

## Pre A Level Task

### The UK Constitution

A constitution is the rulebook by which a country is governed, every country's constitution has its own unique characteristics and origins. Constitutions are all different from Authoritative dictatorships like North Korea and the Soviet Union to Western democracies. The UK has an uncodified constitution which means there is no single legal document which sets out in one place the fundamental laws outlining how the state works, unlike the US which has a written constitution. However, the UK's constitution is not unwritten it just has many sources which is a result of the history of Britain as Constitutions are usually written after countries experience a revolution or a regime change. The sources of the British constitution are Stature Law, Common Law, Royal Prerogative, authoritative opinions and, conventions.

Statute Law is a written law passed by an Act of Parliament and is enforceable in court, most statute laws do not affect the constitution but some do as they affect the way we are governed and the relationships within the state an example of this is the Constitutional reform act of 2005 which made significant changes to the House of Lords which separated the House's judicial function from Parliament and ended the Lord Chancellor's combined role as head of the judiciary, a member of the executive and Speaker of the House of Lords and also created the supreme court. Statute Law includes laws that impact civil rights such as the Human Rights Act of 1998 which incorporated the European Convention on Human rights into UK law.

Common Law is made by judges and is relevant to every person in Britain and is law based on judgements made in court so if one court rules something in a case then every other court must also do the same in future if they face a similar case. Most laws concerning civil rights began this way as not a product of the legislative process but using past circumstances which have been judged to form a legal action. Some historical documents such as the Magna Carta are based on Common Law. However, Statute law can repeal or modify rights granted under common law.

Royal prerogative consists of the number of powers or privileges in the past that were performed by royals but now are performed by Ministers on their behalf however the power is derived from the crown not Parliament so Parliament is opened by the sovereign and on her behalf. Royal Prerogatives include the rights to declare war, make treaties, give orders to the armed forces, dissolve parliament, appoint minister and disperse honours. So, although the armed forces are those of the monarch 'Her Majesty's Armed Forces' in reality decisions about deployment and other issues are made by the government.

Writings and books can clarify the inner workings of the constitution however have no legal authority so examples including the Cabinet Manual from 2010 which sets out the main laws, rules and conventions affecting the conduct and operation of the government are there simply for smooth running of the government and are not usually formally approved by parliament and therefore can be easily amended. These writings are just to inform of pre-existing rules and conventions not wishing to change them.

Conventions are unwritten traditions that enable government and political activity to run more as such as the 1945 Salisbury- Addison convention where the lords agreed not to delay policies in the governing party's manifesto. However, conventions have no legal authority and are not protected by anything but tradition if it is to work properly there must be a shared understanding from all parties and what it means. Usually conventions work well one example is when in 2010 David Cameron formed a coalition government after the election.

However, these sources of the constitution are very flexible so conventions can be broken just like in 1909 when the Lords rejected the people's budget. Acts of Parliament can be repealed, and the works of authority have no legal weight. However there are some advantages to an uncodified constitution too for example it is more flexible and more amendable in comparison to America for example who have had 27 Amendments as it is too hard to amend it must receive a 2/3 vote of approval in both Houses of congress or a request from 2/3 of state legislatures to call a national convention and then it must be ratified by ¾ of all states, so the Bill of rights are all amendments to the US Constitution. So, the UK's constitution being more flexible meant that for example in 1999 Parliament could change the composition of the Lords by passing the Act with the Judiciary having no power to challenge it. This means without a legal procedure to change the constitution the way the UK is governed can be adjusted to the needs of the current society. But having an uncodified constitution also means its less accessible and is subject to interpretation, also the powers of the executive, legislature and judicial branches are not defined, which can lead to ambiguity, uncertainty and possible conflict between the three pillars of government.

The UK's Constitution is uncodified not unwritten as it can be found written down in various sources for example the Acts passed by parliament are written and important constitutional documents like the Magna Carta are also written so they are written just not all in one single document.

#### Extension Task

At A Level you will also have to compare this to the Constitution of the USA.

The US has a written Constitution which was written in 1787 which introduced a new government system with a bicameral legislature consisting of two elected houses the house of Representatives and the senate in which every state has two senators. There are 7 articles of the Constitution: the legislative branch, the executive branch, the judicial branch, the states, Amendment, debts supremacy oaths and Ratification. Article one is Congress so there are two elected houses which can make laws, discuss, and enforce tax and can deploy the army. Then in Article two the executive, which is the president who enforces law, wages war, and negotiates treaties as well as appointing government officials. Thirdly is the judicial branch which is the supreme court which interprets the law and is considered the weakest. All these branches of government are to make sure that no one branch has too much power so it is all separated and also by having multiple branches there are more checks done between the different parts of government for example Congress can impeach the executive or impeach the supreme court, the supreme court can claim the executive or the congress to be unconstitutional and the executive can veto congress's law making and can add or change judges to the supreme court.

There are some similarities between the UK and USA's constitution for example there are legislative, executive and judicial branches however in the US these are all kept separate so the President isn't part of Congress but in the UK the Prime Minister has to be an MP and in parliament to be Prime Minister so it's a fusion. The UK has no legal procedure to change the constitution however in the Us there is a very strict procedure.