

The British Constitution

- I. Sources of the British Constitution
- II. Principles of the British Constitution
- III. Qualifications to the Westminster Constitution
- IV. Constitutional Reform
- V. A Written Constitution for Britain?

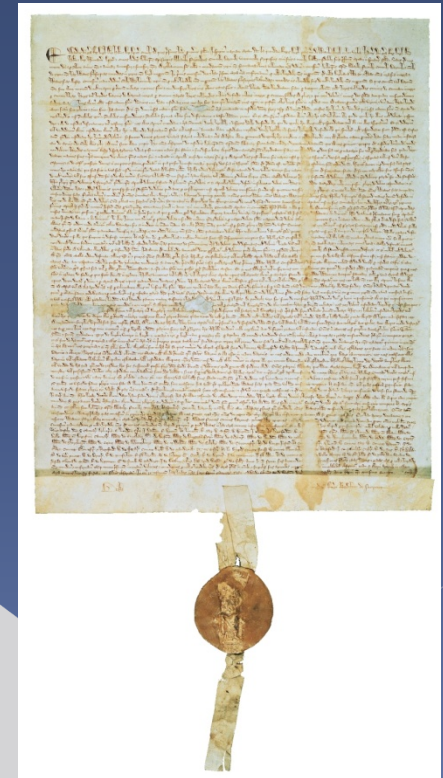


I. Sources of the British Constitution

- ◉ Statute Law (Acts of Parliament)
- ◉ Common Law
 - › Prerogative Powers (powers exercised in the name of the Crown)
- ◉ Convention
 - › EX: ministerial responsibility, royal assent, no confidence votes
- ◉ Works of Authority
 - › EX: Erskine May; A.V. Dicey; Walter Bagehot
- ◉ EU Law

I. Principles of the British Constitution

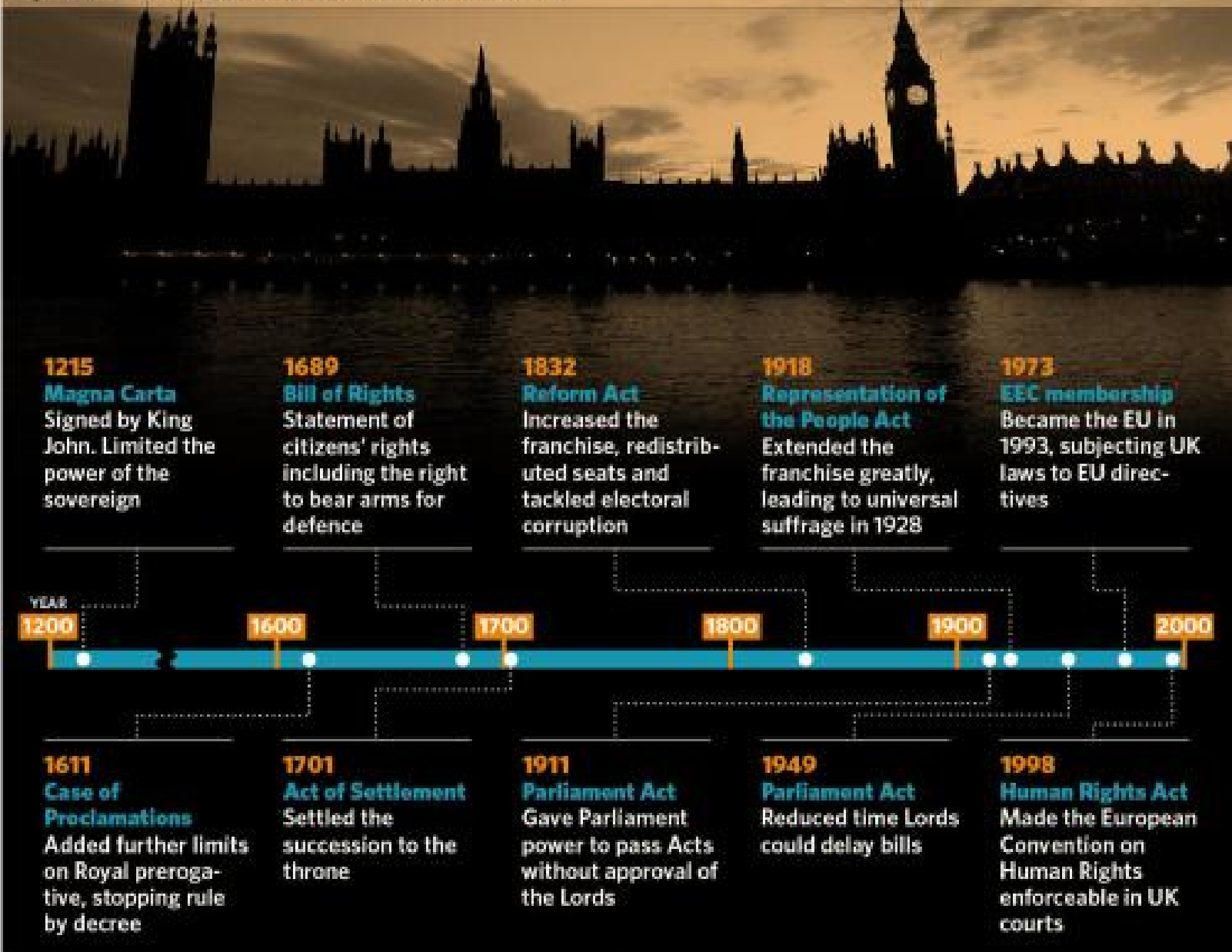
- ◉ An 'Historic Constitution'
- ◉ Main Constitutional Principles
 - › Constitutional Monarchy
 - › Unitary State
 - › Parliamentary Sovereignty
 - › Cabinet Government
 - › Rule of Law
 - › Democratic Accountability
- ◉ The "Westminster Constitution"



Where it all began –
the Magna Carta

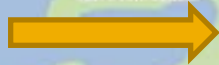
The long road to rights

Key dates in the evolution of the UK's unwritten constitution





**Whitehall
(Executive/
Government
Departments)**



**Westminster
(Parliament)**



III. Qualification to the Westminster Constitution

- ◉ Membership in the European Union
 - > Joined in 1973; referendum in 1975
 - > Surrender of sovereignty to Brussels
- ◉ Devolution
 - > *Ultra vires* principle
 - > (Political) ability to repeal?
- ◉ Human Rights Act (1998)
 - ◉ Incorporates the European Convention of Human Rights directly into EU Law
- ◉ Sovereignty shared upwards, downwards, sideways

IV. Constitutional Reform

- ◉ Devolved institutions
 - › Scotland, Wales, Northern Ireland
 - › London (Assembly and Mayor)
 - › English regions?
- ◉ Human rights and information
- ◉ (Some) reform of the Lords...
- ◉ ...but no electoral reform!
- ◉ A Supreme Court
- ◉ How much of a change?

Tony Blair –
Accidental Radical



Government in London



London
Town
Hall



Current London Mayor
Boris Johnson (yes, the
hair always looks like that)



Boris' nemesis,
former Mayor
"Red" Ken
Livingstone

IV. A Written Constitution for Britain?

BENEFITS OF CURRENT STRUCTURE:

- Allows for flexibility and evolutionary change
- British democracy works
- A written constitution would give too much power to judges

BENEFITS OF A CODIFIED CONSTITUTION:

- Reflects changed power structure
- Would establish formal protection against government abuse (EX: anti-terrorism laws)
- Would improve the legitimacy of the system