

Abstract

The thesis deals with prerogative powers and their role in the withdrawal of the United Kingdom from the European Union. It explains the meaning of the prerogative, shows how British courts employed it in *Miller I* and *Miller II* decisions, and outlines their effects on it.

The first part of the thesis explains the concept of prerogative. Firstly, it analyses concept's theoretical background in early modern constitutional thought and its conceptualization in the work of *John Locke*. Secondly, it explains the role of royal prerogative after the Glorious Revolution, as described by *William Blackstone* and *Albert Venn Dicey*, and its current position in the constitutional system of the United Kingdom. Furthermore, it introduces a general distinction between two conceptions of prerogative powers – the political (non-legal) one and the legal one – and outlines the relationship between the British royal prerogative, law, Parliament, and courts.

The second part of the thesis deals with a case study of judicial decisions pertaining to the process of withdrawal of the United Kingdom from the European Union. Specifically, the *Miller I* case, which addressed the existence of prerogative power to notify the intent to withdraw from the European Union (under Article 50 TEU), and the *Miller II* case concerning the prorogation of the British Parliament shortly before the deadline for withdrawing from the European Union. The thesis presents and analyses their political context, opinions of legal academics, overview of court proceedings and judicial reasoning as well as their immediate constitutional and political consequences.

Finally, the thesis discusses the possible effects of *Miller I* and *Miller II* cases on the theoretical understanding of royal prerogatives and their role in the British constitutional system. It shows how they affected the relationship between the British Parliament and royal prerogatives (in favour of the former) and how the Supreme Court of the United Kingdom utilised the review of prerogative power to take the role of the guardian of the constitution.