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A constitution is a set of rules or principles that seek to establish duties of the various bodies of the government, regulate the relationship between the different bodies of the government, distribute their powers and define the relationship between the state and the individual. House of Lords Select Committee on the Constitution defines a constitution as being “ the set of laws, rules and practices that create the basic institutions of the state and its component and related parts, and stipulate the powers of those institutions and the relationship between the different institutions and between those institutions and the individual”. For example, in the UK, there is the legislative branch that is authorised to create the law, the judicial branch which interprets the law, and the executive branch that implements the law.

Constitutions can be codified or uncodified, unitary or federal or seen as rigid or flexible. The UK is an example of an uncodified constitution and can also be considered unwritten. However, this has been deemed severely misleading as, in actual fact, elements of the constitution are written.

g. Legislation that concerns the role and functions of the local governments' relationship with the central government such as The Local Government Act 1972. It is more the case that the UK's constitution is not written or codified under one document, labelled “ The Constitution”. Statutory constitutional law is located within ordinary legislation as opposed to a separate constitutional document, so there is no simple way of identifying such legislation. It could be argued that the UK should have a codified constitution for reasons explored in this essay. A codified

constitution is one where constitutional obligations are to be found within one single text, also commonly known as a written constitution.

There are 3 key principles within a codified constitution. The first being it is authoritative, which means the constitution occupies a place in 'higher law' than standard legislation, giving it more weight and power. As the constitution takes a higher stance within the law, it allows other laws to be compared and considered alongside it for the judges to then determine how constitutional the laws are. A codified constitution is therefore justiciable. It is also entrenched, meaning it is firmly established and extremely difficult to amend or abolish. An example being, in the Republic of Ireland, in order for the constitution to be altered, it is a requirement that the bill must be passed by both parliaments, receive a majority referendum and have the assent of the President. An uncodified constitution is one that is formed using rules that are found from a variety of different sources, as there is no single legal document.

Differing from codified constitutions, an uncodified constitution is not authoritative as constitutional laws hold the same legal status as ordinary legislation. Due to this absence of a higher law, judges do not have a legal standard against which they can declare things constitutional or unconstitutional. They are also not entrenched, they are actually very flexible.

In order for the constitution to change all that it has to do is go through the usual process that applies to statute law. Finally, uncodified constitutions may be considered unitary. Unlike codified constitutions, a unitary system is

governed as one single unit, meaning that all the government power is centralised in the core. Pros and cons maybe I dunno love you :):) On one hand, there are many arguments that support the view that the UK should adopt a codified constitution. One argument being that codified constitutions offer clear-cut rules for political procedure. This makes it easier for judges to follow and apply them, because rather than being unevenly spread through a number of different documents or statutes within constitutional law, they would be located in one single document that labelled the constitution. This would in turn, lead to less confusion about the meaning of constitutional rules and greater certainty that they can be enforced confidently and correctly.

However, one argument is that codified constitutions are too rigid as they do not allow for change very easily due to the fact that they have a higher status within the law. For example, in the United States, in order to amend the constitution that amendment must be either proposed to congress and receive at least a two third majority vote or by a convention called for by two-thirds of state legislatures. It must also be ratified 38 out of 50 states.

The President is powerless in terms of his/her point of view as it does not count. The US constitution has only had 27 amendments since 1787. This shows there is not much room left for flexibility or change, and in a time where everything is changing so rapidly, it is of great importance that the constitution is relevant and representative of the society it governs. Uncodified constitutions however are seen as very flexible, because constitutional laws are treated the same as ordinary laws, it allows changes to be made easily and frequently in order to stay representative. Alternatively, it is argued that in the UK, because

the constitution is flexible, there is no clear formal protection of Human rights. For example, the Human Rights Act can be amended or abolished just as easily as any other law because constitutional law has no higher status than any ordinary law.

Parliamentary sovereignty means that the parliament has the right to make or unmake any law, and no person has the right to override or set aside the legislation of parliament, making them the supreme legal authority in the UK.*This places a great deal of power in the hands of the executives which some people may be uncomfortable with. However, even so it is unlikely that Parliament would, for instance, abolish the Human Rights Act as it is in their interest to be re-elected by the public, so there is an element of politics which greatly influences parliament and how power is used. This would not be an issue if the constitution was codified, as the constitution maintains a higher status and as discussed earlier, is much more difficult to change, which deters governments from attempting to change the constitution unless absolutely necessary.

Individual liberty would be more securely protected as it would be more clearly defined. As a result of this rights are then easier to enforce than they are with the current uncodified constitution that exists in the UK. Parliamentary sovereignty would effectively be abolished if the UK were to have a codified constitution. Some may see this as a positive because it prevents the above scenario, and gives a greater amount of certainty to the general public that their fundamental rights will remain regardless of which political party comes in to power.

(permanence??) However, others may argue that this would undermine one of the key principles in the UK's representative democracy. The UK is seen to be a liberal democratic country. Liberty became a reoccurring part of the constitution, dating as far back as Magna Carta 1215 to the current Human Rights Act 1998. In *Ghaidan v Godin-Mendoza*, Baroness Hale states that "Democracy is founded on the principle that each individual has equal value ... democracy values everybody equally, even if the majority does not".

A number of problems are also bound to arise from this, such as the question of how parliamentary sovereignty can even be abolished? Another majorly important point is that codified constitutions can lead to judicial tyranny. A codified constitution would be 'policed' by senior judges who are unelected meaning they are not socially representative of the general public. This is undemocratic and in turn means that particular groups within society for example ethnic minorities, or people with certain religious beliefs are not necessarily going to have their opinions or views listened to. This could be seen as a step backwards in the UK if this were to happen. On the other hand, this would ensure that the constitution was correctly upheld.

Judges are also act as both neutral and impartial, so they are arguably the fairest people, or at least fairer than the executive branch being trusted to police themselves in regard to the constitution. In conclusion, the constitution of the United Kingdom is currently best described as uncodified. This can be beneficial to the UK as the system is flexible and promotes democracy. However, in my opinion, a codified constitution may be considered much more appropriate.

This is because basicrights would be enshrined in the constitution, which means they are m