

Nature of the UK Constitution

- It is “**unwritten and uncodified**”, meaning it is not found in one document or place.
- It is defined as “**Unitary**” meaning most power lies with Parliament in Westminster.
- It is characterised by “**Parliamentary Sovereignty**”, which means that Parliament has the final say on what the Constitution contains.
- No Parliament can “**Bind its Successor**” - every Parliament has the right to change laws.



Sources of the British Constitution

- **Constitutional Statute Law** = Laws made and debated in Parliament
- **Common Law** = a “body of law” based on court decisions rather than codes or statutes, known as “Judicial Precedence”.
- **EU Law & International Agreements** =
- **The Royal Prerogative** = Remaining powers exercised in the name of the Crown e.g. to seek a dissolution or “prorogation (suspension) of Parliament”
- **Conventions** = The generally agreed rules and procedures of Parliament e.g. The PM always comes from the House of Commons.

Strengths and Weaknesses of UK Constitution

Strengths

1. It is flexible, so can be amended to reflect changing views and values.
2. It has allowed for a long period of democratic rule. Power is vested in the elected Commons.
3. It allows for effective government, as the government is not restricted by a codified constitution, so can easily get things done.
4. It is based on history and tradition, and has been tested by time - it has survived because it works.

Weaknesses

1. As it is not written as one document, there can be uncertainty as to what the UK constitution says.
2. Power is too concentrated in the executive, meaning there is no effective checks and balances on its power-
3. Power is overcentralized
4. Historically, human rights have not been protected that well.

	UK Constitution	US Constitution
How did it come about?	Evolved over hundreds of years	Created as a result of a Revolution—American War of Independence
System of Government	Parliamentary System	Presidential System
Philosophy	Conservative—Traditions observed	Liberal—Limited government
Type of Constitution	Uncodified (Sources = codified law, conventions, treaties)	Codified—written document that is consulted and used.
Principles	1. Parliamentary Sovereignty 2. Unitary State 3. Rule of Law	1. Separation of Powers 2. Checks and Balances 3. Federalism
Changes	Flexible: easy to adapt and adapt e.g. devolution and creation of	Inflexible: hard to amend and takes a lot of debate and process
Rights of Citizens	Rights not guaranteed (Human Rights Act 1998)	Rights guaranteed (Bill of Rights)
Supremacy	Parliament is supreme	Constitution is supreme

Constitutional Reform: Why was it needed?

1. Conservative Government had become overtly centralised in the 1980s and more people wanted devolution,
2. Thatcher's style of government was seen as **controlling and belligerent**. Others wanted greater levels of equality and constitutional representation.
3. Pressure Groups such as **"Charter 88"** began petitioning for greater constitutional changes.



Ryan Giggs 2011

- In 2011 Ryan Giggs used Article 8 of the HRA to take out 'Super injunctions' against the media for reporting on his private life.
- This case was over ex big brother star Imogen Thomas (who he allegedly had an affair with) and the Sun newspaper. He had gained the injunction so that the media couldn't freely report or interview around matters of his private life
- Lib Dem MP John Hemming named Ryan Giggs in the house of commons which is protected by Parliamentary Privilege. He said it would be impossible to imprison the 75,000 people who had tweeted about the issue.
- Article 8 is the basis of the privacy law which is now being developed by judges.



The Human Rights Act (1998)

This Act incorporated the **European Convention of Human Rights (ECHR)** into British Law.

The Human Rights Act was a completely new type of law for the UK. Instead of the specifics and details which have always made up British legislation. More open terms such as freedom of religion, the right to life, anti-discrimination and of course privacy are the focus of the Human Rights act. The issue is that judges would interpret what these words actually meant, causing greater debate about how these laws should be applied.

Abu Qatada – 2008



Abu Qatada claimed asylum in the United Kingdom in 1993 on a forged passport. In 1999, he was convicted in Jordan of planning thwarted terror plots and was sentenced to lifetime imprisonment with hard labour..

- Abu Qatada was repeatedly imprisoned in the UK after he was first detained under anti-terrorism laws in 2002 but was not prosecuted for any crime.
- Qatada repeatedly used the Human Rights Act to prevent his deportation to Jordan as he would be on trial with evidence gained via torture.
- After initially barring the United Kingdom from deporting Abu Qatada to Jordan, in May 2012, the European Court of Human Rights (ECHR) denied him leave to ap-

Freedom of Information Act (2000)

The **Freedom of Information Act (FOI)** is a UK Parliamentary Act that allows the public to access information held by authorities in the "public domain" e.g. MPs, Westminster Parliament, Devolved Parliaments, NHS bodies, schools and universities.

Examples of data found from Freedom of Information requests:

MPs Expenses Scandal

1. **In February 2008**, a FOI claim was leaked to the *Daily Telegraph*, stating that MPs from all parties had been claiming large amounts of tax payer "expenses" on things such as a duck house (£20,000), moat cleaning, biscuits and second homes. The ensuing scandal led to the creation of the Independent Parliamentary Standards Authority (**IPSA: 2009**) intended to manage Members' expenses at an "arm's length" from the House.

Northern Ireland Police Records

2. **On 8th August 2023**, the Police Service of Northern Ireland inadvertently responded to a FOI request made using "WhatDoTheyKnow" (a site designed to help people make FOI requests). It supplemented the source data used to answer the request, which included the personal details of all police officers and staff on the force. This was considered very dangerous as the information was almost certainly in the hands of violent Republican gangs, who have targeted the police in the past.

House of Lords Reform



House of Lords Act (1999): The Act decreased the membership of the House from 1,330 in October 1999 to 669 in March 2000. It reduced the number of "Hereditary Peers" (Lords who inherited their seats), to 92.

House of Lords Reform Bill (2012)

- Tory/Lib Dem Coalition wanted four-fifths of members of a reformed House of Lords to be elected.
- They would have served 15-year terms of office, after which they could not run for re-election. The number of peers was to be almost halved, from 826 to 450.
- Bill was defeated in Commons by 92 backbenchers. and NOT made into law.