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THE CONSTITUTION



INTRODUCTION: Professor Conor Gearty



So here it is, LSE's "People's Constitution". We are enormously proud of it, though we claim credit only as midwives to the efforts of others rather than writers in our own right. For what you see here is truly the work of a "crowd", a knowledgeable community from all over the United Kingdom who availed of the chance we gave them to knuckle down as constitutional players at www.constitutionuk.com and suggest, argue for, persuade and promote any parts of the country's new proposed constitutional order that meant the most to them. The thousands who participated took what was not only an open book but a blank one too and over two exciting years they filled it with what mattered to them.

Initially the public chose the values that should govern the project, at a packed open meeting at LSE in October 2013. After a period of deliberation and reflection we pushed our thinking forward at our Carnival in Summer 2014 – it was here that we agreed the preamble that you see set out right at the top of our final document. Then last autumn, we put in place planning for the main project activity, the drafting via our web site of the actual constitution itself. Thousands of inputs on each and every aspect of our subject being finally translated into proper text by our Community Champions with the support and assistance of facilitators and experts at a specially convened constitutional convention held at LSE on 22 April 2015. With this completed and reports from the

Convention compiled I had the easy task of drawing together the various provisions and introducing some transitional clauses – and a Constitution was born.

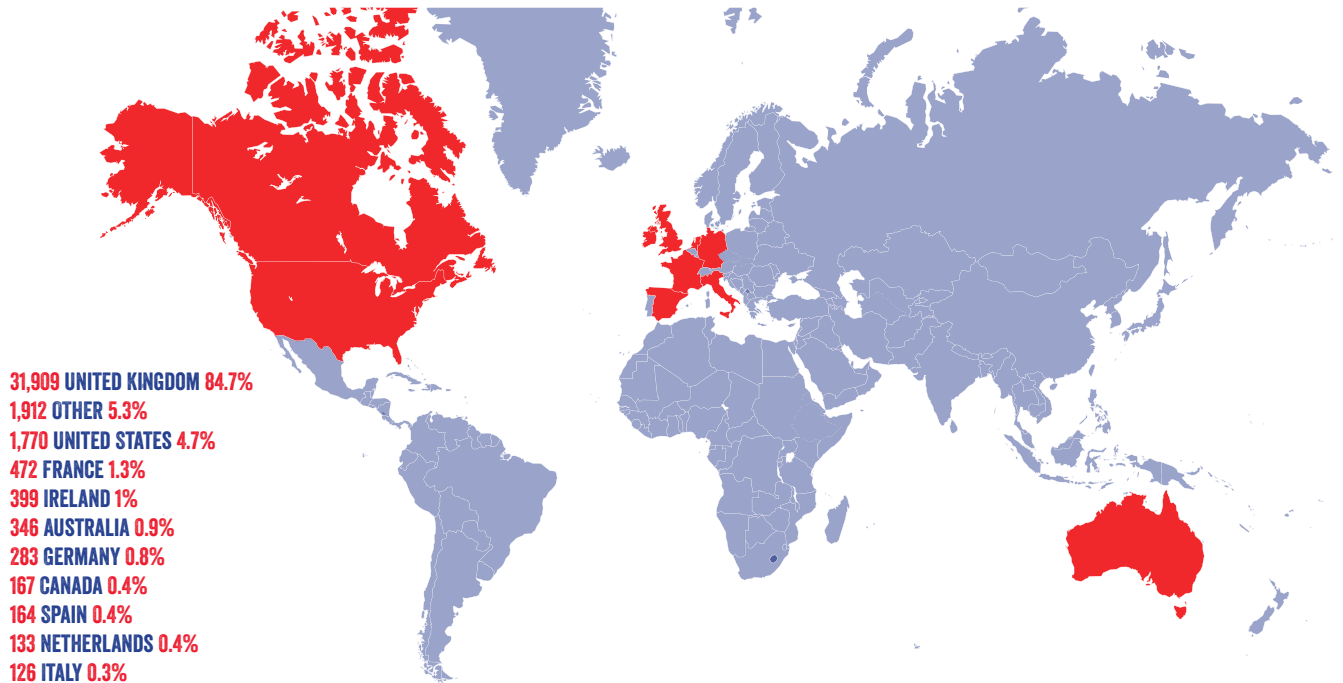
As I write the new United Kingdom government looks set fair for another five years of uninterrupted rule. But appearances can be deceptive and in this case I would say they are. The constitutional questions which provoked our project in the first place have not been answered; they are merely being reframed. What is the right relationship between the various bits that make up the current United Kingdom? Where (if anywhere) does Europe fit? Should the country have rights at all and if so of what sort? Can we continue with an unelected second chamber, or for that matter an unelected head of state? Crisis is around the corner, and with crisis comes the opportunity as well as need for change.

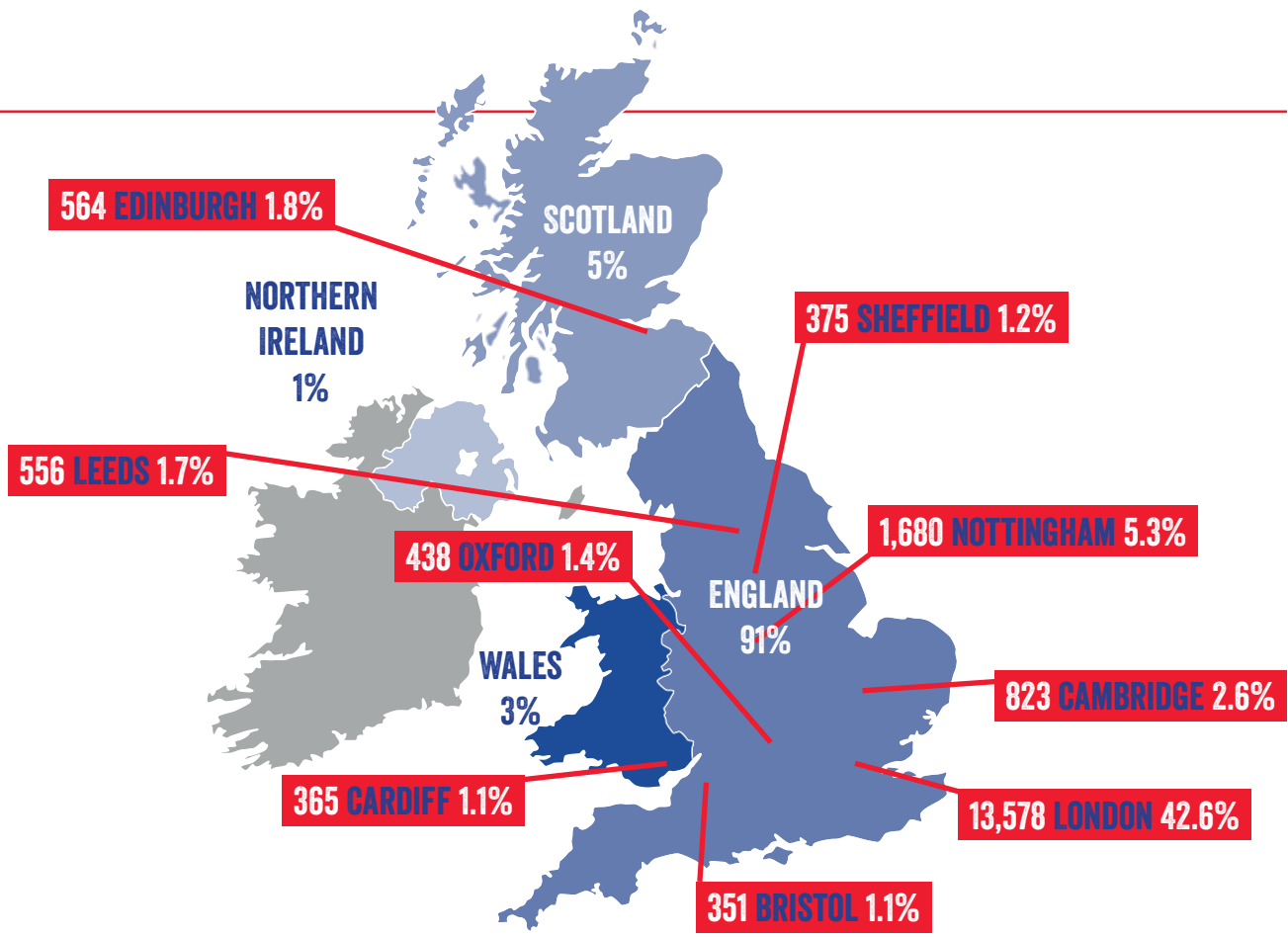
Parliament may be sovereign but it cannot order us to destroy our critical faculties. Magna Carta's 800th anniversary is a reminder to us all that the responsibility for proper governance rests with each of us. The issue is moral as well as constitutional. The People's Constitution offered here is a reminder that we all matter, in return for which we have an obligation – each of us – to think about the organisation of the world we find ourselves in.

Conor Gearty
27 May 2015

USERS AND DEMOGRAPHICS

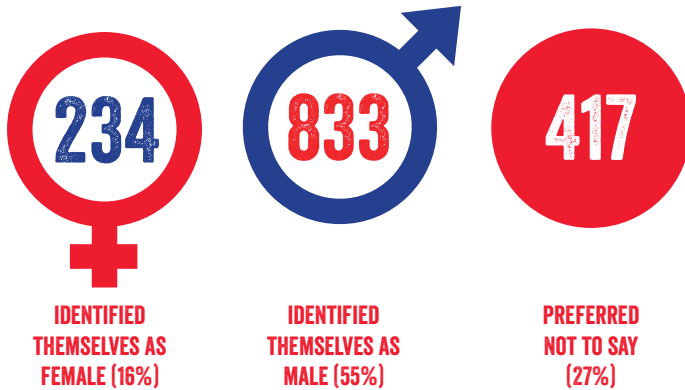
TOTAL NUMBER OF SESSIONS ON THE WEBSITE: 37,681





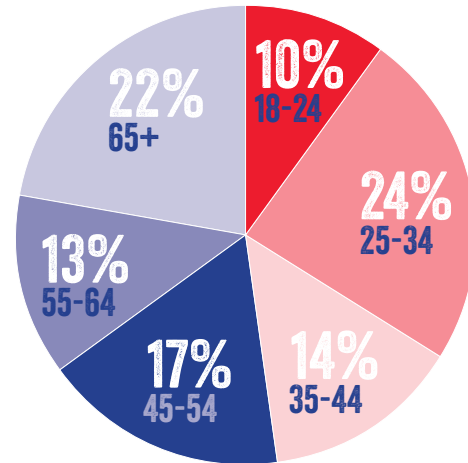
1,515 USERS SIGNED UP TO THE WEBSITE

GENDER BREAKDOWN



31 IDENTIFIED THEMSELVES AS AN ORGANISATION (2%)

AGE BREAKDOWN



PREAMBLE

WE THE PEOPLE OF ALL THE NATIONS IN THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND BEING JOINED TOGETHER IN COMMON PURPOSE AND IN MUTUAL RESPECT, HEREBY AFFIRM THE PERMANENT LIVING PRINCIPLES OF OUR DEMOCRACY AND THE RIGHTS AND RESPONSIBILITIES OF ALL PERSONS THEREIN.

CHAPTER ONE: Values

1.1. Power to the People

This constitution affirms as its founding principle that the people are the one and only legitimate source of political power in Britain.

The people instruct and require their elected representatives at every level of government to work in the best interests of all citizens; to defend and uphold this constitution and at all times to respect fully the rights and responsibilities, both individual and collective, that it sets out.

1.2 Fairness and Justice

The people value fairness and justice.

1.3 Tolerance and Respect

The United Kingdom is a pluralist, tolerant democracy underpinned by respect for personal freedom and equality for all.

1.4 Separation of Powers

The three roles [branches] of government, the legislature, executive and judiciary, should be separate and independent.

1.5 Protection of the Elderly, Disabled and anyone with Special Needs

The elderly, disabled and anyone with special needs should have guaranteed access to relevant services when necessary, to ensure the dignity and security of all.

1.6 Sustainable Economic Governance

The Government must endeavour to manage the whole economy in such a way as to promote sustainable and balanced economic activity and use of resources for the benefit of current and also future generations.

1.7 Guarantee of Human Security and Welfare

The state's responsibility to protect its citizens from violence within or without being contingent on the human security of all, any limitations on individual liberties must be rooted in this basic value.

To promote this end of security for all:

- (i) The people of the United Kingdom have the right to be safe: safe from harassment, intimidation and physical assault. In order for the state to take possible and appropriate measures to preserve this, it has the right to maintain its own civil police and armed forces. These forces are accountable to the people and serve to protect their security. This must moreover be underpinned by an independent criminal justice system and judiciary.
- (ii) The State has a fundamental responsibility to ensure basic minimum living standards for its citizens. This obligation is essential to enable citizens to exercise their civil and political rights and freedoms. The obligation includes universal access to education, health care and a social safety net.



“the people value fairness and justice”



“People of all faiths
and no faith shall have
equal rights”

- (iii) The State acknowledges that central to the realisation of human security is its responsibility to ensure the sustainability of the natural environment for current and future generations.
- (iv) The people have a right to security and privacy online.
- (v) The security of the people is rooted in the protection of their livelihoods, as further expressed in the international conventions to which the United Kingdom is a signatory.

1.8 Separation of Church and State

People of all faiths and no faith shall have equal rights and faith organisations shall have neither more nor less favoured status within government or society as a whole, solely on the basis of their faith-based nature. Faith groups should only provide publicly funded services if they can establish in a manner prescribed by law that such services will be provided in line with the values of the Constitution.

1.9 Titles

The use of all hereditary titles used by heads of state, hereditary rulers and members of the aristocracy of the [United Kingdom] and elsewhere in the world is prohibited in public life in the [United Kingdom] and all privileges attached to such titles are abolished.

CHAPTER TWO: Rights and Duties

2.1 Right to Life

Everyone has the right to life.

2.2 Right to Liberty

Everyone has the right to the liberty to pursue one's own life, and to have control of one's own body.

2.3 Right to Die with Dignity

Everyone has the right to die with dignity and at a time of one's choosing.

2.4 Prohibition of Torture

No one shall be subjected to torture.

2.5 Prohibition of Slavery and Forced Labour

No one shall be held in slavery or servitude; slavery and the slave trade are prohibited in all their forms. This right shall be subject to those exceptions that are to be found in Article 4 of the European Convention on Human Rights and Fundamental Freedoms.

2.6 Right to a Fair Trial

All persons shall have access to justice, and legal representation when required, regardless of their financial circumstances.

Access to justice and the legal process shall be extended to prisoners and other persons deprived of their liberty.

No person shall be subject to an unreasonable search or seizure of their house, their person, or their effects.

2.7 Protection Against Self-Incrimination

Nobody should be compelled to testify against his or her self.

Confessions obtained under duress are inadmissible in a court of law.

Nobody should be convicted solely upon their own confession.

2.8 Capitalise Innocence



Everyone has the right to be presumed innocent unless and until proven guilty of a crime by a court of law. This right shall extend beyond the conclusion of a trial of an acquitted person and the state cannot cast doubt on any acquittal.

2.9 No Punishment without Law

No one may be subject to any kind of punishment by any organ of government unless and until they have been found guilty in a properly constituted court of breaking the law.

2.10 Freedom from Arbitrary Detention

Nobody shall be detained for more than 28 days for immigration purposes. Such detention should be a matter of last resort, for the minimum possible



“Everyone has the right to be presumed innocent unless and until proven guilty of a crime by a court of law”



“all persons shall be equal before the law and shall be subject to the law”

duration for a case to be reviewed or travel arrangements made. There should be a right to appeal with judicial oversight against such detention.

2.11 Right to Respect for Private and Family Life

Individuals shall have the right to privacy and the right to communicate without interception.

Individuals have the right to bodily integrity and shall have the right to terminate their own pregnancies in the first trimester at least. People and institutions that are opposed to abortion should not be forced, through taxation or regulation, to support financially or by association, any abortion services.

2.12 Freedom of Thought, Conscience and Religion

Every individual is free to have no religion and to express non-religious ideas.

No individual shall be discriminated against in law by reason of having no religion or expressing non-religious ideas.

Parliament shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.

2.13 Freedom of Expression, Assembly and Association

Parliament shall ensure that the people have the right to freedom of speech, and of the press, and the right of the people to peaceably assemble, except as prescribed by law and as absolutely necessary for the public safety, and by the property rights of others (including ownership of reputation, intellectual property and the right to victims of crime in respect of recordings of the said crime).

Workers have the right to form and join trade unions, engage in collective bargaining, and take industrial action in defence of their interests.

2.14 Right to an Effective Remedy

All rights accorded to persons by this constitution are actionable before the courts and compensation shall be payable to any injured person where he or she has suffered injury or damage.

2.15 Prohibition of Discrimination

All persons shall be equal before the law and shall be subject to the law.

The enjoyment of the rights and freedoms set forth in this constitution shall be secured without discrimination on any ground such as sex, race, colour, language, religion, sexual orientation, political or other

opinion, national or social origin, association with a national minority, property, birth or other status.

2.16 Right to Education

The State recognises that education, including higher education, is essential for the personal development of individuals and for the promotion of social mobility, fairness and equality.

Accordingly:

- (i) Everyone in the United Kingdom shall have the right to a free education, including a free higher education;
- (ii) Educational institutions must carry out their activities for the benefit of all potential students in their communities; and
- (iii) Non-state educational establishments are not entitled to any tax exemptions or reliefs beyond those available to other commercial businesses.

2.17 Freedom of Movement

All individuals should be free to emigrate and to give up their British nationality. The State has a responsibility to ensure that any individual who is rendered stateless by exercise of this right is not unreasonably refused British nationality in the event that the individual applies to become a national again.

2.18 Freedom of Information

Government and internet service providers must treat all data on the internet equally, not discriminating or charging differentially by user, content, site, platform, application, type of attached equipment, or mode of communication.

2.19 Right to a Healthy Environment

Everyone has the right to a live in a clean and healthy environment. This right includes a duty on the government to take action to tackle climate change.

2.20 Right to Welfare

The State shall promote the welfare of the people by securing and protecting an effective social order in which justice and equality shall inform all the institutions of the state.

The State shall safeguard the economic interests of vulnerable sections of the community, and, where necessary, contribute financially to support such persons.

2.21 Coerced Informants

No individual may be coerced into reporting or giving evidence of the wrongdoing of others unless and to the extent such coercion is imposed in a court of law or is required by international treaties to which the State is a party.



“The State shall safeguard the economic interests of vulnerable sections of the community...”



“Everyone shall have the right to own and have reasonable undisturbed peaceful enjoyment of private property”

2.22 Freedom of Contract

Everyone shall have the right to freedom of contract (excluding contracts that violate the rights of others).

2.23 Property

Everyone shall have the right to own and have reasonable undisturbed peaceful enjoyment of private property.

2.24 Duties of the Citizen

All adult citizens of the United Kingdom shall have the following general responsibilities under the Constitution:

- (i) To uphold the values of the Constitution;
- (ii) To have regard to the rights of others enshrined within the Constitution;
- (iii) Adhere to the law of the land.

2.25 Childrens’ Rights

Everyone under the age of 18 has all the following rights and the State has the responsibility to guarantee these rights.

(i) Best Interests of the Child

The best interests of the child must be a top priority in the state’s law-making, decisions and actions that affect children.

(ii) Parental Guidance and a Child’s Evolving Capacities

The State must respect the rights and responsibilities of parents and carers to provide guidance and direction to their child as they grow up, so that they fully enjoy their rights. This must be done in a way that recognises the child’s increasing capacity to make his or her own choices.

(iii) Birth Registration, Name, Nationality, Care

Every child has the right to be registered at birth, to have a name and nationality, and as far as possible, to know and be cared for by their parents.

(iv) Protection and Preservation of Identity

Every child has the right to an identity. The State must respect and protect that right, and prevent the child’s name, nationality or family relationships from being changed unlawfully.

(v) Respect for the Views of the Child

Every child has the right to express his or her views, feelings and wishes in all matters affecting them, and to have their views considered and taken seriously. This right applies at all times, for example during immigration proceedings, housing decisions, education, or the child’s day-to-day home life.

(vi) Parental Responsibilities and State Assistance

Both parents share responsibility for bringing up their child and should always consider what is best for the child. The State must support parents by creating support services for children and giving parents the help they need to raise their children.

(vii) Adequate Standard of Living

The State must ensure that every child has a standard of living that is good enough to meet their physical and social needs and to support their development. The State must help families who cannot afford to provide this.

(viii) Right to Education

Every child has the right to an education. Primary education must be free and different forms of secondary education must be available to every child. Discipline in schools must respect children's dignity and their rights.

(ix) Goals of Education

Education must develop every child's personality, talents and abilities to the full. It must encourage the child's respect for human rights, as well as respect for their parents, their own and other cultures, and the environment.

(x) Children from Minority Groups

Every child has the right to learn and use the language, customs and religion of their family, whether or not these are shared by the majority of the people in the community where they live. Every child also has the right to learn and use the language used by the majority of the people in the United Kingdom.

(xi) Leisure, Play and Culture

Every child has the right to relax, play and take part in a wide range of cultural and artistic activities.

(xii) Children with a Disability

A child with a disability has the right to live a full and decent life with dignity and, as far as possible, independence and to play an active part in the community. The State must do all that it can to support disabled children and their families.

(xiii) Health and Health Services

Every child has the right to the best possible health. The State must ensure the provision of good quality health care, clean water, nutritious food, and a clean environment and education on health and well-being so that children can stay healthy.

(xiv) Separation from Parents

Children must not be separated from their parents against their will unless it is in their best interests (for example, if a parent is hurting or neglecting a child).



“Every child has the right to an education”



“The State must protect children from economic exploitation”

(xv) Children of Separated Parents

Children whose parents have separated have the right to and shall reside with each of their parents for equal amounts of time, unless the parents agree otherwise or it is not in the best interests of the child to do so. Children who do not reside with a parent have the right to do so, and shall be helped to stay in contact with that other parent unless this could cause them harm.

(xvi) Family Reunification

The state must respond quickly and sympathetically if a child and/or their parents apply to live together in the same country. If a child's parents live apart in different countries, the child has the right to visit and keep in contact with both of them.

(xvii) Abduction and Non-Return of Children

The Government must do everything they can to stop children being taken out of their own country illegally by their parents or other relatives, or being prevented from returning home.

(xviii) Children Unable to Live with their Family

If a child cannot be looked after by their immediate family, the state must give them special protection and assistance. This includes making sure the child is provided with alternative care that is continuous and respects the child's culture, language and religion.

(xix) Adoption

The State must oversee the process of adoption to make sure it is safe, lawful and that it prioritises the best interests of the child. Children should only be adopted outside of their country if they cannot be placed with a family in their own country.

(xx) Refugee Children

If a child is seeking refuge or has refugee status, the state must provide them with appropriate protection and assistance to help them enjoy all the rights in this Constitution. The State must help refugee children who are separated from their parents to be reunited with them.

(xxi) Review of Treatment in Care

If a child has been placed away from home for the purpose of care or protection (for example, with a foster family or in hospital), he or she has the right to a regular review of their treatment, the way they are cared for and their wider circumstances.

(xxii) Child Labour

The State must protect children from economic exploitation and work that is dangerous or might harm their health, development or education. Parliament must set a minimum age for children to work (which must not be below 16) and ensure that work conditions are safe and appropriate.

(xxiii) Drug Abuse

The State must protect children from the illegal use of drugs and from being involved in the production or distribution of drugs.

(xxiv) Sexual Exploitation

The State must protect children from all forms of sexual abuse and exploitation.

(xxv) Abduction, Sale and Trafficking

The State must protect children from being abducted, sold or moved illegally to a different place in or outside their country for the purpose of exploitation.

(xxvi) Other forms of Exploitation

The State must protect children from all other forms of exploitation, for example the exploitation of children for political activities, by the media or for medical research.

(xxvii) Detention

Children should be arrested, detained or imprisoned only as a last resort and for the shortest time possible. They must be treated with respect and care, and be able to keep in contact with their family. Children must not be put in prison with adult prisoners.

(xxviii) Juvenile Justice

A child accused or guilty of breaking the law must be treated with dignity and respect. Such children have the right to legal assistance and a fair trial that takes account of their age. Parliament must set a minimum age for children to be criminally responsible for their actions and tried in a criminal court (which must not be below 12) and manage a justice system that enables children who have been in conflict with the law to reintegrate into society with adults.

(xxix) War and Armed Conflicts

The State must not allow children under the age of 18 to take part in war and must not allow children under the age of 16 to join the armed forces. The State must do everything it can to protect and care for children affected by war and armed conflicts.

(xxx) Recovery from Trauma and Reintegration

Children who have experienced neglect, abuse, exploitation, torture or who are victims of war must receive special support to help them recover their health, dignity, self-respect and social life.

(xxxi) Knowledge of Rights

The State must actively work to make sure children and adults know about the Children's Rights in this part of the Constitution.



“A child accused or guilty of breaking the law must be treated with dignity and respect”



“animals are sentient beings with intrinsic value and as such have a right to the protection of their welfare”

2.26 The Rights of Animals

Animals are sentient beings with intrinsic value and as such have a right to the protection of their welfare. The State has a duty to protect all animals from the intentional or reckless infliction of suffering by humankind, for whatever purpose.

2.27 The Enforcement of Rights and Duties

The State shall have a system of law, order and justice to enforce such rights as are set out above.

The State cannot pass laws to limit or deny the rights and duties set out above, subject to their limitation to the extent that their exercise infringes upon the rights of others, in which case reasonable actions may be taken by the State to defend such rights.

The rights of children or those without the capability to grant consent or exercise such rights shall be held in trust by their parents, appointed guardians or others in the exercise of professional emergency care, who are required to exercise those rights in trust as a reasonable person would do so.

CHAPTER THREE: Head of State

The Head of state will be elected by popular vote and serve a term of 7 years. A government official shall nominate candidates for this role.

The Head of State will perform a ceremonial role.

The powers of the Head of State shall include:

- (i) Formally agreeing to sign legislation into Acts of Parliament;
- (ii) The vetoing of legislation;
- (iii) Making an initial determination on the constitutionality of all legislation, referring suspect legislation to the Supreme Court for consideration as to repugnancy;
- (iv) Ratification of prime ministerial appointments;
- (v) The signing of treaties;
- (vi) The declaring of war on the advice of Parliament;
- (vii) The granting of pardons;
- (viii) The granting of honours.



“The Head of state will be elected by popular vote and serve a term of 7 years”

CHAPTER FOUR: Parliament



“Parliament shall be an elected body with ultimate authority to pass legislation”

4.1 Powers and Responsibilities

Parliament shall be an elected body with ultimate authority to pass legislation.

It shall contain committees to provide oversight and monitoring of each government department. These committees shall have the authority and responsibility to call upon experts.

The first Chamber of Parliament shall be elected.

The second Chamber shall be elected in accordance with a law passed during the transitional phase. When elected it shall be responsible for oversight and the provision of expertise. All hereditary peers and spiritual peers shall not sit in such a chamber.

Parliament shall have ultimate scrutiny of the budget.

The Chancellor of the Exchequer shall present a proposed budget for the following year by a given date, set by Parliament.

4.2 Transparency

Every elected Parliament, assembly or council and every civil service department must keep a register open to the public of all contacts between its members and representatives of corporations and private business entities. With reasonable provision for commercial confidentiality, this register must include either the minutes of the meeting detailing every subject discussed or a full record in some other form.

4.3 Recall Process

Except for the Prime Minister, any elected officer, including a person who has been appointed in lieu of an election or to fill a vacancy, can be recalled.

Recall can be sought for the following reasons:

- (i) Breaking a duly established code of ethics – Members of Parliament must carry out their duties in a manner which is honest and trustworthy;
- (ii) Transparency when it comes to outside interests (lobbying);
- (iii) Failure to meet a set of performance standards which includes his/her work and attendance in his/her constituency and Parliament;
- (iv) The government shall implement laws passed by Parliament to determine the procedure for recalling an elected officer, providing that it shall adhere to the following requirements:
 - A petition signed by 20 per cent of eligible electors within a ninety-day period shall be required to trigger a recall ballot.
 - The recall ballot shall be conducted in the manner of a referendum with a single question: Should <name of elected officer>, <elected position> be recalled?

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- The ballot may be held at the same time as any other referendum or election.
 - If the recall ballot results in more than half of votes cast being cast for Yes, the subject of the ballot shall be recalled and a new representative shall be appointed in accordance with the rules for filling vacancies for the particular position.
 - If the recall ballot results in fewer than half the ballot being cast for Yes, the subject of the ballot shall be exempt from further recall petitions for the remainder of the individual's term of office.



CHAPTER FIVE: Elections



“Every person entitled to be in the United Kingdom (whether by residency or citizenship) over the age of 16 is entitled to vote”

5.1 Voting Rights

Every person entitled to be in the United Kingdom (whether by residency or citizenship) over the age of 16 is entitled to vote. They should be legally resident in the United Kingdom for four or more years before the date of the election.

Prisoners have the right to vote.

Citizens resident abroad must vote in the constituency in which they lived when they last resided in the United Kingdom.

This franchise is extendable, but not retractable.

Voting must be conducted using a secret ballot. One person has one vote.

5.2 Frequency

Parliamentary elections shall be held every four years. If at any time a Government cannot be formed, the Prime Minister shall be permitted to require a further general election to take place. Future general elections taking place every four years from that date.

5.3 Electoral Systems

Any domestic electoral system for electing a representative body shall secure representations such that:

- (i) Every elector shall have an equal right to elect representative bodies;

- (ii) The system seeks to maximize the number of votes that count;
- (iii) The system seeks to maximize the equality of votes;
- (iv) The number of seats should be reflective of the number of votes cast (the system shall be proportional);
- (v) Any party lists shall be open (ie, voters have the right to decide their own candidate).

Ballot papers for the election of the members of the national legislatures shall include a 'none of the above' option.

5.4 Campaign Finance

Parliament shall legislate to set appropriate campaign finance limits.

5.5 Referenda

- (i) No fewer than 20 per cent of eligible voters (within a 90 day period) shall have the power, acting together by way of petition, to propose a referendum on any issue subject only to consistency with the fundamental values of this Constitution;
- (ii) For the result of the referendum to be valid, 50 per cent of eligible voters must vote in such a referendum;
- (iii) Referenda are advisory; they are not legally binding.

CHAPTER SIX: Government

6.1 Honesty and Trust

Members of the Government must carry out their duties in a manner which is honest and trustworthy.

6.2 Cabinet appointments

The Prime Minister shall have sole discretion on the appointment of members of the Cabinet. However, either the Prime Minister, individually or by a majority vote in the House of Commons, shall be required to remove a member of the Cabinet and a separate majority vote shall be required to replace the removed member.

6.3 Parliamentary Oversight in the Appointment of the Prime Minister

Simple majority support in the House of Commons suffices for a Prime Minister to remain in power. A majority vote of Parliament shall be required to replace or appoint the Prime Minister. Prior to a Parliamentary election, each party shall declare to the public who will become Prime Minister should it win a majority of seats.

6.4 Responsibilities of the Prime Minister

The Prime Minister has overall responsibility for discharging the duties of the Government. This individual is responsible for ensuring the stability of the Government by providing leadership, responding to the public's concerns, and leading the Cabinet.

6.5 Prime Minister – Term Limits

The Prime Minister shall serve for no more than two Parliamentary terms. The two terms need not be served consecutively. In the event that a successor is required to fulfil the role of Prime Minister for part of a term, such a period shall not count as a portion of this two-term limit.

6.6 Granting and Limiting Extraordinary Powers

In times of national emergency, the Prime Minister and his or her Cabinet may act immediately with sole discretion in any way deemed necessary, with the exception of suspending the Constitution, to protect the citizens of the United Kingdom from foreign and domestic enemies, with the acknowledgement that they are responsible to Parliament for their actions. A report on any and all actions taken during the declaration of national emergency must be submitted to the Parliament and made publicly available within 90 days of the action.

6.7 Party Manifesto Promises

Government shall be bound by manifesto promises made during an election campaign. A government formed by two or more parties shall reconcile their manifestos and govern accordingly.



“Members of the Government must carry out their duties in a manner which is honest and trustworthy”



“the sole legitimate source of political power is the people, all levels of government are required to respect the principle of subsidiarity”

6.8 Public Consultation

The Government’s legislative programme shall be published no less than 30 days before any of the items contained therein are due to be discussed. Government shall have discretion in the case of an emergency. During this period, the public may coordinate as groups and make contact with their MPs as well as Government officials to discuss their positions on a given piece of legislation. The Government may apply to a select committee to waive this provision of consultation on a piece of legislation would undermine the legislative purpose or cause significant disarray. It will give due consideration to the technology used to ensure that citizens are not restricted in joining the debate.

6.9 Evidence-based Policy Making

In implementing the policy agenda which formed the basis of its election, the Government shall take account of the best evidence at its disposal. Government will also co-operate fully with a dedicated, independent body (or bodies) that evaluates policy and releases relevant data to the public.

6.10 Real Subsidiarity

In fulfillment of the principle that the sole legitimate source of political power is the people, all levels of government are required to respect the principle of

subsidiarity. The lowest level of government reasonably capable of exercising any given responsibility should be entitled to do so if that is the clearly expressed choice of voters.

6.11 Defining National Resources for the Benefit of the People

The Government has a duty of stewardship in perpetuity over the nation’s resources. Government fiscal accounting shall be based on an ‘official unit of account’ whose value may not be either a) arbitrary or b) controlled, wholly or in part, directly or indirectly, by private interests or by agencies outside Britain. Minutes or hours of passive labour shall be regarded as an acceptable official unit of account. This provision shall not constrain the continued use of an established non-qualifying unit of account during a reasonable transition period.

Government shall not issue any transferable debt unless a) its full value be limited in time to no later than the end of the following fiscal period and b) it loses all value at a steady rate through the subsequent fiscal period.

Government may issue transferable debt instruments (‘official currency’) in payment for goods or services and shall accept it in settlement of taxes. The quantity of

official currency in circulation at any time shall not exceed anticipated total tax revenues for the next eighteen months. Parliament shall legislate to require that official currency be regarded as legal tender for private debts denominated in the official unit of account.

The time at which official currency starts and finishes losing value shall be variable according to a formula deemed to encourage a velocity of circulation consistent with public demand for a stable medium of exchange. Such a formula shall be determined by an appropriate independent body.



CHAPTER SEVEN: The Judiciary



“In order to provide access to justice, the courts will be free at the point of use to all parties”

7.1 Legal Aid / Court Costs

The judiciary shall have ultimate responsibility for the administration of justice. The foregoing provision does not operate to exclude alternative methods of dispute resolution.

In order to provide access to justice, the courts will be free at the point of use to all parties.

7.2 Court Process

All courts must sit continuously on all days except for public holidays.

7.3 Jury trials

Every person charged with a criminal offence has the right to elect to be tried by a jury for offences punishable by more than 12 months in custody.

7.4 Jury Independence

Juries in court proceedings must be:

- (i) randomly selected from the population of the United Kingdom;
- (ii) independent of the other participants in the court proceedings before them;
- (iii) free from interference; and
- (iv) required to keep their deliberations confidential.

7.5 The Justice System

The rehabilitation of offenders shall be a core objective of the state's criminal justice system.

Self-inflicted harm may not be criminalised.

All criminal justice laws and measures must be proportionate.

The sentence for any criminal offence shall be provided for by statute, and where no such statute exists no sentence may be imposed.

7.6 Judges

All judges shall be independent in the exercise of their judicial functions and subject only to this Constitution and the law.

Members of the judiciary shall be appointed by an independent body set up in accordance with the provisions of this constitution. (An independent body must be defined as independent of government and the judiciary.)

All members of the judiciary shall have formal legal training, with all further requirements for appointment to judicial office to be decided by Parliament.

Members of the judiciary, once appointed, may stay in office until such time as they wish to resign their position.

Judges shall be protected from arbitrary dismissal or dismissal on political grounds. Judges may only

be dismissed by reason of gross misconduct. An independent body shall devise rules and disciplinary procedures under which judges may be dismissed.

7.7 Judicial Review

The courts shall have the power to exercise judicial review. (This includes the power to scrutinise and challenge the way in which a decision has been made by a public body, local authority or regulatory body.)

The Courts shall have the power to:

- (i) declare provisions of enactments to be unenforceable by reason of their being incompatible with either this Constitution or any other law which this Constitution declares to prevail over enactments;
- (ii) quash decisions and actions, prohibit actions and grant compensation to persons where unlawful action adversely affecting them has been established.

Parties to proceedings before a court of law must be given an effective right of appeal against court decisions which affect them.

Ordinary legislation (enacted before and after the new Constitution) must, as far as possible, be read so as to be compatible with the constitution.

In the case of conflicts between the wording of this Constitution and ordinary statutes, the Constitution

shall have precedence and prevail.

If it is not possible to read an ordinary statute in a way which is compatible with the Constitution, then the offending provision in the statute should be declared unenforceable by the courts and neither the State nor any other person is entitled to rely upon an unenforceable provision.

Where individual rights conflict with any other rights in the Constitution, individual rights are given additional consideration.

Where human rights legislation conflicts with a provision of the Constitution, human rights shall take precedence.

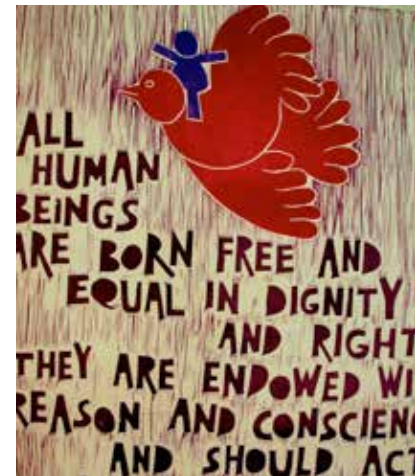
The Judiciary or other appropriate non-governmental body shall publish details of any unenforceable provisions of the Constitution, either as annotations within or as additional notes appended to the constitution.

7.8 Integrity of the law

Every officer of the court shall be expected to recognise serious incompatibilities or inconsistencies within the law which they encounter in the course of their duties and shall be obligated to report them to the court.

The court:

- (i) shall establish and manage a forum where such reports can be collated, the problems identified, and



“where human rights legislation conflicts with a provision of the Constitution, human rights shall take precedence”



possible solutions shall be made which can be freely discussed by anyone who wishes to do so within the constraints of generally acceptable behaviour;

- (ii) shall provide for one or more members of the judiciary to oversee the forum, to consider such problems and proposed solutions and, where appropriate, to formally acknowledge the problems and submit proposed solutions for consideration by the court;
- (iii) shall authorise public funding for disputes on points of law which are formally acknowledged as being unsatisfactory;
- (iv) shall make formal rulings on uncontentious amendments to common law without requiring such amendments to be presented to it in the context of a specific dispute;
- (v) shall, where appropriate, make declarations of incompatibility with regard to a law or laws to Parliament without requiring such incompatibilities to be presented to it in the context of a specific dispute.

7.9 Requirement for Coherent Law

Parliament and the courts shall endeavour to keep all laws consistent with each other, and with the values and principles explicitly enshrined in this constitution or taken for granted without significant dissent by the general public.

When it encounters an incompatibility between a statute and higher laws or generally accepted uncontentious principles, or between different provisions of this Constitution, the Supreme Court shall either issue a Declaration of Incompatibility or refer the matter to a duly constituted Constitutional Commission, as appropriate.

If Parliament declares unequivocally that the incompatibility was intended or disputes the Court's judgement that the incompatibility exists, the Court may:

- (i) either withdraw its Declaration and continue to apply the law as it stands; or
- (ii) seek authority from the Head of State to order a referendum on the issue.

If Parliament fails to take timely action to resolve or unequivocally deny the declared incompatibility then the Court shall (as appropriate);

- (i) treat the statutory provision in question as having been abandoned by Parliament and resolve the incompatibility itself under common law; or
- (ii) order a referendum on the question of which constitutional provision should be upheld.

The common law shall continue to have effect when this constitution comes into force but in the case of any conflict between (a) the Constitution and/or ordinary statutes of Parliament and (b) the Common Law the Constitution and/or statute shall prevail and the incompatible common law principle shall be unenforceable.



CHAPTER EIGHT: Devolution



“The United Kingdom is a confederation of nations, regions and units of local government”

Power comes from the people; the people are sovereign. The United Kingdom is a confederation of nations, regions and units of local government.

England shall be regionalised. Regions shall be decided by an independent commission taking into account local opinion. Regional boundaries may be changed if border areas wish to move into another region.

The decision on regionalisation of Scotland, Wales and Northern Ireland shall be made by those nations.

There are certain powers that are reserved to the central United Kingdom government. These reserved powers include:

- (i) Defence;
- (ii) Foreign affairs;
- (iii) Monetary policy;
- (iv) Treaties, foreign obligations;
- (v) Voting system, lowering the voting age should be devolved to the lowest relevant level.

All other powers may be pulled down or pushed up by regional or local assemblies.

Regions and local government shall have tax raising powers to ensure local accountability. There shall be a right to fiscal transfers between regions to resolve inequalities of the tax base and providing means of funding (statutory) local services.

Allocation of funding shall be fair to all regions and nations of the United Kingdom.

Allocation of powers shall be based on the principle of subsidiarity.

CHAPTER NINE: Local Government

9.1 The Role of Powers and Local Government

The principle of subsidiarity is enshrined in the Constitution. Issues which are exclusively of a local or provincial nature shall be determined by local or provincial councils, according to the principles laid down by law, and in accordance with the values set out in this Constitution.

Local Government shall have the power to create and implement bylaws.

Devolution of responsibilities should be matched by tax funding powers. Subject to the principle of subsidiarity and oversight, local authorities should have bylaws.

Local government shall receive funding according to their devolved responsibilities.

Local authorities shall be able to raise site value tax and local income tax.

9.2 Local Elections and Democracy

The electoral system for local authorities shall be the Single Transferable Vote in wards of more than four members.

Votes in local elections, can only be cast by human persons. No vote can be cast by a legal person, or corporate entity.

Local elections should not be held in more than two councils together in the same week and in the same TV zone. Local Government shall be subject to oversight from central government and legal challenges from citizens.

National and devolved governments have separate support arrangements for their executive and non-executive politicians.

There shall be a duty to promote democracy and increase access to all mechanisms of government for local citizens through online and offline forums.

Local authorities shall be committed to transparency.

Local proceedings shall be openly viewed by citizens. Local council meetings should be available to be viewed on local TV and online.

Local authorities and citizens' petitions shall have the power to make proposals to their localities which they are satisfied would contribute to promoting the sustainability of local communities. Such proposals may include a request for a transfer of powers from central government to a local authority.

9.3 Neighbourhood Councils

Neighbourhood assemblies/parish councils shall operate as a new tier of local government, underneath local authorities. They will have devolved funding from



“Devolution of responsibilities should be matched by tax funding powers”



“Local authorities have a duty of stewardship in perpetuity over their financial, natural and cultural assets”

local authorities according to the principle of subsidiarity and will use participatory budgeting.

9.4 Constraints on Local Authority Powers

Local public accounts committee shall oversee local government spending.

Local authorities have a duty of stewardship in perpetuity over their financial, natural and cultural assets. Elected members are trustees of this duty for the period of their office. Any decision to sell off public assets must be approved by a referendum with at least a 50 per cent turn out.

Local government shall be formally separated into executive and non-executive branches.

CHAPTER TEN: International Relations

10.1 Preamble

We share more common values with our European neighbours than with the countries of other continents.

It is in the interests of the United Kingdom that Europe and its nations are stable and secure.

The United Kingdom bears a responsibility as a member of the global community to partake in and improve world governance.

10.2 Sovereignty

A referendum must be held if Parliament agrees a treaty with another state, which involves the pooling of sovereignty for the purposes of trade or affects the independence of the state.

10.3 Subsidiarity

Parliament should scrutinise European Union legislative and non-legislative acts in order to ensure that such acts respect the principle of subsidiarity. Parliament may oppose any action taken by the EU that does not respect the fundamental principle of subsidiarity.

10.4 The Military

Nobody should be forced to pay tax for any military action other than defence of the United Kingdom or humanitarian action and disaster relief.

There shall be no private militias.

The state shall be permitted to recruit, train and deploy military forces in accordance with the following principles:

- (i) No person shall be compelled to join a military force;
- (ii) Persons under the age of 18 shall not be permitted to join a military force.

There shall be no deployment of military forces on British territory except in the following circumstances:

- (i) where there is an imminent military attack by a foreign power;
- (ii) for the purposes of disaster relief;
- (iii) or training in designated areas.

The authorisation of government is required before military forces may be deployed in a foreign territory. Except in such limited circumstances (outlined in this constitution), government may not order the foreign deployment of troops without the authorisation of Parliament.

Parliament may give its assent to the foreign deployment of military troops by a majority vote of the House of Commons in the following circumstances:

- (i) pursuant to a resolution of the Security Council of the United Nations; or



“The United Kingdom bears a responsibility as a member of the global community to partake in and improve world governance”



“The rights protected under the European Convention on Human Rights and the protocols thereto are equally protected under this Constitution”

- (ii) in fulfilment of NATO treaty obligations; or
- (iii) at the request of the government of a foreign state.

Government shall be permitted to order foreign deployment of military forces without prior authorisation of parliament for the following activities: defence of British territory; peacekeeping; disaster relief; the removal of British citizens from danger; foreign training activities.

British military forces, wherever deployed, shall be subject to the laws of war as set out in the Geneva Conventions and Protocols.

Except when on foreign deployment, members of military forces will be subject to the law of the land at all times, and offences shall be tried in civilian courts. Military courts shall be restricted to consideration of breaches of military discipline or rules only.

The state shall make proper provision for the support of current and former members of military forces via a military covenant.

The production, maintenance, storage and testing of nuclear, chemical and biological weapons shall be banned in all British Territories. Military forces shall be banned from using such weapons in all circumstances.

10.5 Extra-Territorial Laws

The only areas in which Parliament shall have the

power to enact laws that have extra-territorial effect are: cases of genocide, war crimes and crimes against humanity wherever and by whoever they are committed in the world; murder; manslaughter; terrorism; child-sex abuse; bribery and corruption by United Kingdom nationals and United Kingdom resident persons (including legal persons) wherever they are committed in the world.

The foregoing cases of extra-territorial jurisdiction shall apply unless further extended by treaties or international agreements with other nations.

Foreign law has no effect in the United Kingdom unless and to the extent that the United Kingdom has agreed to give effect to that law by treaty or other agreement with the nations concerned. Foreign public law enforcement agencies are prohibited from carrying out operations in the United Kingdom bears a responsibility as a member of the global community to partake in and improve world governance by treaties or other agreements between the United Kingdom and other nations.



10.6 European Convention on Human Rights

The rights protected under the European Convention on Human Rights and the protocols thereto are equally protected under this Constitution, and to the extent that there is an inconsistency between this Constitution and the Convention rights, the Convention rights shall prevail.

The foregoing provision shall not prevent the state from extending greater protections to its citizens than those provided under the European Convention on Human Rights.

10.7 Ethics and International Obligations

The United Kingdom is committed to its global responsibility to protect the earth's environment and resources.

The United Kingdom shall actively promote the protection and maintenance of ecosystems, essential ecological processes, with special concern for biological diversity and the natural processes that sustain life.

It shall be a goal of government policy to promote the utilisation of all natural resources in the country in a sustainable manner for the benefit of all its citizens.

To achieve sustainable development, the United Kingdom shall reduce, with the aim of eliminating, unsustainable patterns of production and consumption.

The United Kingdom shall enact effective environmental legislation, which provides mechanisms for determining liability for pollution and other environmental damage, and compensation for victims of such damage.

The United Kingdom shall promote sustainable development in other states through its trade and other foreign relations policies, and through development assistance and partaking actively in global protocols.

It is the duty of the United Kingdom, through its government and other agencies, to ensure that:

- (i) It conducts its affairs with other states and their peoples ethically;
- (ii) It will negotiate with, but not lend political, military or economic support to, regimes which do not respect fundamental human rights of the kind recognised and promulgated by the United Nations.

The State shall not attempt to colonise or exploit any territory or sea of the world unless permitted by treaty or agreement with a sovereign nation of the world who owns the territory in question.

The United Kingdom will negotiate treaties or agreements with other nations in good faith and will honour all of its obligations under treaties or agreements (whether entered into before or after the coming into force of this Constitution). The Prime Minister will report to Parliament on an annual basis regarding the United Kingdom's compliance with this provision.



“to achieve sustainable development, the United Kingdom shall reduce, with the aim of eliminating, unsustainable patterns of production and consumption”



10.8 Controls on non-state entities

No corporation or private business entity is entitled to sue for damages (other than as provided by contract) on the basis of a change in government policy where this policy has been voted by the people or their representatives.

Whether by international treaty or bilateral negotiation, foreign corporations may not be allowed rights or subsidies which domestic corporations are not allowed.

No corporation or private business entity may be allowed rights or political privileges beyond those to which its members are entitled as British citizens.

CHAPTER ELEVEN: Constitutional Amendments

11.1 A Commission shall be established to review the functioning of this Constitution every 50 years, and to recommend to the people any amendments it feels to be desirable.

11.2 A law will regulate the membership of the Commission, the frequency with which it shall report, and the procedures for submitting its proposals to a referendum. Such legislation may not permit more than one-third of its members to be serving members of any legislative body within the United Kingdom, nor that the maximum interval between reports should exceed 20 years.

11.3 The Commission should be consist of Members of Parliament, Members of national legislative assemblies, members of local government, academic experts, former members of the judiciary and public volunteers.

11.4 Every 50 years the Commission review the operation of the constitution as a whole and propose amendments to be put to a referendum.

11.5 Parliament should be able to refer specific matters to the Commission between those regular reviews.

11.6 Members of the public, as well as members of legislative bodies may petition the Commission with proposals for constitutional amendments. The Commission may adopt such processes for the submission and consideration of such petitions as it

deems appropriate, following consultation with all legislative bodies within the United Kingdom.

11.7 Where a Superior Court of Record in any of the nations of the United Kingdom declares two (or more) provisions of this Constitution to be inconsistent, or finds a provision of this Constitution to be incompatible with the United Kingdom's international commitments and/or the protection of human rights, the Commission shall immediately consider the matter, and may propose rectifying amendments outside the usual review period specified in the legislation referred to above.

11.8 A simple majority of those voting is required for an amendment to pass.



“Members of the public, as well as members of legislative bodies, may petition the Commission with proposals for constitutional amendments”

CHAPTER TWELVE: **Transitional Arrangements**



This Constitution shall take effect immediately upon its acceptance by the people in the referendum referred to above.

All laws, constitutional practices, conventions, international and regional obligations in force or in place or considered to be binding at the moment of commencement of this Constitution shall be carried forward, and regarded as lawful and/or binding until such time as they are superseded by laws enacted under this Constitution or found by a Superior Court to be inconsistent with its terms.

Timeline of events

Tuesday 8 October 2013

Constitution UK launched

Wednesday 19 March 2014

Constitution UK traveled to Glasgow to discuss "Equality of Esteem" with students at the University of Strathclyde"



Constitution UK held a public event with the University of Strathclyde entitled "Crowd-Sourcing the UK Constitution – or Indeed a Scottish One"

Wednesday 2 April 2014

Constitution UK traveled to Derby to meet with single mothers to discuss "The Guarantee of Human Security"

Thursday 26 June 2014

Constitutional Carnival

Thursday 15 January 2015

"Hacking the UK Constitution" event at LSE, ConstitutionUK.com launched

Wednesday 21 January 2015

Constitution UK traveled to Cambridge to discuss "The Government and our constitution. You Decide"

Wednesday 11 February 2015

Constitution UK traveled to Nottingham to ask "Should Europe be at the heart of our UK constitution?"

Wednesday 18 February 2015

Constitution UK traveled to Liverpool to ask "What does it mean to be British? British values and the Constitution"

Wednesday 25 February 2015

Constitution UK traveled to Portsmouth to discuss "Time for a new Magna Carta? Human Rights and the UK Constitution"

Thursday 26 February 2015

Constitution UK held a Live Q&A event and asked "Does Europe have a place in our constitution?"

Wednesday 25 March 2015

Constitution UK and Unlock Democracy's Unlock Magna Carta project held an event at LSE entitled "Socio-economic rights and the Constitution"

Wednesday 22 April 2015

Constitutional Convention

About us

Institute of Public Affairs

The Institute of Public Affairs (IPA) is one of the world's leading centres of public policy. Our work encompasses postgraduate teaching, research and a programme of highly innovative activities to engage policy-making, political and corporate audiences, as well as the general public, in the co-creation of knowledge. Our teaching programmes provide exceptional training in public policy-making and analysis, together with practical insight into the real world. We offer a full-time two year Master of Public Administration (MPA), an Executive MPA designed to meet the needs of working professionals and, from December 2015, an Executive Master of Public Policy created exclusively for the UK Civil Service. We research in key areas of public policy, including projects on climate justice, Women in Public Life, the tradition of "One Nation" Britain, Constitutions and Nations, and higher education and universities.

About LSE

Founded in 1895, The London School of Economics and Political Science (LSE) is the world's leading dedicated social science institution and is in its 120th year of operation.

Located in central London, LSE is ranked alongside Harvard, UC Berkeley and Stanford. LSE is a world-class centre for the teaching and research of social sciences, including economics, politics, law, sociology, anthropology, accounting and finance and has a cosmopolitan student body with around 9,300 full-time students from over 145 countries.

LSE has an outstanding reputation for academic excellence; we have produced 16 Nobel Prize winners and 34 world leaders. LSE also has one of the most prestigious public events programmes in the world. Nelson Mandela, Bill Clinton and the Dalai Lama have all spoken at the university.

A unique feature of many LSE programmes is the opportunity to link your studies with other institutions around the world, giving you an international perspective.

The London School of Economics and Political Science holds the dual status of an exempt charity under Section 2 of the Charities Act 1993 (as a constituent part of the University of London), and a company limited by guarantee under the Companies Act 1985 (Registration no. 70527).

Freedom of thought and expression is essential to the pursuit, advancement and dissemination of knowledge. LSE seeks to ensure that intellectual freedom and freedom of expression within the law is secured for all our members and those we invite to the School.

The School seeks to ensure that people are treated equitably, regardless of age, disability, race, nationality, ethnic or national origin, gender, religion, sexual orientation or personal circumstances. Equality and diversity are integral to the School's priorities and objectives. We will support inter-faith and inter-cultural dialogue and understanding and engage all students in playing a full and active role in wider engagement with society.

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