

British Constitution

A constitution is a set of laws on how a country is governed. The British Constitution is unwritten, unlike the constitution in America, and, as such, is referred to as an uncodified constitution. The British Constitution can be found in a variety of documents. Supporters of our constitution believe that the current way allows for flexibility and change to occur without too many problems. Those who want a written constitution believe that it should be codified so that the public as a whole has access to it - as opposed to just constitutional experts who know where to look and how to interpret it.

Amendments to Britain's unwritten constitution are made the same way - by a simple majority support in both Houses of Parliament to be followed by the Royal Assent.

The British Constitution comes from a variety of sources. The main ones are:

- **Statutes such as the Magna Carta of 1215 and the Act of Settlement of 1701.**
- **Laws and Customs of Parliament; political conventions**
- **Case law; constitutional matters decided in a court of law**
- **Constitutional experts who have written on the subject such as Walter Bagehot and A.V Dicey.**

There are two basic principles to the British Constitution:

- The Rule of Law
- The Supremacy of Parliament

The main arguments for a written and codified constitution:

Parliament is currently unrestrained:

It can make or unmake any law.

It cannot be checked by any other branch of the system

Its heavy workload can mean poor laws are passed

The Unitary system can mean the creation of laws that are inappropriate to regions of the UK

- ~ The independence of the Judiciary would be protected
- ~ Basic rights of citizens are identified and guaranteed
- ~ There will be less constitutional crises as there will not be confusion as to what is 'unconstitutional behaviour'
- ~ A large parliamentary majority means the domination of the legislature by the executive. An "elective dictatorship"
- ~ The first past the post system creates an "exaggerated mandate" for the largest party, which is unlikely to have over 50% of the votes (this has not happened since 1945)
- ~ Without a Bill of Rights, it is Parliament's duty to preserve liberties. However these can be removed at any time by Parliament (e.g. Internment, the Prevention of Terrorism Act).

The main arguments against a written and codified constitution:

- ~ "If it ain't broke, don't fix it". The British constitution has served us well over the centuries, so why change the system now. After all, if it needs to change in future then it can continue to evolve.
- ~ The current system provides strong and effective government. There is accountability and supreme authority.
- ~ Judicial issues. A written constitution has to be relatively vague to allow it to evolve as society evolves. However this means it will be constantly open to judicial interpretation. This is a problem for a number of reasons:

Judges are unelected but would be able to overrule an elected Parliament

Judges are unaccountable and do not have to answer to Parliament or the public

Judges are unrepresentative of the public, as such they are unlikely to represent minority groups or activists, and will interpret the law in a biased way.

~ What would go in a written and codified constitution? Politicians on the left and right would disagree massively over the contents of a constitution

~ The will of politicians. A constitution only works if politicians are willing to act in a constitutional manner and abide by the documents of the constitution. Even the courts cannot force the government to conform.