eight declarations of incompatibility made by the courts since 2000, nineteen had become final, that is had not been overturned on appeal or subject to appeal. Of those nineteen final declarations of incompatibility, eighteen had been remedied by primary or secondary legislation, with just one outstanding (Ministry of Justice 2013).

Again, this is an example of a convention developing through emerging practice. The one exception is an important one, on prisoner voting rights, where the government has been very slow to respond to a series of judgements by the European Court of Human Rights and the UK Supreme Court that the blanket ban on prisoner voting is incompatible with the ECHR. The eventual outcome of that issue is still unknown. Amongst academic commentators, Jeff King believes that there is a convention of compliance with declarations of incompatibility (King 2015); Francesca Klug is not so sure (Klug 2015).

### ***Convention requiring parliamentary vote before going to war***

One other new convention deserves mention, which does not originate from recent constitutional reform, but from changes in parliamentary practice. Following the parliamentary debate and substantive motion approving the invasion of Iraq in 2003, the bombing of Libya in 2011, and the disapproval by the House of Commons of the government's proposed bombing of Syria in 2013, it has been argued that there is now a convention requiring prior parliamentary approval before military action overseas, save in cases of urgent necessity (Phillipson 2013).

## Old conventions that have been modified

As other chapters have said, conventions are flexible and may need to be modified to adapt to changed circumstances. The United Kingdom provides two recent examples of changing conventions under the coalition government of 2010–15. The first is the relaxation of collective responsibility under the coalition. The coalition's procedural agreement provided that 'The principle of collective responsibility, save where it is explicitly set aside, continues to apply to all Government Ministers' (Prime Minister's Office et al 2010). The coalition's programme for government mentioned five issues on which the coalition partners and their ministers would be able to vote on opposite sides: the referendum to change the voting system for the House of Commons to Alternative Vote (AV), raising student tuition fees, introducing a married couple's tax allowance, renewing civil nuclear power and replacement of Trident nuclear missiles. There have also been two occasions when the coalition parties have formally voted on opposite sides. The first was in 2013, when Liberal Democrats voted to delay the boundary review reducing the House of Commons from 650 to 600 members of parliament (a Conservative policy) after Liberal Democrat proposals for an elected House of Lords had to be withdrawn following a rebellion by Conservative backbenchers. The second was in 2014, when the Liberal Democrats voted with Labour to support modification of the 'bedroom tax'.

A second convention which has been modified to reflect changed circumstances is the Salisbury convention. This is a self-denying ordinance of the House of Lords that the Lords will not block or wreck a bill in the governing party's manifesto. It originates from 1945, when the Labour government had just 15 Labour peers facing hundreds of Conservative peers, and the opposition leader in the Lords, Lord Salisbury, gave an



assurance that the Conservatives would not wreck the Labour government's post-war legislative programme. But with the removal of the hereditary peers in 1999 the Lords no longer has a built-in Conservative majority. This has led the Liberal Democrats to suggest that the convention no longer applies, and the Lords could be more assertive. But when the convention was reviewed by a joint parliamentary committee (see below), the opposite occurred: the committee restated the convention, with modifications, and added that in recent years the practice had emerged that the House of Lords would usually give a second reading to any government bill, whether or not it was in the governing party's manifesto ([Joint Parliamentary Committee on Conventions 2006](#): paras 98, 102).

## **Codification of conventions**

Recent years have seen the codification of many conventions, in different ways. This has not always been in the form of executive guidance, or 'soft law'. Conventions in the United Kingdom have been codified in statute; in intergovernmental agreements; in the reports of parliamentary committees; and in guidance issued by other branches of government, such as the judiciary. Examples of each are given below.

### ***Codification in statute***

After an initial fanfare ([Ministry of Justice 2007](#)) and comprehensive review of the prerogative powers ([Ministry of Justice 2009](#)) the Brown government's ambitious plans for constitutional reform ended with a whimper in the Constitutional Reform and Governance Act 2010. But the Act codified two of the prerogative powers, and thereby codified two conventions: on the neutrality of the civil service, and the 'Ponsonby rule'

on the ratification of international treaties. Part 1 of the Act put management of the civil service on a statutory footing, and enshrined in statute the civil service values of integrity and honesty, objectivity and impartiality. Part 2 codified the Ponsonby rule (first stated by Arthur Ponsonby MP, Under Secretary for Foreign Affairs in 1924) that treaties should not be ratified by the government unless they had first been laid before parliament, and twenty-one sitting days had been allowed for either House to object.

Two broader conventions have been codified in statute, about upholding the rule of law and the independence of the judiciary. Section 3 of the Constitutional Reform Act 2005 requires that 'The Lord Chancellor, [and] other Ministers of the Crown ... must uphold the continued independence of the judiciary'. It goes on to specify that 'The Lord Chancellor and other Ministers of the Crown must not seek to influence particular judicial decisions through any special access to the judiciary' (s. 3(5)), and lays on the Lord Chancellor a particular duty to defend judicial independence (s. 3(6)).

## ***Codification in intergovernmental agreements***

We have already noted how the Sewel convention, now known as the Legislative Consent convention, has been codified in the MoU between the UK and the Scottish governments. The MoU provides that 'The UK Parliament retains authority to legislate on any issue, whether devolved or not... However, the UK government will proceed in accordance with the convention that the UK Parliament would not normally legislate with regard to devolved matters except with the consent of the devolved legislature' ([Cm 7864 2013](#): para 14). The MoU is supported by Concordats and other procedural agreements to underpin the devolution settlement. Recognising that these procedural

agreements are like conventions, the MoU explains that it is not intended that the agreements should be legally binding.

## ***Codification by parliamentary committees***

The most notable example of codification by a parliamentary committee is the Joint Committee on Conventions in 2006. The committee was expressly established 'to consider the practicality of codifying the key conventions on the relationship between the two Houses of Parliament which affect the consideration of legislation'. It was asked to look in particular at the Salisbury convention, conventions on secondary legislation, the convention that the Lords dispatch government business in reasonable time and conventions on the exchange of amendments between the Houses. While emphasising throughout that conventions are flexible and unenforceable, the committee did clarify and sharpen three of the conventions under examination. They offered a definition of the Salisbury convention, and suggested that it be renamed the Government Bill convention, to reflect their view that it had been extended to all government bills, not just manifesto bills. They also suggested six exceptional circumstances in which the Lords might be justified in defeating secondary legislation; and while protesting that it was impossible to define 'reasonable time', they suggested that 80 sitting days might be long enough for government bills to spend in the Lords ([2006 HL 265; HC 212](#): paras 97–115, paras 229 and 283, paras 153–7).

The Lords Constitution Committee's inquiry into referendums in the United Kingdom was less successful in trying to identify the circumstances in which a referendum might be required. They concluded that referendums should be required for 'fundamental constitutional issues', and as examples listed proposals to abolish the

Monarchy, leave the European Union, for any of the nations of the United Kingdom to secede from the Union, to abolish either House of Parliament, change the electoral system for the House of Commons, adopt a written constitution or change the United Kingdom's currency ([2010 HL 99](#): para 94).

## ***Codification by executive guidance***

This is the most common way in which conventions are codified, in codes of conduct or other forms of 'soft law'. Such codes are not just issued by the executive. The judiciary have produced codes to regulate judges' behaviour, and these codes incorporate conventions. The Guide to Judicial Conduct, first issued in 2004 and revised in 2013, contains a detailed codification of all the conventions, great and small, which help to ensure the integrity and impartiality of the judiciary. The 2012 Guidance to Judges on Appearances before Select Committees sets out the 'longstanding constitutional conventions' which prevent judges from commenting on individual cases, the merits of other judges or politicians, the meaning of provisions in bills or pending legislation, or the merits of government policy ([Judicial Executive Board 2012](#): 2, para 3). The counterpart convention, that ministers do not criticise individual judges for their decisions, is harder to find in any executive guidance.

The most frequent form of codification of conventions is in guidance issued by the executive. The more important codes include the Ministerial Code of Conduct, the Civil Service Code of Conduct and most recently the Cabinet Manual. There is not enough space to discuss the conventions codified in the Ministerial and Civil Service Codes. Because of the interest generated in other countries (see, for example, Peter Russell's [Chapter 13](#)), discussion here focuses on the Cabinet Manual.

## The Cabinet Manual

The Cabinet Manual owes its origin to widespread fears before the United Kingdom's 2010 election about the uncertainty that might follow a 'hung parliament' in which no party commanded an overall majority. The process of appointing a new prime minister seemed shrouded in mystery, leading to speculation that an uncertain result would lead to political and economic chaos, or that the Queen herself might be forced to choose. In December 2009 the Constitution Unit published a report explaining the conventions about the appointment of a new prime minister, and urged the government to publish clear guidance about the process to be followed in a hung parliament, pointing to the New Zealand *Cabinet Manual* as an excellent model (Hazell et al. 2009). In February 2010 the Cabinet Secretary Sir Gus O'Donnell, with the consent of Prime Minister Gordon Brown, published *Elections and Government Formation* as an advance chapter of a new cabinet manual, just in time for the election. The guidance proved invaluable when there was a hung parliament two months later, leading to negotiations between the three main political parties over five days before the new government was formed. The beneficiary of those negotiations, the new Prime Minister David Cameron, endorsed the cabinet manual project. A consultation draft was issued in late 2010, which was scrutinised by three parliamentary committees, and the first edition of the *Cabinet Manual* was published in October 2011 (Cabinet Office 2010, 2011).

Many of the chapters in the Cabinet Manual contain relatively little that is new. The chapters on the executive and ministers, cabinet decision making, parliament, the law, the civil service, relations with the devolved administrations and the EU, government finance and official information draw heavily upon guidance already published elsewhere; what is valuable is drawing all the guidance together in one place.

The new material is to be found in [Chapter 1](#) on the Sovereign and [Chapter 2](#) on elections and government formation. For our purposes, [Chapter 2](#) is the most important, because it codifies for the first time the key conventions about the formation, resignation and dismissal of governments, and the summoning and dissolution of parliaments.

Parliamentary scrutiny of the Cabinet Manual focused mainly on [Chapter 2](#). Three committees conducted separate inquiries, but came to similar conclusions ([2011 HL 107](#); [2011 HC 734](#); [2011 HC 900](#)). They were concerned that the Cabinet Manual should record rules and precedents, but not itself be the source of any rule: it should be descriptive, not prescriptive. Where there was uncertainty about a convention, the manual should be open about the areas of doubt or disagreement. As one example of that, the committees focused on the question of whether, in the event of a hung parliament, there was a duty on the incumbent prime minister to remain in office until it was clear who could command confidence in the new parliament. In response, the government softened the drafting so that it now reads:

It remains a matter for the Prime Minister, as the Sovereign's principal adviser, to judge the appropriate time at which to resign ...

Recent examples suggest that previous Prime Ministers have not offered their resignations until there was a situation in which clear advice could be given to the Sovereign on who should be asked to form a government.

It remains to be seen whether or not these examples will be regarded in future as having established a constitutional convention. (*Cabinet Manual* [2011](#): para 2.10)

The Political and Constitutional Reform Committee criticised the government for omitting any mention of the new convention that there should be a parliamentary debate before going to war. In response the government inserted a new section recording previous precedents, and concluding:

In 2011, the Government acknowledged that a convention had developed in Parliament that before troops were committed the House of Commons should have an opportunity to debate the matter and said that it proposed to observe that convention except when there was an emergency and such action would not be appropriate. (Cabinet Office 2011: para 5.38)

The two Commons committees disagreed about the constitutional status of the Cabinet Manual. The Political and Constitutional Reform Committee toyed with the notion that the manual should be subject to parliamentary approval, or at least regular parliamentary debate, but the Public Administration Committee was clear that it was not appropriate for parliament to endorse the Cabinet Manual. The government agreed, and in its response to all three committees stated firmly:

- The Cabinet Manual is a document written by the Executive, for the Executive. It represents the Executive's best understanding of the laws, conventions and rules which govern the conduct of the Executive's business.
- The Cabinet Manual is primarily for Ministers and the Civil Servants that advise them. However, publishing the document will help aid good government and increase transparency.

- Cabinet should own and endorse the text. It would not be appropriate for the Civil Service to own the Cabinet Manual ...
- Parliament should not endorse the Cabinet Manual.

Although the government accepted that the Cabinet Manual should be purely descriptive, and not break any new ground, [Chapter 2](#) did sneak in three innovations. The first was an extension of the caretaker convention, so that it applies in three circumstances: once an election has been called; after an election, until it is clear who can command confidence in the new parliament; and following a mid-term loss of confidence ([Cabinet Office 2011](#): paras 2.27–2.31). Second was enforcement of the caretaker convention by the permanent secretary as accounting officer requesting a formal direction for any ministerial instruction deemed improper, with immediate publication of the direction, and notification to the auditor general and both houses of parliament (paras 2.32–2.33). The third innovation was to mention the role of the civil service in supporting negotiations between the parties as part of the process of government formation (paras 2.13–2.14).

## **Coalition government and its effect on conventions**

The coalition government of 2010–15 has had surprisingly little effect on constitutional conventions in the United Kingdom. It is a majority government, with a comfortable majority of seventy-six seats in the House of Commons, and it has governed in a majoritarian way. There have been plenty of rebellions by both Conservative and Liberal Democrat backbenchers, in both houses, but the conventions of Westminster



parliamentary government have been maintained. When the House of Lords Constitution Committee conducted an inquiry in 2014 into the constitutional implications of coalition government, they found relatively little to say. They rejected calls for an investiture vote to decide who could command confidence in a hung parliament, or for the opening debate on the Queen's Speech to become a debate on the coalition agreement when a coalition government had been formed (2014 HL 130: paras 52 and 60). They reserved their main strictures for the coalition's departures from collective responsibility, and suggested that the cabinet as a whole should agree any future departures (paras 77–9); but that was already provided for in the coalition government's procedural agreement (Prime Minister's Office et al. 2010: para 5.1). That procedural agreement remains a good starting point for any future coalitions: it covers all the main points, and has a clear exposition of the need for collective cabinet responsibility and party discipline (paras 2.1 and 5.1–5.5).

The one big change to conventions under the coalition was the introduction of fixed-term parliaments in the Fixed Term Parliaments Act 2011. This Act removes the power of the prime minister to call an early election and transfers the power to dissolve parliament from the prime minister to the House of Commons. In future, parliament can be dissolved for early elections in only one of two circumstances: following a successful no-confidence motion, if no alternative administration is formed within fourteen days; or if the House of Commons votes by a two-thirds majority for its own dissolution. The prerogative power of dissolution is abolished: not expressly, but by implication in s. 3(2), which provides that 'Parliament cannot otherwise be dissolved'. So long as the Fixed Term Parliaments Act remains part of the United Kingdom's constitutional

arrangements, all the academic writing about the circumstances in which the Monarch might properly accept or reject a request for dissolution is now obsolete.

## Conclusions

This chapter has given an overview of the many changes to constitutional conventions in the United Kingdom in the last twenty years, which have happened as a result of the major constitutional reforms under the Blair, Brown and Cameron governments. This has led to the creation of important new conventions; modification of old conventions; the codification of many conventions; and the demise of conventions rendered obsolete.

The most important development has been the codification of conventions. This has been undertaken by all three branches of government: the executive, parliament and the judiciary. It is helpful if conventions can be codified, in terms of public understanding, transparency and accountability. The strongest example of that was the codification in the Cabinet Manual of the conventions governing the appointment of the prime minister, which proved of real value when the 2010 election resulted in a hung parliament with no clear winner. Conventions which had been shrouded in mystery, understood only by a few constitutional experts, became public property when put into the public domain in the Cabinet Manual. The work of codification also generated political and public debate about the scope and meaning of the conventions. The Cabinet Manual was scrutinised and commented on by three parliamentary committees. Amongst the judges, the Guide to Judicial Conduct was the product of a working group which consulted with all levels of the judiciary, leading to lively professional debate about the conventions which underpin judicial independence ([Judges' Council 2013](#): 3–5).

One argument against codification is that conventions become set in stone, and lose their flexibility. The British experience shows that fear to be groundless. Codified conventions do not become set in stone, as can be demonstrated by the two examples given above. The Judges' Council set up a standing committee of nine judges to keep the Guide to Judicial Conduct under review, and in 2013 they produced a revised and updated version of the Guide, first published in 2004. It is the same with the Cabinet Manual, which was revised following comments on the consultation draft, and will periodically be revised in future. The New Zealand *Cabinet Manual* is now in its fifth edition, with significant changes made with each version.

Another criticism levelled at the Cabinet Manual was that it was wrong for the executive unilaterally to determine the scope and meaning of conventions governing executive behaviour (Blick 2014). Constitutional conventions, it is said, are indeterminate and difficult to codify, and shaped by the wider political environment: they cannot be monopolised by the executive. This kind of argument often comes from constitutional lawyers, who have a particular suspicion of the executive. They would not criticise the judiciary for producing the Guide to Judicial Conduct; nor would they criticise parliament for trying to codify the Salisbury convention which governs the relationship between the two houses. But each branch of government must take responsibility for its own behaviour, and for explaining the conventions which it will observe as restraints on that behaviour. The government was right to say, in response to suggestions that parliament should share ownership of the Cabinet Manual, that the Manual is a document written by the executive, for the executive. It represents the executive's best understanding of the laws, conventions and rules which govern the conduct of the executive's business.

This is not to say that other branches of government do not have an interest in the drafting and codifying of conventions, and in their observance. This is the final point to be made in these conclusions: that conventions have multiple guardians. We have seen examples of that throughout the chapter. Some conventions have very specific guardians: the main guardians of the caretaker convention in the United Kingdom are permanent secretaries blowing the whistle as accounting officers (and exemplifying the argument made in [Chapter 6](#) that public officials have become the interpreters and enforcers of the caretaker convention). But most conventions have multiple guardians, in other branches of government, amongst other political actors (such as opposition parties), the media and the wider public. There is no shortage of critical commentators to cry foul when conventions are flouted. The fact that conventions are not legally enforceable does not mean that they lack enforcers. Prominent amongst the guardians of conventions in the United Kingdom are now a series of specialist parliamentary committees, in particular the Lords Constitution Committee, the Joint Committee on Human Rights, the Commons Public Accounts Committee and the Commons Political and Constitutional Reform Committee. It is no coincidence that their reports are also prominent in the References which follow.

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