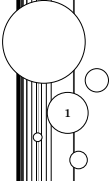


THE UK CONSTITUTION

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LAWS REQUIREMENTS

- o Come to class prepared with read and précis notes (chapter 6 - Heywood).
- o Annotate your notes during the lecture.
- o Raise your hand if you have a question.
- o Turn OFF your mobile before the start.

WHO POLICES THE POLICE?

- o If we give authority to a political body how can we make sure that body doesn't abuse that power?
- o The answer is a Constitution. A constitution is simply a set of rules that govern the government. These are the 'rules of the game' of politics.



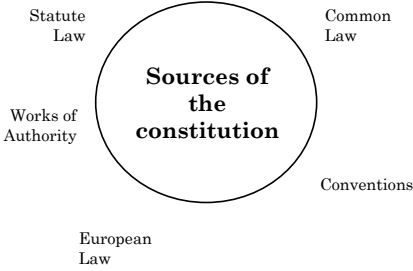
TYPES OF CONSTITUTIONS

- o 3 methods of assessing different constitutions
 - › Codified/ uncodified constitutions
A codified constitution is written in a single document.
 - › Unitary/ federal constitutions
Federal systems divide power between two tiers of government.
 - › Rigid/ flexible constitutions
Codified constitutions are likely to be inflexible. Why?

A BRIEF CLASS DISCUSSION ..

Does Britain have a Constitution? If so, what type of constitution is it and how does it work?

THE UK'S UNCODIFIED CONSTITUTION



THE UK'S UNCODIFIED CONSTITUTION

- o **Statute Law.** Statutes are Laws passed by Parliament. Can you name a law that effects our constitution?
- o **Common Law.** These are laws that come from custom and tradition rather than from Parliament. They are usually judge made. Can you name any?
- o **Conventions.** Non-legal rules that govern the conduct of those in power.

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THE UK'S UNCODIFIED CONSTITUTION

- o **Works of Authority.** Written by academics these are books on constitutional issues. Name three authors.
- o **European Law.** Since joining the EC in 1973 Britain has been subjected to European Law. Name three European treaties.
- o **Question:** Where does the European Convention of Human Rights fit in?

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FEATURES OF BRITAIN'S CONSTITUTION

- o **Parliamentary sovereignty**
The idea of SOVEREIGNTY is key to the study of politics. If a body is sovereign then it has absolute political POWER! This means that the MP's in parliament can make/change any law they want. Is this legitimate? Is Parliament really sovereign?
- o **Constitutional monarchy**
One of the 'dignified' (as opposed to the efficient) parts of the constitution, serves as a symbol to the world.

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FEATURES OF BRITAIN'S CONSTITUTION

- o **Parliamentary govt / Cabinet govt**
The UK has a fused system of government with the executive drawn from the legislature.


Function	Role
Executive	Implement/propose law
Legislative	Make/pass law
Judiciary	Interpret law

Do MP's in the executive have too much power?

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FEATURES OF BRITAIN'S CONSTITUTION

- o **EU membership**
Has the UK lost some of its sovereignty to the EU? Or have we gained 'pooled' sovereignty? Does parliamentary sovereignty mean that we can leave whenever we want?
- o **The rule of law**
This means that the law covers both private citizens and public officials. There are four characteristics of the rule of law (See Heywood pages. 264-266) . Create a diagram showing these characteristics.



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SOVEREIGNTY IN OUR CONSTITUTION

Break into groups, discuss and make notes the following issues (report back to the class).



1. Do we elect our Prime Minister? What are the implications of that?
2. What gives an elitist organisation like parliament the right to claim sovereignty over other political institutions?
3. How does the EU encroach upon parliamentary sovereignty? Is this acceptable?

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STRENGTHS AND WEAKNESSES OF THE UK'S CONSTITUTION

Strengths	Weaknesses
Flexibility	Uncertainty
Democratic rule	Elective dictatorship
Effective government	Centralisation
History and tradition	Weak protection of rights

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STRENGTHS

- o In order to change the UK's constitution all you need to do is pass an act of parliament. This means the UK can adapt to changing circumstances. Is this always a good thing?
- o Because the House of Commons is elected (and supreme) we can see a continuous link to democratic principals since the electoral reforms of the 19th Century. This can be linked to a decrease in power of our unelected second chamber.

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STRENGTHS

- o Our electoral system and fusion of powers means that government is usually allowed to push through its manifesto promises. Does this imply a tyranny at the heart of British democracy?
- o Conservatives believe that tradition is an important part of our constitution. Our institutions are 'tested by time'. If it isn't broke don't fix it!

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WEAKNESSES

- o With so many sources to our constitution it is sometimes difficult to know what the constitution says. This is especially true of the unwritten parts..... such as?
- o What do you think the term elective dictatorship means? (see page 179 of Heywood)
- o Even though the Human Rights Act 1998 defends our rights these can still be overturned by parliament-for example, terrorist legislation.

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WEAKNESSES

- o Our constitution can be accused of being overly central. This is because:
 - › PM tends to dominate the cabinet
 - › The HOC dominates the HOL
 - › The executive controls the parliament (HOC) through the Whips
 - › Central government controls local government.

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1997-2007 LABOUR REFORMS

- o New Labour were very interested in amending the UK's constitution (much to the horror of traditional conservatives).
- o Recreate the table on recent constitutional reforms, ranking them in order of importance.

Has New Labour gone too far – or not gone far enough?

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COALITION REFORMS

- o The Queens speech in May 2010 set out the following ideas:
- o 1. Referendum on adopting AV for Parliamentary elections
- o 2. The right of Recall
- o 3. A fully or significantly elected HoL
- o 4. No additional powers moving to EU
- o 5. Referendums on any more EU treaties
- o 6. A requirement of 55% to dissolve Parliament.
- o Phew..what a lot!

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CLASS DISCUSSION

- o **Split the class into two pressure groups.**

Using the pages 186-189 of the Heywood text book discuss the importance of introducing a codified constitution. One side to be arguing in favour of such a change, the other side arguing against it.

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FOCUS ON....CHECKS AND BALANCES

- o **Using the Heywood text book (start on page 180) define the terms 'checks and balances' and 'liberal democracy'.**
- o **Produce a table of the common checks and balances found in liberal democracies. Explain what the terms mean.**

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