

UK CONSTITUTIONAL PROPOSAL

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PREAMBLE

In the name of all citizens of the United Kingdom:

This document sets out the rules governing who exercises authority in the UK, where it is exercised, how it is exercised and under what terms and conditions.

The document describes for all citizens how authority is widely spread and takes different forms. It states the principles underlying the different forms. It also sets out how people can hold to account those who exercise authority, be informed about what they do, appeal decisions that affect themselves and, if necessary, seek remedy or redress through electoral, judicial, administrative or other channels.

The provisions recognize the diversity of histories, values and beliefs among the citizens of the UK and aim to help achieve fairness in relationships between citizens, and between citizens and those holding positions of authority.

The source of all authority contained in this document rests on the consent of the people of the UK. They may withdraw their consent or amend what they consent to.

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I. THE DEMOCRATIC POLITICAL SYSTEM.

The democratic principle.

All forms of political authority in the UK originate with the citizens of the UK and rest on their consent.

Delegation to parliament.

As a general rule, citizens delegate their political authority to the representatives they elect to parliament as members of the House of Commons. The government of the UK, headed by a Prime Minister, is determined by the political party, or parties, able to command a majority of elected representatives in the House of Commons. Representation in the House is to be broadly balanced between genders. The size of the House shall not exceed [500]. No member shall serve more than 3 terms.

Devolved representation.

Scotland has its own Parliament. Wales and N.Ireland have their own assemblies. Each acts within their agreed powers. Regional, including metropolitan, representation is also established in England.

Direct democracy

Citizens of the UK may also exercise their authority directly through referendums. Referendums may be called on either matters of public policy, or, on the institutions that exercise authority in the UK and the rules and procedures that apply to them. In order to trigger a referendum, a citizen's initiative gathering the support of at least [10 %] of the voting population is required. Normally, the result of a referendum will not be treated as binding unless [two thirds] of registered voters have voted.

Additional bodies to support democratic politics in the UK.

Constituent representation: the second Legislative chamber.

A second chamber, numbering not more than 100 members, composed of representatives elected to the assemblies of Wales & N.Ireland, the parliament of Scotland, and representing the regions or metropolitan areas of England, shall review all legislation, outside the budget, being considered by the House of Commons. It may propose amendments. It may delay any proposed legislation other than the annual budget [until the end of the electoral term of the House of Commons].

Inter-Generational Equity.

An expert body, reporting to the House of Commons, shall review the economic assumptions underlying the annual budget and all public policies approved by the House with long term financial consequences. It shall assess their consequences for equity between generations in the UK in the light of its own independent economic and demographic forecasts and assessments of public tax and spending consequences.

Constitutional Review.

An independent body, with no more than 20 members, shall keep the constitution of the UK under review. It shall pay particular attention to the way in which the different systems of social coordination, politics, the law, the market and civil society interact together. It shall also pay particular attention to lengthening chains of bodies intermediating between citizens and their elected representatives in the framing and delivery of public policies. It shall keep under review the use and misuse of claims about rights. It may propose institutional and constitutional change and submit any such proposal for approval through referendum. It may consider proposals for referendums from the government.

Investigations & Inquiry

The House of Commons may establish standing or temporary committees to conduct investigations on any matter of public concern. Such committees will have the power to gather evidence and to summon witnesses under oath.

Electoral & Voting rules: the Electoral Commission.

General elections to the House of Commons are to be held every four years. All citizens over the age of [18] are entitled to vote.

An Electoral Commission, independent of politics, shall recommend the size of the House of Commons, register political parties, oversee gender representation, determine the maximum amount of money that may be spent on campaigns, ensure that limits are observed, and draw constituency boundaries that offer roughly equal size and the possibility of competition. It shall also oversee the conduct of referendums and decide the framing of the question.

Representatives to the House of Commons shall be chosen on the basis of ‘first past the post’ in each constituency. The method shall be kept under review by the Constitution Committee and any changes approved by referendum organized by the Electoral Commission.

International agreements

For the benefit of its citizens, the UK plays an active role in promoting international rules of behavior through both formal and informal arrangements. All international treaty arrangements, and any international undertakings with practical effect on the law of the UK to be entered into by the Government, shall be subject to the prior approval of the House of Commons. The exercise of war powers shall also be subject to the approval of the House of Commons.

Key website contact information.

Your parliamentary constituency and MP

All bodies named above. (House of Commons, Electoral Commission etc).

All international organizations and official groups of which the UK is a member or participant. (UN, WTO, WHO, OECD, IAEA, NSG, Egmont Group etc).

II THE JUDICIAL SYSTEM AND THE RULE OF LAW.

Principles of the rule of law.

All authority in the UK is exercised under the rule of law. Citizens of the UK are equal under the law regardless of position of authority, social status, gender, ethnicity, income, wealth, color, education or other factors. Any citizen charged with a civil or criminal offence has the right to a fair hearing, and to a fair trial. If charged with an offence, citizens are presumed innocent until proved guilty. No citizen may be detained without charge except with judicial authorization for a limited period. All citizens may be required to perform jury service.

The organization of courts

The courts act independently of government. They operate in the separate jurisdictions and legal systems of England & Wales, Scotland and N. Ireland, subject to the Supreme Court of the UK. The structure of the courts is divided between civil and criminal proceedings, including for hearing appeals. The structure is established by acts of Parliament, including the Scottish Parliament in the case of courts in Scotland.

The Common law

The law of the UK is based on Common Law principles. This means that the principles of law emerge from precedents and decisions in individual cases adjudicated by the courts under the overall responsibility of the Supreme Court.

The government is the source of many laws. The High Court in England & Wales, and its counterparts in Scotland and N. Ireland shall adjudicate on questions of the compatibility of any law with common law principles and with this constitution, with the possibility of appeal to the Supreme Court.

Specialized courts.

Ordinary courts of law do not always possess the professional knowledge needed to decide cases in specialized areas. Therefore specialized courts and tribunals exist in areas such as patent law, competition law, bankruptcy & insolvency law, property valuation and other areas.

The Supreme Court.

The Supreme Court is the final court of Appeal in the UK. Its decisions are binding on other courts. In cases involving constitutionality, the Supreme Court shall seek the views of the Constitutional Committee of Parliament. Its decisions shall be fully reasoned and include minority opinions.

The appointment of Judges.

Independent judicial appointments boards, composed of lay members, recommend the appointment and removal of judges and tribunal members. Appointments to the Supreme Court require the approval of the Judicial Committee of the House of Commons. The recommendations shall reflect gender balance. No judge shall be removed except on grounds of mental incompetence or judicial misconduct.

Law Review: The law commission

The Law commission, a body independent of the courts, comprising law professionals and lay representatives, shall keep UK law under review. It shall advise on the consistency of judgments, remedies and penalties. It will propose amendments to the law and its procedures where it has become out of date. It will advise on social and technological developments that may have an impact on the future course of law.

It shall monitor the development of the law in other jurisdictions of relevance to the UK including international courts. It shall advise Parliament on the performance of international adjudication arrangements including the UK's participation and withdrawal.

The police

The police forces in the UK are organized on a largely local and decentralized basis according to acts of Parliament, including those of the Scottish Parliament.

Independent Police Complaints Commissions, for England & Wales, Scotland and N Ireland, have the duty to investigate complaints brought against any police force and, if upheld, to provide remedies and redress including compensation payments. Their decisions may be appealed to the Courts.

Security services

A standing committee of the House of Commons shall monitor the operation of the UK's security services, including the proportionality of methods of intelligence gathering to assessed levels of threat, the use of surveillance and detention orders, and modes of cooperation with intelligence services outside the UK.

International courts and dispute settlement

The UK is a participant in a number of international agreements that include adjudication, arbitration and disputes settlement procedures, including the disputes settlement mechanism of the WTO. Such disputes settlement arrangements shall be subject to periodic review and renewal, (not to exceed 10 years) by Parliament.

Key website contact information

The Supreme Court

The civil and criminal courts of England & Wales, N.Ireland, & Scotland.

Specialized courts & tribunals

The judicial appointments Boards/Commissions

The Law Commission

Police complaints commissions.

House of Commons Security Committee.

III. THE ECONOMY, MARKETS, MONETARY AND FINANCIAL SYSTEM AND ITS REGULATORS.

Principles

The UK economy runs in a way intended to offer opportunities for citizens to set their own personal, professional and social goals in life. Such opportunities are underpinned by high quality infrastructure, including high speed internet services; by a safe and secure financial sector; by competition between suppliers of goods and services; by the encouragement of innovation, new forms of delivery, small businesses and entrepreneurship, by policies that encourage high levels of employment, including the equal treatment of men and women, and by an economy open to trade and investment conducted in accordance with international rules.

Important areas of the supply of goods, services and finance are subject to official regulation. The purpose of such regulation is to help organize market structures for the access and delivery of goods and services, to promote investment, and to ensure security of supply. The regulators are also intended to represent the interest of consumers/citizens. Regulation is also intended to protect public security, public health and safety, to promote business compliance with social and ethical standards, and to safeguard the environment. The labor market is also regulated to prevent exploitation of those seeking employment. The terms of reference of the relevant regulatory bodies are established by the government.

Infrastructure Provision and economic regulation

Critical infrastructure in the UK is funded and provided through a mix of public and private investment.

The provision of air, rail and road public transportation services, water, energy (including from renewable sources), and telecommunications are all subject to regulation. The regulators are responsible for shaping the markets they regulate. They represent the consumer interest in respect of both pricing and the terms of contracts offered in the market.

The financial sector.

Responsibility for safe and secure financial transactions in the economy and for the overall stability of the financial system is the joint responsibility of the Treasury and the Bank of England. In its conduct of monetary policy the Bank of England shall support the price stability, employment and economic growth objectives established by the Treasury.

The Bank of England has responsibility for ensuring that financial intermediaries such as banks, insurance companies, pension providers and investment fund managers have sufficient capital and liquidity to be able to operate safely, can meet their obligations to customers, and can manage and withstand risks and adverse shocks. In addition it has responsibility for oversight of new financial technology. The conduct of business in the financial sector is also regulated.

In cases where public finance is required to support the financial system, or particular intermediaries, the Treasury is responsible.

The environment

Citizens have reason to expect clean air and water, including clean rivers, wetlands, watersheds and beaches and for sensitive parts of the landscape and habitats to be protected. In these areas the government will be advised by expert bodies drawing on the relevant science. Standards in these areas will be set by specialized regulatory bodies and by the government itself. Public policy towards farming and agricultural practices shall also be consistent with environmental standards.

Health, safety, consumer and labor market protection

The UK economy is largely based on services including retailing, finance, education, health, law, transportation, tourism, media and entertainment, as well as relying on construction and manufacturing activities. Official Health and Safety inspectorates aim to ensure that conditions are safe and healthy across all sectors for those in all areas of employment, for occupants of buildings, and for the users and consumers of goods and services.

International trade and investment.

An expert body will advise the UK government on trade and investment flows. It will advise on unfair trade practices and scrutinize inward investments that may pose security challenges or other public concerns.

Procedures

All regulators will give public notice of their regulatory policies and any changes to them; provide opportunities for comment for those affected by them, and provide reasoned responses to comments received. Their decisions may be appealed to specialized appeals bodies and to the judiciary.

Official regulators have the duty to ensure that all providers of critical infrastructure services provide channels to the public for complaints about the services provided. Regulators must also provide channels for complaint about the way they conduct their own business.

Key website contact information

Economic regulators

The Bank of England

Financial sector regulators & Financial Ombudsman.

Competition and markets authority.

Expert & advisory bodies on the environment.

International trade & investment agreements.

Health, safety & Labour market inspectorates

Job centres

IV. CIVIL SOCIETY, ITS VOLUNTARY ASSOCIATIONS AND OFFICIAL INTERMEDIARIES.

Principles of civil association.

Citizens of the UK have the right of free expression, freedom of religious belief, and freedom to associate. They have the right to be informed about the exercise of authority by all bodies exercising public authority and the reasons for any actions. All such bodies must offer channels for citizens to be able to inquire, have access to information, complain and to seek remedy and redress. Those directly affected by any new proposal from an official body must have advance notice, the opportunity for comment and a reply as to how their comment has been treated.

Civil associations and the voluntary sector.

Freedom of association enables UK citizens to form their own voluntary associations for civic and not-for-profit purposes independent of the state. In cases where such associations raise funds from the public (above a limit) they shall register with an official designated body. (Charity Commission to be renamed). In such cases they shall be obliged to submit annual statements showing the sources & uses of their funds including administrative expenses. In cases where such associations perform functions on behalf of official or governmental bodies, or receive funding from governmental sources, it shall be declared. They shall account in public for the use of any such official funding.

The official designated body referred to above shall be independent of government. It will make recommendations on standards of corporate governance for the not-for-profit sector. It shall set and enforce reporting, evaluation and audit standards. It may take evidence, evaluate and hold inquiries that shall be open to the public. It may close, or disbar any civil association from fundraising from the public, in cases of malfeasance or for activities outside their stated purpose. Its actions shall be subject to judicial review.

Education.

Not for profit & other private providers are important in the provision of education services, from pre-school to post graduate level, alongside state provision. Independent educational inspectorates shall set standards, provide performance benchmarks, inspect and rank all providers. Their powers include the power of closure.

Health & social care.

Health and social care provision also involves both state and private entities. Regulators establish standards, provide performance benchmarks and help protect the public interest. Their powers include the power of closure.

Data protection

Citizens provide personal information to others in their day to day social interactions, including with the media and social media, in the course of obtaining jobs, goods and services they want, including financial services, in their dealings with official bodies, including the law and law enforcement, and in the course of health diagnosis and treatment. The terms and conditions for the providing of such information, the terms and

conditions under which it may be provided to third parties, the provisions made by holders of such information for verification, data storage and security and the availability of indemnities for harm, shall be subject to oversight by an independent data protection office. The office shall develop codes of conduct to ensure informed consent, define duties of care, indemnities, and to combat negligence.

Freedom of information

The independent data protection office shall also be responsible for ensuring public access to information held by any public body in the UK.

Standards in Public Life

An independent body shall oversee standards in public life and establish codes of professional conduct. This includes standards for those in local, regional and national elected bodies and also for those in officially appointed bodies. It shall establish standards relating to appointments, conflicts of interest, rotation between the public and private sectors and monitor levels of remuneration and compensation.

Disputes resolution and Ombudsmen services

A variety of low cost advisory, dispute resolution, mediation and arbitration bodies are available to citizens. These include Citizens Advice Bureaus, the Court of Small Claims, Family Courts, Housing Tribunals and Ombudsmen Services in housing, local government & pensions.

Key Website contact information.

For all bodies mentioned above.

For citizenship, immigration and residency.

For data protection

For health care, including mental health.

For social care including assisted housing.

For education.

Relevant specialized family and other tribunals.

For Ombudsmen services

For citizens advice.

V. EXPERT AND ADVISORY BODIES.

Principles.

The UK recognizes the importance for its democratic system of government of the role played by expert and advisory bodies able to mobilize and evaluate information widely dispersed in society, and able to draw on knowledge from the social and natural sciences.

Such bodies exercise legitimate authority within the UK only in so far as: they stay within the terms of reference set by the UKs elected bodies (including those of Scotland, Wales and N.Ireland); act with professional integrity in relation to evidence; observe due process in exercising their administrative or regulatory duties; act fairly and with transparency.

Arenas of activity.

Expert and advisory bodies exist in each of the main areas of social coordination and authority already referred to: in politics and government; in the judicial and legal system; in the organization of the economy, and in relation to civil society. The main sectors in which they operate are given below.

Arts, culture, media & heritage; building & housing; business & infrastructure; civil service, central, local & devolved government; civil society including equality and human rights; education, research & training; environment including agriculture; finance & pensions; health & medicines; labour market; law & justice; police, security & armed services; science & space; trade & investment; international development.

Duty to inform

All such bodies must make public the advice they provide to government and to other official bodies not later than 6 months after the advice being given.

Website contacts

for all official regulatory or advisory bodies not previously listed or included.

VI. OTHER PROVISIONS

Head of state.

Queen Elizabeth II is Head of State. Her successors shall be chosen by consensus in the House of Commons.

The Head of State shall, on the recommendation of the Speaker of the House of Commons, appoint as Prime Minister the person able to command a majority of elected members and accept their resignation when tendered.

The Head of State shall signify assent to acts of Parliament. In carrying out official duties the Head of State shall at all times act in accordance with the advice of the Prime Minister or the Constitutional Committee.

Consent and amendment.

This constitution enters into force on approval by a majority vote of not less than two thirds of registered voters. It may be amended by a majority vote of two thirds of registered voters following recommendations for change arising from a citizen's initiative, or a recommendation of the Constitutional Committee.

Website: *Procedures for Organizing a citizens' initiative.*
Office of the Head of State.

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