

## What is the UK Constitution? Find out with the new version of *Constitute*

A new version of *Constitute* is now available online. *Constitute* is a website for reading, searching and comparing constitutions from across the world. The new version has many new features and includes a number of new constitutions, including that of the UK. This will provide a tool for comparing extant UK constitutional laws with constitutional texts from across the globe.



(Credit: [Amdolu](#), CC by 2.0)

Back in September of last year, UCL's *Constitution Unit*, in collaboration with the *Google Ideas* and the *Indigo Trust*, launched *Constitute*, a website for reading, searching and comparing constitutions from across the world. The *Constitute* site is host to the English language text of every national constitution currently in force. It not only provides users with free and easy access to these texts, but by drawing on data collected by the *Comparative Constitutions Project* (CCP) over the last 9 years, it also facilitates powerful, topic-based searches of over 300 common constitutional themes.

Since the launch of *Constitute*, we have been accumulating feedback from our users and have now launched a significantly improved site. Among the new features on the site are the ability to compare two constitutions side-by-side, the ability to pin more items, improved sharing of constitutional provisions and, for researchers, better access to the data underlying the site (for a full description of new features, see [here](#)).

However, for our users in the UK, none of these changes is probably as significant as the inclusion of the UK's constitution on the site. Up until now, there has been one glaring omission from the *Constitute* site: the constitution of the UK. As arguably one of the most influential and historically significant constitutions in existence, any tool for comparing the constitutions of the world was incomplete without the inclusion of the UK. Which is why today, we are pleased to announce that the *UK's written constitution* has been added to *Constitute*.

### Defining the UK's written constitution

It has become the norm for countries to have codified constitutions in the form of a single written document which consolidates the higher laws of the nation. Such written constitutions are the central focus of *Constitute*, yet the UK does not have a single constitutional text. It is one of only a handful of countries without a codified constitution – Israel, Saudi Arabia and New Zealand being the others. Practically speaking, this means that there is no single constitutional document that establishes and empowers the institutions of government and sets forth the rights of the citizens. Instead, the UK's constitution is spread across multiple sources, including statutes, judicial decisions, conventions and even treaties. That said, the UK is not without a *written* constitution. There are a multitude of constitutional provisions which have been written into law in statute form. What is missing is one document which consolidates all such provisions.

In the absence of a single constitutional document, our approach has been to treat the UK's written constitution as a series of texts. On reviewing the UK statute books, 18 different statutes were identified which we recognised as being constitutional in nature. These statutes all contained provisions which defined the basic pattern of authority, either by establishing or suspending an

executive, legislative or judicial branch of government, or by protecting the rights and freedoms of individuals. The statutes identified are detailed in the following table:

| <b>Act</b>                | <b>Year</b>   |
|---------------------------|---------------|
| Magna Carta               | 1297          |
| Petition of Right         | 1628          |
| Habeas Corpus Act         | 1679          |
| Bill of Rights            | 1689          |
| Act of Settlement         | 1701          |
| Union with Scotland Act   | 1706          |
| Union with Ireland Act    | 1800          |
| Parliament Act            | 1911 and 1949 |
| Life Peerages Act         | 1958          |
| European Communities Act  | 1972          |
| Senior Courts Act         | 1981          |
| Northern Ireland Act      | 1998          |
| Scotland Act              | 1998          |
| Human Rights Act          | 1998          |
| House of Lords Act        | 1999          |
| Constitutional Reform Act | 2005          |
| Government of Wales Act   | 2006          |
| Fixed Term Parliament Act | 2011          |

The UK constitution as presented on Constitute is a consolidation of these 18 statutes. This represents our understanding of the current written constitution that exists in the UK. Components such as judicial decisions, conventions and treaties are of course a part of the wider constitutional order in the UK, but they fall out with the scope of the Constitute project and its objectives of facilitating comparison of constitutional documents and language. Indeed, constitutional arrangements in all countries include conventions that, by definition, are not written down. Such conventions are not included in Constitute in addition to a country's codified constitution, thus to facilitate comparison, it would be inappropriate to incorporate unwritten provisions into the UK's constitution.

### **The merits of adding the UK to Constitute**

The inclusion of the UK's written constitution on the Constitute site provides a valuable resource for a multitude of actors. A consolidation of constitutional texts is available for reference by academics, lawyers, students and citizens alike. As a result of the uncodified nature of the UK's constitution, most British citizens remain unaware of the contents of their constitution, or indeed where to find it. This is a situation that Constitute has now sought to rectify, bringing the constituent parts of the UK's written constitution together in digitised form in one easily accessible location. It is hoped that this will help to raise awareness of the contents of the UK's constitution, providing a valuable resource to members of the public and informing citizens about the rights and protections offered to them by their constitution, in doing so empowering them to play a larger role in the governance of their country.

Yet Constitute seeks not only to make available the text of written constitutions. It also hosts a powerful search function, allowing constitutions to be searched for the inclusion of over 300 topics. Markers have been added throughout each constitution on the site to identify the location of provisions relating to common constitutional themes. Over the last few months, work has taken place to examine the contents of each of the UK's constitutional statutes, and to add markers in the appropriate places to facilitate inclusion in the search function. A search for 'term length of the second chamber' for example, would find the appropriate provisions in the Life Peerages Act 1958 which detail that a peerage to sit in the House of Lords is to last a person's lifetime. The same search would also identify corresponding provisions from other constitutions from across the world, from Cambodia's six year term limit for Senators, to the four year mandate of members of Bahrain's Consultative Council. Indeed, this search would serve to highlight UK's unusual constitutional feature of lifetime upper house terms.



(Credit: Pawel Loj, CC by 2.0)

The search function is a powerful tool for the comparison of the UK's constitutional arrangements with other constitutions from across the world. In the context of increasing discussion about the possibility of a codified constitution for the UK, we hope that this might act as a useful resource, allowing lessons to be learned from existing constitutional texts. Additionally, the data underlying Constitute can be used to illustrate provisions which might be considered 'missing' from the UK's existing constitution. For instance, the following table illustrates 15 topics commonly found in other countries' constitutions that are omitted from the UK's constitution:

| Topic   | Percentage of In Force Constitutions with Topic |
|---|---|
| Name/structure of executive(s)                  | 98.4  |
| Mention of cabinet/ministers                    | 96.9  |
| Requirements for birthright citizenship         | 88.5  |
| Leader of first chamber                         | 88.0  |
| Selection procedure for cabinet                 | 87.5  |
| Designation of commander in chief               | 79.7  |
| Legislative oversight of the executive          | 77.1  |
| Extraordinary legislative sessions              | 75.5  |
| Attorney general                                | 74.0  |
| Referenda                                       | 73.4  |
| Removal of individual legislators               | 71.9  |
| Minimum age of members of first chamber         | 71.9  |
| Quorum for legislative sessions                 | 71.4  |
| Representative of the state for foreign affairs | 67.7  |
| Head of government selection procedure          | 66.7  |

Searching for any of the topics in this table on Constitute would reveal that the UK's constitution lacks provisions on these topics. However, the search would provide a sense of how other countries' constitutions cover these topics and how they might be addressed in the UK's constitution if it was further codified.

### Relevance to the wider debate on codification

Over the last year, there has been a significant increase in discussion about the UK's constitution. In addition to the launch of the ConstitutionUK project, the Political and Constitutional Reform

Committee launched a dialogue about codification of the UK's constitution, and almost all political parties are now committed to holding a constitutional convention after the General Election in May. Thus, it seems likely that some constitutional change is imminent.

Constitute is a powerful tool for constitutional drafting efforts that make extensive use of citizen participation, like ConstitutionUK. By illustrating the constitutional laws currently in existence in the UK, participants in such projects have better knowledge about the UK's constitution. This knowledge can be used to help them identify omissions from the UK's constitution and to discover text from other countries' constitutions that might be applicable in the UK. Such knowledge can also be used to modernize the UK constitution because some topics are addressed by relatively antiquated text due to age of some of the statutes that make up the UK's constitution.

Unlike ConstitutionUK, we do not have a position on codification of the UK's constitution. Instead we aim only to provide the necessary tools to allow for informed debate. If a decision is made to proceed with the drafting of a codified constitution, we would encourage the use of Constitute to learn lessons from constitutional texts from our European neighbours, and indeed from across the globe. Ultimately, these lessons will help elucidate the pros and cons of the extant arrangement versus codification by allowing both policymakers and citizens to see clearly how the UK's constitution stacks up against constitutions written elsewhere.

View the UK's constitution on Constitute [here](#)



INFORMING CONSTITUTIONAL DESIGN

The Comparative Constitutions Project is directed by Zachary Elkins, Tom Ginsburg and James Melton. The project seeks to investigate the sources and consequences of constitutional choices. Towards this end, the investigators are collecting data on the formal characteristics of written constitutions, both current and historical, for most independent states since 1789.

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