JUDICIAL REVIEW AND CONSTITUTIONAL SUPREMACY IN NIGERIA AND THE UNITED KINGDOM

Donald Igbinosa Eboigbe*

Abstract

Judicial review refers to the power of the court to examine the actions and decisions of the legislative, executive, and judicial arms of government to determine whether they are consistent with the provisions of the constitution. This article examines judicial review and constitutional supremacy in Nigeria and the United Kingdom. It examined how the courts in these two countries exercise judicial review and the limits placed on their powers. Nigeria operates the principle of Constitutional democracy; however, this is not so with the United Kingdom, which is based on a parliamentary system. These different systems affect the manner in which the judiciary relates to the executive and legislative arms of government. Also, this article made a comparative analysis of the constitutional basis of judicial review in the two countries and considers the extent to which the court can exercise control over or question the acts of governmental institutions. Although the extent and scope of judicial review differ among the two jurisdictions, the judiciary remains an important arm of government as it helps in maintaining constitutional government. To protect constitutional democracy, an independent and effective judicial review is necessary.

Keywords: Judicial review, constitutional supremacy, constitutional democracy, fundamental rights, rule of law

*Igbinedion University, Okada, donald.eboigbe@iuokada.edu.ng, donald.eboigbe@gmail.com, B.Sc. Industrial, Mathematics (UNIBEN), Masters in Business Administration (UNIBEN), Masters in Public Administration (UNIBEN), Masters in Economics (UNIBEN), Bachelors of Law (Benson Idahosa University), PhD. Comparative Politics (Igbinedion University, Okada).

1. INTRODUCTION

Constitutional supremacy is a principle of constitutional government. It means that the Constitution occupies the highest position within the legal order and that all institutions, public officials and ordinary laws derive their authority from, and remain subject to, it.[1] Where governmental action conflicts with the Constitution, the principle of constitutional supremacy requires the conflicting action to be declared invalid or otherwise rendered legally ineffective.[2] It therefore provides the foundation for the rule of law, the protection of fundamental rights and the limitation of public power.

Judicial review is the principal institutional mechanism through which constitutional supremacy is enforced. It refers to the power of the courts, when properly exercised in a justiciable dispute, to examine the constitutionality or legality of legislative, executive and, in appropriate circumstances, judicial acts. Through constitutional interpretation, declarations, injunctions and other remedies, courts determine whether public authorities have acted within the powers conferred upon them. Judicial review consequently enables the judiciary to act as guardian of the Constitution, watching over governmental powers and protecting individuals against unconstitutional exercises of authority.

The relationship between constitutional supremacy and judicial review is particularly evident in Nigeria and the United States. Both jurisdictions operate written constitutional systems in which the Constitution is legally superior to ordinary legislation. In Nigeria, section 1 of the Constitution of the Federal Republic of Nigeria 1999 establishes the supremacy of the Constitution and renders any

[1] Sobowale Anuoluwapo Kehinde, 'Supremacy of the Constitution of the Federal Republic of Nigeria 1999' *Record of Law* <https://recordoflaw.in/supremacy-of-the-constitution-of-the-federal-republic-of-nigeria-1999/> accessed 24 August 2026.
[2] ibid

inconsistent law void to the extent of its inconsistency.[3] Section 6 vests judicial powers in the courts and provides the institutional basis for adjudicating constitutional disputes.

The position in the United Kingdom is materially different. The United Kingdom traditionally operates under the principle of parliamentary sovereignty, according to which Parliament is the supreme law-making authority and the courts cannot ordinarily invalidate an Act of Parliament.[4] Judicial review consequently focuses primarily on executive and administrative action rather than on striking down primary legislation.[5] Nevertheless, the courts exercise significant constitutional functions through statutory interpretation, review of delegated legislation, enforcement of common-law constitutional principles and the protection of rights under the Human Rights Act 1998.[6] The distinction between these jurisdictions shows that judicial review may exist in both constitutional-supremacy and parliamentary-sovereignty systems, although its scope, remedies and constitutional justification differ.

Judicial review is therefore essential to constitutional democracy, but it is not unlimited. Courts must act within their jurisdiction, decide genuine legal disputes and respect the distinction between adjudication and policy-making. Their authority may also be weakened by disregard for court orders, inadequate enforcement mechanisms, constitutional breaches without effective consequences, and public

[3] Shehu Ajepe Taiwo, 'Judicial Review and Judicial Supremacy: A Paradigm of Constitutionalism in Nigeria' (2011) 11 International and Comparative Law Review (No. 1) 45–75, <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1678533> accessed 24 August 2026.
[4] Umashankar Dhakar, 'The Evolution of Judicial Review in United Kingdom' (2022) 10(1) *International Journal of Creative Research Thoughts* <https://ijcrt.org/papers/IJCRT2201526.pdf> accessed 24 August 2026.
[5] ibid
[6] ibid

ignorance of constitutional rights.[7] These challenges demonstrate that constitutional supremacy depends not only on constitutional text and judicial doctrine but also on institutional compliance, judicial independence, public awareness, and respect for the rule of law.

This paper comparatively examines the constitutional basis, scope and limits of judicial review in Nigeria and the United Kingdom. It first considers the meaning of constitutional supremacy and its relationship with judicial review. It then analyses the Nigerian constitutional supremacy before examining the United Kingdom's model of parliamentary sovereignty. Finally, it assesses executive and legislative control in relation to judicial review in both jurisdictions. The central argument is that while the two jurisdictions adopt different constitutional arrangements, judicial review remains an essential means of ensuring that public power is exercised according to law and that constitutional government is not reduced to a merely formal commitment.

2. JUDICIAL REVIEW UNDER THE NIGERIAN CONSTITUTION

Judicial review is the legal process through which the courts examine the validity of legislative, executive and, where appropriate, judicial acts to determine whether they conform to the Constitution and other applicable laws.[8] It enables the judiciary to invalidate unconstitutional conduct, restrain public authorities from exceeding their powers and

[7] Sobowale Anuoluwapo Kehinde, 'Supremacy of the Constitution of the Federal Republic of Nigeria 1999' *Record of Law* <https://recordoflaw.in/supremacy-of-the-constitution-of-the-federal-republic-of-nigeria-1999/> accessed 24 August 2026.

[8] Ogbuabor, C. A. "Expanding the Frontiers of Judicial Review in Nigeria: The Gathering Storm." *Nigerian Juridical Review*, vol. 10, 2011–2012, pp. 1–21< https://law.unn.edu.ng/wp-content/uploads/sites/12/2016/08/1.-Expanding-the-Frontiers-of-Judicial-Review-C.A.-Ogbuabor.pdf > accessed 24 August 2026.

provide remedies where legal rights have been violated.[9] In Nigeria, judicial review is closely connected with constitutional supremacy, separation of powers and the rule of law. Nigeria operates a federal constitutional system in which the Constitution is the supreme law. Section 1(1) of the Constitution of the Federal Republic of Nigeria 1999 provides that the Constitution is supreme and binding on all authorities and persons throughout the Federal Republic of Nigeria.[10] Section 1(3) further provides that any law inconsistent with its provisions is void to the extent of the inconsistency.[11] Consequently, neither the executive nor the legislature may lawfully exercise powers contrary to the Constitution. Judicial review is the principal means through which this supremacy is enforced.

a. Constitutional Supremacy

The constitutional foundation of judicial review in Nigeria may principally be found in sections 1 and 6 of the 1999 Constitution. Section 1 establishes constitutional supremacy, while section 6 vests judicial powers in the courts established for the Federation and the States.[12] These judicial powers include the determination of disputes concerning civil rights, obligations and the interpretation and application of the Constitution.

The vesting of judicial power in the courts reflects the principle of separation of powers. Legislative power is exercised by the National Assembly and State Houses of Assembly, executive power is exercised by the President and Governors, while judicial power is vested in the courts.[13] Each arm of government is therefore subject to

[9] ibid
[10] Constitution of the Federal Republic of Nigeria 1999 (as amended)
[11] ibid
[12] ibid
[13] Constitution of the Federal Republic of Nigeria 1999 (as amended), ss 1(1), (3), 4(8), 6(6)(b); see also Attorney-General of Ondo State v Attorney-General of the

constitutional limitations, and the judiciary has the responsibility of determining whether those limitations have been respected.

The jurisdiction of a court, however, is not unlimited. A court must be properly constituted and must possess jurisdiction over the subject matter and parties before it.[14] It must also be dealing with a justiciable dispute involving a legally recognized right, obligation, or interest.[15] Where no enforceable legal right or obligation is disclosed, the court cannot properly invoke its adjudicatory powers.[16] Similarly, courts established by statute must act within the jurisdiction conferred upon them by the Constitution or their enabling legislation.

Judicial review should therefore not be understood merely as an unlimited inherent power of the judiciary. Its existence and scope depend upon the constitutional structure of the jurisdiction concerned. In a country operating a written and supreme Constitution, such as Nigeria, the courts may review legislation and executive action for constitutional compliance.[17] In a system founded on parliamentary

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Federation (2002) 9 NWLR (Pt 772) 222 (SC); Garba v University of Maiduguri (1986) 1 NWLR (Pt 18) 550 (SC); Ogbuabor, "Expanding the Frontiers of Judicial Review in Nigeria" (2011–2012) 10 Nigerian Juridical Review 1. pp. 1–21< https://law.unn.edu.ng/wp-content/uploads/sites/12/2016/08/1.-Expanding-the-Frontiers-of-Judicial-Review-C.A.-Ogbuabor.pdf > accessed 24 August 2026.

[14] *Madukolu v. Nkemdilim* (1962) 2 SCNLR 341 (SC); *Buhari v. Adebayo* (2022) 13 NWLR (Pt 1848) 533 (SC)

[15] Ogbuabor, "Expanding the Frontiers of Judicial Review in Nigeria" (2011–2012) 10 Nigerian Juridical Review 1. pp. 1–21< https://law.unn.edu.ng/wp-content/uploads/sites/12/2016/08/1.-Expanding-the-Frontiers-of-Judicial-Review-C.A.-Ogbuabor.pdf > accessed 24 August 2026.

[16] ibid

[17] Attorney-General of Ondo State v Attorney-General of the Federation (2002) 9 NWLR (Pt 772) 222 (SC); Attorney-General of Abia State v Attorney-General of the Federation (2002) 6 NWLR (Pt 763) 264 (SC).

sovereignty, however, courts may not possess the authority to invalidate primary legislation.[18]

b. Judicial review of legislative action

The Nigerian courts may examine whether legislation has been enacted in accordance with the Constitution. This includes both the substance of the legislation and the procedure through which it was made. A law may be invalid because it infringes a constitutional right, exceeds the legislative competence of the enacting body, or fails to comply with constitutionally prescribed law-making procedures.[19]

The significance of procedural constitutional requirements was demonstrated in Attorney-General of Bendel State v Attorney-General of the Federation.[20] In that case, the Supreme Court examined the provisions of sections 54, 55 and 58 of the 1979 Constitution concerning the passage and assent of legislation.[21] The Court held that until the two Houses of the National Assembly had validly passed the Allocation of Revenue (Federation Account, etc.)[22] in accordance with the Constitution, it could not be treated as a Bill properly passed by the

[18] British Railways Board v Pickin 1974 AC 765 (HL)

[19] Constitution of the Federal Republic of Nigeria 1999 (as amended), ss 1(1), (3), Chapter IV and Second Schedule; see also Attorney-General of Ondo State v Attorney-General of the Federation (2002) 9 NWLR (Pt 772) 222 (SC); Attorney-General of Abia State v Attorney-General of the Federation (2002) 6 NWLR (Pt 763) 264 (SC); Attorney-General of Bendel State v Attorney-General of the Federation (1981) 12 NSCC 314 (SC).

[20] ibid

[21] Constitution of the Federal Republic of Nigeria 1979, ss 54, 55, 58; *Attorney-General of Bendel State v Attorney-General of the Federation* (1981) 12 NSCC 314 at 330–340 (SC).

[22] Attorney-General of Bendel State v Attorney-General of the Federation (1981) 12 NSCC 314 at 330–345 (SC) (holding that the Allocation of Revenue (Federation Account, etc.) Act, 1981 was invalid for non-compliance with ss 54, 55 and 58 of the 1979 Constitution, so that there was no valid bill for Presidential assent).

National Assembly.[23] Consequently, the President could not validly assent to it as constitutionally required.

The decision confirms that legislative bodies do not possess an unlimited or inherent authority to disregard constitutional procedures. The legislature derives its law-making power from the Constitution and must exercise that power within the conditions imposed by it. As Fatayi-Williams CJN observed:

> A legislature which operates a Federal written constitution in which the exercise of legislative power and its limits are clearly set out has no power to ignore the conditions of law making that are imposed by that constitution which itself regulates its power to make law."[24]

The principle established in Attorney-General of Bendel State is important for two reasons. First, it confirms that judicial review may examine the procedure by which legislation is enacted. Secondly, it establishes that constitutional supremacy applies not only to the content of legislation but also to the process of law-making. A legislature cannot rely on its representative character or institutional status to avoid compliance with mandatory constitutional requirements.

Where legislation is inconsistent with the Constitution, the court may declare it void to the extent of the inconsistency. The court may also sever the invalid portion where the remainder of the legislation can operate independently. Where possible, the court may interpret a statute consistently with the Constitution, but it cannot rewrite the legislation or assume the legislative function.

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[23] ibid

[24] *Attorney-General of Bendel State v Attorney-General of the Federation* (1981) 12 NSCC 314 at 336–338 (SC) (Fatayi-Williams CJN).

c. Judicial review of executive action

Judicial review also enables Nigerian courts to examine the acts and decisions of executive authorities.[25] The executive must act within the powers granted by the Constitution, legislation and valid regulations.[26] It must not exercise power for an improper purpose, rely on irrelevant considerations or disregard procedures required by law.

Executive action may be challenged where it is:[27]

a. ultra vires or outside the authority of the decision-maker;
b. inconsistent with the Constitution or an Act of the National Assembly;
c. procedurally unfair;
d. made in bad faith;
e. based on irrelevant considerations;
f. made for an improper purpose;
g. irrational or unreasonable;
h. discriminatory; or
i. inconsistent with a protected fundamental right.

Judicial review of executive action is essential because executive authorities exercise extensive powers affecting citizens' liberty, property, employment, movement and access to public services.[28] The existence of executive discretion does not mean that the discretion is

[25] Constitution of the Federal Republic of Nigeria 1999 (as amended), ss 1(1), (3), Chapter IV and Second Schedule; see also Attorney-General of Ondo State v Attorney-General of the Federation (2002) 9 NWLR (Pt 772) 222 (SC); Attorney-General of Abia State v Attorney-General of the Federation (2002) 6 NWLR (Pt 763) 264 (SC); Attorney-General of Bendel State v Attorney-General of the Federation (1981) 12 NSCC 314 (SC).

[26] Attorney-General of Bendel State v Attorney-General of the Federation & 22 **Ors** (1981) 12 NSCC 314; (1981) 4 NCLR 1.

[27] Constitution of the Federal Republic of Nigeria 1979, ss 54, 55, 58; *Attorney-General of Bendel State v Attorney-General of the Federation* (1981) 12 NSCC 314 at 330–340 (SC)

[28] ibid

immune from legal control. Discretion must be exercised according to law and for the purpose for which it was granted.

The courts may issue declarations, injunctions, orders of mandamus, certiorari and prohibition, depending on the nature of the unlawful conduct. A declaration identifies the legal position, while an injunction restrains or compels conduct. Mandamus may require a public authority to perform a public duty, certiorari may quash an unlawful decision, and prohibition may prevent an inferior court or tribunal from exceeding its jurisdiction.

3. JUDICIAL REVIEW IN THE UNITED KINGDOM

Judicial Review is a procedure in English Administrative law by which the court supervises the exercise of public power on the application of an individual.[29] A person who feels that an exercise of such power by a government authority, such as a minister, local council or a statutory tribunal, is unlawful, perhaps because it has violated his or her rights, may apply to an administrative court for judicial review of the decision and have it set aside and possibly obtain damages.[30] The English Constitutional theory, as expounded by A V Dicey, does not recognize a separate system of Courts that would review the decisions of public bodies.[31] Instead, it considered that the government should be subject to the jurisdiction of ordinary common law courts. At the same time, Parliamentary Sovereignty does not

[29] Ministry of Justice, *The Independent Review of Administrative Law*, CP 407 (March 2021) 27, available at <https://assets.publishing.service.gov.uk/media/6053383dd3bf7f0454647fc4/IRAL-report.pdf > accessed 25 August 2026.

[30] House of Commons Library, *Judicial Review Reform*, Research Briefing, available at <https://commonslibrary.parliament.uk/judicial-review-reform/> accessed 25 August 2026.

[31] Judicial Review and Courts Act 2022, Explanatory Notes, para 2, available at <https://www.legislation.gov.uk/ukpga/2022/35/notes/division/3/index.htm> accessed 25 August 2026.

allow for the judicial review of primary legislation (Acts of Parliament).[32]

The United Kingdom has no single codified constitutional document.[33] Its constitution derives from statutes, common-law principles, judicial decisions and constitutional conventions. In this system, parliamentary sovereignty and the rule of law operate as two principal constitutional foundations.[34]

AV Dicey's understanding of parliamentary supremacy contains two propositions:[35]

i. Parliament may make or unmake any law whatsoever.
ii. No person or institution, including the courts, may override or set aside an Act of Parliament.

The President of the UK Supreme Court has recently restated this position by explaining that UK courts cannot strike down legislation enacted by Parliament merely because they regard it as unconstitutional.[36] Instead, courts interpret legislation through established principles designed to protect legal certainty, fundamental rights and the rule of law.[37]

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[32] UK Parliament, 'Parliamentary Sovereignty', available at <https://www.parliament.uk/about/how/role/sovereignty/> accessed 25 August 2026.
[33] House of Commons Library, *The United Kingdom Constitution: A Mapping Exercise*, Research Briefing CBP-9384 (25 July 2025), available at <https://commonslibrary.parliament.uk/research-briefings/cbp-9384/> accessed 25 August 2026.
[34] ibid
[35] A.V. Dicey, *Introduction to the Study of the Law of the Constitution* (10th ed., Macmillan 1959) 3–4.
[36] Lord Reed (President of the UK Supreme Court), 'Mechanisms of Constitutional Review' (Speech, 15 July 2026)< https://supremecourt.uk/uploads/speech_lord_reed_15072026_bf12b86dd4.pdf > accessed August 2026.
[37] ibid

This makes judicial review in the UK different from constitutional review in countries such as the United States, Nigeria etc. In those systems, a constitutional court may invalidate legislation that conflicts with a written constitution. In the United Kingdom, judicial review primarily controls the exercise of public power rather than the validity of primary legislation.

a. Parliamentary supremacy

Parliamentary Sovereignty has been regarded as the core and the most basic principle of the British Constitution for a long time.[38] A.V. Dicey has elaborated on the concept in great detail and was of the view that "the sovereignty of Parliament is (from a legal point of view) the dominant characteristic of our political institutions.[39] "Further, he went on to describe the doctrine classically as: "The principle of parliamentary sovereignty means neither more nor less than this, namely, that Parliament... has, under the English constitution, the right to make or unmake any law or whatever; and, further, that no person or body is recognized by the law of England as having a right to override or set aside the legislation of Parliament.[40]

Parliamentary supremacy limits the constitutional power of the judiciary in important ways.

If Parliament enacts legislation, the courts must generally apply it.[41] Even where an Act interferes with fundamental rights, the courts cannot normally declare it void.[42] The courts may interpret the Act narrowly, presume that Parliament did not intend to remove basic

[38] A V Dicey, *Introduction to the Study of the Law of the Constitution* (10th edn, Macmillan 1959) 3–4.
[39] ibid
[40] ibid
[41] *R (Jackson) v Attorney General* 2005 UKHL 56, 2006 1 AC 262; *R (Miller) v Secretary of State for Exiting the European Union* 2017 UKSC 5, 2018 AC 61.
[42] ibid

rights without clear words, or issue a declaration of incompatibility under the Human Rights Act 1998.[43] However, the legislation remains legally valid unless Parliament changes it.

This reflects the distinction between legal supremacy and political accountability. Courts determine what Parliament's legislation means and whether executive bodies have complied with it. Parliament retains the final authority to amend or repeal primary legislation.

b. Human Rights Act declarations

The Human Rights Act 1998 illustrates the relationship between judicial review and parliamentary supremacy.[44] Under section 3, courts must interpret legislation, so far as possible, in a manner compatible with Convention rights.[45] This interpretive obligation can sometimes produce an interpretation that departs significantly from the ordinary meaning of statutory language.[46]

Where a rights-compatible interpretation is not possible, section 4 permits certain senior courts to issue a declaration of incompatibility.[47] Such a declaration does not invalidate or suspend the legislation.[48] The statute continues to have full legal effect; Parliament decides whether and how to respond.

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[43] Human Rights Act 1998 (c. 42), ss 3–4, available at <https://www.legislation.gov.uk/ukpga/1998/42 > accessed Aug 25 2026.
[44] Human Rights Act 1998 (c. 42), ss 3–4; *R (Jackson) v Attorney General* 2005 UKHL 56, 2006 1 AC 262; *R v Secretary of State for the Home Department, ex p Simms* 2000 2 AC 115; *Ghaidan v Godin-Mendoza* 2004 UKHL 30, 2004 2 AC 557; *R (Anderson) v Secretary of State for the Home Department* 2002 UKHL 46, 2003 1 AC 837.
[45] ibid
[46] ibid
[47] ibid
[48] ibid

This arrangement is often described as a weak-form model of judicial review. Courts identify legal incompatibility, but Parliament retains the power to make the final legislative decision. This therefore strengthens rights protection without formally transferring legislative supremacy from Parliament to the judiciary.

c. Executive Control in the UK

The UK constitution is based on a fusion rather than a strict separation of powers. The executive consisting mainly of the Prime Minister, Cabinet and government departments is normally drawn from Parliament.[49] This means that ministers are both members of the executive and members of the legislature.[50] Although this arrangement allows the government to introduce and implement policies efficiently, it also gives the executive considerable influence over Parliament.[51]

The government exercises executive control in several ways. First, it normally controls the parliamentary timetable through the Leader of the House.[52] Since most government business is introduced as legislation, control of parliamentary time enables the executive to determine which policies receive priority and when they are debated.[53] Second, the executive usually controls the legislative agenda. In the House of Commons, a government with a strong majority can generally pass its Bills because members of the governing party are

[49] David Torrance, *The United Kingdom Constitution – A Mapping Exercise* (House of Commons Library Research Briefing CBP-9384, 23 April 2025) <https://researchbriefings.files.parliament.uk/documents/CBP-9384/CBP-9384.pdf > accessed Aug 24 2026.
[50] ibid
[51] ibid
[52] House of Commons, *Leader of the House of Commons* <https://www.parliament.uk/about/mps-and-lords/principal/leader-commons/> accessed 25 August 2026.
[53] ibid

expected to support government policy.[54] The party-whip system reinforces this control by encouraging MPs to vote according to the position of their party.[55] As a result, Parliament may sometimes appear to be more concerned with approving government proposals than independently developing policy.

Third, the executive exercises influence through delegated legislation.[56] Parliament often passes an enabling Act that gives ministers authority to make detailed rules, regulations and statutory instruments.[57] Delegated legislation is necessary because Parliament cannot examine every technical detail of modern government.[58] However, it can increase executive power because ministers may create legally binding rules with less parliamentary debate than is required for a primary Act of Parliament.[59]

The executive also controls significant financial and administrative resources.[60] Government departments prepare budgets and determine how public policies will be implemented. Parliament authorizes taxation and public expenditure, but the government usually initiates financial proposals.[61] This gives the executive an important practical advantage over Parliament.

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[54] *Executive Dominance and the British Constitution* (Jake Hinks, 2021) <https://publications.aston.ac.uk/id/eprint/44121/1/HINKS_JAKE_2021.pdf > accessed 25 August 2026 ; *How do Parliamentary Majorities Work?* (PA Media, 22 June 2024) <https://pa.media/blogs/election-fact-check/how-do-parliamentary-majorities-work/> accessed 25 August 2026.
[55] ibid
[56] ibid
[57] ibid
[58] ibid
[59] ibid
[60] ibid
[61] ibid

However, executive control is not unlimited. Ministers must retain the confidence of the House of Commons, comply with Acts of Parliament and act within the limits of the law. They may also be challenged by opposition parties, backbench MPs, parliamentary committees, the courts, the media and public opinion. Therefore, executive control exists alongside systems of accountability.

d. Legislative Control of the Executive

Legislative control refers to the methods used by Parliament to supervise, influence and restrain the executive. Parliament's central constitutional functions include making laws, approving taxation and public spending, representing citizens and holding ministers accountable.[62] Government ministers are politically accountable to Parliament and are expected to explain and justify their decisions publicly.[63]

One important method is parliamentary questioning. MPs may question ministers during oral question sessions, submit written questions or ask urgent questions when a matter requires an immediate response.[64] Prime Minister's Questions provides a direct opportunity for MPs to challenge the Prime Minister, while departmental questions allow ministers to be questioned about the work of their departments.[65] Although questions do not always force the government to change its

[62] House of Commons, *Accountability to Parliament Accountability to Parliament* <https://www.parliament.uk/about/mps-and-lords/members/raising/ > accessed 25 August 2026.
[63] ibid
[64] House of Commons, *Question Time Question Time* <https://www.parliament.uk/about/how/business/questions/> accessed 25 August 2026 ; House of Commons, *Urgent Questions*< https://www.parliament.uk/about/how/business/urgent-questions/ > accessed 25 August 2026.
[65] ibid

policy, they expose weaknesses and place ministerial decisions on the public record.[66]

Parliamentary debates are another means of control. MPs and members of the House of Lords can debate government policies, proposed legislation and matters of public concern. Opposition parties use debates to criticize the government, while government backbenchers may raise concerns about policies proposed by their own party.[67] Debates can therefore influence public opinion and may encourage ministers to amend or withdraw proposals. Also, select committees provide more detailed scrutiny.[68] These committees investigate the work of government departments; examine policy and question ministers, civil servants and outside experts.[69] They can request documents and summon witnesses within their jurisdiction. Select committees have become one of Parliament's principal mechanisms for examining government policy and administrative action.[70] Their reports are not usually legally binding, but they can generate political pressure and require the government to publish a response.[71]

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[66] ibid
[67] House of Commons Library, *House of Commons Trends* (Research Briefing CBP-9042, 2023) <https://researchbriefings.files.parliament.uk/documents/CBP-9042/CBP-9042.pdf > accessed 25 August 2026; House of Commons, *MPs' Guide to Procedure* (various sections: Questions, Oral Questions, Written Questions, Urgent Questions)< https://guidetoprocedure.parliament.uk/> accessed 25 August 2026.
[68] ibid
[69] ibid
[70] House of Commons, *Select Committees Select Committees* <https://www.parliament.uk/about/how/committees/select/ > accessed 25 August 2026; Institute for Government, *Select Committees Select Committees* (23 May 2024) <https://www.instituteforgovernment.org.uk/explainer/select-committees > accessed 25 August 2026.
[71] ibid

Parliament also controls the executive through the legislative process. Government Bills must pass through several stages in both the House of Commons and the House of Lords. These stages include first reading, second reading, committee examination, report stage and third reading.[72] At each stage, Parliament may debate the Bill, propose amendments and identify possible effects of the proposed law. Parliamentary consent is required before primary legislation can become law.

The House of Lords can provide an additional check on the government, particularly when it examines Bills in committee and proposes amendments.[73] Its power is limited because the Parliament Acts restrict its ability to block certain Commons legislation indefinitely. Nevertheless, the Lords' expertise and detailed scrutiny may lead the government to reconsider or modify its proposals.[74]

Financial control is also fundamental. The government requires parliamentary approval for taxation and public expenditure.[75] Parliament examines whether money has been spent for the purposes for which it was authorized. The House of Commons has a particularly important role in financial matters because it is the elected chamber. Bodies such as the Public Accounts Committee scrutinize government

[72] Cabinet Office, *Guide to Making Legislation* (2025 ed.) <https://assets.publishing.service.gov.uk/media/68c14f2b7596dbfa052bfde2/2025_Guide_to_Making_Legislation_-_September.pdf > accessed 25 August 2026.
[73] ibid
[74] ibid
[75] House of Commons, *Bill Stages Bill Stages* (MPs' Guide to Procedure) <https://guidetoprocedure.parliament.uk/collections/6jKbMbJM> accessed 25 August 2026; Institute for Government, *The Legislative Process in Parliament The Legislative Process in Parliament* (17 October 2023) <https://www.instituteforgovernment.org.uk/explainer/legislative-process-parliament> accessed 25 August 2026.

spending and investigate waste, inefficiency and poor financial management.[76]

Finally, the most powerful political sanction available to the House of Commons is a vote of no confidence.[77] If a government loses the confidence of the Commons, it may be forced to resign or seek a new mandate.[78] In practice, this mechanism is most effective when the government has a small majority, faces rebellion from its own MPs or depends on support from other parties.

4. RECOMMENDATIONS

Drawing from this comparative analysis, the following recommendations are proposed:

a. For Nigeria:

i. Strengthen enforcement mechanisms: Legislative and executive compliance with court orders should be institutionalized through clearer statutory frameworks and consequences for disregard of judicial decisions.
ii. Enhance public constitutional literacy: Sustained civic education programmes should promote awareness of constitutional rights and the role of judicial review in protecting them.
iii. Safeguard judicial independence: Adequate funding, security of tenure, and protection from political interference are

[76] ibid
[77] House of Commons Library, *Confidence Motions Confidence Motions* (Research Briefing SN02873, 13 July 2025) < https://researchbriefings.files.parliament.uk/documents/SN02873/SN02873.pdf > accessed 25 August 2026.
[78] ibid

essential to maintain judicial capacity to exercise constitutional review without fear or favor.

b. For the United Kingdom:

i. Clarify the constitutional status of judicial review: Statutory codification or authoritative constitutional convention should articulate the relationship between parliamentary sovereignty and judicial review to reduce uncertainty.
ii. Strengthen parliamentary scrutiny of human rights compliance: Enhanced pre-legislative scrutiny and more systematic government responses to declarations of incompatibility would improve rights protection within the parliamentary sovereignty framework.
iii. Preserve common-law constitutional principles: Courts should continue developing principles such as the rule of law, legality, and procedural fairness as complementary safeguards alongside statutory human rights protection.

c. For both jurisdictions:

i. Promote comparative constitutional dialogue**:** Judges, legal scholars, and practitioners should engage with developments in other jurisdictions to enrich understanding of judicial review's evolving role in constitutional democracy.
ii. Balance judicial review with democratic accountability: Courts must remain mindful of the distinction between adjudication and policy-making, respecting legitimate spheres of executive and legislative discretion while maintaining constitutional boundaries.

However, constitutional supremacy whether expressed through formal constitutional hierarchy or parliamentary sovereignty tempered by judicial review depends not merely on legal doctrine but on the

sustained commitment of all branches of government and the citizenry to constitutional government as a living reality.

5. CONCLUSION

This comparative examination demonstrates that judicial review serves as an indispensable mechanism for constitutional governance in both Nigeria and the United Kingdom, notwithstanding their fundamentally different constitutional architectures. Nigeria's constitutional supremacy model, anchored in section 1 of the 1999 Constitution, empowers courts to invalidate inconsistent legislation and executive acts, thereby establishing the judiciary as the ultimate guardian of constitutional order. By contrast, the United Kingdom's parliamentary sovereignty tradition constrains judicial review to executive and administrative action, with courts unable to strike down primary legislation but exercising significant constitutional influence through statutory interpretation, common-law principles, and the Human Rights Act 1998.

The analysis reveals that while the scope, remedies, and constitutional justification of judicial review differ between these jurisdictions, its essential function remains constant: ensuring that public power is exercised according to law and preventing constitutional government from degenerating into mere formality.

However, judicial review is not self-executing. Its effectiveness depends upon institutional compliance, judicial independence, adequate enforcement mechanisms, public awareness of constitutional rights, and sustained respect for the rule of law. Where these supporting conditions are weak, even robust constitutional text and judicial doctrine may prove insufficient to maintain meaningful constitutional constraints on governmental power.