

# A draft Constitution for a Confederal United Kingdom

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## Part One – Foundational Principles

### 1. The Confederacy

(1) The United Kingdom of Great Britain and Northern Ireland (or "United Kingdom") is a democratic confederacy of States founded on the values of liberty, equality and solidarity.

(2) The capital and seat of government of the United Kingdom shall be the City of York.

(3) Until otherwise provided for by an Act of the Confederal Assembly, the flag and anthem of the United Kingdom shall be the same as those in common use prior to the coming into effect of this Constitution.

### 2. The States

(1) The United Kingdom consists of four States –

(a) England;

(b) Scotland;

(c) Wales; and

(d) Northern Ireland.

(2) The boundaries of the states shall be those recognised immediately prior to the coming into effect of this Constitution, and shall not be amended except by an Act of the Confederal Assembly. Provided, that no bill for amending the boundaries of any state shall be presented for Royal Assent unless the boundary amendments proposed in the bill have been endorsed by-

(a) the State Parliament of each of the states affected by the change; and

(b) a majority of the voters in each affected area, by means of a referendum.

(3) Each State regains its sovereignty, freedom, and autonomy, and every power, jurisdiction and right, which is not by this Constitution delegated to the institutions of the United Kingdom.

(4) The capital and seat of government of each State shall be as follows –

(a) England, Westminster;

(b) Scotland, Edinburgh;

(c) Wales, Cardiff;

(d) Northern Ireland, Belfast.

(5) Each State shall adopt its own flag and anthem by an Act of the State Parliament.

### **3. Sovereignty**

(1) The people of each State have the sovereign right to self-determination and to determine the form of Government best suited to their needs.

(2) All public power and authority accordingly derives from, and is subject to, the sovereign will of the people, and those exercising public power and authority are accountable for it to the people.

(3) The sovereign will of the people is expressed in the Constitution and, in accordance with the constitution and laws made under it, through the people's elected representatives, at referendums and by other means provided by law.

### **4. Hierarchy of Laws**

(1) This Constitution is the supreme law of the Confederacy. Any Act of the Confederal Assembly, Act of a State Parliament, treaty, order-in-council, regulation, or other law, which is repugnant to this Constitution shall, to the extent of the repugnancy, be void.

(2) Each State shall be a distinct legal jurisdiction with its own law and its own courts, but the Welsh jurisdiction shall not be established until an Act of the National Assembly for Wales so provides, and until such time as such an Act comes into effect England and Wales shall continue to form a common legal jurisdiction.

(3) The courts in each jurisdiction shall apply, in order of hierarchy –

(a) this Constitution;

(b) treaties entered into by the United Kingdom and duly ratified;

(c) Acts of the Confederal Assembly and Acts of the State Parliament, in their respective areas of legislative competence;

(d) regulations, orders-in-council and other subordinate legislation.

### **5. Electoral Franchise**

(1) Subject to the provisions of this Section, a person shall be qualified to be registered as a voter for referendums and for the election of the Confederal Assembly and State Parliaments, and for the election of local authorities, and shall not be qualified to be so registered unless:

(a) he or she is a citizen of the United Kingdom;

(b) he or she is lawfully resident in the United Kingdom and has been domiciled in the constituency or other electoral district of the election for a continuous period of ninety days immediately prior to the date of registration.

(2) A person who has not been resident as required by paragraph (b) of sub-section (1), by reason of service in the public service or as a member of the Armed Forces of the United Kingdom, shall not be disqualified from registering to vote on account of such absence.

(3) A person shall not be qualified to be registered as a voter under this Section if -

(a) he or she has not attained sixteen years of age;

(b) he or she is under guardianship or wardship on grounds of mental incapacity in accordance with the law.

## **6. Languages**

(1) The official language of the United Kingdom is English.

(2) Each State Parliament may make provision for –

(a) the official status of any languages, in addition to English, in that State;

(b) the promotion of the use of any languages, in addition to English, in public education, administration, and broadcasting, in that State.

## **Part Two – Institutions of the Confederation**

### **7. Head of State**

(1) Her Majesty and her heirs and successors shall continue to be Head of State of the United Kingdom.

(2) In relation to this Confederation, Her Majesty in right of the United Kingdom shall have only such powers, duties, functions, privileges and responsibilities as are vested in the Head of State by or in accordance with this Constitution.

(3) The Confederal Assembly may by law provide for –

(a) the succession to the throne;

(b) regencies during the minority or incapacity of the Head of State;

(c) excluding particular persons from the succession on grounds of incapacity;

(d) the regulation of the Royal Household;

(e) the Civil List; and

(f) the style and title of the Head of State.

(4) In the performance of duties and the exercise of powers in relation to the Confederacy, Her Majesty shall only act in accordance with the advice of the Executive Council, except where it is expressly provided in this Constitution or in an Act of the Confederal Assembly that Her Majesty is to act with the advice of any other official or public institution, or at her personal discretion.

### **8. Confederal Assembly**

(1) The Parliament of the United Kingdom is hereby abolished.

(2) There shall be a Confederal Assembly of the United Kingdom, consisting of one hundred and twenty members. The distribution of the seats amongst the States shall be determined by Act of the Confederal Assembly according to the following method:<sup>1</sup>

(a) one half of the seats shall be divided equally amongst the four States; and

(b) one half of the seats shall be divided amongst the four States in proportion to their share of the population of the United Kingdom at the most recent census.

(3) Members of the Confederal Assembly shall be directly elected by the registered electors of each State, by secret ballot, in accordance with the Party List system of proportional representation.

(4) Scotland, Wales and Northern Ireland shall each form one electoral region for the election of Senators; England shall be divided into at least six but not more than ten electoral regions by an Act of the English Parliament, on the advice of an independent Boundaries Commission to be established by law— and, until so provided for, the electoral regions used in the most recent European Parliament election shall be used for the election of the Confederal Assembly.

(5) Vacancies arising in the Confederal Assembly from the death, resignation, removal or recall of any member shall be filled by means of a writ from the President of the Assembly addressed to the person who at the previous election of Assembly members was the next-ranking unelected candidate from the State, region and party concerned who is still willing and qualified to serve.

(6) The Confederal Assembly shall not proceed to business unless at least one-half of its members, including at least one-third of the members from each of three-fourths of the States, are present.

(7) The qualifications and disqualifications for serving as a member of the Confederal Assembly in and for a State shall be the same as those for the Parliament of the State that they represent.

(8) The members of the Confederal Assembly shall be elected for a term of four years, and a general election of members of the Confederal Assembly shall take place every fourth year on a date to be prescribed by the Executive Council, provided such day is no earlier than thirty days before, and no later than thirty days after, the fourth anniversary of the previous such election.

(9) The Confederal Assembly shall not be prematurely dissolved, except by means of a resolution calling for a dissolution passed by a two-thirds majority of the Assembly; on approval of such a resolution, the Confederal Assembly shall be dissolved and new elections shall be held within ninety days.

(10) The Confederal Assembly shall adopt its own Standing Orders, shall elect its own Presiding Officer, and shall appoint its own Clerks and other staff.

(11) The Confederal Assembly shall be summoned and prorogued by the Executive Council, but it shall meet at least once each year for an ordinary session of at least ninety days' duration, and it shall be summoned whenever requested by one-third of its members for the discussion of urgent business.

(12) The Confederal Assembly shall have exclusive the legislative power throughout the United Kingdom in relation to the following matters only –

- (a) defence, including regulation of the armed forces and security services;
- (b) foreign relations, the ratification of treaties, and diplomatic and consular services;
- (c) security of the United Kingdom border;
- (d) passports, citizenship, naturalisation and immigration;
- (e) extradition and asylum;
- (f) currency, coinage, legal tender;
- (g) the Bank of England and monetary policy;

- (h) the borrowing of money on the public credit of the Confederation;
- (i) the maintenance of an internal common market within the United Kingdom;
- (j) relations of the United Kingdom with the Channel Islands and the Isle of Mann, and with British overseas territories;
- (k) the acquisition of property on just terms from any State or person for any purpose in respect of which the Confederal Assembly has power to make laws;
- (l) matters necessary for the execution of any power vested by this Constitution in the Confederal Assembly or Executive Council, or in any department or officer of thereof;
- (m) the regulation of the public service of the Confederacy; and
- (n) other matters declared by this Constitution to be within the exclusive power of the Confederal Assembly.

(14) Subject to the provisions of this Constitution, the Confederal Assembly shall pass bills by a majority of the members present and voting at a quorate meeting. Every bill shall be subjected to three readings; if passed on its third reading it shall be presented to the Head of State for assent.

(15) Every bill, unless declared to be urgent by a two-thirds majority of the members of the Confederal Assembly, shall be circulated to the State Parliaments for a period of at least thirty days before the final reading of the bill in the Confederal Assembly. During that period the Parliament of any State may, by a simple majority vote, make an address to the Confederal Assembly stating its objection to the bill or proposing any amendments to the bill. If such an address is received, the Confederal Assembly shall consider it before finally voting on the bill.

(16) The Head of State shall within sixty days of a bill being presented for assent signify that she assents, and thereby enact the bill as an Act of the Confederal Assembly; provided, that the Head of State shall withhold assent to a bill if, acting on the advice of the Government of any State, she refers the bill to the Supreme Court for an advisory ruling on its constitutionality, and if within sixty days the Supreme Court pronounces that the bill is repugnant to this Constitution. If the Head of State withholds assent under this article, the bill shall be returned to the Confederal Assembly for reconsideration; and if the Assembly, by a two-thirds majority vote, re-passes the bill, with or without amendments, the Head of State shall not withhold assent a second time.

## **9. Executive Council**

(1) The executive powers of the Confederacy shall be exercised by an Executive Council consisting of five United Kingdom Ministers, who shall be elected by the Confederal Assembly from amongst its members by majority vote and formally appointed by Her Majesty.

(2) The United Kingdom Ministers shall be elected as the first item of business of the Confederal Assembly after it has elected its Presiding Officer following a general election, and whenever a vacancy in the office of a United Kingdom Minister occurs.

(3) A United Kingdom Minister shall be removed from office by Her Majesty if the Confederal Assembly passes a vote of no-confidence or censure in the Minister by an absolute majority vote.

(4) With the exception of the Prime Minister, who shall preside over and co-ordinate the work of the Executive Council, each United Kingdom Minister shall be responsible for a portfolio –

(a) Defence;

(b) Foreign Affairs;

(c) Finance;

(d) Co-operation and Home affairs.

(5) One of the members of the Executive Council shall, in addition to the responsibilities of their portfolio, be designated as Deputy Prime Minister. The Deputy Prime Minister shall preside over the Executive Council during the absence or incapacity of the Prime Minister.

(6) The Executive Council, subject to any general rules concerning pay, promotion, discipline and other personnel matters as may be enacted by the Confederal Assembly, shall appoint its own staff and secretariat.

## **10. Council of the States**

(1) There shall be a Council of the States for the discussion of matters of common interest or concern amongst the Governments of the States with regard to the following matters –

(a) railways, roads and other forms of communication between the states;

(b) driver and vehicle licensing;

(c) postal, telephonic and internet services;

(d) harmonisation of rates of sales, income and corporation taxes;

(e) scientific research;

(f) broadcasting;

(g) weights and measures;

(h) copyrights, patents of inventions and designs, and trademarks;

(i) air traffic control, airports and ports;

(j) quarantine and the prevention and containment of epidemics;

(k) disaster relief, response to emergencies, and civil defence;

(l) meteorological, oceanographic, coastguard and navigational services;

(m) environmental protection; and

(n) prevention of terrorism and serious and organised crime.

(2) The Council of the States shall consist of –

(a) the Prime Minister of the United Kingdom;

(b) the United Kingdom Minister for Co-operation and Home Affairs; and

(c) the First Minister of each State.

(3) In event of the absence or incapacity of the Prime Minister or a First Minister, they may be represented in the Council of States by their deputies.

(4) The Prime Minister of the United Kingdom shall summon regular meetings of the Council of States at least four times each year, but any First Minister may, on written application to the Prime Minister, demand a meeting of the Council of States to be held within thirty days.

(4) The Council of States may make recommendations to the Parliaments of the States for mutual co-operation and the harmonisation of laws amongst the States with respect to the matters listed in sub-section 1 of this Section.

## **11. Foreign Relations**

(1) The Executive Council, acting through the United Kingdom Minister for Foreign Affairs, and subject to this Constitution and to Acts of the Confederal Assembly, shall be responsible for –

(a) conducting relations with foreign states and international organisations; and

(b) administering diplomatic and consular services.

(3) The Executive Council, acting through the United Kingdom Minister for Foreign Affairs shall negotiate treaties on behalf of the United Kingdom, provided that –

(a) no matter especially concerning a State should be agreed without the consent of the Government of that State; the State Government shall have the right to be consulted and to be present through an official delegation in such discussions;

(b) no treaty or international agreement of any kind shall be of any effect unless it is ratified by –

(i) a resolution of the Confederal Assembly; or

(ii) enabling legislation enacted by the Confederal Assembly.

(c) the approval of a two-thirds majority of the members of the Confederal Assembly shall be required for –

(i) the ratification of any treaty or agreement by which the United Kingdom becomes a member of any international organisation to which legislative, fiscal, judicial or military powers are delegated;

(ii) the ratification of any treaty or agreement concerning a substantial change in the terms of membership of any such international organisation; or

(iii) the withdrawal of the United Kingdom from any such international organisation.

## **12. Defence**

(1) The Executive Council, through the United Kingdom Minister for Defence, shall be responsible for defence policy, and shall direct and command of the Armed Forces of the United Kingdom.

(2) Her Majesty shall be titular Commander-in-Chief of the Armed Forces, but shall act in that capacity only on the advice and with the consent of the Executive Council.

(3) The raising, recruitment, organisation, discipline, pay and administration of the Armed Forces shall be determined by laws enacted by the Confederal Assembly.

(4) The regulation of civil defence forces of a non-military nature, and of fisheries protection forces, shall be the responsibility of each State.

(5) No war may be declared, nor any force deployed abroad on active military service, except as authorised by a resolution of the Confederal Assembly approved by an absolute majority vote.

### **13. Finance and Currency**

(1) The United Kingdom Minister for Finance shall be responsible for the management of the treasury of the United Kingdom subject to the laws enacted by the Confederal Assembly.

(2) The United Kingdom Minister for Finance shall be responsible for preparation of the annual budget and estimates of the Executive Council, which shall be adopted by a majority vote of the Confederal Assembly.

(3) The Confederal Assembly shall have the authority to levy charges upon the states for the defrayment of the costs of the Confederacy, provided that each State shall contribute to the Confederacy in accordance with its share of the Gross National Product of the Confederacy.

(4) Each State shall be responsible for paying to the Confederacy such sums, provided by its own revenues, as are required by Acts of the Confederal Assembly in accordance with this Section.

(5) If any State refuses or fails to pay its contribution, within the time period prescribed by Acts of the Confederal Assembly, the Executive Council may, after having given twenty-eight days' notice to the State concerned, requisition the required monies directly from the treasury of the State.

(6) The United Kingdom Minister for Finance shall also be responsible, subject to such laws as the Confederal Assembly may enact, for the administration of matters concerning the common currency, money supply and the regulation of the Bank of England.

(7) There shall be a Consolidated Fund for the United Kingdom. Except as expressly provided by an Act of the Confederal Assembly, all monies received by the Confederacy shall be paid into the Consolidated Fund.

(8) The interest on the public debt of the United Kingdom shall be a standing charge on the Consolidated Fund.

### **15. Co-operation and Home Affairs**

(1) The United Kingdom Minister for Co-operation and Home Affairs, in accordance with Acts of the Confederal Assembly, shall ensure –

(a) the service and execution throughout the Confederacy of the civil and criminal process and the judgments of the courts of the States;

(b) recognition throughout the Confederacy of the laws, the public Acts and records, and the judicial proceedings of the States;

(c) the operation of the common market throughout the States.

(2) The United Kingdom Minister for Co-operation and Home Affairs, after consultation with the Council of States, may enter into agreements with the States, on behalf of the Executive Council, whereby the State authorises and requires the Confederacy, or an agency or department thereof, to deliver or to provide for the delivery of a public service in and for that State, in relation to any matters enumerated in sub-section 1 of Section 10. Such agreements (known as 'Shared Service

Agreements') shall be valid if approved by the Confederal Assembly and by the Parliament of the State to which it applies. They may be entered into for a period not exceeding twenty-five years, but may be renewed.

## **16. Supreme Court of the United Kingdom**

(1) There shall be one Supreme Court in and for the Confederacy, to be known as the Supreme Court of the United Kingdom.

(2) The Supreme Court of the United Kingdom, in addition to any other powers and duties vested in or entrusted to it by this Constitution, or, subject to this Constitution by Acts of the Confederal Assembly, shall have final appellate jurisdiction over all questions concerning –

- (a) the validity of any law or treaty under the terms of this Constitution;
- (b) the rights of citizens under this Constitution; or
- (c) the interpretation of this Constitution.

(2) The Supreme Court of the United Kingdom shall consist of twelve justices, who shall be appointed by Her Majesty acting on the advice of a Judicial Appointments Commission, which shall consist of the following members -

- (a) the United Kingdom Minister responsible for Co-operation and Home Affairs;
- (b) two judicial representatives from each legal jurisdiction nominated by the higher judiciary thereof;
- (c) two legal representatives from each legal jurisdiction (of which one shall be a barrister or advocate, and one a solicitor) nominated by their professional bodies;
- (d) two lay representatives from each State, not being members of the judiciary or the legal profession, and not being members of any Parliament, elected by the State Parliaments, by secret ballot, for terms of four years.

(3) Subject to this Constitution and to any further provisions prescribed by Acts of the Confederal Assembly, the United Kingdom Minister responsible for Co-operation and Home Affairs may issue regulations concerning the organization, composition and functions of the Judicial Appointments Commission.

(4) The Confederal Assembly may by law prescribe the legal qualifications and other criteria necessary to be appointed as a member of the Supreme Court of the United Kingdom.

(5) In making nominations, the Judicial Appointments Committee shall, in addition to any such qualifications and criteria required by law, have regard to the following characteristics –

- (a) legal training and experience;
- (b) qualities of character, integrity and neutrality;
- (c) personal skills, including communication, management and leadership skills;
- (d) the need for the Court to be representative of society in terms of race, gender, regional or state identities, and religious and moral values;

(13) The Supreme Court may issue advisory opinions on the constitutionality of laws in

accordance with sub-section 16 of Section 8 of this Constitution.

(14) Subject to the provisions of sub-sections 15 and 16 of this Section, members of the Supreme Court of the United Kingdom shall continue in office for life, but shall retire on reaching the retirement age prescribed by law.

(15) Early retirement may be granted according to law on the grounds of illness or infirmity.

(16) A member of the Supreme Court may be removed, on the grounds of misconduct, neglect of duty, or incapacity by means of a resolution of the Confederal Assembly passed by a two-thirds majority vote.

(17) Members of the Supreme Court shall be independent in the performance of their duties.

(18) A members of the Supreme Court shall not:

(a) hold any popularly elected public office;

(b) be a member of any political party; or

(c) undertake business or commercial activities, or other paid employment, that may reasonably be thought to compromise their independence, impartiality, or integrity.

## **Part Three – Institutions of the States**

### **17. State Parliaments**

(1) Each State shall have a State Parliament, which shall be the legislative, representative and deliberative assembly of the people of that State.

(2) Until otherwise provided in accordance with Section 22, the State Parliament for England shall be composed of two Houses –

(a) the House of Commons, consisting of all members elected from constituencies in England, according to the laws regulating such elections at the time of the coming into effect of this Constitution; and

(b) the House of Lords.

(3) The State Parliament for Scotland shall be the Scottish Parliament, as established by the Scotland Acts 1998 and 2012.

(4) The State Parliament for Wales shall be the National Assembly for Wales, as established by the Government of Wales Acts 1998 and 2006.

(5) The State Parliament for Northern Ireland shall be the Northern Ireland Assembly, as established by the Northern Ireland Act 1998.

(6) Each State Parliament shall have the right to elect its own Presiding Officer, to adopt its own Standing Orders, and such other rights and privileges as may be determined by Acts of the State Parliaments enacted in accordance with this Constitution.

### **18. Powers of State Parliaments**

(1) Subject to the provisions of this Constitution, each State Parliament shall have authority to

enact, amend and repeal all laws for the peace, order and good government of the State.

(2) A State Parliament shall make no law concerning a matter which is declared by this Constitution to be an exclusive competence of the Confederacy.

(3) A State Parliament shall make no law –

- (a) that would restrict the franchise for State and local elections from that guaranteed by this Constitution;
- (b) that would abolish the State Parliament, or infringe the basic principles of parliamentary democracy;
- (c) that would extend the duration of a State Parliament beyond five years;
- (d) that would exceed the powers of the State Parliament under this Constitution;
- (e) that would infringe the fundamental rights of citizens under this Constitution;
- (f) that would be in breach of the United Kingdom's commitments and obligations under international law; or
- (g) that would otherwise be repugnant to this Constitution.

## **19. State Governments**

(1) Each State shall have a Government, which shall possess executive power in and for the State.

(2) Each State Government shall consist of –

- (a) a First Minister, who shall be the chief executive of the State; and
- (b) a Deputy First Minister, who shall deputise for the First Minister as needed; and
- (c) such Ministers as may be appointed to administer the several ministries of the State, subject to any laws in effect in that State limiting the number of Ministers.

(3) Each State Government shall be –

- (a) nominated by, and from amongst the members of, the State Parliament;
- (b) formally appointed by Her Majesty, according to the laws of each State; and
- (c) responsible to the State Parliament, which may remove the Government, or any Minister thereof, by means of a vote of no-confidence passed by an absolute majority.

(4) Subject to the provisions of this Constitution, each State Parliament may, by Act of the State Parliament, provide for the functions, organization and structure of the State Government.

(5) Subject to the provisions of this Constitution, the powers, duties, functions, privileges and responsibilities of Her Majesty in each state shall be determined by the laws of that State.

## **20. State Judiciaries**

(1) The superior judges in each State shall be appointed on the advice of an independent and non-partisan appointing authority, as follows –

(a) subject to the provisions of this Constitution, and until otherwise provided for by an Act establishing a separate jurisdiction for Wales, the judges of the Courts in England and Wales shall be appointed by Her Majesty on the advice of the Judicial Appointments Commission in accordance with the Constitutional Reform Act 2005.

(b) subject to the provisions of this Constitution, the judges of the Courts of Scotland shall be appointed by Her Majesty on the advice of the Judicial Appointments Board for Scotland in accordance with the Judiciary and Courts (Scotland) Act 2008.

(c) Subject to the provisions of this Constitution, the judges of the Courts of Northern Ireland shall be appointed by Her Majesty on the advice of the Northern Ireland Judicial Appointments Commission in accordance with the Justice (Northern Ireland) Acts 2002 and 2004.

(2) Subject to the provisions of sub-sections 3 and 4, members of the superior courts in each State shall continue in office for life, but shall retire on reaching the retirement age prescribed by law.

(3) Early retirement may be granted according to law on the grounds of illness or infirmity.

(4) A member of the superior courts of any State may be removed, on the grounds of misconduct, neglect of duty, or incapacity by means of a resolution of the State Parliament passed by a two-thirds majority vote.

(5) Members of the State judiciaries shall be independent in the performance of their duties.

(6) Members of the State judiciaries shall not:

(a) hold any popularly elected public office;

(b) be members of any political party; or

(c) undertake business or commercial activities, or other paid employment, that may reasonably be thought to compromise their independence, impartiality, or integrity.

## **21. Independent Scrutiny and Oversight Institutions**

(1) There shall be in each State an independent and non-partisan –

(a) authority for making or advising on public appointments;

(b) public services ombudsman or commissioner for administration, to whom complaints of maladministration may be made; and

(c) an auditor-general, who shall be responsible for the scrutiny of public finances.

(2) The institutions prescribed in sub-section 1 of this Section shall be established by Acts of the State Parliaments adopted in accordance with the procedure specified in Section 22.

## **22. Changes to State Institutions**

(1) Subject to the provisions of this Constitution, each State Parliament shall have the authority to enact laws amending or reforming the internal constitution or institutions of the State.

(2) A law concerning the internal constitution or institutions of a State shall not be valid unless –

(a) it is approved, on its final reading, by at least two-thirds of the members of the

State Parliament (or of the lower House thereof, if there are two Houses); or

(b) it is approved, on its final reading, by an absolute majority of the members of the State Parliament (or of the lower House thereof, if there are two Houses) and then confirmed, before being enacted, by a majority of votes cast in a State referendum.

(3) For the purposes of this Section, a 'law amending or reforming internal constitution or institutions of a State' shall include laws concerning –

(a) the composition of the State Parliament or the mode of electing its members;

(b) the rights, privileges, immunities of members of the State Parliament;

(c) the terms of office of the State Parliament, and the mode and manner by which the State Parliament may be dissolved;

(d) the establishment or abolition of a second chamber of the State Parliament;

(e) the mode of selecting and removing the members of the State Government;

(f) the process for passing bills and enacting Acts of the State Parliament;

(g) the status and constitution of the superior courts in each jurisdiction;

(h) the mode of appointing and removing judges, and their privileges and immunities;

(i) the mode of appointing and removing the Law Officers of the State, and their privileges and immunities;

(j) the mode of appointing and removing the members of independent scrutiny and State, and their privileges and immunities;

(k) the basic laws governing the holding of referendums in the State; and

(l) the adoption of a declaratory statement of constitutional values or principles.

### **23. Local Government in the States**

(1) For the purposes of local self-government, the territory of each State shall be divided and subdivided into such cities, regions, counties, burghs, communities, and other local authority areas as may from time to time be determined by Acts of the State Parliament.

(2) Subject to this Section, the State Parliaments shall by law determine the duties, powers, responsibilities, organisation, composition and functioning of local authorities.

(3) Until otherwise determined by Acts of the State Parliaments, the existing local authorities in each State shall continue in being with their existing powers and duties.

(4) Each local authority shall be administered by a directly elected Council consisting of Councillors who are directly elected by the enfranchised citizens resident in the locality, at intervals of not greater than four years, by secret ballot.

(5) Nothing in this Section shall be construed to prohibit the establishment of other directly elected local offices, including directly elected Mayors, according to State law.

## **Part Four – Fundamental Rights and Liberties**

### **24. General Provisions**

- (1) The provisions of this Part shall have effect for the purpose of guaranteeing the fundamental rights and freedoms of all persons in the United Kingdom or subject to the jurisdiction thereof.
- (2) The rights and freedoms hereby guaranteed shall be enjoyed by all persons without discrimination on grounds such as sex, race, colour, religion, personal beliefs, abilities, status or sexuality.
- (3) There shall be no limitation upon their exercise save such as is necessary to prevent or penalise acts by any person or group of persons calculated to infringe or destroy the rights and liberties of other persons or groups, or forcibly to subvert the constitutional order which establishes and guarantees those rights and liberties.
- (4) Subject to the qualification mentioned in sub-section (3) no law may be passed which abrogates or derogates from guaranteed rights and liberties, unless passed by way of a constitutional amendment in accordance with Section 49 of this Constitution.
- (5) Every person shall be granted by a competent court a full and adequate and speedy remedy for any infringement whatsoever of his or her guaranteed rights and freedoms.
- (6) None of the rights guaranteed in this Part shall be subjected to any restriction or limitation other than as expressly provided, nor shall any such restriction or limitation be applied for any purpose other than that expressly prescribed.

### **25. Right to Life**

- (1) Every person has the right to life.
- (2) No person shall be condemned to death or executed.
- (3) If any person's death occurs as a result of a lawful act of war, or of another person's acting in a manner which is permitted by law and which is no more than necessary to defend a person or persons from unlawful violence, or to effect a lawful arrest or to prevent the escape of a person lawfully detained, the action so taken shall not be rendered unlawful by the fact that death has result from it.
- (4) This Section shall not prohibit voluntary euthanasia or the medical termination of pregnancy in accordance with the law applicable in each State.

### **26. Prohibition of Torture**

No person shall be subjected to torture, or to inhuman or degrading treatment or punishment.

### **27. Prohibition of Slavery and Forced Labour**

- (1). No person shall be held in slavery or servitude, nor shall any person be required to perform forced or compulsory labour.
- (2) For the purposes of this Section, 'forced or compulsory labour' shall not include: -
  - (a) any work, not of a hazardous, degrading or profit-making nature, required to be done in the ordinary course of detention imposed according to the provisions of Section 28 of this Constitution, or during conditional release from such detention;

(b) any service of a military character or, in case of conscientious objectors, service exacted instead of military service;

(c) any service lawfully exacted in case of an emergency or calamity threatening the life or well-being of the community; or

(d) any work or service which forms part of normal civic obligations.

## **28. Personal Liberty**

(1) Every person has the right to personal liberty and security, and accordingly no person shall be deprived of liberty save in the following cases and in accordance with the procedures prescribed by law -

(a) in the case of his or her lawful detention in accordance with the sentence passed by a competent Court upon his or her conviction of an offence;

(b) in the case of his or her lawful arrest or detention for non-compliance with the lawful order of a court;

(c) in the case of his or her lawful arrest or detention upon reasonable suspicion of having committed, or being engaged in the commission of, or being about to commit, a criminal offence under the law;

(d) in the case of detention of a person under the age of 16 years by lawful order for the purpose of his or her educational supervision or personal welfare;

(e) in case of the lawful detention of a person who is of unsound mind and danger to themselves or others;

(f) in the case of the lawful arrest of a person to prevent his or her unlawfully entering the United Kingdom, or of a person against whom lawful action is being taken with a view to deportation or extradition.

(2) Every person who is arrested or detained shall be informed, as soon as is possible in the circumstances of the case, in a language which he or she understands, of the reason for his or her arrest or detention and of any charge which is to be laid against him or her; he or she shall be entitled to inform a member of his or her family of his or her whereabouts and of the stated reason for his or her detention, and shall be entitled as soon as possible to consult a legal practitioner.

(3) Every person who is arrested or detained in accordance with sub-section (1)(c) of this Section shall, wherever it is practicable to do so, be brought before a competent court not later than the first lawful day after being taken into custody, such day not being a public or local holiday: failing which, he or she shall be brought before a competent court as soon as is possible thereafter.

(4) Every person who has been deprived of liberty by arrest or detention has the right to petition a competent court of law, and shall be liberated by order of the court as soon as is practicable in the circumstances of the case unless such deprivation of liberty is proven to be lawful; if a person so deprived of liberty is for any reason unable to take proceedings on his or her own behalf any other person who can show good cause for so doing may petition the court in his or her name to test the lawfulness of any such detention.

## **29. Right to Fair Trial**

(1) Every person has the right to fair and impartial judicial proceedings to determine any question raised by process of law concerning his or her legal rights or obligations, or any criminal charge against him or her.

(2) Every such question or charge shall be heard and determined by the competent court or tribunal established by law. Trials shall be conducted in public and judgment shall be pronounced publicly, except in so far as the law permits a court or tribunal to exclude members of the public from part of such proceedings or to prohibit publication of reports concerning part of such proceedings on all or any of the following grounds:

- (a) the protection of national security;
- (b) the prevention of disorder in court;
- (c) the protection of children or young people, or other vulnerable persons;
- (d) the protection of the personal privacy of both parties; or
- (e) in the interests of justice, in circumstances in which publicity would inevitably cause serious prejudice to the fair determination of an issue.

(2) Every person charged with a criminal offence shall be presumed innocent until proven guilty according to law.

(3) Every person charged with a criminal offence has the following rights:

- (a) to be informed in detail, as soon as is possible in the circumstances of the case, and in a language which he or she understands, of the charge which is made against him or her;
- (b) to have adequate time and facilities for preparing a defence;
- (c) to defend himself or herself in person or through a legal practitioner of his or her own choosing;
- (d) to such financial assistance as is necessary in the light of his or her means to secure adequate legal assistance if desired;
- (e) to examine or have examined witnesses against him or her and to obtain the attendance and examination of witnesses on his or her behalf in the same conditions as witnesses against him or her;
- (f) to have all proceedings in court connected with the charge against him or her translated by a competent interpreter into the language which he or she best understands, if that language is not the language of the Court; and
- (g) to be informed in a language which he or she understands of his or her rights under Sections 28, 29 and 30 of this Constitution.

(4) No one shall be liable to be tried or punished again in criminal proceedings for an offence for which he has already been finally acquitted or convicted in accordance with the law. Provided, that this provision shall not prevent the reopening of the case, in accordance with the law, if there is evidence of new or newly discovered facts, or if there has been a fundamental defect in the previous proceedings, which could affect the outcome of the case.

(5) The right to trial by jury, as such right existed under the law of each State at the time of the coming into effect of this Constitution, shall be guaranteed, and shall not be restricted, abridged or modified except in accordance with an Act of the State Parliament adopted by the procedure specified in Section 22.

### **30. Right to Appeal**

(1) Everyone convicted of a criminal offence by a court or tribunal shall have the right to have his conviction or sentence reviewed by a higher court or tribunal.

(2) The exercise of this right, including the grounds on which it may be exercised, shall be governed by law.

(3) This right may be subject to exceptions in regard to offences of a minor character, as prescribed by law, or in cases in which the person concerned was tried in the first instance by the highest tribunal or was convicted following an appeal against acquittal.

### **31. No Punishment without Law**

(1) No person shall be convicted of any criminal offence save in respect of an act or omission which, at the date of its commission, constituted a criminal offence by law.

(2) No penalty shall be imposed which is heavier than the maximum permitted under the law at the date of the commission of the offense.

### **32. Protection of Private and Family Life**

(1) Everyone has the right to respect for privacy in his or her personal affairs, family life, home, and correspondence.

(2) There shall be no interference with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

(3) Every person who suffers unlawful interference with his or her personal privacy shall be entitled to an adequate civil remedy therefore.

(4) Provision shall be made by law for the safeguarding of personal data and information, and in particular to preserve the privacy and security of all communications and transactions conducted by electronic media.

### **33. Freedom of Thought, Conscience and Religion**

(1) Every person has the right to freedom of thought and of conscience and to the free confession and practice of religion.

(2) This right includes freedom to change his or her religion or belief and freedom (either alone or in community with others and in public or private) to manifest his or her religion or belief in worship, teaching, practice and observance.

(3) This right also includes freedom not to believe or participate in any religion.

(4) Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and necessary in a democratic society in the interests of public safety, or for the protection of public order, health or morals.

(5) Nothing in this Section shall affect –

(a) in Scotland, the existing status, freedom or liberties of the Church of Scotland, as recognized by the Church of Scotland Act 1921 and by the Articles Declaratory of the Constitution of the Church of Scotland in Matters Spiritual;

(b) in England, the established status of the Church of England; or

(c) any provision made by law for the public funding of denominational schools.

### **34. Freedom of Expression**

(1) Every person has the right to freedom of speech, writing and publication, and of the expression of opinion, including the right to impart and receive information and ideas freely to and from any other person or persons whatsoever.

(2) The law may prohibit abuses of this right, to the extent necessary in a democratic society –

(a) in the interests of national security or public safety;

(b) for the prevention of disorder or crime;

(c) for the protection of health or morals;

(d) for the protection of the reputation or rights of others;

(e) for preventing the unlawful disclosure of personal or private information received in confidence; or

(f) for maintaining the authority and impartiality of the judiciary.

(3) The foregoing provisions shall not be interpreted as invalidating laws regulating the licensing of broadcast transmissions or cinemas, theatres and other like places of public resort.

### **35. Freedom of Assembly and Association**

(1) Every person has the right to freedom of peaceful assembly and to freedom of association with others for all lawful purposes.

(2) This right shall include, but not be limited to, the freedom to freely form and to join political parties and trade unions.

(3) The right to freedom of assembly and of association shall be subject only to such restrictions as are prescribed by law and are necessary in a democratic society –

(a) for the protection of national security or public safety;

(b) for the prevention of disorder or crime; or

(c) for the protection of the rights of others.

### **36. Freedom of Movement**

(1) Subject to sub-section (2) of this Section, everyone lawfully within the territory of the United Kingdom shall, within that territory, have the right to liberty of movement and freedom to choose his residence, and shall have the freedom to leave the country at will.

(2) No restrictions shall be placed on the exercise of these rights other than such as are in accordance with law and are necessary in a democratic society: -

(a) in the interests of national security or public safety;

(b) for the prevention of disorder or crime;

(c) for the protection of public health or the environment; or

(d) for the protection of the rights and freedoms of others.

(3) Everyone in the United Kingdom has the right of free access to hills, mountains, waterways and open country, except in cases in which unrestricted access is likely to cause substantial interference with agriculture, forestry or fishing, and subject to any provisions of the law restricting this right under sub-section (2) of this Section.

### **37. No Imprisonment for Debt**

No one shall be deprived of his liberty merely on the ground of inability to fulfil a contractual obligation.

### **38. Familial Rights**

(1) Men and women of marriageable age have the right to marry and to found a family in accordance with the laws governing the exercise of this right in each State.

(2) The extent to which rights under this Section shall extend to same-sex couples shall be determined by the law of each State.

### **39. Property Rights**

(1) Every person has the right to hold private property, and to the peaceful enjoyment of his or her property.

(2) The Union Parliament and the State Parliaments, in their respective areas of competence, may, however, enact laws that control or restrict the use or acquisition of property in the general interest, in cases where the Parliament determines that the needs of the community require to be given precedence over the rights of individuals.

(3) All laws which sanction measures of expropriation shall make provision for fair compensation.

(4) Nothing in this Section shall have the effect of invalidating any tax, duty or custom levied in accordance with the law, or the lawful collection of any service charge or administrative fee, or the lawful imposition of a criminal penalty of fine or forfeiture.

### **40. Freedom of Information**

(1) Every person shall have the right of access to governmental information, including on request all documents, files and other records pertaining to them or to government policy.

(2) The right of access to official information can only be restricted by law to the extent necessary, in a democratic society: -

(a) for the protection of national security;

(b) for the purpose of protecting personal privacy or commercial confidentiality;

(c) for the prevention of crime; or

(d) for ensuring the due process of judicial proceedings.

(3) It shall be the duty of the Parliament of each State to ensure by law that, so far as possible, in such public or private broadcasting services as may be provided in that State –

(a) due impartiality is preserved in respect of matters of political, social, economic or religious controversy or relating to current public policy; and

(b) broadcasting facilities and time for party election broadcasts are fairly apportioned between different political parties or campaigns.

#### **41. States of Emergency**

(1) If the Prime Minister of the United Kingdom is satisfied that a grave emergency exists whereby the peace, security and safety of the Confederacy, or any State thereof, is threatened by war, invasion, disaster, unrest, epidemic, or other cause, he or she may, by means of a public proclamation, declare that a state of emergency exists in the Confederacy or any part thereof.

(2) Before making a declaration under sub-section 1, the Prime Minister shall, so far as it is practicable to do so, consult with the Council of the States.

(3) A declaration of emergency lapses at midnight on the seventh day after the publication of the declaration, unless within that time the Confederal Assembly approves the declaration by means of a resolution passed by a two-thirds majority of its members.

(4) A declaration of emergency that has been approved by a resolution of the Confederal Assembly in accordance with sub-section (3) remains in force, subject to the provisions of sub-section (5), for three months from the date of the resolution, or for such shorter period as the resolution may prescribe.

(5) The Prime Minister shall revoke a declaration of emergency –

(a) if so requested by a simple majority of the members of the Confederal Assembly;

(b) by his or her own decision, according to his or her personal judgment and discretion, he or she is convinced that there is no longer the need or justification for a state of emergency to be in effect.

(6) A provision of this Section that a declaration of emergency lapses or ceases to be in force at a particular time does not prevent the making of a further such declaration whether before or after that time. Provided, that a declaration of emergency shall not be renewed without the prior consent the Confederal Assembly, by means of a resolution passed by a two-thirds majority.

(7) During the period during which a declaration of emergency is in force, the Executive Council, or any Minister or officer of the Confederacy to whom such authority may be delegated by the Prime Minister, may make such orders as are reasonably required for securing public safety, maintaining public order or safeguarding the interests or maintaining the welfare of the Confederacy.

(8) An order made under sub-section (7) shall have the force of law, but shall not be valid or binding if it exceeds the reasonable restrictions which may be placed on fundamental rights and freedoms in accordance with the provisions of this Part.

(9) An order made under sub-section (7) of this Section –

(a) shall cease to have effect immediately upon the lapse of the state of emergency;  
and

(b) may at any time before the lapse of the state of emergency be revoked by –

(i) the authority which issued the order; or

(ii) a resolution of the Confederal Assembly.

(10) No elections shall be held during a State of Emergency. Any election that is due to be held during a State of Emergency shall be postponed and shall take place within three months of the end of the State of Emergency.

## **Part Five – Political Integrity**

### **42. Electoral Commission**

(1) There shall be an Electoral Commission consisting of fifteen members, who shall be appointed by Her Majesty in the following manner –

- (a) two shall be appointed on the advice of the Prime Minister;
- (b) two shall be appointed on the advice of the Presiding Officer of the Confederal Assembly, given after having consulted the leaders of the opposition parties in the Confederal Assembly;
- (c) one shall be appointed on the advice of the First Minister of each State;
- (d) one shall be appointed on the advice of the Speaker or Presiding Officer of each State Parliament, given after having consulted the leaders of the opposition parties in the State Parliament; and
- (e) three shall be appointed on the advice of the aforementioned members of the Electoral Commission, of which –
  - (i) two shall be public officers, qualified and experienced in the conduct of elections; and
  - (ii) one shall be a former judge who is learned in electoral law.

(2) Subject to the provisions of sub-section (5) of this Section, members of the Electoral Commission shall hold office for a period of five years from the date of their appointment.

(3) A person shall be disqualified for appointment as a member of the Electoral Commission if he or she is –

- (a) a member of the Confederal Assembly or of a State Parliament;
- (b) a candidate at any election to the Confederal Assembly or a State Parliament; or
- (c) the spouse of any person disqualified under the preceding two paragraphs.

(4) A person shall not, while he or she holds or is acting in the office of a member of the Electoral Commission or within a period of five years commencing with the date on which he or she last held or acted in that office, be eligible for appointment to or to act in any public office, or to be a candidate for any election.

(5) The office of a member of the Electoral Commission shall become vacant –

- (a) if he or she becomes disqualified for appointment under sub-section (3) of this Section;

(b) if he or she tenders his or her resignation to Her Majesty;

(c) if the Confederal Assembly, by a two-thirds majority vote, passes a resolution praying for his or her removal, on the grounds of misconduct, neglect of duty, or incapacity.

(6) The member of the Electoral Commission appointed under sub-para (ii) of paragraph (e) of sub-section 1 of this Section shall serve as Convenor of the Electoral Commission; during the absence or incapacity of the Convenor, the Electoral Commission shall designate a Deputy.

(7) If there is any vacancy in the membership of the Electoral Commission, Her Majesty shall appoint a person to fill the vacancy, according to subsection (1) of this Section. Provided, that until such member of the Commission is appointed, the Electoral Commission may perform its functions notwithstanding any vacancy in its membership.

(8) The Electoral Commission shall be responsible, in accordance with this Constitution and such laws as may be enacted by the Confederal Assembly and the laws of each State, for the direction and supervision of the registration of voters, the registration of political parties, ensuring the free and fair conduct of elections and referendums, and all matters connected therewith.

(9) The Electoral Commission may make recommendations to the Confederal Assembly and to the Parliaments of the States with respect to the reform and improvement of the laws concerning –

(a) the registration of voters;

(b) the registration of political parties;

(c) the suppression of corrupt practices;

(d) the disclosure of political donations; and

(e) the financing of parties, referendums and election campaigns.

(10) In the exercise of its functions the Electoral Commission shall act impartially and shall not be subject to the direction or control of any other person or authority.

### **43. Principles of Public Life**

(1) This Section applies to:

(a) the Prime Minister and United Kingdom Ministers;

(b) the First Ministers and Ministers of the States;

(c) members of the Confederal Assembly;

(d) members of the Parliaments of the States;

(e) members of the Electoral Commission;

(f) scrutiny and integrity officials whose offices are established under Section 21;

(g) all judges and persons exercising judicial authority;

(h) all members of the Judicial Appointments Commission and of judicial appointments bodies in each state;

- (g) local councillors and any other local officials, whether elected or otherwise;
- (h) police officers; and
- (i) all other public officials of the Confederacy or of the States.

(2) The persons to whom this Section applies shall adhere to the following principles:

- (a) they should uphold the law and act in accordance with the law and the public trust placed in them;
- (b) they have a duty to act solely in terms of the public interest, and must not act in order to gain financial or other material benefit for themselves, family or friends;
- (c) they must not place themselves under any financial or other obligation to any individual or organisation that might reasonably be thought to influence them in the performance of their duties;
- (d) they must make decisions solely on merit when carrying out public business;
- (e) they are accountable for their decisions and actions to the public, and they have a duty to consider issues on their merits, taking account of the views of others;
- (f) they must ensure that resources are used prudently and in accordance with the law;
- (g) they have a duty to be as open as possible about decisions and actions they take, giving reasons for their decisions and restricting information only when the wider public interest clearly demands;
- (h) they have a duty to act honestly, and must declare any private interests relating to their public duties and take steps to resolve any conflicts arising in a way that protects the public interest.
- (i) they should exhibit these principles in their own behaviour, actively promoting and robustly supporting these principles and being willing to challenge poor behaviour wherever it occurs.

(3) To give effect to these and other relevant principles of good conduct:

- (a) the Confederal Assembly shall adopt Codes of Conduct for –
  - (i) members of the Confederal Assembly;
  - (ii) members of the Executive Council;
  - (iii) judges of the Supreme Court of the United Kingdom; and
  - (iv) other public officers of the Confederacy.
- (b) each State Parliament shall adopt Codes of Conduct for –
  - (i) members of the State Parliament;
  - (ii) members of the State Government;

- (iii) judges of the courts of the State;
- (iv) other public officers of the State; and
- (v) local government councillors and officials in the State.

(4) The Confederal Assembly, in relation to Codes of Conduct adopted under para. (a) of sub-section 3, and the State Parliaments, in relation to Codes of Conduct adopted under para. (b) of sub-section 3, shall have the authority to enforce observance of these Codes of Conduct by means of legislation.

#### **44. Payment of members of the Confederal Assembly and State Parliaments**

(1) No increase to the salaries, benefits and allowances payable to members of the Confederal Assembly or the members of any State Parliament shall be adopted except with the approval of a two-thirds majority vote of the Confederal Assembly, or State Parliament, as the case may be.

(2) Any increase to the salaries, benefits and allowances payable to members of the Confederal Assembly or the members of any State Parliament shall be applied only to those members who are first elected to the Confederal Assembly, or the State Parliament, as the case may be, after the increase has been applied.

#### **45. Conflicts of Interest**

(1) In the Confederal Assembly and in each State Parliament there shall be a register of interests, which shall be published and made available for public inspection, in which shall be recorded the private, financial, business and other interests (including gifts and benefits in kind) of all members.

(2) A member of the Confederal Assembly or of a State Parliament who has a private, financial, business or other interest, in any matter being considered by that Assembly or Parliament must –

- (a) declare that interest before taking part in any parliamentary proceedings, including committee proceedings, relating to that matter; and

- (b) abstain from voting on that matter.

(3) A member of the Confederal Assembly or of a State Parliament may not advocate or initiate any cause or matter on behalf of any person, organisation, or corporation, in consideration of any payment or benefit in kind.

#### **46. Civic Honours**

(1) Her Majesty may award –

- (a) United Kingdom honours, in recognition of outstanding public service to the United Kingdom; and

- (b) State honours, in recognition of outstanding public service to the State, or distinguished contributions to the culture or community thereof.

(2) Honours shall be awarded on the advice of an independent and non-partisan nominating committee, to be established –

- (a) by an Act of the Confederal Assembly, in relation to United Kingdom honours; and
  - (b) by an Act of the State Parliament, in relation to State honours;
- (3) The grades of honours and the grounds on which they may be awarded shall be determined –
- (a) by Acts of the Confederal Assembly, in relation to United Kingdom honours; and
  - (b) by Acts of the State Parliament, in relation to State honours.
- (4) Honours granted shall not be hereditary and shall not entitle the bearer to any special privileges.
- (5) Unless otherwise provided by law, honours shall not be accompanied by any financial reward.

#### **47. Conduct of Referendums**

- (1) Subject to the provisions of this Constitution, referendums may be conducted –
- (a) across the United Kingdom, by a decision of the Confederal Assembly; and
  - (b) in any State, by a decision of the State Parliament.
- (2) A referendum shall not be conducted unless –
- (a) the Electoral Commission has certified that the question to be put in the referendum is clearly worded, unambiguous, fair and balanced.
  - (b) the Supreme Court has certified that the subject matter of the referendum is –
    - (i) within the competence of the authority proposing to conduct it; and
    - (ii) not repugnant to this Constitution, or the rights guaranteed thereby.
- (3) Referendums shall be binding if held –
- (a) on the alteration of State boundaries, under sub-section 2 of Section 2;
  - (b) on the reform of the constitution or institutions of a State, under Section 22;
  - (c) on amendments to this Constitution, under Section 49; or
  - (d) on the secession of any State under Section 50.
- (4) Referendums on any matter not specified in sub-section 3 of this Section shall be advisory.

#### **48. Oaths of Office and Allegiance**

- (1) The Head of State shall be required to take the following oath of office upon coronation:
- ‘I [full name], being [King/Queen] of the United Kingdom, solemnly swear/affirm that I will faithfully and conscientiously perform my duties as Head of State in accordance with the Constitution and the laws, and that I will uphold, defend and obey the same. (So help me God).’
- (2) Every member of the Confederal Assembly and of a State Parliament taking their seat shall be required to take the following oath of allegiance:

'I [full name] do swear that will be faithful and bear true allegiance to the people of [name of State], according to the Constitution of the United Kingdom and the laws. (So help me God)'

(3) Every member of the Executive Council or of a State Government, on appointment, shall be required to take the following oath of office:

'I [full name] solemnly swear/affirm that I will faithfully and conscientiously perform my duties as [name of office] in accordance with the Constitution and the laws. (So help me God).'

(4) Every person appointed to a judicial office shall, on appointment, be required to take the oath of office specified in sub-section (3) of this Section and the following oath of integrity:

'I will do right to all manner of people after the laws and usages of this State and of the United Kingdom, without fear or favour, affection or ill-will. (So help me God).'

(5) Every person appointed to any other diplomatic, civil, military or other public office under this Constitution, shall be required to take, in addition to the oath specified in sub-section (2) of this Section, such oath of office, if any, as may be required by law.

(6) Oaths under this Section may also be taken in the form of a solemn affirmation without religious invocation.

## **Part Six – Constitutional Amendments and Secession**

### **49. Amendments to the Constitution**

(1) Subject to the provisions of this Section, the Confederal Assembly may by law amend any provision of this Constitution by way of repeal, addition, amendment, or otherwise.

(2) A bill to amend this Constitution must state its intention to do so in its title.

(3) A bill to amend this Constitution shall not be deemed to have been passed by the Confederal Assembly unless it has been approved, on its final reading, by at least two-thirds of the members of the Confederal Assembly.

(4) A bill to amend this Constitution shall not be presented for royal assent unless it has been referred to the people of each State in a referendum and has been approved by a majority of votes cast in the referendum in each State; provided, that if an amendment applies only to one State, or to any particular States, it may be presented for royal assent if approved by a majority of votes cast in the States to which it applies, notwithstanding that it is not approved in other States.

(5) No amendment to this Constitution shall be made during a State of Emergency, nor during any time when the United Kingdom, or any part thereof, is under enemy occupation.

### **50. Secession**

(1) Subject to the provisions of this Section, a State may secede from the United Kingdom.

(2) A State shall not secede unless –

(a) a proposal for a referendum on secession is approved by an absolute majority of the members of the State Parliament; and

(b) at the referendum, a majority of the votes cast are in favour of secession.

(3) A referendum under sub-section 2 shall not be proposed or conducted during a period of twenty years following the most recent referendum on the question of secession in that State.

(4) If a State votes for secession in accordance with this Section, the Government of that State and the Executive Council of the United Kingdom shall negotiate the terms of the secession and shall prepare a Secession Agreement to be approved by the State Parliament.

(5) So long as at least two States remain in the United Kingdom, this Constitution shall remain in effect between them, subject to such consequential amendments as may necessarily arise from the reduction in the number of States.

(6) In accordance with the Good Friday Agreement, a decision by Northern Ireland to seek secession from the United Kingdom may be combined, in such manner as the State Parliament of Northern Ireland may prescribe, with a decision to seek incorporation into or union with Ireland.

## **51. Adoption, Proclamation and commencement of the Constitution**

(1) This Constitution shall be adopted by the peoples of the United Kingdom on being approved by a majority of the votes cast in a referendum in England, Scotland, Wales and Northern Ireland.

(2) The Constitution shall, within ten days after the certification of the result of the referendum, be formally proclaimed by Her Majesty. Her Majesty shall thereupon take the oath prescribed by sub-section 1 of Section 48.

(3) The Constitution shall come into effect immediately upon such proclamation.

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<sup>i</sup> On current population figures, this would produce the following distribution of seats:

England: 65

Scotland: 20

Wales: 18

Northern Ireland: 17

Total: 120