

Good day.

Welcome to my presentation on the nature of the UK Constitution. In this presentation of mine you will understand the nature of the UK constitution and learn about the sources of the UK Constitution. At the end of the lecture, you will understand the unwritten and evolutionary nature of the UK constitution and describe the different sources of the British constitution. Well to start off this constitution there is a question, does Britain have a constitution? Thomas Paine and Alexis de Tocqueville are the two writers who are of the opinion that England has no Constitution. I quote Thomas Paine "where a constitution cannot be produced in a visible form there is none".

In England the constitution may go on changing continually or rather it does not exist. Well whatever may be the opinion of Thomas Paine and Alexis de Tocqueville there can be no state without a Constitution, that is a body of fundamental rules and principles determining the structure of the state and such rules may be written or unwritten. It is true that there is no single document intended to comprise the fundamental rules or constitutional practice to which a student of British constitution may turn for reference as one does in India or in America. It's because the constitution of Britain is unwritten as most of the rules and principles controlling the distribution and regulating the exercise of governmental power have never been reduced to writing in a single document. The British constitution is a product many centuries of political growth. It's not a product of any Constituent Assembly and much of it is not formally adopted. There is a strong historical and political element involved in making of this country's constitution. During the 19th century in response to popular revolts or war many European countries were forced to adopt their constitution example the French revolution in 1789 and this gave birth to constitutions embodying the relationship between the citizen and the state.

However Great Britain was untouched by this revolutionary wave that affected much of the European Continent therefore the British constitution to a large extent is an unwritten and a flexible one. It's a product of history and a result of evolution it has grown with the growth of English nation . It may not however be presumed that English constitution is entirely unwritten. There are charters petitions statutes in which some of the principles of constitution have been embodied in writing I quote Munro "The British constitution is a complex amalgam of institutions, principles and practices. It is a composite of charters and statutes, judicial traditions of common law, precedents usages and traditions. It is not one document but hundreds of them. It is not derived from one source but from several, it is a child of wisdom and chance".

Now let us after understanding the evolutionary and unwritten nature of the UK constitution let us understand the basic sources of the British constitution. They are Statutes, Common law, charters judicial decisions, eminent works by eminent authors , conventions , royal prerogatives .

Statutes are laws passed by the British parliament from time to time. It may be noted that British parliament is fully empowered to repeal or amend these statutes that's why we say sovereignty of British parliament or British parliament is supreme. Some of the important statutes are reform act of 1832 which extended the right to vote to urban middle class. Parliament act of 1911 which curtailed the powers of the House of Lords and established the dominance of House of Commons.

Representation of people's act of 1918 and 1928 which established the universal adult suffrage by guaranteeing the right to vote to women.

European communities act 1972, act of parliament which made legal provision for UK to become part of European union.

Human rights act of 1998, this act sets out fundamental rights and freedoms that everyone in UK is entitled to Charters.

Charters and agreements , they define and regulate the powers of the crown and the rights of the citizens such Charters are historic documents and therefore they constitute an important part of the British Constitution. Important charters are magna carta 1215 which is called the charter of the liberties of England.

The Bill of Rights of 1689 which made the parliaments supreme law-making body and set out the foundations of constitutional monarchy.

common law - common law is assemblage of all those rules and important principles which are the product of slow process of long historical growth and they are based upon customs and traditions of English society and later on recognized by the courts of the country. Important point to note the principles of the common law are not established by any law or passed by the parliament or ordained by the king. Most of the original laws concerning civil rights began this way that is in the form of common law such as freedom of speech and freedom of movement.

Some of the important works which are which form an important part of the British constitution, these are books written by eminent writers which have come to be recognized as authoritative expression on the British constitutional law, example are Diceys "The law of the constitution" which establishes sovereignty of parliament the rule of law and conventions of constitution.

Royal prerogatives- they consist of number of powers and privileges which are exercised by the king some of the important powers of the monarch are right to declare war, right to make treaties, dissolve the parliament and appoint ministers and dispense honors.

Conventions- these are some principles of the constitutions which are based on what daily customs and traditions some call them as the conventions of the constitutions. These are set of rules established over time by customs and practices which relate to the exercise of governmental powers. Some of the important conventions are the king or queen must accept the advice of the cabinet, the leader of the majority party in the House of Commons must be appointed as the prime minister, once a speaker always a speaker, the speaker does not change with the change of government or change of party and parliament must meet at least once a year. Now these are not written down as laws but followed almost as laws as these are important conventions

Judicial decisions are decisions by the judges on the cases heard by them in the law courts. when judges decide cases, they interpret define and develop the provisions of great charters and statutes and in doing so their judgments create precedence which succeeding judges must respect for further reference.

Refer to these books which i put on the slide

thank you