

**DRAFT CONSTITUTION  
FOR THE UNITED KINGDOM OF ENGLAND AND WALES**

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**CHAPTER I. THE STATE AND THE CONSTITUTION**

**1. Sovereignty**

The United Kingdom of England and Wales is a sovereign independent democratic state.

**2. Supreme Law**

(1) This Constitution is the supreme law of England and Wales.

(2) Any Act of Parliament, Act of Assembly, Order-in-Council, or other law, incompatible with this Constitution shall, to the extent of the incompatibility, be void.

**3. Citizenship**

(1) Every person who is a citizen of the United Kingdom of Great Britain and Northern Ireland immediately before the appointed day shall become a citizen of the United Kingdom of England and Wales on that day if he or she –

(a) was born in the territory of England and Wales on or before the date of the commencement of this Constitution,

(b) is ordinarily resident in England and Wales on the date of the commencement of the Constitution, or

(c) has such other connection to England and Wales as may be prescribed by law and who chooses, in the manner prescribed by or in accordance with the law, to accept citizenship of England and Wales.

(2) Parliament may make provision by law for the acquisition of citizenship of England and Wales, after the appointed day, by birth, marriage and naturalization; provided that such provision shall not unfairly discriminate on the grounds of race, ethnic origin, colour, religion, sex, age, or mental or physical disability; and until such laws are enacted, the laws of citizenship of the United Kingdom of Great Britain and Northern Ireland shall remain in effect, *mutatis mutandis*, for England and Wales.

(3) Parliament may make provision by law for the voluntary renunciation by any person of English and Welsh citizenship, but no person shall renounce citizenship of England and Wales if the effect of that renunciation would render the person or any spouse, child or dependent of that person stateless.

(4) No person who is citizen of England and Wales shall be deprived of that citizenship.

**4. Territory**

The territories of the United Kingdom shall consist of those territories subject to the jurisdiction of the courts of England and Wales immediately before the appointed day, including the territorial waters thereof.

**5. National Symbols**

(1) The flag –

(a) of the United Kingdom of England and Wales shall be the Union Flag;

(b) of England shall be the Cross of St George;

(c) of Wales shall be *Y Ddraig Goch*.

(2) The anthem –

(a) of the United Kingdom of England and Wales shall be God Save the Queen;

(b) of England shall be prescribed by Act of Parliament;

(c) of Wales shall be prescribed by the National Assembly for Wales.

## **6. Official Languages**

- (1) Subject to the provisions of this section, English is the official language of the United Kingdom of England and Wales.
- (2) The English language shall be the working language of the Parliament of England and Wales, and statutes, records and journals of Parliament shall be printed and published in English; provided, that members representing Welsh constituencies may address the House of which they are a member in Welsh, and appropriate interpretation facilities shall be provided by each House for this purpose.
- (3) Welsh shall have equality of status with English in the National Assembly for Wales, in all institutions of the Welsh Government, and in local authorities in Wales; and the Welsh Assembly may make provision by law for the use, promotion and protection of the Welsh Language in Wales.
- (4) Courts of law in England and Wales shall conduct proceedings in English, but at the request of any party, witness, or other person having business before a Court, the Welsh language may be used, and interpretation facilities shall be provided by the Court.

## **CHAPTER II. FUNDAMENTAL RIGHTS AND FREEDOMS**

### **7. Right to Life**

- (1) Everyone's right to life shall be protected by law.
- (2) No one shall be sentenced to death or executed.
- (3) A person shall not be regarded as having been deprived of his or her life in contravention of this section if he or she dies as the result of the use, to such extent and in such circumstances as are permitted by law, of such force as is reasonably justifiable –
  - (a) for the defence of any person from violence or for the defence of property;
  - (b) in order to effect a lawful arrest or to prevent the escape of a person lawfully detained;
  - (c) for the purpose of suppressing a riot, insurrection or mutiny;
  - (d) in order to prevent the commission by that person of a criminal offence; or
  - (e) if he or she dies as a result of a lawful act of war.
- (4) Nothing in this section shall be construed as prohibiting, in such circumstances and subject to such conditions as may be prescribed by or in accordance with any Act of Parliament –
  - (a) the consensual medical termination of pregnancy; or
  - (b) voluntary euthanasia.

### **8. Prohibition of Torture**

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

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

- (1) No one shall be held in slavery or servitude.
- (2) No one shall be required to perform forced or compulsory labour.
- (3) For the purpose of this section the term "forced or compulsory labour" shall not include:
  - (a) any work, not of a hazardous or demeaning nature and not for private profit, required to be done in the ordinary course of detention imposed according to the provisions of Section 10 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 compulsory military service;
  - (c) any service 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.

### **10. Right to Personal Liberty and Security**

- (1) Everyone has the right to liberty and security of person. No one shall be deprived of his liberty save in the following cases and in accordance with a procedure prescribed by law:

- (a) the lawful detention of a person after conviction by a competent court;
  - (b) the lawful arrest or detention of a person for non-compliance with the lawful order of a court or in order to secure the fulfilment of any obligation prescribed by law;
  - (c) the lawful arrest or detention of a person effected for the purpose of bringing him before the competent legal authority on reasonable suspicion of having committed an offence or when it is reasonably considered necessary to prevent his committing an offence or fleeing after having done so;
  - (d) the detention of a minor by lawful order for the purpose of educational supervision or his lawful detention for the purpose of bringing him before the competent legal authority;
  - (e) the lawful detention of persons for the prevention of the spreading of infectious diseases, of persons of unsound mind, alcoholics or drug addicts or vagrants;
  - (f) the lawful arrest or detention of a person to prevent his effecting an unauthorised entry into the country or of a person against whom action is being taken with a view to deportation or extradition.
- (2) Everyone who is arrested shall be informed promptly, in a language which he or she understands, of the reasons for his arrest and of any charge against him.
- (3) Everyone arrested or detained in accordance with the provisions of paragraph (c) of subsection (1) of this section shall be brought promptly before a judge or other officer authorised by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release pending trial. Release may be conditioned by guarantees to appear for trial.
- (4) Everyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings by which the lawfulness of his detention shall be decided speedily by a court and his release ordered if the detention is not lawful.
- (5) Everyone who has been the victim of arrest or detention in contravention of the provisions of this article shall have an enforceable right to compensation.
- (6) No one shall be deprived of his or her liberty merely on the ground of inability to fulfil a contractual obligation.

## **11. Right to a Fair Trial**

- (1) In the determination of his or her civil rights and obligations or of any criminal charge against him or her, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgment shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interest of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.
- (2) Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law.
- (3) Everyone charged with a criminal offence has the following minimum rights:
- (a) to be informed promptly, in a language which he understands and in detail, of the nature and cause of the accusation against him or her;
  - (b) to have adequate time and the facilities for the preparation of his or her defence;
  - (c) to defend himself in person or through legal assistance of his or her own choosing or, if he or she has not sufficient means to pay for legal assistance, to be given it free when the interests of justice so require;
  - (d) to examine or have examined witnesses against him or her and to obtain the attendance and examination of witnesses on his or her behalf under the same conditions as witnesses against him or her;
  - (e) to have the free assistance of an interpreter if he or she cannot understand or speak the language used in court.

## **12. No Punishment without Law**

(1) No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence under national or international law at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the criminal offence was committed.

(2) This section shall not prejudice the trial and punishment of any person for any act or omission which, at the time when it was committed, was criminal according to the general principles of law recognised by civilised nations.

## **13. Right of Appeal in Criminal Matters**

(1) Everyone convicted of a criminal offence by a tribunal shall have the right to have his conviction or sentence reviewed by a higher tribunal. The exercise of this right, including the grounds on which it may be exercised, shall be governed by law.

(2) 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.

## **14. Compensation for Wrongful Conviction**

When a person has by a final decision been convicted of a criminal offence and when subsequently his conviction has been reversed, or he or she has been pardoned, on the ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall be compensated according to law, unless it is proved that the nondisclosure of the unknown fact in time is wholly or partly attributable to him or her.

## **15. Right not to be Tried or Punished Twice**

(1) No one shall be liable to be tried or punished again in criminal proceedings for an offence for which he or she has already been finally acquitted or convicted in accordance with the law and penal procedure of that State.

(2) The provisions of subsection (1) shall not prevent the reopening of the case in accordance with the law and penal procedure, 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.

## **16. Right to Respect for Private and Family Life**

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

(2) There shall be no interference by a public authority 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, public safety or the economic well-being of the country, 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.

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

(1) Everyone has the right to freedom of thought, conscience and religion. This shall include 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.

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

(3) In the exercise of any functions which they assume in relation to education and to teaching, the public authorities shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions.

(4) Nothing in this Chapter shall be construed as affecting -

- (a) the established status of the Church in England, or the existing rights, duties, privileges and ecclesiastical law of the Church of England, as recognised by the laws of England immediately before the appointed day;
- (b) any statutory provision requiring Her Majesty to be in communion with the Church of England or any customary rite for the coronation and anointing of the Head of State,
- (c) the recognition of Christian holidays as public holidays,
- (d) the display of the Cross or other recognized Christian images or symbols on public buildings or public land,
- (e) the public funding of church schools, or the provision of Christian teaching and Christian worship in other publicly funded schools, subject to the provisions of subsection (3).
- (f) the exemption by law of churches from taxation,
- (g) the employment of chaplains in publicly funded institutions, including but not limited to military chaplains, prison chaplains, and chaplains appointed to the Houses of Parliament and to devolved Assemblies,
- (h) the granting of public funds for the upkeep of church buildings of aesthetic, cultural or historical importance, or
- (g) the regulation of trading on the Christian day of rest.

### **18. Freedom of Expression**

- (1) Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers.
- (2) The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.
- (3) Subsection (1) shall not prevent the public authorities from requiring the licensing of broadcasting, television or cinema enterprises according to law.

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

- (1) Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his or her interests.
- (2) No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are 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.

### **20. Right to Vote**

- 1. Subject to subsection (2), every person who is a citizen or qualified resident of the United Kingdom of England and Wales and who is not less than eighteen years of age on the date of the poll, shall be entitled to be registered as a voter for, and to cast a vote in, elections to the House of Commons, the devolved Assemblies and local authorities, and in any referendum held pursuant to this Constitution or any law.
- 2. Parliament may by law restrict the right of a person to be registered as a voter, to the extent justifiable in a free and democratic society, only on the grounds that he or she –
  - (a) is under legal guardianship on grounds of insanity or severe mental incapacity;
  - (b) is serving a custodial sentence exceeding twelve months' duration;
  - (c) has been convicted of an offence relating to corruption or malpractice in elections or referendums as prescribed by law; or
  - (d) is a member of the Royal Family.

3. In this section ‘qualified resident’ means a person who is lawfully resident in the United Kingdom of England and Wales and who is a Commonwealth citizen or a citizen of the Republic of Ireland.

### **21. Marriage Rights**

- (1) Men and women of marriageable age have the right to marry and to found a family, according to the laws governing the exercise of this right.
- (2) Spouses shall enjoy equality of rights and responsibilities of a private law character between them, and in their relations with their children, as to marriage, during marriage and in the event of its dissolution.
- (3) This section shall not prevent such laws being enacted as are necessary in the interests of children.

### **22. Protection of Property**

- (1) Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.
- (2) Subsection (1) shall not, however, impair the right of the Parliament, or of a devolved Assembly within its competence, to enact such laws as it may deem necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.

### **23. Freedom of Movement**

- (1) Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.
- (2) Everyone shall be free to leave the country.
- (3) 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 in the interests of national security or public safety, for the maintenance of public order, for the prevention of crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.
- (4) The rights set forth in subsection (1) of this section may also be subject, in particular areas, to restrictions imposed in accordance with law and justified by the public interest in a democratic society.

### **24. Right of Abode**

- (1) No citizen of England and Wales shall be expelled, by means either of an individual or of a collective measure, from the territory of England and Wales.
- (2) No citizen of England and Wales shall be deprived of the right to enter the territory of England and Wales.

### **25. Procedural Safeguards Relating to the Expulsion of Aliens**

- (1) Collective expulsion of aliens is prohibited.
- (2) An alien lawfully resident in the territory of England and Wales shall not be expelled therefrom except in pursuance of a decision reached in accordance with law and shall be allowed:
  - (a) to submit reasons against his expulsion,
  - (b) to have his case reviewed, and
  - (c) to be represented for these purposes before the competent authority or a person or persons designated by that authority.
- (3) An alien may be expelled before the exercise of his or her rights under paragraphs (a), (b) and (c) of subsection (2) of this section, when such expulsion is necessary in the interests of public order or is grounded on reasons of national security.

### **26. Freedom of Information**

- (1) Everyone has the right to freedom of information, including –

(a) access to official files, documents, reports, statistics, and other information, in whatever form, and

(b) access to any information held on them by the public authorities or by any private person or corporation under contract to or on behalf of any public authority.

(2) No restrictions shall be placed on the right declared and recognized by this section, other than such restrictions prescribed by law as are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals and of the reputation or the rights of others, privacy, prevention of contempt of court, protection of parliamentary privilege, for preventing the disclosure of information communicated in confidence, or for maintaining the authority and impartiality of the judiciary.

### **27. Prohibition of Discrimination**

(1) Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, sexual orientation, age, or mental or physical disability.

(2) Subsection (1) does not preclude any law, program or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups including those that are disadvantaged because of race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

### **28. Social and Economic Rights**

1. It shall be the duty of Parliament, the devolved Assemblies, and all public authorities, by means of legislation and other lawful measures, to ensure the progressive realization of the right of everyone in England and Wales to –

(a) an adequate income and acceptable overall standard of living,

(b) decent and humane working conditions,

(c) adequate opportunities for rest and recreation,

(d) the highest practicable standards of public healthcare,

(e) universal publicly-funded primary and secondary education,

(f) accessible and affordable higher and further education,

(g) satisfactory housing and sanitation,

(h) sufficient safe nutritious food and clean drinking water,

(i) a clean and healthy environment,

(j) social protection in the form of old-age pensions, child allowances, maternity allowances, unemployment benefits, sickness and disability benefits, and such other programmes as may be established by law; and

(k) participate in the political, civic, social and cultural life of the community.

2. The provisions of this section shall not be directly enforceable in any court of law.

### **29. Limitations and Restriction on Rights**

1. Nothing in this Chapter may be interpreted as implying for any public authority, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms set forth herein or at their limitation to a greater extent than is provided for in this Chapter.

2. The restrictions permitted under this Chapter to the said rights and freedoms shall not be applied for any purpose other than those for which they have been prescribed.

### **30. Right to an Effective Remedy**

1. Anyone whose rights or freedoms, as guaranteed by this Constitution, have been infringed or denied may apply to a court of competent jurisdiction to obtain such effective remedy as the court considers appropriate and just in the circumstances, notwithstanding that the violation has been committed by persons acting in an official capacity.

2. Where, in proceedings under subsection (1), a court concludes that evidence was obtained in a manner that infringed or denied any rights or freedoms guaranteed by this constitution, the evidence shall be excluded if it is established that, having regard to all the circumstances, the admission of it in the proceedings would bring the administration of justice into disrepute.

### **31. Existing Rights**

The guarantee in this Constitution of certain rights and freedoms shall not be construed as denying the existence of any other rights or freedoms that exist in England and Wales by virtue of any statute or charter, or by common law.

### **32. Derogation of Rights in Emergencies**

1. Her Majesty, on the advice of the Prime Minister, may by proclamation declare that a state of emergency exists for the purposes of this section.

2. In so far as it is reasonably practicable to do so under the circumstances, the Prime Minister shall consult the Cabinet and the Leader of the Opposition before tendering advice to Her Majesty under subsection (1).

3. Every declaration of emergency shall, unless it has in the meantime been approved by a resolution of the House of Commons supported by the votes of three-fifths of all the members of the House, expire —

(a) in the case of a declaration made when Parliament is sitting at the expiration of a period of seven days beginning with the date of publication of the declaration; and

(b) in any other case, at the expiration of a period of twenty-one days beginning with the date of publication of the declaration,

4. A declaration of emergency that has been approved by a resolution of the House of Commons in pursuance of subsection (3) of this section shall, subject to subsection (5), remain in force for a period of six months or such shorter period as may be specified in the resolution, and that period may be extended, by means of a resolution of the House of Commons supported by the votes of two-thirds of its members, for further periods of three months.

5. A declaration of emergency may at any time be revoked —

(a) by the Her Majesty acting on the advice of the Prime Minister; or

(b) by a resolution of the House of Commons supported by the votes of a majority of the members of the House.

6. During a period when a declaration of emergency is in effect, Her Majesty may, on the advice of the Cabinet, make Orders-in-Council and regulations having the force of law for the purpose of dealing with the emergency, and such orders and regulations may to the extent reasonably justifiable for the purpose of dealing with the emergency situation, limit the right of personal liberty and security, the right to respect for private and family life, the right to freedom of association and assembly, and the right to freedom of movement.

7. Any order or regulation issued under subsection (6) shall cease to have effect upon the expiration or revocation of a declaration of emergency, and any person detained under any such regulation or order shall thereupon be released, unless there are other lawful grounds for their continued detention.

### **33. Human Rights Commission**

1. There shall be a Human Rights Commission which shall consist of —

(a) a Chairperson, to be appointed by Her Majesty acting on the advice of the Prime Minister given with the concurrence of the Leader of the Opposition in accordance with section 119;

(b) two Commissioners to be appointed by Her Majesty on the advice of the Prime Minister;

(c) two Commissioners to be appointed by Her Majesty on the advice of the Leader of the Opposition; and

(d) two Commissioners to be appointed by Her Majesty on the advice of the Speaker of the House of Commons, given after consultation with the leaders of any other parties present in the House of Commons other than the parties of the Prime Minister and the Leader of the Opposition.

2. In making appointments to the Human Rights Commission consideration shall be given to –
  - (a) the integrity, independence and personal qualities of the candidates;
  - (b) the relevant qualifications and experience of the candidates; and
  - (c) the need to reflect the diversity of society, especially but not exclusively in terms of gender, class, ethnicity, religion and political affiliation;
3. A person shall not be qualified to be appointed as a member of the Human Rights Commission if—
  - (a) he is, or has at any time during the five years immediately preceding his appointment been, a member of the House of Commons, the Senate, or any devolved Assembly;
  - (b) he is, or has at any time during the said five years been, nominated as a candidate for election as a member of the House of Commons, the Senate or any devolved Assembly;
  - (c) he is, or has at any time during the said five years been, the holder of an office in, or the employee of, any registered political party.
4. A member of the Human Rights Commission shall not enter upon the duties of his or her office until he or she has taken and subscribed the Oath of Allegiance and the Oath of Office in the form set out in the First Schedule to this Constitution.
5. A member of the Human Rights Commission shall cease to hold office—
  - (a) if he or she submits his resignation in writing to Her Majesty;
  - (b) if any circumstances arise that, if he were not a member of the Commission, would cause him or her to be disqualified to be appointed as such; or
  - (c) if he or she is removed from office in accordance with subsection (6).
  - (d) at the expiration of six years from the date of his or her appointment.
6. The members of the Human Rights Commission may not be removed from office during his or her term of office except by a resolution of the House of Commons passed by a two-thirds majority of its members on the grounds of incapacity, neglect of duty, or gross misconduct.
7. In case of the death, resignation, or removal of any of a member of the Human Rights Commission, the vacancy shall be filled as soon as may be practicable in accordance with subsection (1).
8. The Human Rights Commission may continue to perform its functions notwithstanding any vacancy in its membership or the absence of any member: provided that any decisions of the Commission shall require the concurrence of a majority of all its members.
9. The Human Rights Commission may regulate its own procedure and shall not be subject to the direction or control of any other person or authority.

### **34. Powers and Functions of Human Rights Commission**

1. Subject to this Constitution and in accordance with any provisions prescribed by law, the Human Rights Commission shall have responsibility for –
  - (a) promoting the protection and observance of, and respect for, human rights;
  - (b) providing or supporting civic education about the rights and freedoms recognised in this Constitution, as well as other internationally recognised rights and freedoms;
  - (c) monitoring and reporting on the observance of human rights;
  - (d) making recommendations to Ministers concerning any matter affecting the rights and freedoms recognised in this Constitution;
  - (e) receiving and investigating complaints about alleged abuses of human rights and taking steps to secure appropriate redress if human rights have been violated, including making applications to the courts for redress or for other forms of relief or remedies;
  - (f) making recommendations to Ministers or to Parliament to improve the protection of human rights; and
  - (g) performing any other functions or exercising any powers as are conferred on the Commission by law.
2. In the exercise of its functions under this Constitution or any law the Human Rights Commission shall not be subject to the direction or control of any other person or authority.

3. The Commission may by regulation or otherwise regulate its own procedure and, with the consent of the Prime Minister, may confer powers or impose duties on any public officer or on any authority of Her Majesty's Government for the purpose of the exercise of its functions.

### **CHAPTER III. HEAD OF STATE**

#### **35. Her Majesty to be Head of State**

1. Her Majesty Queen Elizabeth II, and Her heirs and successors according to law, shall be the Head of State of the United Kingdom of England and Wales.
2. The royal style and titles of Her Majesty and Her heirs and successors according to law shall be such as may be prescribed from time to time by Act of Parliament.
3. Every reference to Her Majesty in this Constitution shall, unless the context otherwise requires, be deemed to also include a reference to Her Majesty's heirs and successors to the Crown in right of the United Kingdom of England and Wales according to law.

#### **36. Powers and Functions of Head of State**

Subject to this Constitution and to any future provision made by Act of Parliament, Her Majesty shall have such powers and functions as were vested in the Crown according to law immediately before the appointed day, and shall exercise these powers and functions in accordance with this Constitution.

#### **37. Head of State to Act on Advice**

1. All powers and functions of Her Majesty shall be exercised in accordance with the advice of the Cabinet as established by this Constitution, or on the advice of the Prime Minister or a responsible Minister acting under the general authority of the Cabinet, except where Her Majesty is –
  - (a) required by this Constitution to act on the advice of any other person or authority, or
  - (b) authorised by this Constitution to act in accordance with her own deliberate judgment.
2. Subsection (1) shall not apply to any performance of any function by Her Majesty that is lawfully exercisable in her capacity as –
  - (a) Head of the Commonwealth, or
  - (b) Head of State of her other Realms.
3. The question of whether the Head of State has received or has acted in accordance with such advice shall not be enquired into in any court of law.

#### **38. Head of State to be Informed**

The Prime Minister shall keep the Her Majesty informed concerning the general conduct of the Government and shall furnish Her Majesty with such information as she may from time to time request with respect to any particular matter relating to the Government.

#### **39. Counsellors of State and Regency**

1. Parliament shall make provision by law for the appointment of a Regent to perform the functions of the Head of State during the minority or permanent incapacity of the Head of State.
2. Parliament shall make provision by law for the appointment of one or more Counsellors of State to perform such functions of the Head of State as may be delegated to them during any period in which Her Majesty is temporarily absent from England and Wales or temporarily unable to perform the duties of Her office.

#### **40. Coronation Oath**

The Head of State shall take and subscribe the Coronation Oath in the form set out in the First Schedule within ninety days after his or her accession; or, if the Head of State a minor upon accession, he or she shall take the Coronation Oath as soon as reasonably practicable after he or she ceases to be a minor.

#### **41. Royal Family and Household**

1. There shall be payable out of the Consolidated Fund such monies as may from time to time be prescribed by Act of Parliament for the maintenance of the Royal Family and for the expenses of the Royal Household.
2. Subject to any provisions prescribed by law, power to make appointments to offices in the Royal Household, and to remove and to exercise disciplinary control over persons holding or acting in any such office, is hereby vested in Her Majesty acting in accordance with Her own deliberate judgment.

#### **42. Privy Council**

1. There shall be a Privy Council of the United Kingdom of England and Wales.
2. The Privy Council shall consist of –
  - (a) all persons who hold, or have held, the office of Prime Minister, Cabinet Minister, Speaker of the House of Commons, President of the Senate, Leader of the Opposition, First Minister of Wales, Mayor of London, Chief Minister of an English region, President or Deputy President of the Supreme Court, Justice of the Supreme Court, Lord Chief Justice, or Master of the Rolls; and
  - (b) such other persons, being Commonwealth citizens and at least twenty-one years of age, as Her Majesty acting on the advice of the Prime Minister given after consultation with the Leader of the Opposition shall from time to time appoint to the Privy Council.
3. For the transaction of routine business only Privy Councillors who are Ministers shall normally attend meetings of the Privy Council, and three Ministers shall constitute a quorum; provided, that Her Majesty acting on the advice of the Prime Minister, or if the office of Prime Minister is vacant acting in her own deliberate judgment, may summon meetings of the full Privy Council, or of any three or more members thereof, for the consideration of any matter of state of fundamental importance.
4. There shall be a Judicial Committee of the Privy Council, which shall perform such judicial functions as may be vested in the Committee by law, and which shall consist of those Privy Councillors who hold or have held high judicial office, or are otherwise entitled to membership of the Judicial Committee by law, and who have not reached 75 years of age.
5. Privy Councillors shall take the Privy Council Oath in the form set out in the First Schedule.

### **CHAPTER IV. EXECUTIVE**

#### **43. Executive Power**

1. The Executive authority of England and Wales shall be vested in Her Majesty and shall be exercised in the name of Her Majesty by responsible Ministers, either directly or through public officers subordinate to them.
2. Nothing in this section shall prevent Parliament from conferring executive functions on persons or authorities other than Her Majesty.

#### **44. Cabinet**

1. There shall be a Cabinet which shall consist of the Prime Minister, the Deputy Prime Minister, and such other senior Ministers, not exceeding twenty-five in number, as Her Majesty acting on the advice of the Prime Minister may from time to time summon and appoint to the Cabinet.
2. The Cabinet shall be the principal instrument of policy and shall be charged with the general direction and control of the Government and shall be collectively responsible therefor to the House of Commons.

#### **45. Appointment of Ministers**

1. Whenever the office of Prime Minister is vacant, the Speaker shall invite the House of Commons to nominate one of its members as Prime Minister by resolution, and Her Majesty shall appoint as Prime Minister the person so nominated.
2. Her Majesty, acting on the advice of the Prime Minister, shall appoint Ministers other than the Prime Minister.

#### **46. Removal of Ministers**

1. If the House of Commons by an absolute majority vote passes a resolution of 'no confidence' in the Government and the Prime Minister does not within five days resign, Her Majesty shall remove the Prime Minister from office; provided, that the Prime Minister shall not be so removed if Parliament is dissolved under section 97.
2. The Prime Minister shall also cease to hold office –
  - (a) when Parliament first meets following a general election to the House of Commons,
  - (b) upon his or her death,
  - (c) if he or she tenders his or her resignation in writing to Her Majesty, or
  - (d) if he or she ceases to be a member of the House of Commons otherwise than by reason of the dissolution of Parliament.
3. A Minister other than the Prime Minister shall cease to hold office –
  - (a) upon his or her death,
  - (b) if Her Majesty, on the advice of the Prime Minister, so directs,
  - (c) if he or she ceases to be a member of Parliament otherwise than by reason of the dissolution of Parliament, or
  - (d) if the Prime Minister dies, resigns, is removed from office, or otherwise ceases to hold office.
4. A Minister who ceases to hold office under paragraph (d) of subsection (3) shall continue to serve in a caretaker capacity until he or she is re-appointed, or until his or her successors are appointed, in accordance with this Constitution.

#### **47. Number of Ministers**

The total number of persons holding ministerial office (including the Prime Minister, Deputy Prime Minister, ministers of Cabinet rank, the Attorney-General and Solicitor-General, ministers not in the cabinet, parliamentary secretaries, any ministers-without-portfolio, and any equivalent office, however designated) shall not at any time exceed one-sixth of the total membership of the House of Commons.

#### **48. Ministers to be Members of Parliament**

1. Subject to the provisions of this section –
  - (a) a person may hold ministerial office only if that person is a member of the House of Commons or of the Senate; and
  - (b) the Prime Minister, Deputy Prime Minister, the Chancellor of the Exchequer, and a majority of the Ministers of Cabinet rank, must be appointed from the members of the House of Commons.
2. If Parliament is dissolved, a person who was a member of the House of Commons or the Senate immediately before the dissolution may be appointed to, or may continue to hold, ministerial office, for a period of up to sixty days after the day on which Parliament meets following the general election after such dissolution, after which period he or she shall cease to hold ministerial office unless he or she is a member of the House of Commons or of the Senate.
3. If in the opinion of the Prime Minister there is no qualified and suitable candidate for appointment as Lord Chancellor, Attorney-General, or Solicitor-General who is a member of the House of Commons or Senate and who supports the Government, then a person who is not a member of either House but is eligible for election to the House of Commons and is otherwise qualified for appointment may be appointed to such office.
4. A person appointed to the office of Lord Chancellor, Attorney-General or Solicitor-General under subsection (3) shall have the right to sit and speak, but not to vote, in the House of Commons while continuing in that office, and shall for all purposes other than voting be considered a member of that House.

#### **49. Absence, Incapacity or Vacancy of the Prime Minister**

1. Whenever the Prime Minister is absent from England and Wales or is by reason of illness or for other cause unable to perform the functions of his or her office, Her Majesty may authorize some other member of the Cabinet to perform those functions, until such time as that authorisation is revoked.
2. If the office of Prime Minister is vacant and until such time as a Prime Minister is appointed in accordance with section 45, Her Majesty shall authorise some other member of the Cabinet to act as Prime Minister.
3. Her Majesty's functions under subsection (1) shall be performed on the advice of the Prime Minister, if there is a Prime Minister in office and if the Prime Minister is capable of tendering such advice; otherwise, they shall be performed by Her Majesty on the advice of the Cabinet.
4. Her Majesty's function under subsection (2) shall be performed on the advice of the Cabinet.

#### **50. Allocation of Portfolios**

1. Her Majesty, acting on the advice of the Prime Minister, may, by directions in writing, charge the Prime Minister or any other Minister with responsibility for any business of the Government, including the administration of any department of the Government.
2. Each Minister shall be individually responsible for his or her personal conduct and for the policy and administration of the department under his or her charge.

#### **51. Leave of Absence and Acting Ministers**

1. Her Majesty, acting in accordance with the advice of the Prime Minister, may grant leave of absence from his or her duties to any Minister other than the Prime Minister.
2. Whenever any Minister is for any cause unable to perform any of the functions of his office, whether or not leave of absence has been requested or granted, Her Majesty on the advice of the Prime Minister may appoint any other person qualified to hold ministerial office to act in the said Minister's stead, either generally or in the performance of any particular function.

#### **52. Oaths to be taken by Ministers**

No person shall enter upon the duties of any Ministerial office unless he or she has taken and subscribed the Oath of Allegiance and Oath of Office in the forms prescribed by the First Schedule, and a Minister appointed to the Privy Council shall also take and subscribe the Privy Council Oath under section 42.

#### **53. Secretary to the Cabinet**

1. There shall be a Secretary to the Cabinet, who shall be a public officer.
2. The Secretary to the Cabinet shall have charge of the Cabinet Office and shall be responsible, in accordance with such instructions as may be given to him or her by the Prime Minister, for arranging the business for, and keeping the minutes of, the Cabinet, and for conveying the decisions of the Cabinet to the appropriate person or authority, and shall have such other functions as the Prime Minister may direct.

#### **54. Ministerial Code**

1. There shall be a Ministerial Code, which shall inter alia provide authoritative official guidance on –
  - (a) the procedures and practices of the Cabinet;
  - (b) the duties and responsibilities of Ministers;
  - (c) the relationship between Ministers and civil servants,
  - (d) the relationship between Ministers and Parliament, and
  - (e) the standards of ethics, conduct, behaviour and integrity expected of Ministers.
2. The Secretary to the Cabinet, under the direction of the Prime Minister, shall from time to time revise the Ministerial Code and cause each revision to be published and laid before Parliament.

## **55. Permanent Secretaries**

Where any Minister has been charged with responsibility for any department of Government, he or she shall exercise general direction and control over that department; and, subject to such direction and control, the department shall be under the supervision of a senior public officer (in this Constitution referred to as a Permanent Secretary) appointed for that purpose.

## **56. Law Officers**

1. The Law Officers of the Crown shall be –
  - (a) an Attorney-General, who shall be the principal legal adviser to the Crown; and
  - (b) a Solicitor-General, who shall assist and deputise for the Attorney-General as required.
2. The Law Officers shall be appointed and dismissed by Her Majesty acting on the advice of the Prime Minister, given after the Prime Minister has consulted the Judicial Service Commission.
3. Subject to subsection (4), no person shall be qualified to hold office as Attorney-General or Solicitor-General unless he is a member of the House of Commons or the Senate and has such legal qualifications and experience as may be prescribed by law.
4. If the Attorney-General or the Solicitor-General is for any reason unable to perform the functions conferred on him or her by or under any law, those functions may be performed by such other person, being a person qualified as aforesaid (whether or not that person is a member of the House of Commons or the Senate), as the Prime Minister may direct.
5. The Attorney-General and the Solicitor-General shall not be members of the Cabinet, but may be invited to attend its meetings from time to time to give legal advice.
6. In the exercise of any powers conferred on the Attorney-General by any law requiring the Attorney-General to act in his or her individual judgment, the Attorney General shall not be subject to the direction or control of any other person or authority.

## **57. Director of Public Prosecutions**

1. There shall be a Director of Public Prosecutions whose office shall be a public office and who shall be appointed by Her Majesty on the advice of the Prime Minister, given after consultation with the Civil Service Commission.
2. The Director of Public Prosecutions shall have power in any case in which he or she considers it desirable so to do –
  - (a) to institute and undertake criminal proceedings against any person before any court of law (other than a court-martial) in respect of any offence alleged to have been committed by that person;
  - (b) to take over and continue any such criminal proceedings that have been instituted or undertaken by any other person or authority; and
  - (c) to discontinue at any stage before judgment is delivered any such criminal proceedings instituted or undertaken by himself or any other person or authority.
3. The powers of the Director of Public Prosecutions under subsection (2) of may be exercised by him or her in person or through other persons acting under and in accordance with his or her general or special instructions.
4. The powers conferred on the Director of Public Prosecutions by paras (b) and (c) of subsection (2) shall be vested in him or her to the exclusion of any other person or authority: provided that where any other person or authority has instituted criminal proceedings, nothing in this subsection shall prevent the withdrawal of those proceedings by or at the instance of that person or authority and with the leave of the court.
5. For the purposes of this section, any appeal from a judgment in criminal proceedings before any court or any case stated or question of law reserved for the purpose of any such proceedings, to any other court shall be deemed to be part of those proceedings: provided that the power conferred on the Director of Public Prosecutions by paragraph (c) of subsection (2) shall not be exercised in relation to any appeal by a

person convicted in any criminal proceedings or to any case stated or question of law reserved at the instance of such a person.

6. In the exercise of the powers vested in him or her by subsection (2), the Director of Public Prosecutions shall not be subject to the direction or control of any other person or authority.

### **58. Prerogative of Mercy**

1. Her Majesty, on the advice of the Minister of Justice, may –

(a) grant to any person convicted of any offence against the law of England and Wales a pardon, either free or subject to lawful conditions;

(b) grant to any person a respite, either indefinite or for a specified period, from the execution of any punishment imposed on that person for such an offence;

(c) substitute a less severe form of punishment for that imposed on any person for such an offence; or

(d) remit the whole or part of any punishment imposed on any person for such an offence or any penalty or forfeiture otherwise due to the Crown on account of such an offence.

2. Provision may be made by Act of Parliament for the appointment of an advisory committee with which the Minister of Justice may be required to consult before tendering advice under subsection (1).

## **CHAPTER V. PARLIAMENT**

### *Division 1. Establishment of Parliament*

#### **59. Composition of Parliament**

There shall be a Parliament of the United Kingdom of England and Wales, which shall consist of Her Majesty, the House of Commons and the Senate.

### *Division 2. The House of Commons*

#### **60. Composition of the House of Commons**

1. The House of Commons shall consist of six hundred members, styled ‘Members of Parliament’.

2. The members of Parliament shall be elected by the registered electors, qualified in accordance with section 20, using the system of proportional representation by means of the Single Transferable Vote.

3. For the purpose of elections to the House of Commons, England and Wales shall be divided by the Boundaries Commission, as prescribed by section 138, into convenient number of geographical constituencies and each constituency shall return at least five but not more than seven members.

4. The number of members returned by each constituency shall, as nearly as may be reasonably practicable, be proportional to the number of qualified electors resident therein; provided that in determining the boundaries of constituencies and apportionment of seats the Boundaries Commission may deviate from proportionality to the extent reasonably justifiable so as to give due consideration to community or diversity of interests, physical features and natural boundaries, historical identity, regional and local government boundaries, and sparsity or density of population.

#### **61. Qualifications for Membership of House of Commons**

1. Subject to subsection (2), a person shall be qualified for election as a member of the House of Commons, and shall not be so qualified unless, at the date of his or her nomination for election –

(a) he has attained the age of twenty-one years;

(b) he can speak and read English or Welsh well enough to take an active part in the proceedings of the House;

(c) he is a citizen of the United Kingdom of England and Wales, and

(d) he is registered in some constituency as a voter in elections of the House of Commons and is not disqualified from voting in such elections.

2. No person shall be qualified to be a member of, or to be nominated for election to, the House of Commons if he or she —

- (a) is, by virtue of his or her own act, under any acknowledgment of allegiance, obedience or adherence to any foreign power or state;
- (b) is, under any law in force in England and Wales, adjudged or otherwise declared to be of unsound mind;
- (c) is an undischarged bankrupt, having been adjudged or otherwise declared bankrupt under any law in force in England and Wales;
- (d) is under a sentence of imprisonment (by whatever name called) for a term of or exceeding twelve months imposed on him by any court in England and Wales, or substituted by competent authority for some other sentence imposed on him by such a court;
- (e) has at any time in the previous five years been convicted by any court of any offence that is connected with corrupt or illicit electoral practices and is proscribed by Act of Parliament as a disqualifying offence;
- (f) he is a member of the Electoral Commission or the Boundaries Commission, or the holder of any other office specified by Parliament the functions of which involve responsibility for, or in connection with, the conduct of any election to the House of Commons, devolved Assemblies or local elections;
- (g) he is a public officer, a judge, a member of any police force, a serving member of any of Her Majesty's Armed Forces, or the holder of any other office in the service of the Crown or other public employment which disqualifies him or her from membership of the House of Commons under any Act of Parliament; or
- (h) he has an interest in any contract with the Government of the United Kingdom of England and Wales or any other Government that is proscribed by or in accordance with an Act of Parliament.

3. For the purposes of subsection (2)(d) of this section —

- (a) two or more terms of imprisonment that are required to be served consecutively shall be regarded as a single term of imprisonment for the aggregate period of those terms; and
- (b) no account shall be taken of a sentence of imprisonment imposed as an alternative to or in default of the payment of a fine.

## **62. Tenure of Office of Members of the House of Commons**

1. A member of the House of Commons shall serve as such until the dissolution of Parliament following his or her election.

2. A member of the House of Commons shall also cease to hold office as such if he or she -

- (a) becomes a member of the Senate or of any devolved Assembly;
- (b) ceases to be qualified for election to the House of Commons, or becomes disqualified for election to the House of Commons, under section 61 or under any law made in pursuance of that section;
- (c) is absent from the sitting of the House of Commons for such period and in such circumstances as may be prescribed in the standing orders of the House; or
- (d) resigns his or his seat in writing to the Speaker and the Speaker at the next sitting of the House of Commons following receipt of such resignation gives notice thereof to the House.

3. Parliament may, in order to permit any member of the House of Commons who has been adjudged or declared to be of unsound mind, adjudged or declared bankrupt, sentenced to imprisonment or convicted or reported guilty of any offence prescribed under paragraph (d) or (e) of subsection (2) of section 61 of this Constitution to appeal against the decision in accordance with any law, provide that, subject to such conditions as may be prescribed by Parliament, the decision shall not have effect for the purposes of this section until such time as may be so prescribed.

### **63. Vacancies in the House of Commons**

Whenever the seat of any member of the House of Commons becomes vacant Her Majesty acting on the advice of the Chair of the Electoral Commission shall issue writs for a by-election to take place in the appropriate constituency within three months; provided, that a by-election shall not be held if Parliament is dissolved, or is due to be dissolved during the next three months under subsection (1) of section 96.

### **64. Speaker and Deputy Speaker of the House of Commons**

1. There shall be a Speaker and a Deputy Speaker of the House of Commons who shall be elected by the House from amongst its members.
2. The election of the Speaker and Deputy Speaker shall be by secret ballot and by majority vote; if no candidate for the office of Speaker or Deputy Speaker receives a majority of the votes cast, subsequent rounds of voting shall take place, with the candidate who receives the lowest number of votes being eliminated after each round of voting.
3. The election of a Speaker and a Deputy Speaker shall take place –
  - (a) as soon as may be practicable after Parliament first meets following a general election; and
  - (b) whenever the office of Speaker, or Deputy Speaker, as the case may be, is vacant.
4. A person shall not be qualified to be elected as Speaker or Deputy Speaker if he holds ministerial office.
5. The Speaker or Deputy Speaker shall vacate his or her office—
  - (a) if he or she ceases to be a member of the House of Commons;
  - (b) if he or she is appointed to any ministerial office or as a shadow minister;
  - (c) when Parliament first meets following a general election;
  - (d) if he or she is removed from office by resolution of the House of Commons supported by the votes of two-thirds of all the voting members; or
  - (e) if he or she resigns the office of Speaker or Deputy Speaker in writing to Her Majesty.
6. If the office of Speaker or Deputy Speaker is vacant, no business shall be transacted in the House of Commons other than –
  - (a) the election of a Speaker or Deputy Speaker, as the case may be; and
  - (b) the swearing-in of new members of the House.
7. The Speaker and the Deputy Speaker shall –
  - (a) perform their duties impartially, on behalf the House as a whole, with particular regard to the rights of all members to be fairly heard;
  - (b) cease, while continuing in that office, to be an active member of any political party; and
  - (c) vote only to exercise a casting vote, in accordance with convention, in the case of a tie.
8. In the absence of the Speaker and the Deputy Speaker, the House of Commons may elect any member of that House (not holding ministerial office or being a shadow minister) to preside.

### *Division 3. The Senate*

### **65. Composition of the Senate**

1. The Senate shall consist of –
  - (a) two hundred ‘Elected Senators’; and
  - (b) one hundred ‘Appointed Senators’.
2. The Elected Senators shall be elected by devolved Assemblies, with each devolved Assembly electing twenty Senators; elections shall be conducted by the Presiding Officer of each Assembly, by secret ballot, using the Single Transferable Vote system of proportional representation, according to such rules as may be prescribed, subject to any Act of Parliament, by the Standing Orders of each devolved Assembly.
3. The Appointed Senators shall be appointed by Her Majesty, acting on the advice of the Senate Appointments Committee established by section 66, from amongst persons of integrity and good character who, in the opinion of the Senate Appointments Commission –

- (a) have served with merit and distinction in high political, administrative, military, diplomatic or judicial office;
  - (b) have made outstanding contributions to society in academia, the arts, culture, philosophy, jurisprudence, science, industry, technology, philanthropy, religion or charitable works; or
  - (c) represent such economic or professional interests, or such social, cultural or religious communities, as would otherwise be insufficiently represented in Parliament.
4. In making nominations to the Senate, the Senate Appointments Committee shall –
- (a) act in an independent and non-partisan manner, adhering to the principles of merit, fairness and openness;
  - (b) establish a transparent process by which public bodies, local authorities, academic institutions, professional associations, trade unions, religious bodies, other civil society organisations, and the general public, may propose candidates for consideration by the committee;
  - (c) have regard to reflecting the diversity of society, especially but not exclusively in terms of gender, socio-economic class, ethnicity and religion.
5. No person may simultaneously hold office as both an Elected Senator and an Appointed Senator.

## **66. Senate Appointments Committee**

1. The Senate Appointments Committee shall consist of –
- (a) three Senators, one of whom shall be the Chairperson of the Committee, designated by the Prime Minister;
  - (c) two Senators, one of whom shall be the Deputy Chairperson of the Committee, designated by the Leader of the Opposition; and
  - (d) two Senators designated by the President of the Senate after consultation with the leaders of any parties present in the House of Commons other than the parties of the Prime Minister and the Leader of the Opposition.
2. The Senate Appointments Committee shall be constituted at the first meeting of the Senate in each session, and the members shall subject to subsection (3) be designated for the duration of that session.
3. A person shall cease to serve as a member of the Senate Appointments Committee if he or she –
- (a) dies,
  - (b) ceases to be a member of the Senate;
  - (c) resigns from the committee, in writing to the President of the Senate;
  - (d) is removed by a resolution of the Senate, passed by a two-thirds majority of its members, on the grounds of incapacity, neglect of duty, or gross misconduct.
3. In case of any vacancy, another Senator shall as soon as may be practicable be designated as a member of the committee in accordance with subsection (1), but the committee may continue to perform its functions notwithstanding any vacancy in its membership or the absence of any member: provided that any decisions of the committee shall require the concurrence of a majority of all its members.
4. The committee may regulate its own procedure and shall not be subject to the direction or control of any other person or authority.

## **67. Qualifications for membership of the Senate**

1. Subject to the provisions of this section, a person shall be qualified for election or appointment as a member of the Senate, and shall not be so qualified unless, at the date of his or her election or appointment –
- (a) he or she has attained the age of thirty-five years;
  - (b) he or she can speak English or Welsh well enough to take an active part in the proceedings of the Senate;
  - (c) he or she is a citizen of the United Kingdom of England and Wales;
  - (d) he is registered in some constituency as a voter in elections of the House of Commons and is not disqualified from voting in such elections;

- (e) in the case of an elected Senator, he or she is ordinarily resident in the area represented by the devolved assembly by which he or she is elected.
2. The provisions of subsections (2) and (3) of section 61 shall apply, *mutatis mutandis*, to Senators.

### **68. Tenure of Office of Senators**

1. The Elected Senators first chosen after the coming into effect of this Constitution shall be divided by lot into two classes, the first class to serve for the duration of two Parliaments, and the second class for the duration of one Parliament; and that thereafter the Elected Senators shall serve for the duration of two Parliaments, with one-half of their number (ten Senators from each devolved Assembly) elected after each general election in accordance with subsection (2) of section 65 and subsection (2) of section 98.
2. An Appointed Senator shall hold office until the age of seventy years; provided, that if a Senator is appointed on or after his or her sixtieth birthday, he or she may continue to serve as a Senator until the tenth anniversary of the date of his or her appointment to the Senate.
3. A Senator shall also cease to hold office as such if he or she -
- (a) becomes a member of the House of Commons;
  - (b) ceases to be qualified for membership of the Senate, or becomes disqualified for membership of the Senate, under section 67 or any law made in pursuance of that section;
  - (c) is absent from the sitting of the Senate for such period and in such circumstances as may be prescribed in the standing orders of the Senate; or
  - (d) resigns his or her seat in writing to the President of the Senate and the President at the next sitting of the Senate following receipt of such resignation gives notice thereof to the Senate.
4. Parliament may, in order to permit any member of the Senate who has been adjudged or declared to be of unsound mind, adjudged or declared bankrupt, sentenced to imprisonment or convicted or reported guilty of any offence prescribed under paragraph (d) or (e) of subsection (2) of section 61 to appeal against the decision in accordance with any law, provide that, subject to such conditions as may be prescribed by Parliament, the decision shall not have effect for the purposes of this section until such time as may be so prescribed.

### **69. Vacancies in the Senate**

1. Whenever the seat of a Elected Senator becomes vacant the President of the Senate shall give notice thereof to the Presiding Officer of the appropriate devolved Assembly, who shall as soon as may be practicable, and in any case within three months, convene a meeting of that devolved Assembly for the purpose of electing a Senator to fill the vacancy; and the Senator thereby elected shall, subject to the provisions of section 68, serve for the unexpired portion of the former Senator's term of office.
2. Whenever the seat of an Appointed Senator becomes vacant the President of Senate shall without delay inform the Senate Appointments Committee of the vacancy and the Senate Appointments Committee shall, as soon as may be practicable and in any case within three months from the date on which the vacancy occurred, nominate a replacement candidate to Her Majesty for appointment as a Senator.

### **70. President and Vice-President**

1. There shall be a President and a Vice-President of the Senate who shall be elected by the Senate from amongst its members.
2. The election of the President and Vice-President shall be by secret ballot and by majority vote; if no candidate for the office of President or Vice-President receives a majority of the votes cast, subsequent rounds of voting shall take place, with the candidate who receives the lowest number of votes being eliminated after each round of voting.
3. The election of a President and Vice-President shall take place –
- (a) as soon as may be practicable after Parliament first meets following a general election; and
  - (b) whenever the office of President, or Vice-President, as the case may be, is vacant.
4. A person shall not be qualified to be elected as President or Vice-President if he holds ministerial office.

5. The President and the Vice-President shall vacate his office—
  - (a) if he ceases to be a member of the Senate;
  - (b) if he is appointed to any ministerial office or as a shadow minister;
  - (c) when the Senate first meets after a general election;
  - (d) if he is removed from office by resolution of the Senate supported by the votes of two-thirds of all the voting members; or
  - (e) if he resigns the office of President or Vice-President in writing to Her Majesty.
6. If the office of President or Vice-President is vacant, no business shall be transacted in the Senate other than –
  - (a) the election of a President or Vice-President, as the case may be; and
  - (b) the swearing-in of new members of the Senate.
7. The President and Vice-President shall –
  - (a) perform their duties impartially, on behalf the Senate as a whole, with particular regard to the rights of all members to be fairly heard;
  - (b) cease, while continuing in that office, to be an active member of any political party; and
  - (c) vote only to exercise a casting vote, in accordance with convention, in the case of a tie.
8. In the absence of the President and the Vice-President the Senate may elect any Senator (not holding ministerial office or being a shadow minister) to preside.

*Division 4. Privileges, Powers and Procedures of both Houses*

**71. Privileges of the two Houses**

1. Subject to this Constitution, the House of Commons and the Senate shall each have the power to adopt Rules and Standing Orders for the regulation of their own proceedings, with power to attach penalties for their infringement, and each House shall have power to ensure freedom of debate, to protect its official documents and the private papers of its members, and to protect itself and its members against any person or persons interfering with, molesting or attempting to corrupt its members in the exercise of their duties.
2. No Member of Parliament or Senator shall be liable to proceedings in any court in respect of anything said or any vote given by him or her in the House of which they are a member or any committee thereof, and no person shall be so liable in respect of the publication by or under the authority of that House of any report, paper, votes or proceedings.
3. Each House of Parliament, and its committees, shall have the power to summon any person to appear before it for the purpose of giving evidence or providing information, for which purposes each House and its committees shall have the same power as the High Court to enforce the attendance of witnesses and examine them on oath, affirmation or otherwise, and to compel the production of documents or other materials or information as required for its proceedings.
4. Subject to this Constitution, the powers, privileges and immunities of the House of Commons and the Senate, and of the members and the committees thereof, shall be such as may from time to time be defined by law or subject to law by the Standing Orders of the House concerned, and until so defined shall be those of the House of Commons immediately before the coming into effect of this Constitution.

**72. Questions on Membership**

1. The Supreme Court shall have jurisdiction to hear and determine any question whether—
  - (a) any person has been validly elected as a member of the House of Commons;
  - (b) the seat of any member of the House of Commons has become vacant;
  - (c) any person has been validly elected or appointed as a member of the Senate; or
  - (d) the seat of any member of the Senate has become vacant.
2. An application to the Supreme Court for the determination of any question under paragraph (a) or (b) of subsection (1) of this section may be made by –
  - (a) any person registered as an elector in the constituency of the member concerned,
  - (b) any member of the House of Commons; or

(c) by the Attorney-General.

Provided, that if an application is made by a person other than the Attorney-General, the Attorney-General may intervene and may then appear or be represented in the proceedings.

3. An application to the Supreme Court for the determination of any question under paragraph (c) or (d) of subsection (1) of this section may be made by –

(a) in the case of an elected Senator, by any member of the devolved Assembly by which he is elected;

(b) any member of the Senate; or

(c) by the Attorney-General.

Provided, that if an application is made by a person other than the Attorney-General, the Attorney-General may intervene and may then appear or be represented in the proceedings.

4. Parliament may make provision with respect to—

(a) the circumstances and manner in which and the imposition of reasonable conditions upon which any application may be made to the Supreme Court for the determination of any question under this section; and

(b) the powers, practice and procedure of the Supreme Court in relation to any such application.

5. The determination by the Supreme Court of any question under this section shall not be subject to appeal.

6. In the exercise of his functions under this section, the Attorney-General shall not be subject to the direction or control of any other person or authority.

### **73. Unqualified Persons Sitting or Voting**

1. Any person who sits or votes in the House of Commons or Senate knowing or having reasonable grounds for knowing that he is not entitled to do so shall be guilty of an offence and liable to a fine not exceeding one-hundredth of an MP's annual salary for each day on which he so sits or votes.

2. Any prosecution for an offence under this section shall be instituted in the Supreme Court and shall not be so instituted except by the Director of Public Prosecutions.

### **74. Effect of Vacancies**

The House of Commons and the Senate may each act notwithstanding any vacancy in its membership (including any vacancy not filled when either House first meets after a general election) and the presence or participation of any person not entitled to be present at or to participate in the proceedings of the House of Commons or Senate shall not invalidate those proceedings.

### **75. Quorum**

No business shall be transacted at any sitting of the House of Commons or the Senate if objection is taken by any member present that the number of members present (besides the member presiding) is fewer than one-fourth of the total number of Members of Parliament or Senators (excluding vacancies).

### **76. Oath to be taken by MPs and Senators**

Except for the purpose of enabling this section to be complied with and for the election of a Speaker of the House of Commons or the President of the Senate no member of either House of Parliament shall sit or vote in the House of Commons or Senate until he or she shall have taken and subscribed the Oath of Allegiance and the Oath of Office in the forms set out in the First Schedule.

### **77. Voting in Both Houses**

Save as otherwise provided in this Constitution, or by the Standing Orders of each House, any question proposed for decision in the House of Commons or Senate shall be determined by a majority of the votes of the members present and voting.

## **78. Order of Business**

1. Subject to this Constitution, to the Standing Orders of each House, and to the custom and practice of Parliament, Government business shall usually have priority in the House of Commons and the Senate.
2. On least one-fifth of the sitting days in each session, to be known as 'Opposition Days', priority shall be given to Opposition business, with the number of 'Opposition Days' allocated to each opposition party being proportional to the share of seats in the House of Commons or the Senate (as the case may be) held by that party.
3. On at least one-tenth of the sitting days in each session, to be known as 'Backbench Days', priority shall be given to backbench business, and the order paper shall be determined by a Backbench Business Committee to be established by each House for that purpose.

## **79. Clerks and Parliamentary Staff**

1. There shall be –
  - (a) a Clerk to the House of Commons who shall be appointed by the House on the nomination of the Speaker; and
  - (b) a Clerk to the Senate who shall be appointed by the Senate acting on the nomination of the President of the Senate.
2. A Clerk shall not be removed except on the grounds of misconduct, neglect of duty, or incapacity, by means of a resolution passed by a two-thirds majority vote of the House of Commons or Senate, as the case may be.
3. The Clerks shall, subject to the law and to the standing orders of each House, be responsible for the administration of their respective Houses and for the management of the staff and facilities thereof.
4. The salaries, allowances and conditions of service of the Clerks and the parliamentary staff shall be determined by or in accordance with an Act of Parliament.

## **80. Remuneration of MPs and Senators**

1. Members of the House of Commons and the Senate shall each be entitled to receive such salaries and allowances as may from time to time be determined by Act of Parliament.
2. Until provision under subsection (1) is made, salaries and allowances of Members of Parliament and Senators shall be set at such rates and upon such conditions as were immediately before the appointed day applicable in the case of members of the House of Commons.
3. No Act of Parliament to increase the salaries and allowances of Members of Parliament or Senators shall come into effect until after a general election to the House of Commons has taken place.

## **81. Register of Interests**

1. There shall be a register of interests, in which the members of the House of Commons and Senate must disclose their pecuniary interests, and which shall be published annually and made available for public inspection.
2. Any member of the House of Commons or Senate who has a financial interest (including benefits in kind) in any matter –
  - (a) must declare that interest before taking part in any proceedings of the House of Commons or Senate (as the case may be) or any committee relating to that matter; and
  - (b) may not vote in the House of Commons or Senate, or any committee on any question relating to that matter.
3. Each House shall make further provision by standing orders for the enforcement of this section, which may include the exclusion from the House of Commons or Senate of any member who fails to comply with, or acts in contravention to, subsections (1) or (2) or any provisions so made for the enforcement thereof.

## **82. Sessions to be Public**

1. Subject to the provisions of subsection (2), the proceedings of the House of Commons and Senate, and of any committee thereof, shall be open to the public and the press.
2. Either House of Parliament or any committee thereof may, by a two-thirds majority vote, exclude the public and press from any meeting of that House or committee on the grounds of military or diplomatic secrecy.
3. There shall be an official record of parliamentary proceedings which shall be published and made available for public inspection.

## **83. Committees**

1. The House of Commons and Senate shall establish such committees as may be required to scrutinise the Government, to examine Bills and subordinate legislation, and to perform such other functions as are specified from time to time by law or by the Standing Orders, or any resolution, of either House.
2. No person holding ministerial office may be a member of any committee established under this section, with the exception that the Minister serving as Leader of the House of Commons or Senate may be an ex-officio member of any committee concerning the privileges, procedures or administration of that House.
3. The Standing Orders of the House of Commons and the Senate shall make provision to ensure that the composition of each committee established under this section, shall, to the extent reasonably practicable, reflect the partisan composition, gender balance, and regional diversity of each House.
4. The Standing Orders of the House of Commons and the Senate shall make provision for the election of the chairpersons of committees established under this section such in a way as to ensure the proportional distribution of chairs between the parties; provided that the Chair of the Public Accounts Committee shall always be a member of the Opposition.

## **84. Joint Security and Intelligence Committee**

1. There shall be a Joint Security and Intelligence Committee to scrutinise the security and intelligence services.
2. The members of the Joint Security and Intelligence Committee shall be appointed by the Speaker of the House of Commons, after consultation with the Prime Minister and the Leader of the Opposition, from amongst members of the House of Commons and Senate who are Privy Councillors.
3. The members of the Joint Security and Intelligence Committee be entitled to receive secret information on Privy Council terms.

## **85. Speech from the Throne**

1. At the commencement of each session of Parliament, Her Majesty shall address both Houses of Parliament, in terms prescribed by the Prime Minister, to inform the Houses of the Government's legislative agenda and its policy priorities for the coming session.
2. An address under subsection (1) shall be followed by a debate in the House of Commons after the withdrawal of Her Majesty on a motion proposed by the Government; and if that motion is rejected by the House of Commons, or is passed by the House with any amendment to which the Government does not agree, that shall be regarded as a vote of no confidence for the purposes of subsection (1) of section 46.

## **86. Authorisation of Military Action**

1. Subject to the provisions of subsection (2), war shall not be declared, nor shall the armed forces be committed to active participation in any conflict, except as expressly authorised by a resolution of the House of Commons.
2. If England and Wales is under actual attack or imminent threat of attack, Her Majesty, on ministerial advice, may without delay take such military actions as may be necessary for the defence of the realm, and the responsible Minister shall report to the House of Commons as soon as may be practicable.

### **87. Approval of Treaties etc**

1. Every international treaty, convention or agreement shall be laid before both House of Parliament for at least twenty-one days, and may be ratified only after it has been approved by the House of Commons, in such manner as may be prescribed by or in accordance with an Act of Parliament.
2. No international treaty, convention or agreement shall have effect as part of the law of England and Wales unless adopted as such by an Act of Parliament.

### *Division 5. Legislation*

### **88. Legislative Power**

Subject to this Constitution, Parliament may enact, amend and repeal all laws for the peace, order and good government of the United Kingdom of England and Wales, including laws of extra-territorial effect.

### **89. Mode of Exercising Legislative Power**

1. The power of Parliament to make laws shall be exercisable by bills passed by the House of Commons and the Senate (or passed by the House of Commons in accordance with section 91 or 92) and assented to by Her Majesty.
2. When a bill has been passed by one House it shall be sent to the other, and it shall be presented to the Her Majesty for assent when it has been passed by both Houses and agreement has been reached between the two Houses on any amendments made to it by either House; provided, that a bill passed by the House of Commons and rejected by the Senate shall be presented to Her Majesty for royal assent in accordance with the provisions of section 91 or 92.
3. When a bill is submitted to Her Majesty for royal assent in accordance with the provisions of this Constitution Her Majesty shall within ten days signify that she assents by causing the Public Seal to be affixed thereto; and if Her Majesty has not assented to the bill within the said ten days, the bill shall be deemed to have received assent at the expiration of that period.
4. When Her Majesty assents to a bill (or is deemed to have assented to a bill) that has been submitted to her in accordance with the provisions of this Constitution the bill shall become law and shall be published in the Official Gazette.
5. No Act of Parliament shall come into operation until it has been published in the Official Gazette but Parliament may postpone the coming into operation of any such law and may, subject the provisions of section 12, make laws with retrospective effect.
6. All laws made by Parliament shall be styled 'Acts of Parliament' and the words of enactment shall be 'Be it enacted by The Queen's Most Excellent Majesty, by and with the advice and consent of the Parliament of the United Kingdom of England and Wales, and by the authority of the same - '.

### **90. Introduction of Bills etc**

1. Subject to the provisions of this Constitution and to the standing orders of each House, any member of either House may introduce any bill or propose any motion for debate in, or may present any petition to, that House, and the same shall be debated and disposed of according to the standing orders of that House.
2. For the avoidance of doubt, subsection (1) removes any need to secure the consent of Her Majesty or of any member of the Royal Family to the introduction of a bill, even if the bill concerns the prerogatives of the Crown or the personal property or interests of Her Majesty or of any member of the Royal Family.
3. Neither House shall proceed upon any bill or motion (including any amendment to a bill or motion) that, in the opinion of the person presiding, makes provision for any of the following purposes, except upon the recommendation of the Crown certified by a responsible Minister:—
  - (a) for the imposition of taxation or the alteration of taxation otherwise than by reduction;
  - (b) for the imposition of any charge upon the Consolidated Revenue Fund or any other public fund of the United Kingdom or the alteration of any such charge otherwise than by reduction;

- (c) for the payment, issue or withdrawal from the Consolidated Revenue Fund or any other public fund of the United Kingdom of any monies not charged thereon or any increase in the amount of such a payment, issue or withdrawal; or
- (d) for the composition or remission of any debt due to Her Majesty's Government or any department thereof.

### **91. Restrictions on the Senate in Relation to Money Bills**

1. A money bill shall be introduced only in the House of Commons; and the Senate shall not proceed with any money bill that has not first been passed by House of Commons and sent by that House to the Senate.
2. If a money bill, having been sent to the Senate at least twenty-one days before the end of the session is not passed by the Senate without amendment within twenty-one days after the bill was sent to the Senate, the bill shall, unless the House of Commons otherwise resolves, be presented to Her Majesty for assent.

### **92. Restrictions on the Senate in Relation to Bills other than Money Bills**

1. This section applies to any bill other than a money bill or a bill for the amendment of this Constitution.
2. If any bill to which this section applies is passed by the House of Commons in two successive sessions (whether or not Parliament is dissolved between those sessions) and, having been sent to the Senate in each of those sessions at least one month before the end of the session, is rejected by the Senate in each of those sessions, that bill shall, on its rejection for the second time by the Senate, unless the House of Commons otherwise resolves, be deemed to have been passed by both Houses and shall be presented to Her Majesty for assent: Provided, that the foregoing provisions of this subsection shall not have effect unless at least six months have elapsed between the date on which the bill is passed by the House of Commons in the first session and the date on which it is passed by that House in the second session.
3. For the purposes of this section, a bill shall be deemed to be rejected by the Senate if it is not passed by the Senate without amendment, or it is passed by the Senate with any amendment which is not agreed to by the House of Commons.
4. For the purposes of this section, a bill that is sent to the Senate in any session shall be deemed to be the same bill as a former bill sent to the Senate in the preceding session if, when it is sent to the Senate, it is identical with the former bill or contains only such alterations as are certified by the Speaker to be necessary owing to the time that has elapsed since the date of the former bill or to represent any amendments which have been made by the Senate in the former bill in the preceding session and agreed to by the House of Commons.

### **93. Amendment of the Constitution**

1. This Constitution may be amended by means of an Act of Parliament enacted in accordance with the provision of this section, and not otherwise.
2. No Act of Parliament shall be construed as amending this Constitution unless it is stated in the Long Title that it is an Act for that purpose.
3. A bill for the amendment of this Constitution shall be published and circulated for public comment for at least three months between its first and second readings in the House of Commons.
4. A bill for the amendment of this Constitution shall not be deemed to have been passed by Parliament unless it has been passed on its final reading –
  - (a) by a two-thirds majority of the total membership of both Houses of Parliament; or
  - (b) in so far as it concerns any of the 'entrenched provisions' listed in Part 1 of the Second Schedule, by a three-fourths majority of the total membership of both Houses of Parliament.
5. A bill for the amendment of this Constitution that concerns any of the 'specially entrenched provisions' listed in Part 2 of the Second Schedule shall not be presented to Her Majesty for assent unless the bill has been submitted to the Welsh Assembly, and a two-thirds majority of the members of the Welsh Assembly have voted in favour of the bill.
6. For the purposes of this section an amendment includes any alteration, repeal or addition to any part of this Constitution, including its schedules.

7. It shall be the responsibility of the Speaker of the House of Commons, or in the absence thereof of the Deputy Speaker, to certify in respect of any bill for the amendment of this Constitution that the provisions of this section have been complied with; and such certificate shall be final and conclusive.
8. Whenever the Constitution has been amended it shall be the duty of the Attorney-General to publish the revised consolidated text of the Constitution.

#### *Division 6. Sessions, Prorogation and Dissolution*

#### **94. Sessions of Parliament**

1. Each session of Parliament shall be held at such place within England and Wales and shall begin at such time as Her Majesty on the advice of the Prime Minister shall appoint, provided that –
  - (a) if Parliament has been dissolved, a session of Parliament shall begin not later than fourteen days from the holding of a general election; and
  - (b) there shall be a session of Parliament each year, such that a period of six months shall not elapse between the last sitting of Parliament in one session and its first sitting in the next session.
2. If at any time when –
  - (a) Parliament is prorogued; or
  - (b) the House of Commons is adjournedthe Speaker of the House of Commons, on the petition of not less than one of the members of that House, requests a sitting of Parliament for the consideration of urgent matters of grave public importance, Her Majesty shall without delay summon Parliament to sit as soon as may be practicable.
3. Subject to subsections (1) and (2) of this section, the sittings of the House of Commons and Senate shall be held at such time and place as each House may, by its Standing Orders or otherwise, determine.

#### **95. Prorogation of Parliament**

Her Majesty may at any time prorogue Parliament on the advice of the Prime Minister; provided, that if Her Majesty considers that the Prime Minister does not command the confidence of the House of Commons, or that the Prime Minister is seeking a prorogation in order to avoid or delay a vote of no confidence, then Her Majesty, acting in her own deliberate judgment, may refuse to prorogue Parliament.

#### **96. Dissolution of Parliament**

1. Subject to the provisions of subsection (2) of this section, Parliament, unless sooner dissolved under section 97, shall continue for five years from the date of the first sitting of the House of Commons after any general election and shall then stand dissolved.
2. At any time when the United Kingdom of England and Wales is at war or when a state of emergency is in effect, Parliament may by a resolution passed by a two-thirds majority vote in both Houses extend the period of five years specified in subsection (1) of this section for not more than six months at a time: provided that the life of Parliament shall not be extended under this subsection for more than three years.

#### **97. Extraordinary Dissolution**

1. Her Majesty may at any time dissolve Parliament on the advice of the Prime Minister; but Her Majesty may, in her own deliberate judgment, refuse to dissolve Parliament on the advice of a Prime Minister who does not command the confidence of a majority of members of the House of Commons.
2. If the House of Commons passes a vote of no confidence in the Government and the Prime Minister does not within five days either resign or advise a dissolution, Her Majesty may in her own deliberate judgment dissolve Parliament.
3. If the office of Prime Minister has been vacant for not less than fourteen days and Her Majesty considers that there is no prospect of the House of Commons being able within a reasonable time to nominate a Prime Minister under subsection (1) of section 45, Her Majesty may in her own deliberate judgment dissolve Parliament.

## **98. General Elections**

1. A general election of members of the House of Commons shall be held on such date, being no sooner than two months and no later than three months after the most recent dissolution of Parliament, as Her Majesty, acting on the advice of the Chair of the Electoral Commission, shall by proclamation appoint.
2. Within five days after the close of polls in each general election, each devolved Assembly shall meet, at the summons of its Presiding Officer (or, if the office of Presiding Officer is vacant or if the Presiding Officer fails to summon the Assembly, the Deputy Presiding Officer), for the election of Elected Senators.

## **CHAPTER VI. JUDICIARY**

### **99. Judicial Authority**

1. The Judicial authority of England and Wales shall be vested in:
  - (a) the Supreme Court;
  - (b) the Senior Courts of England and Wales, namely –
    - (i) the Court of Appeal;
    - (ii) the High Court of Justice;
    - (iii) the Crown Court; and
  - (c) such inferior courts and tribunals, including but not limited to the Magistrates' Courts, the County Court and the Family Court, as may from time to time be established by law.
2. Subject to this Constitution, the courts and tribunals shall have such composition as may be prescribed by law and shall have such jurisdiction, powers and authority as may be conferred upon them by law.

### **100. Supreme Court**

1. There shall be a Supreme Court of England and Wales, which shall be a superior court of record and shall consist of –
  - (a) The President of the Supreme Court;
  - (b) The Deputy President of the Supreme Court; and
  - (c) Such number of Justices of the Supreme Court, being at least ten, as may be prescribed by law.
2. In addition to any other appellate or original jurisdiction conferred upon it by or in accordance with the law, the Supreme Court shall have the final appellate authority over any case which, as certified by the Court of Appeal or the Supreme Court –
  - (a) involves a question as to the interpretation of this Constitution, validity of any Act of Parliament, treaty or other law having regard to the provisions of this Constitution, or the enforcement of fundamental rights and liberties under Chapter Two of this Constitution, or
  - (b) in the opinion of the Supreme Court involves a matter of law of general public interest.
3. Notwithstanding anything in this section, the Supreme Court may, in its discretion, grant special leave to appeal from any judgment, decree, determination, sentence or order in any cause or matter passed or made by any court or tribunal in England and Wales.
4. Parliament may by law make provision for conferring upon the Supreme Court such supplemental powers not inconsistent with any of the provisions of this Constitution as may appear to be necessary or desirable for the purpose of enabling the Court more effectively to exercise the jurisdiction conferred upon it by or under this Constitution.
5. If at any time it appears to the Attorney-General that a question of law has arisen, or is likely to arise, which is of such a nature and of such public importance that it is expedient to obtain the opinion of the Supreme Court upon it, he or she may refer the question to the Supreme Court for consideration and the Supreme Court may, after such hearing as it thinks fit, report its opinion thereon.
6. The Supreme Court shall have power to issue directions, orders or writs, including writs of habeas corpus, quashing orders, mandatory orders and prohibiting orders, whichever may be appropriate, for the enforcement of this Constitution and the protection of constitutional rights.
7. The law declared by the Supreme Court shall be binding on all other courts in England and Wales.

### **101. Appointment of Judges**

1. All judges shall be appointed by Her Majesty acting in accordance with the advice of the Judicial Service Commission established by section 103.
2. The transfer or promotion of a judge shall be considered to be a new appointment and subsection (1) shall be applied accordingly.
3. No person shall be appointed as a judge unless he or she possesses such legal qualifications and has such experience in legal practice, or previous service in judicial office, as may be prescribed by law.
4. The Judicial Service Commission shall –
  - (a) recommend candidates for appointment solely on merit, according to legal expertise and experience, as well as their personal integrity and suitability of character; and
  - (b) without compromising the quality of candidates, have regard to –
    - (i) promoting gender balance,
    - (ii) reflecting the ethnic, religious, regional diversity of England and Wales, and
    - (iii) ensuring equal opportunities regardless of socio-economic class background.

### **102. Tenure and Removal of Judges**

1. Subject to the provisions of this section, a judge shall vacate his or her office when he or she attains the age of retirement prescribed by law, but the age of retirement applicable to a particular judge shall not be altered after his or her appointment, except with his or her consent.
2. A judge may resign from office by writing under his or her hand addressed to Her Majesty.
3. A judge shall not be removed from office except by means of a resolution of the House of Commons supported by the votes of not less than two-thirds of the total number of Members of the House (including vacancies); and no such resolution shall be voted upon by the House of Commons unless the Judicial Service Commission has conducted an enquiry into the conduct or capacity of the judge, and has recommended to the House that the judge ought to be removed from office on the grounds of stated misbehavior, incapacity or neglect of duty.
4. No discussion shall take place in the House of Commons with respect to the conduct of any judge in the discharge of his or her judicial duties except upon a motion for removal of the judge under the terms of subsection (3).
5. A judicial office shall not be abolished while there is a substantive office holder.

### **103. Judicial Service Commission**

1. The Judicial Service Commission shall consist of fifteen members –
  - (a) six members ('lay members'), one of whom shall be Chair of the Commission, shall be appointed by Her Majesty on the advice of the Constitutional Offices Commission, from amongst persons who have never held judicial office and are not qualified legal practitioners;
  - (b) seven members ('judicial members') shall persons who hold or have held judicial office, appointed by Her Majesty on the advice of the Lord Chancellor, who shall tender such advice on the recommendation of the body recognised as representing the judiciary in the manner prescribed by law; and
  - (c) two members ('legal members'), who must be practicing members of the legal profession, shall be appointed by Her Majesty on the advice of the Lord Chancellor, who shall tender such advice after consultation with the General Council of the Bar, the Law Society, and the Chartered Institute of Legal Executives, as appropriate.
2. A person shall not be qualified to be appointed to the Judicial Service Commission if—
  - (a) he is, or has at any time during the five years immediately preceding his appointment been, a member of the House of Commons, the Senate, or any devolved Assembly;
  - (b) he is, or has at any time during the said five years been, nominated as a candidate for election as a member of the House of Commons, the Senate or any devolved Assembly;

- (c) he is, or has at any time during the said five years been, the holder of an office in, or the employee of, any registered political party.
3. A member of the Judicial Service Commission shall cease to hold office—
- (a) if he or she submits his resignation in writing to Her Majesty;
  - (b) if any circumstances arise that, if he were not a member of the Commission, would cause him or her to be disqualified to be appointed to the office he or she holds; or
  - (c) if he or she is removed from office in accordance with subsection (4).
  - (d) at the expiration of –
    - (i) three years from the date of his or her appointment, in the case of judicial and legal members; and
    - (ii) six years from the date of his or her appointment, in the case of lay members.
4. The members of the Judicial Service Commission may not be removed from office during this term except by a resolution of the House of Commons passed by a two-thirds majority of its members on the grounds of incapacity, neglect of duty, or gross misconduct.
5. In case of the death, resignation, or removal of any of a member of the Judicial Service Commission, the vacancy shall be filled as soon as may be practicable in accordance with subsection (1).
6. The Judicial Service Commission may continue to perform its functions notwithstanding any vacancy in its membership or the absence of any member: provided that any decisions of the Commission shall require the concurrence of a majority of all its members.
7. The Judicial Service Commission may regulate its own procedure and shall not be subject to the direction or control of any other person or authority.

#### **104. Magistrates (Justices of the Peace)**

1. Magistrates shall be appointed by the Lord Chancellor subject to the qualifications and in accordance with the procedures prescribed by law.
2. A Magistrate shall not be removed from office during the term of his or her appointment, except on the advice of the Judicial Service Commission on grounds of incapacity, neglect of duty, misconduct, or legal disqualification.

#### **105. Judicial Independence and Neutrality**

- (1) The courts, and all judges and magistrates, shall be independent of the legislative and executive branches of Government, and shall be subject only to this Constitution and the law.
- (2) The Lord Chancellor, Minister of Justice, members of the Judicial Service Commission, and all other persons with responsibility for matters relating to the judiciary or otherwise to the administration of justice, must uphold the continued independence of the judiciary and must not seek to influence particular judicial decisions through any special access to the judiciary.
- (3) A person holding office as a judge or magistrate shall not –
- (a) be a member of, a candidate for election to, the House of Commons, the Senate, a devolved Assembly, or any local authority;
  - (b) be an active member of, or advisor to, any political party, or
  - (c) act in such a way as to call his or her political neutrality into question.

#### **106. Remuneration of Judges and Magistrates**

Judges and magistrates shall receive such salaries and allowances and shall be subject to such other terms and conditions of service as may from time to time be prescribed by or under any law; provided, that the salary, allowances, and terms and conditions of service of a judge or magistrate shall not be altered to his or her disadvantage during his or her continuance in office.

#### **107. Oaths of Judges and Magistrates**

A judge or magistrate shall not enter upon the duties of his or her office unless he or she has taken and subscribed the Oath of Allegiance and Judicial Oath in the forms set out in the First Schedule.

## **CHAPTER VII. FINANCE**

### **108. Consolidated Fund**

1. There shall be a Consolidated Fund, into which, subject to the provisions of any law for the time being in force, shall be paid all revenues of the United Kingdom of England and Wales.
2. No sum shall be paid out of the Consolidated Fund except on the authority of a warrant under the hand of the Minister responsible for finance or under the hand of some person authorized by him or her in writing; and sums so issued shall be disposed of for meeting public expenditure authorized under section 110 of this Constitution or, in the case of statutory expenditure, for the purposes appointed by law.

### **109. Estimates**

1. The Minister responsible for finance shall, before the end of each financial year, cause to be prepared annual estimates of revenue and expenditure for public services during the succeeding financial year, which shall be laid before the House of Commons.
2. The estimates of expenditure shall show separately the sums required to meet statutory expenditure and the sums required to meet other expenditure proposed to be paid out of the Consolidated Fund.
3. For the purposes of this Chapter, “statutory expenditure” means—
  - (a) expenditure charged on the Consolidated Fund or on the general revenues and assets of England and Wales by virtue of any of the provisions of this Constitution or by virtue of the provisions of any other law for the time being in force; and
  - (b) the interest on the public debt, sinking fund payments, redemption monies, and costs, charges and expenses incidental to the management of the public debt.

### **110. Authorisation of Expenditures**

1. The Minister responsible for finance shall, in respect of each financial year, at the earliest convenient moment, introduce in the House of Commons an Appropriation Bill containing, under appropriate heads for the several services required, the estimated aggregate sums which are proposed to be expended (otherwise than by way of statutory expenditure) during that financial year.
2. Whenever—
  - (a) any monies are expended or are likely to be expended in any financial year on any services which are in excess of the sum provided for that service by the Appropriation law relating to that year; or
  - (b) any monies are expended or are likely to be expended (otherwise than by way of statutory expenditure) in any financial year upon any new service not provided for by the Appropriation law relating to that year,statements of excess or, as the case may be, supplementary estimates shall be prepared by the Minister responsible for finance and shall be laid before and voted on by the House.
3. In respect of all supplementary expenditure voted under subsection (2) the Minister responsible for finance may, at any time before the end of the financial year, introduce into the House a Supplementary Appropriation Bill containing, under appropriate heads, the estimated aggregate sums so voted, and shall, as soon as possible after the end of each financial year, introduce into the House a final Appropriation Bill containing any such sums which have not yet been included in any Appropriation Bill.
4. That part of any estimate of expenditure laid before the House of Commons which shows statutory expenditure shall not be voted on by the House, and such expenditure shall, without further authority of Parliament, be paid out of the Consolidated Fund.

### **111. Withdrawal in Advance of Appropriations**

1. The House of Commons may, by resolution approving estimates containing a vote on account, authorise expenditure for part of any financial year before the passing of the Appropriation Act for that

year, but the aggregate sums so voted shall be included, under the appropriate heads, in the Appropriation Bill for that year.

2. Where at any time Parliament has been dissolved before any provision or any sufficient provision is made under this Chapter of this Constitution for the carrying on of the government, the Minister responsible for finance may issue a warrant for the payment out of the Consolidated Fund of such sums as he may consider necessary for the continuance of the public services until the expiry of a period of six months commencing with the date on which the House of Commons is dissolved, but a statement of the sums so authorised shall, as soon as practicable, be laid before and voted on by the House of Commons and the aggregate sums so voted shall be included, under the appropriate heads, in the next Appropriation Bill.

### **112. Contingencies Fund**

1. Any law for the time being in force may create or authorise the creation of a Contingencies Fund and may authorise the Minister responsible for finance to make advances from that Fund if he or she is satisfied that there is an unforeseen need for expenditure for which no provision or no sufficient provision has been made by an Appropriation law.

2. Where any advance is made by virtue of an authorisation conferred under subsection (1), a supplementary estimate of the sum required to replace the amount so advanced shall, as soon as practicable, be laid before and voted on by the House of Commons and the sum so voted shall be included in a Supplementary Appropriation Bill or a Final Appropriation Bill.

### **113. Salaries of Constitutional Officers**

1. There shall be paid to the officers to which this section applies such salaries and allowances as may be prescribed by or under any Act of Parliament, which are hereby charged on the Consolidated Fund.

2. The salary and allowances payable to any officer to which this section applies, and his or her other terms of service, shall not be altered to his or her disadvantage after his or her appointment.

3. This section applies to –

- (a) the President, Deputy President, and Justices of the Supreme Court;
- (b) all judges (however designated) of the senior Courts of England and Wales;
- (c) the Chairperson and other members of –
  - (i) the Human Rights Commission,
  - (ii) the Judicial Service Commission,
  - (iii) the Civil Service Commission,
  - (iv) the Electoral Commission, and
  - (v) the Boundaries Commission.
- (d) the Ombudsman;
- (e) the Auditor-General,
- (f) the Public Appointments Commissioner; and
- (g) Permanent Secretaries and the Secretary to the Cabinet.

### **114. Public Debt**

The Public Debt of the United Kingdom of England and Wales, including the interest on the debt, sinking fund payments and redemption monies in respect of that debt and the costs, charges and expenses incidental to the management of that debt, is hereby charged on the Consolidated Fund.

### **115. Auditor-General**

1. There shall be an Auditor-General who shall be appointed by Her Majesty on the advice of the Prime Minister given with the concurrence of the Leader of the Opposition in accordance with section 119.

2. The Auditor-General shall audit and report upon the accounts of all public authorities and officers of the Government, and for that purpose the Auditor-General shall have overall charge and direction of the National Audit Office.

3. The Auditor-General and any person authorised by the Auditor-General for the purpose of carrying out inspections shall have access to all records, books, vouchers, documents, cash, stamps, securities, stores or other government property in the possession of any person in the service of a public authority.
4. The Auditor-General shall serve for a term of six years and shall continue to hold office, subject to subsections (5) and (6), until his or her successor is appointed.
5. The Auditor-General may resign from office by submitting his or her resignation in writing to Her Majesty.
6. The Auditor-General may be removed from office only by means of a resolution passed by a two-thirds majority of the members of the House of Commons praying for his or her removal on grounds of incapacity, neglect of duty, or gross misconduct.
7. The Auditor-General shall not be subject to the direction or control of any other authority in the performance of his or her duties.
8. The Auditor-General shall report annually to Parliament with a statement of audits and investigations undertaken and of such recommendations, if any, for improving the economy and efficiency of public bodies as he or she shall see fit.

## **CHAPTER VIII. PUBLIC SERVICE**

### **116. Civil Service Commission**

1. There shall be a Civil Service Commission which shall be responsible for ensuring the integrity, impartiality and professionalism of the civil service.
2. The Civil Service Commission shall consist of a Chairperson and at least four but not more than six other Commissioners, to be appointed by Her Majesty acting on the advice of the Prime Minister given with the concurrence of the Leader of the Opposition.
3. A majority of the members of the Civil Service Commission shall be appointed from amongst persons who are former senior Civil Servants or otherwise qualified and experienced in the management of public bodies.
4. A person shall not be qualified to be appointed as a member of the Civil Service Commission if—
  - (a) he or she is, or has at any time during the five years immediately preceding his or her appointment been, a member of the House of Commons, the Senate, or any devolved Assembly;
  - (b) he or she is, or has at any time during the said five years been, nominated as a candidate for election as a member of the House of Commons, the Senate or any devolved Assembly;
  - (c) he or she is, or has at any time during the said five years been, the holder of an office in, or the employee of, any registered political party.
5. A member of the Civil Service Commission shall not, within a period of three years commencing with the date on which he or she last held or acted in that office, be eligible for any appointment which is made by, on the advice of, or after consultation with, the Civil Service Commission.
6. A member of the Civil Service Commission shall cease to hold office—
  - (a) if he or she submits his or her resignation in writing to Her Majesty;
  - (b) if any circumstances arise that, if he or she were not a member of the Commission, would cause him or her to be disqualified to be appointed to the office he or she holds; or
  - (c) if he or she is removed from office in accordance with subsection (7).
  - (d) at the expiration of six years from the date of his appointment.
7. The members of the Civil Service Commission may not be removed from office during this term except by a resolution of the House of Commons passed by a two-thirds majority of its members on the grounds of incapacity, neglect of duty, or gross misconduct.
8. In case of the death, resignation, or removal of any of a member of the Civil Service Commission, the vacancy shall be filled as soon as may be practicable in accordance with subsection (2).
9. The Civil Service Commission may continue to perform its functions notwithstanding any vacancy in its membership or the absence of any member: provided that any decisions of the Commission shall require the concurrence of a majority of all its members.

10. The Civil Service Commission may regulate its own procedure and shall not be subject to the direction or control of any other person or authority.

### **117. Appointment and Removal of Civil Servants**

1. Subject to this Constitution and to any provisions prescribed by law, the power to recruit, select and appoint all civil servants and public officers, except those to which section 118, 119 or 121 applies, including the power to make appointments by promotion and transfer, to confirm acting or temporary appointments, and to remove and otherwise exercise lawful disciplinary control over members of the civil service, is hereby vested, in the Civil Service Commission.
2. The Civil Service Commission may with the approval of the Prime Minister by directions in writing and subject to such conditions as it thinks fit, delegate any of its powers under subsection (1) of this section to any one or more members of the Commission or to any public officer.

### **118. Appointment and Removal of Permanent Secretaries and Certain Other Officers**

1. This section applies to the offices of –
  - (a) Permanent Secretary,
  - (b) Secretary to the Cabinet,
  - (c) Director-General of the Security Service,
  - (d) Chief of the Secret Intelligence Service, and
  - (e) Ambassador, High Commissioner, or other principal representative of the United Kingdom of England and Wales in another country.
2. The power to appoint persons to hold or to act in offices to which this section applies (including the power to confirm appointments), and the power to exercise disciplinary control over persons holding or acting in such offices and the power to remove such persons from office, shall vest in Her Majesty acting on the advice of Civil Service Commission given after consultation with the Prime Minister; and if the Prime Minister objects to any proposed candidate for appointment to an office to which this section applies, the Prime Minister may require the Civil Service Commission to propose another candidate.

### **119. Procedure for Appointments Made on Concurrent Advice**

- (1) Where by this Constitution Her Majesty is required to make an appointment acting on the advice of the Prime Minister given with the concurrence of the Leader of the Opposition, the following procedure shall be followed – namely, that the Prime Minister after consulting the Civil Service Commission, shall propose a candidate to the Leader of the Opposition, and if the Leader of the Opposition concurs with that proposal, the Prime Minister shall advise Her Majesty accordingly.
- (2) If the Leader of the Opposition does not concur with the proposal of the Prime Minister, the Prime Minister, after consulting the Civil Service Commission, shall propose another candidate to the Leader of the Opposition; and if the Leader of the Opposition concurs with that second proposal, the Prime Minister shall advise Her Majesty accordingly.
- (3) If the Leader of the Opposition does not concur with the second proposal of the Prime Minister, the Prime Minister, the Leader of the Opposition, and the Chair of the Civil Service Commission (or, if that office is vacant, the next most senior member of the Civil Service Commission) shall form a committee and shall use their best endeavours to select a candidate in whom both the Prime Minister and the Leader of the Opposition have confidence; but if after what the Prime Minister considers to be a reasonable time no agreement is reached, the Chair of the Civil Service Commission (or next most senior member of that Commission, as the case may) shall select a candidate, not being a candidate previously proposed for that appointment, and the Prime Minister shall without delay advise Her Majesty to appoint that candidate.

### **120. Commissioner for Public Appointments**

1. There shall be a Commissioner for Public Appointments who shall be appointed by Her Majesty on the advice the Prime Minister given with the concurrence of the Leader of the Opposition in accordance with section 119.

2. The Commissioner for Public Appointments shall serve for a term of six years and shall continue to hold office, subject to subsections (3) and (4), until his or her successor is appointed.
3. The Commissioner for Public Appointments may resign from office by submitting his or her resignation in writing to Her Majesty.
4. The Commissioner for Public Appointments may be removed from office only by means of a resolution passed by a two-thirds majority of the members of the House of Commons praying for his or her removal on grounds of incapacity, neglect of duty, or gross misconduct.
5. The Commissioner for Public Appointments shall not be subject to the direction or control of any other authority in the performance of his or her duties.

### **121. Ministerial Appointments Under Supervision of Commissioner for Public Appointments**

- (1) This section applies to all public appointments, not being part of the civil service, the armed forces, or a local government office, whose appointment is not otherwise provided for by this Constitution; and for the avoidance of doubt this includes the appointment of directors, governors, board members, councillors, trustees, or other persons (howsoever designated) being members of, or having direction or supervisory control over, any publicly owned corporation, non-departmental public body or other statutory body.
- (2) The power to appoint persons to hold or to act in offices to which this section applies (including the power to confirm appointments), and the power to exercise disciplinary control over persons holding or acting in such offices and the power to remove such persons from office, shall vest in a responsible Minister (or Minister of a devolved administration) acting in accordance with the principles of merit, fairness and openness, and subject to the code of practice to be issued by the Commissioner for Public Appointments.

### **122. Functions of the Commissioner for Public Appointments**

1. The Commissioner for Public Appointments shall, in the manner the Commissioner considers best calculated to promote economy, efficiency, effectiveness, diversity and equality of opportunity in the procedures for making public appointments, exercise the functions conferred by this section with the object of maintaining the principle of selection on merit in relation to public appointments.
2. The Commissioner shall prescribe and publish a code of practice on the interpretation and application by appointing authorities of the principle of selection on merit for public appointments and shall adopt and publish from time to time such additional guidance to appointing authorities as the Commissioner shall think fit.
3. The Commissioner shall audit public appointment policies and practices pursued by appointing authorities to establish whether the code of practice is being observed by appointing authorities.
4. The Commissioner may require appointing authorities to publish such summary information as may be specified relating to selection for public appointment.
5. The Commissioner may from time to time conduct an inquiry into the policies and practices followed by an appointing authority in relation to any public appointment or description of public appointment.
6. The Commissioner may recruit and train public appointment assessors for the purpose of advising and assisting an appointing authority in relation to any public appointment.
7. For the purposes of subsections (3) and (5), appointing authorities must provide the Commissioner with any information the Commissioner reasonably requires.
8. Commissioner may, at the request of a Minister of the Crown, carry out such additional functions relating to appointments (whether public or otherwise) as may be agreed between the Minister and the Commissioner, and the public appointment assessors recruited in accordance with subsection (6) may advise and assist in relation to such functions.
9. The Commissioner for Public Appointments shall publish an annual report which shall include—
  - (a) information as to the application by appointing authorities of the principle of selection on merit and as to the observance by such authorities of the code of practice, and
  - (b) an account of the audit of public appointment procedures and practices.

10. Any power or duty of the Commissioner may be exercised by an officer of the Commissioner authorised for that purpose by the Commissioner.

11. The Commissioner may from time to time, and to such extent as the Commissioner thinks fit, authorise any person to perform any function under subsections (3) or (8).

### **123. Ombudsman**

1. There shall be an Ombudsman who shall be appointed by Her Majesty on the advice the Prime Minister given with the concurrence of the Leaders of the Opposition in accordance with section 119.

2. The Ombudsman shall serve for a term of six years and shall continue to hold office, subject to subsections (3) and (4), until his or her successor is appointed.

3. The Ombudsman may resign from office by submitting his or her resignation in writing to Her Majesty.

4. The Ombudsman may be removed from office only by means of a resolution passed by a two-thirds majority of the members of the House of Commons praying for his or her removal on grounds of incapacity, neglect of duty, or gross misconduct.

5. The Ombudsman shall not be subject to the direction or control of any other authority in the performance of his or her duties.

6. The Ombudsman shall report annually to Parliament with a statement of complaints investigated and recommendations made.

### **124. Functions of the Ombudsman**

1. The principal functions of the Ombudsman shall be to provide citizens with a means of redress against maladministration, to prevent and rectify arbitrary or unfair administrative decisions, to promote good governance, and to make recommendations for the improvement of the practices and procedures of public bodies.

2. The Ombudsman shall have the authority –

(a) to enquire into the conduct of any person to whom this section applies in the exercise of his or her office or authority; and

(b) to enquire into any decision or recommendation made, including any advice given or recommendation made to a Minister, or any act done or omitted by any department of Government or any other authority to which this section applies, or by officers or members of such a department or authority, being action taken in exercise of the administrative functions of that department or authority.

3. The Ombudsman may conduct enquires in the following circumstances —

(a) where a complaint is duly made to the Ombudsman by any person alleging that the complainant has sustained an injustice as a result of a fault in administration;

(b) where a member of the House of Commons requests the Ombudsman to investigate the matter on the ground that a person or body of persons specified in the request has or may have sustained such injustice; or

(c) in any other circumstances in which the Ombudsman considers that he or she ought to investigate the matter on the ground that some person or body of persons has or may have sustained such injustice.

4. Subject to subsection (5), the Ombudsman's investigatory authority shall extend to –

(a) all central government departments, ministries and agencies,

(b) devolved administrations and local authorities, except in Wales if provision is made by law for the establishment of a separate devolved Ombudsman for Wales,

(c) police officers and prison and probation officers,

(d) corporations performing public services under contract to any public authority, in so far as it is related to such services, and

(e) and such other offices, commissions, corporate bodies or public agencies as may be placed under the Ombudsman's investigatory authority by Act of Parliament.

5. The Ombudsman's investigatory authority shall not extend to –

- (a) the Head of State or Her Majesty's personal or Household staff,
  - (b) the Director of Public Prosecutions or any person acting in accordance with his or her instructions,
  - (c) any judge or magistrate in the exercise of his or her judicial functions, or
  - (d) any member of the Armed Forces.
6. In determining whether to initiate, continue or discontinue an enquiry, the Ombudsman shall act in his or her discretion and, in particular and without prejudice to the generality of this discretion, the Ombudsman may refuse to initiate or may discontinue an enquiry where it appears to him or her that –
- (a) the subject matter of the complaint is trivial;
  - (b) the complaint is frivolous, vexatious, or not made in good faith; or
  - (c) the complainant has not a sufficient interest in the subject matter of the complaint.
7. Where in the course of an enquiry it appears to the Ombudsman that there is evidence of any corrupt act by any public officer or by any other person in connection with the public service, the Ombudsman shall report the matter to the appropriate authority with his or her recommendation as to any further investigation he or she may consider proper.
8. The Ombudsman shall make an annual report and may make such additional reports to Parliament as he or she deems appropriate concerning the discharge of his or her functions, and may draw attention to any defects which appear to him or her to exist in the administration or in any law.
9. Parliament by law may confer additional functions on the Ombudsman and may make provision for regulating the procedure for the making of complaints and requests to the Ombudsman and for the exercise of his or her functions.
10. Where after making an enquiry the Ombudsman is of the opinion that the action that was the subject-matter of enquiry was contrary to law, based wholly or partly on a mistake of law or fact, unreasonably delayed, or otherwise unjust or manifestly unreasonable the Ombudsman shall –
- (a) report his or her opinion, and his or her reasons, to the principal officer of any department or authority concerned, or other authority responsible for the action, and may make such recommendations as he or she thinks fit, and
  - (b) request that officer to notify him, within a specified time, of any steps that it is proposed to take to give effect to such recommendations.
11. Where after a report under subsection (10) is submitted no action is taken which seems to the Ombudsman to be adequate and appropriate within such period as the Ombudsman may prescribe, the Ombudsman, if he or she thinks fit, after considering any comments made by or on behalf of any department, authority, body or person affected, may send a copy of the report and recommendations to the Prime Minister and to any Minister concerned, and may thereafter make such further report to the House of Commons on the matter as he or she thinks fit.

## **CHAPTER IX. DEVOLUTION AND LOCAL GOVERNMENT**

### **125. Devolved Areas**

1. The devolved areas are –
- (a) Wales;
  - (b) Greater London;
  - (c) South East England;
  - (d) South West England;
  - (e) West Midlands;
  - (f) East Midlands;
  - (g) East of England;
  - (h) North West England;
  - (i) North East England (Northumbria);
  - (j) Yorkshire and the Humber.

2. The boundaries of the devolved areas shall, until and unless otherwise prescribed by Act of Parliament, be those established as NUTS 1 statistical regions in 1994; provided, that no bill to alter the boundaries of the devolved areas shall be introduced into either House of Parliament unless at the request, signified by resolution, of the Assembly of each devolved authority to be affected by any proposed change.
3. In this Chapter, 'English region' means a devolved area of England other than Greater London.

### **126. Devolved Authorities**

1. The National Assembly for Wales (*Cynulliad Cenedlaethol Cymru*) and the Welsh Government, as established by the Government of Wales Acts 1998, 2006 and 2017, shall subject to this Constitution continue in being as the devolved authorities of Wales.
2. The London Assembly and the office of Mayor of London, as established by the Greater London Authority Acts 1999 and 2007, shall subject to this Constitution continue in being as the devolved authorities of Greater London.
3. In each English region there shall be –
  - (a) a Regional Assembly established in accordance with section 127; and
  - (b) a Regional Executive established in accordance with section 128.

### **127. English Regional Assemblies**

1. Each English regional Assembly shall consist of sixty members, or such greater number of members, not exceeding one hundred, as may be prescribed by an Act of the regional Assembly concerned.
2. The members of each regional Assembly shall be elected by the registered electors, qualified in accordance with section 20, using the system of proportional representation by means of the Single Transferable Vote.
3. For the purpose of elections to the regional Assembly, each region shall be divided by the Boundaries Commission under section 138 into convenient number of geographical constituencies, and each constituency shall return at least five but not more than seven members of the regional assembly.
4. The number of members returned by each constituency shall, as nearly as may be reasonably practicable, be proportional to the number of qualified electors resident therein; provided that in determining the boundaries of constituencies and apportionment of seats the Boundaries Commission may deviate from proportionality to the extent reasonably justifiable so as to give due consideration to community or diversity of interests, physical features and natural boundaries, historical identity, local government boundaries, and sparsity or density of population.
5. Subject to subsection (11), a person shall be qualified for election as a member of the regional Assembly, and shall not be so qualified unless, at the date of his or her nomination for election –
  - (a) he has attained the age of eighteen years;
  - (b) he can speak and read English well enough to take an active part in the proceedings of the Assembly;
  - (c) he is a citizen of the United Kingdom of England and Wales, and
  - (d) he is registered in some constituency as a voter in elections of the regional Assembly and is not disqualified from voting in such elections.
6. A member of a regional Assembly shall serve as such until the dissolution of the Assembly following his or her election; provided that a member of a regional Assembly shall also cease to hold office as such if he or she -
  - (a) becomes a member of the House of Commons;
  - (b) ceases to be qualified for election to the regional Assembly, or becomes disqualified for election to the regional Assembly;
  - (c) is absent from the sitting of the regional Assembly for such period and in such circumstances as may be prescribed in the standing orders of the Assembly; or
  - (d) resigns his or her seat in writing to the Presiding Officer and the Presiding Officer at the next sitting of the regional Assembly immediately following receipt of such resignation gives notice thereof to the Assembly.

7. There shall be a Presiding Officer and Deputy Presiding Officer of each regional Assembly who shall be elected by the regional Assembly from amongst its members; and the provisions of section 64 shall apply, *mutatis mutandis*, to the election and removal of, and performance of functions by, the Presiding Officer and Deputy Presiding Officer.
8. Each session of a regional Assembly shall be held at such place within the regional and shall begin at such time as the Presiding Officer shall, subject to the Standing Orders of the regional Assembly appoint, provided that –
  - (a) if the regional Assembly has been dissolved, a session of the Assembly shall begin not later than fourteen days from the holding of a regional general election; and
  - (b) there shall be a session of the regional Assembly each year, such that a period of six months shall not elapse between the last sitting of a regional Assembly in one session and its first sitting in the next session.
9. Except when England and Wales is at war or when a declaration of emergency is in effect, each regional Assembly shall continue for four years from the date of its first sitting after a general election and shall then stand dissolved; provided, that if an absolute majority of the members of the Assembly pass a resolution praying that the Regional Assembly be dissolved, the Presiding Officer shall without delay advise Her Majesty to dissolve the Assembly and Her Majesty shall act in accordance with that advice; and further provided, that if a Chief Minister has not been nominated under subsections (2) and (3) of section 128 within the prescribed period of thirty days, the Assembly shall stand dissolved at the expiration of that period.
10. A regional general election shall be held on such date, being at least two months but no later than three months after the most recent dissolution of the regional Assembly as Her Majesty, acting on the advice of the Chair of the Electoral Commission, shall by proclamation appoint.
11. The provisions of subsections (2) and (3) of section 61, subsections (2) and (3) of section 62, section 63, sections 71 to 83 inclusive, shall apply, *mutatis mutandis*, to regional Assemblies and the members thereof

### **128. English Regional Executives**

1. Each English regional Executive shall consist of the Chief Minister and at least eight but not more than fifteen Regional Ministers.
2. Her Majesty shall appoint as Chief Minister the member of the Regional Assembly who is nominated to that office by a resolution of the Assembly.
3. The appointment of a Chief Minister shall take place within thirty days of the first meeting of the Regional Assembly following a Regional general election, and within thirty days of the office of Chief Minister for any cause becoming vacant.
4. Her Majesty shall appoint and may dismiss or accept the resignations of other Regional Ministers, and shall allocate their portfolios, on the advice of the Chief Minister of the region.
5. The members of the regional Executive shall be chosen from amongst the members of the regional Assembly; provided, that when the regional Assembly is dissolved, a person who was a member of the regional Assembly immediately before the dissolution may be appointed to, or may continue to hold, office as a Regional Minister, for a period of up to sixty days after the day on which the regional Assembly meets following the general election after such dissolution, after which period he or she shall cease to hold office as a Regional Minister unless he or she is a member of the Assembly.
6. Each regional Executive shall be responsible to the regional Assembly, and if the regional Assembly by an absolute majority of its members passes a vote of no confidence in the Chief Minister, or in the Regional Executive as a whole, and the Chief Minister does not within five days resign, Her Majesty shall remove the Chief Minister from office; provided that Her Majesty shall not remove the Chief Minister from office if within that period of five days the regional Assembly is dissolved in accordance with subsection (9) of Section 127.

### **129. Competencies of Devolved Assemblies**

1. Subject to the provisions of this section, each devolved Assembly shall have the authority to enact laws, known as ‘Acts of Assembly’, in and for the devolved area concerned, in relation to all matters not coming within the class of subjects enumerated in Part 1 of the Third Schedule (‘reserved list’) as being assigned exclusively to Parliament; and for greater certainty, but not so as to restrict the generality of the foregoing, it is hereby declared that the legislative authority of the devolved Assemblies extends to all matters coming within the class of subjects enumerated in Part 2 of the Third Schedule (‘devolved list’).
2. Parliament may from time to time by law confer upon the devolved Assemblies, or any of them, the authority to enact laws in relation to any matter on the ‘reserved list’ enumerated in Part 1 of the Third Schedule, subject to such conditions or limitations as Parliament may from time to time prescribe.
3. Nothing in this section shall have the effect of limiting the authority of Parliament, subject to this Constitution, to enact laws for England and Wales as a whole, or for any part thereof, in relation to any subject matter; and in case of any incompatibility between an Act of Parliament and an Act of Assembly, the Act of Parliament shall prevail. Nevertheless, it is a conventional principle that Parliament should not normally legislate on any matter on the ‘devolved list’ enumerated in Part 2 of the Third Schedule except with the agreement of the devolved Assembly of the area or areas to which the legislation may apply, given by means of a legislative consent motion passed by each of the devolved Assemblies concerned.
4. Except as otherwise provided by any Act of Parliament, the executive and administrative authorities of each devolved Executive shall be co-extensive with the legislative authority of its devolved Assembly.

### **130. Mode of Exercising Devolved Legislative Powers**

1. The power of each devolved Assembly to enact Acts of Assembly shall be exercisable by bills passed by the Assembly and assented to by Her Majesty.
2. When a bill is submitted to Her Majesty for royal assent in accordance with the provisions of this Constitution Her Majesty shall within thirty days either –
  - (a) signify that she assents by causing the Public Seal to be affixed thereto; or
  - (b) signify that she withholds assent and return the bill to the Assembly.
3. If Her Majesty has neither granted assent to the bill nor signified that she withholds assent to the bill within the said thirty days, the bill shall be deemed to have received assent at the expiration of that period.
4. Her Majesty shall not withhold assent to any bill under subsection (2) unless so advised by the Cabinet, given after consultation with the Attorney-General, on the grounds that the bill –
  - (a) is beyond the legislative competence of the devolved Assembly or otherwise repugnant to this Constitution; or
  - (b) would have adverse effect on any ‘reserved’ matter;
  - (c) would have serious adverse impact on the operation of law, the delivery of public services, public safety, water supplies, natural resources, or environmental quality, in any other devolved area; or
  - (d) would be incompatible with any international obligation or the interests of defence or national security.
5. Where Her Majesty withholds assent to a bill for an Act of Assembly under subsection (4), the circumstances, together with a statement of the Attorney-General’s advice, shall be reported to both Houses of Parliament by a responsible Minister within ten days (or, if Parliament is not in session, within ten days of the commencement of its next session); and if either House by an absolute majority resolves that assent ought not to have been withheld, Her Majesty shall without delay grant assent to the bill.
6. The provisions of subsections (4) and (5) of section 89 shall, *mutatis mutandis*, apply to Acts of Assembly.
7. All laws made by Parliament shall be styled ‘Acts of Parliament’ and the words of enactment shall be ‘Be it enacted by The Queen’s Most Excellent Majesty, by and with the advice and consent of the [name of the devolved Assembly], and by the authority of the same – ’.
8. For the avoidance of doubt, nothing in subsections (2) to (5) inclusive of this section shall prevent the judicial review of the constitutionality of any Act of Assembly at any time after it has been enacted.

### **131. Council of Devolved Governments**

1. There shall be a Council of Devolved Governments which shall consist of -
  - (a) the Prime Minister, who shall be Chair of the Council
  - (b) the First Minister of Wales,
  - (c) the Mayor of London, and
  - (d) the Chief Minister of each English Region.
2. The functions of the Council of Devolved Government shall be to –
  - (a) co-ordinate the activities of devolved Governments, in relation to the United Kingdom Government and the other devolved Governments,
  - (b) review draft legislative bills which affect the powers and duties of devolved Governments, and give their views thereon to Parliament, and
  - (c) make recommendations to Parliament as to –
    - (i) the distribution between the United Kingdom Government and the devolved Governments of the net proceeds of taxes which are to be divided between them under any law and the allocation between the devolved Governments of the respective shares of such proceeds, and
    - (ii) the principles which should govern the grants-in-aid of the revenues of the devolved Governments out of the Consolidated Fund of the United Kingdom.
3. The Council of Devolved Government shall have such other functions, subject to this Constitution, as may be vested in it by Act of Parliament.
4. The Council of Devolved Governments shall meet at least once in ninety days; provided that the Prime Minister –
  - (a) may convene a meeting of the Council of Devolved Governments at his or her own initiative, and
  - (b) shall convene a meeting of the Council of Devolved Governments at the request of any other member of the said Council.
5. Any member of the Council of Devolved Governments may be represented in the said Council by his or her deputy, with plenipotentiary powers.
6. The Council of Devolved Governments shall determine its own rules of procedure and shall have the assistance of a permanent Secretariat.

### **132. Local Government**

1. There shall continue to be a system local government in England and Wales, vested in elected councils and other publicly elected local officials.
2. Local authorities, organised at parish, community, district, city, county, or such other levels as may from time to time be prescribed by law, shall have such powers, duties and responsibilities, for the provision of public services, the management of public property, the regulation of local concerns, and the promotion of the common good of their local community, as may be vested in them by Acts of Parliament, Acts of Assembly or other law.
3. Every person who has the right to vote in elections for members of the House of Commons shall have the right to vote in local elections of the area in which they reside.
4. Except when England and Wales is at war or when a declaration of emergency is in effect elections for local councils and other popularly elected local officials shall be held in accordance with the law not later than the end of the fourth year after the year in which they were last held.

## **CHAPTER X. ELECTIONS AND REFERENDUMS**

### **133. Voting in Elections and Referendums**

1. In any referendum or any election to the House of Commons, a devolved Assembly, or local authority, the votes shall be given by secret ballot, but provision may be made by law for postal or proxy voting in

the case of persons for who are unable to cast a ballot in person or unable without unreasonable inconvenience to attend a polling place.

2. Persons shall be registered to vote only in the constituency or local government area in which they usually reside; or, in the case of citizens not currently resident in England and Wales, in the constituency or local government area in which they usually resided immediately before taking up residence outside of England and Wales.

3. In any election conducted by means of Single Transferable Vote, there shall be an option to vote ‘above the line’, meaning that instead of ranking candidates individually a voter need only rank parties, and each voter’s preferences shall be distributed to the candidates of that party in the constituency according to an order of preferences declared by the party to the Electoral Commission in advance of the election, this being the order in which the names of the candidates shall appear ‘below the line’ on the ballot paper.

#### **134. Electoral and Campaign Finance Legislation**

1. Subject to this Constitution, additional provision may be made by law for the registration of voters, the conduct of elections, nomination of candidates, appointment of returning officers, election deposits, the regulation and registration of political parties, spending limits in campaigns, restrictions on sources of financing, requirements to declare sources of financing, the suppression of corrupt or illicit electoral practices, and for any other purpose connected with the organization of elections and referendums.

2. Any law enacted under subsection (1), administrative rules, instructions, code of practice, or official guidance, issued under such law –

(a) must have as its purpose the promotion of free, fair and clean elections; and

(b) must not be designed to unfairly advantage or disadvantage any particular candidate or party.

3. A bill for an Act of Parliament under subsection (1) shall be submitted to the Electoral Commission for comment between its first and second readings in the House of Commons, and such a bill shall not proceed to its second reading unless the Electoral Commission has had a period of at least ninety days during which to study the bill and to report its analysis of the bill to both Houses.

#### **135. Electoral Commission**

1. There shall be an Electoral Commission which shall consist of –

(a) a Chair of the Electoral Commission, who shall be a judge of at least seven years’ standing, to be appointed by Her Majesty on the advice of the Judicial Service Commission;

(b) two Commissioners, one of whom shall be the Deputy Chair of the Electoral Commission, to be appointed by Her Majesty on the advice of the Prime Minister given with the concurrence of the Leader of the Opposition in accordance with section 119;

(c) two Commissioners to be appointed by Her Majesty on the advice of the Prime Minister;

(d) two Commissioners to be appointed by Her Majesty on the advice of the Leader of the Opposition; and

(e) two Commissioners to be appointed by Her Majesty on the advice of the Speaker of the House of Commons, given after consultation with the leaders of any other parties present in the House of Commons other than the parties of the Prime Minister and the Leader of the Opposition.

2. A person shall not be qualified to be appointed to the Electoral Commission if—

(a) he is, or has at any time during the five years immediately preceding his appointment been, a member of the House of Commons, the Senate, or any devolved Assembly;

(b) he is, or has at any time during the said five years been, nominated as a candidate for election as a member of the House of Commons, the Senate or any devolved Assembly;

(c) he is, or has at any time during the said five years been, the holder of an office in, or the employee of, any registered political party.

3. A member of the Electoral Commission shall not enter upon the duties of his or her office until he or she has taken and subscribed the Oath of Allegiance and the Oath of Office in the forms set out in the First Schedule.

4. A member of the Electoral Commission shall cease to hold office—

- (a) if he or she submits his resignation in writing to Her Majesty;
  - (b) if any circumstances arise that, if he were not a member of the Commission, would cause him or her to be disqualified to be appointed as such; or
  - (c) if he or she is removed from office in accordance with subsection (5).
  - (d) at the expiration of six years from the date of his appointment.
5. A member of the Electoral Commission may be removed from office only by means of a resolution passed by a two-thirds majority of the members of the House of Commons praying for his or her removal on grounds of incapacity, neglect of duty, or gross misconduct.
6. In case of the death, resignation, or removal of any of a member of the Electoral Commission, the vacancy shall be filled as soon as may be practicable in accordance with subsection (1).
7. The Electoral Commission may act notwithstanding any vacancy in its membership or the absence of any member: provided that any decisions of the Commission shall require the concurrence of a majority of all its members.
8. Any power or function vested in the Chair of the Electoral Commission by this Constitution or any law may, if the office of Chair of the Electoral Commission is vacant or if the holder of that office is unable for any reason to perform his or her duties, be lawfully exercised by –
- (a) the Deputy Chair of the Electoral Commission; or,
  - (b) if the office of Deputy Chair is also vacant or if the Deputy Chair is unable for any reason to perform his or her duties, by the next most senior Commissioner in order of appointment.
9. The Electoral Commission shall regulate its own procedure and shall not be subject to the direction or control of any other person or authority.

### **136. Powers and Functions of Electoral Commission**

1. Subject to this Constitution and in accordance with any provisions prescribed by law, the Electoral Commission shall have responsibility for –
- (a) supervising the administration of elections and referendums and supervising the conduct of campaigns, in order to ensure that elections and referendums are conducted freely, fairly and lawfully,
  - (b) supervising the compilation of electoral rolls and facilitating the registration of voters,
  - (c) ensuring compliance with such laws as may be in effect to regulate the registration of political parties and campaigns, the nomination of candidates, and donations and expenditures for political purposes,
  - (d) such other functions, relating to ensuring the free and fair conduct of elections and referendums, as may be vested in the Commission by law.
2. In the exercise of its functions under this Constitution or any law the Electoral Commission shall not be subject to the direction or control of any other person or authority.
3. The Electoral Commission may, with the consent of the Prime Minister, confer powers or impose duties on any public officer or on any authority of Her Majesty’s Government, or devolved or local authority, for the purpose of the exercise of its functions.

### **137. Boundaries Commission**

1. There shall be a Boundaries Commission for England and Wales which shall consist of –
- (a) the Speaker of the House of Commons, who shall be *ex-officio* non-voting Chair of the Boundaries Commission;
  - (b) a deputy Chair, who shall be a judge of at least seven years’ standing, to be appointed by Her Majesty on the advice of the Judicial Service Commission; and
  - (c) two Commissioners to be appointed by Her Majesty on the advice of the Prime Minister given with the concurrence of the Leader of the Opposition in accordance with section 119.
2. A person shall not be qualified to be appointed to the Boundaries Commission if—
- (a) he is, or has at any time during the five years immediately preceding his appointment been, a member of the House of Commons, the Senate, or any devolved Assembly;

- (b) he is, or has at any time during the said five years been, nominated as a candidate for election as a member of the House of Commons, the Senate or any devolved Assembly;
  - (c) he is, or has at any time during the said five years been, the holder of an office in, or the employee of, any registered political party.
3. A member of the Boundaries Commission shall not enter upon the duties of his or her office until he or she has taken and subscribed the Oath of Allegiance and the Oath of Office in the forms set out in the First Schedule.
  4. A member of the Boundaries Commission shall cease to hold office—
    - (a) if he or she submits his resignation in writing to Her Majesty;
    - (b) if any circumstances arise that, if he were not a member of the Commission, would cause him or her to be disqualified to be appointed as such; or
    - (c) if he or she is removed from office in accordance with subsection (5).
    - (d) at the expiration of six years from the date of his appointment.
  5. A member of the Boundaries Commission may be removed from office only by means of a resolution passed by a two-thirds majority of the members of the House of Commons praying for his or her removal on grounds of incapacity, neglect of duty, or gross misconduct.
  6. In case of the death, resignation, or removal of any of a member of the Boundaries Commission, the vacancy shall be filled as soon as may be practicable in accordance with subsection (1).
  7. The Boundaries Commission may act notwithstanding any vacancy in its membership or the absence of any member: provided that any decisions of the Commission shall require the concurrence of a majority of all its members.
  8. The Boundaries Commission shall regulate its own procedure and shall not be subject to the direction or control of any other person or authority.

### **138. Delimitation of Constituencies**

1. The Boundaries Commission shall keep under review the constituencies for elections to the House of Commons and devolved Assemblies, including –
  - (a) the number of constituencies,
  - (b) the names of constituencies,
  - (c) the boundaries of constituencies, and
  - (d) and the number of members (subject to limits prescribed by this Constitution) to be returned by each constituency.
2. A report by the Boundaries Commission, in respect of the House of Commons and each devolved Assembly shall be submitted to Parliament, or to each devolved Assembly as the case may be, under this section not less than ten years and not more than fifteen days, after the date when the last such report was submitted.
3. As soon as may be after the Boundaries Commission has submitted a report under subsection (2) of this section, the Prime Minister shall lay before the House of Commons a draft Order in Council for giving effect to the recommendations contained in the report, and that draft Order may make provision for any matters which appear to the Prime Minister to be incidental to or consequential upon the other provisions of the draft.
3. If the motion for the approval of any draft Order laid before the House of Commons is approved by resolution, the Prime Minister shall submit it to Her Majesty who shall make an Order in terms of the draft.
4. If the motion for the approval of any draft Order under this section is rejected by the House of Commons, or withdrawn by leave of the House, the Prime Minister shall inform the Boundaries Commission accordingly, and shall invite the Boundaries Commission to reconsider its report.
5. If after reconsideration of the report in terms of subsection (4) the Boundaries Commission submits another report, with or without modifications, the Prime Minister shall lay before the House of Commons a draft Order in Council for giving effect to the recommendations contained in the second report, and that draft order shall be deemed to have been approved by the House of Commons after three months have

elapsed from the date of its submission, unless during that time the draft Order is rejected by a resolution of the House of Commons passed by a two-thirds majority of the House.

6. An Order under this section shall come into force upon the next dissolution of Parliament (or, in so far as it effects constituencies for the election of devolved Assemblies, the next dissolution of the Assembly to which the Order, or the relevant parts of the Order, may apply) after the Order has been made.

7. The question of the validity of any Order made or purporting to be made under this section and reciting that a draft thereof had been approved (or deemed to have been approved) by resolution of the House of Commons shall not be enquired into in any court of law.

### **139. Conduct of Referendums**

1. Subject to this section –

(a) an Act of Parliament may provide for the holding of a referendum in England and Wales as a whole, or in any part thereof, to ascertain the views of the people on any matter of general public importance; and

(b) an Act of Assembly may provide for the holding of a referendum in the area over which it has jurisdiction, or in any part thereof, to ascertain the views of the people on any devolved matter of general public importance.

2. A referendum shall not be held unless, before the bill for a referendum receives its final reading in the House of Commons (or in a devolved Assembly, in the case of referendums held under paragraph (b) of subsection (1) –

(a) the Attorney-General has certified that the subject matter of the referendum is not repugnant to the provisions of this Constitution; and

(b) the Chair of the Electoral Commission has certified that the question to be put in the referendum is clear, unbiased and unambiguous.

3. Referendums are advisory and have no legal effect; nevertheless, if the Government (or the devolved Executive, in the case of referendums held under paragraph (b) of subsection (1)) wishes to ignore the outcome of a referendum, or to respond to a referendum in any way that is not in accordance with the outcome endorsed by a majority of those voting, it shall be required to make a ministerial statement to that effect in the House of Commons (or in the devolved Assembly, as the case may be) within sixty days after the referendum result has been announced, and that statement shall be subject to a debate.

## **CHAPTER XI. MISCELLANEOUS PROVISIONS**

### **140. Ethical Standards in Public Life**

1. This section shall apply to –

(a) Ministers;

(b) members of the House of Commons or the Senate;

(c) public officers;

(d) judges and magistrates;

(e) devolved Ministers;

(f) members of devolved Assemblies;

(g) members and officers of local authorities;

(h) police officers;

(i) members of non-departmental public bodies;

(j) the Chair and other members of all Commissions established by this Constitution;

(k) the Auditor-General, the Ombudsman and the Public Appointments Commissioner; and

(l) all other persons in a position of public trust and responsibility to whom this section shall be applied by law.

2. All persons to whom this section applies have a duty to conduct themselves in accordance with the following principles -

- (a) Selflessness: holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves, their family or their friends;
  - (b) Integrity: holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties;
  - (c) Objectivity: in carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit;
  - (d) Accountability: holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office;
  - (e) Openness: holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands;
  - (f) Honesty: holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest;
  - (g) Leadership: holders of public office should promote and support these principles by leadership and example.
3. The principles of subsection (2) shall not be directly enforceable in any court of law, but –
- (a) it shall be the moral duty of those to whom this section applies to promote and uphold these principles;
  - (b) the Cabinet Manual, the Standing Orders of the House of Commons, Senate and devolved assemblies, and any Code of Conduct or Practice adopted by the Civil Service Commission, Judicial Service Commission, the Public Appointments Commissioner, or other public body to guide their disciplinary decisions, shall seek to give effect to these principles.
4. There shall be a Committee on Standards in Public Life, organized as an independent non-departmental public body, which shall be responsible for –
- (a) advising the Prime Minister on ethical issues relating to standards in public life,
  - (b) conducting broad inquiries into standards of conduct, with a view to making recommendations and improving practice, but without having the authority to conduct investigations into individual allegations of misconduct, and
  - (c) promoting compliance with, and knowledge and awareness of, the seven principles of public life enumerated in subsection (2).

#### **141. Crown Dependencies and Overseas Territories**

1. The Crown Dependencies and self-governing Overseas Territories shall enjoy the right to democratic self-government, in accordance with their own constitutions, charters and laws, over all domestic and local matters, saving to the Governor, Lieutenant-Governor, Bailiff, or other representative of Her Majesty control only over foreign affairs, defence and such other matters as may be expressly reserved.
2. The Crown Dependencies and self-governing Overseas Territories shall enjoy the right to self-determination, which shall include the right, by means of a referendum held according to the law of that Territory, to become an independent state; and no Crown Dependency or Self-Governing Overseas Territory shall be ceded to any other state.
3. The existing constitutions of Crown Dependencies and self-governing Overseas Territories shall be preserved, and shall not be revoked or amended except at the request of the Crown Dependency or self-governing Overseas Territory concerned, signified by means of a resolution of the Legislature thereof, passed by a two-thirds majority of its elected members.
4. Overseas Territories without self-governing Status shall be governed according to such rules as may be made, subject to any Act of Parliament, by Order-in-Council.

## **142. Ecclesiastical Matters**

1. Unless otherwise determined by an Act of Parliament in accordance with this section –
  - (a) the Church of England shall continue to be the established Church in England and shall continue to enjoy all existing powers, rights, duties and privileges recognized by the laws of England immediately before the coming into effect of this Constitution;
  - (b) Her Majesty shall continue to be the Supreme Governor of the Church of England; and
  - (c) Church measures approved by the General Synod shall, after review by an Ecclesiastical Committee of both Houses, approval by a resolution of both Houses, and receiving royal assent, have effect as law in England.
2. Parliament may provide by law for the disestablishment of the Church of England (whether by extending the provisions of the Welsh Church Act 1914, *mutatis mutandis*, to England or otherwise).
3. Notwithstanding any law enacted under subsection (2) of this section the Archbishops and Bishops of the Church of England shall, if otherwise qualified, continue to be eligible for appointment as Appointed Senators under this Constitution.

## **143. Peerages and Honours**

1. After the coming into effect of this Constitution no new hereditary peerages shall be created, but existing hereditary peerages shall, unless otherwise prescribed by Act of Parliament, continue to be heritable according to existing laws and customs.
2. Life peerages, knighthoods, and other honours and awards, shall be granted by Her Majesty acting on the advice of the Prime Minister with the concurrence of an Honours Committee to be established by, or in accordance with, an Act of Parliament.
3. It shall be the duty of the Honours Committee to ensure that honours are awarded in accordance with the principles of merit, fairness and openness, in recognition of genuine accomplishments, achievements and service.
4. Subsections (2) and (3) shall not apply to those honours that are –
  - (a) by law or convention within the personal gift of the monarch, or
  - (b) awarded in right of Her Majesty's other Realms and Territories, in accordance with the Constitutions, laws and conventions thereof.

## **144. Interpretation**

1. In this Constitution –
  - (a) 'Act of Assembly' means an Act of a devolved Assembly assented to or deemed to have been assented to, by Her Majesty,
  - (b) 'Act of Parliament' means an Act passed by the House of Commons of England and Wales and assented to, or deemed to have been assented to, by Her Majesty,
  - (c) 'appointed day' means the day, being not later than three months after the Constitution Act has received royal assent, appointed by Her Majesty in Council for the commencement of this Constitution,
  - (d) 'Christian' includes all churches that maintain the orthodox understanding of the Trinity in accordance with the first four Ecumenical Councils and the three historic creeds of the Church, without distinction as to denomination,
  - (e) 'the Crown' means the Crown in right of England and Wales,
  - (f) 'devolved Assembly' means the National Assembly for Wales, the Greater London Assembly, or the Assembly of an English Region as established in accordance with this Constitution,
  - (g) 'Cabinet' means the Cabinet established under Section 44 of this Constitution,
  - (h) 'Existing law' means the law in effect in England and Wales immediately before the appointed day,
  - (i) 'the Government' means Her Majesty's Government of England and Wales,
  - (j) 'general election' means a general election of members of the House of Commons,

- (k) ‘judicial office’ means the office of a judge but does not include the office of justice of the peace,
- (l) ‘Law’ includes any instrument having the force of law and any unwritten rule of law and “lawful” and “lawfully” shall be construed accordingly,
- (m) ‘local authority’ means the elected self-governing corporate body of a parish, community, district, city, county, unitary authority, or such other unit of local government as may be established by law,
- (n) ‘military office’ means any draft, post or appointment held as an officer, rating or other rank in any of Her Majesty’s Armed Forces,
- (o) ‘Minister’, unless the context otherwise requires, includes the Prime Minister, Deputy Prime Minister, Her Majesty’s Principal Secretaries of State, Ministers of State, any Ministers-without-Portfolio, Parliamentary Under Secretaries, and the Lord Chancellor, Attorney-General and Solicitor-General; and ‘ministerial office’ shall be construed accordingly,
- (p) ‘ministerial advice’ means the formal advice of a responsible minister acting under the general authority of the Cabinet,
- (q) ‘opposition party’ means any party which –
- (i) is not in government, whether as a sole party of government or as member of a governing coalition, and
  - (ii) does not have a confidence-and-supply arrangement with any party in government,
- (r) ‘Parliament’ means the Parliament of the United Kingdom of England and Wales established by this Constitution,
- (s) ‘police officer’ means a person who holds the office of constable and has taken the Constable’s Oath in the form set out in the First Schedule (or any previous form of the oath).
- (t) public office includes any office of emolument in the civil service of the Crown in respect of the Government of England and Wales or of any devolved administration thereof, including diplomatic offices, but does not include Ministerial office, judicial office, military office, the office of constable, or offices in the service of local authorities, any office in a statutory board, corporation, or non-departmental public body.
- (u) ‘qualified and experienced’ means having such qualifications and experience as may be prescribed by law, or, subject to any provisions prescribed by law, as the appointing body shall deem to be necessary,
- (v) ‘regional general election’ means a general election of members of a regional Assembly.
- (w) ‘Register of Interests’ means the Register of the Interests of members of the House of Commons and Senate or any equivalent register for members of devolved assemblies.
- (x) ‘sentence of imprisonment’ means a custodial sentence imposed by a court of law for a criminal offence, but does not include any period of remand, probation or parole.
- (y) ‘session’ means, in relation to the House of Commons, the sittings of the House commencing when it first meets after this Constitution comes into force or after the prorogation or dissolution of Parliament at any time and terminating when Parliament is prorogued or is dissolved without having been prorogued,
- (z) ‘sitting’ means, in relation to the House of Commons, a period during which the House is sitting continuously without adjournment and includes any period during which the House is in committee,
- (aa) ‘Supreme Court’ means the Supreme Court of England and Wales established by this Constitution, and
- (bb) ‘United Kingdom’ means the United Kingdom of England and Wales.
2. Unless stated otherwise or unless the context otherwise requires –
- (a) words in this Constitution importing the masculine gender shall be taken to include females,
  - (b) words in this Constitution in the singular shall include the plural, and words in the plural shall include the singular,

(c) references in this Constitution to a section or schedule shall be construed as a reference to that section of, or that schedule to, this Constitution, and

(d) references in this Constitution to a subsection shall be construed as a reference to that subsection of the section in which the reference occurs.

3. Where any power is conferred by this Constitution to make any order, proclamation, rules or regulations or to give any directions or to make any designation, the power shall be construed, unless stated otherwise, as including a power, exercisable in like manner, to amend or revoke any such order, proclamation, rules, regulations, directions or designation.
4. No provision specifying that a person or authority shall 'not be subject to the direction or control of any other person or authority' shall be construed as precluding a court from exercising jurisdiction in relation to any question whether that person or authority has performed the functions of his, her or its office in accordance with this Constitution or any other law.
5. A person shall not be regarded as holding an office by reason only of the fact that he or she is in receipt of a pension or other like allowance in respect of his or her former tenure of any office.
6. Unless the context otherwise requires, a reference in this Constitution to the holder of an office by the term designating his or her office shall include, to the extent of his or her authority, a reference to any person for the time being authorised to exercise the functions of that office.
7. Except in the case where this Constitution provides for the holder of any office thereunder to be such person holding or acting in any other office as may for the time being be designated in that behalf by some other specified person or authority, no person may, without his or her consent, be nominated for election to any such office or be appointed to or to act therein or otherwise be selected therefor.
8. Any reference in this Constitution to an Act of Parliament made before the appointed day shall, unless the context otherwise requires, be construed as a reference to that law as it had effect on the appointed day.
9. A reference in any existing law to any action being taken, decision made, or appointment being approved, by the House of Lords, or by both Houses of Parliament, shall be construed, subject to this Constitution, as a reference to that action being taken, decision made, or appointment approved, as the case may be, by the House of Commons alone.
10. An oath required by this Constitution or by any law also be validly taken in the form of an affirmation and the words 'So help me God' may be omitted.

#### **145. Transitional Provisions**

1. This Constitution shall come into effect on the appointed day.
2. The provisions of the Fourth Schedule shall have effect.

### **FIRST SCHEDULE – OATHS**

#### **1. Coronation Oath**

I, [A.B.] do solemnly promise and swear [or affirm] that I will uphold and defend the Constitution, laws and customs of the United Kingdom of England and Wales, and of my other Realms and Territories, and conscientiously and impartially to discharge my functions and duties as Head of State according to the same. [So help me God.]

#### **2. Oath of Allegiance**

I, [A.B.], do swear [or affirm] that I will be faithful and bear true allegiance to Her Majesty [name of the King or Queen of the United Kingdom for the time being] and Her [or His] heirs and successors according to law. [So help me God.]

#### **3. Oath of Office**

I, [A.B.], will uphold the Constitution of the United Kingdom of England and Wales, and will discharge the duties of the office of [.....] faithfully, with integrity and to the best of my ability. [So help me God.]

#### **4. Privy Council Oath**

I, [A.B.], do swear [or affirm] that I will to the best of my judgment, at all times when so required, freely give my counsel and advice to Her [or His] Majesty for the good management of the public affairs of the United Kingdom of England and Wales, and that in all things I will be a true and faithful counsellor; and I do further swear [or affirm] that I will not on any account, at any time whatsoever, disclose the counsel, advice, opinion or vote of any particular Minister, Counsellor, or other person, and that I will not, except with the authority of the Cabinet and to such extent as may be required for the good management of the affairs of England and Wales, directly or indirectly reveal the business or proceedings of any of Her Majesty's Councils, or the nature or contents of any documents communicated to me in an official capacity or any matter coming to my knowledge in such capacity. [So help me God.]

#### **5. Judicial Oath**

I, [A.B.], do swear [or affirm] that I will uphold and defend the Constitution and laws of the United Kingdom of England and Wales and that I will administer justice to all persons alike in accordance with the Constitution, laws and usages of the United Kingdom of England and Wales without fear or favour, affection or ill will. [So help me God.]

#### **6. Constable's Oath**

I, [A.B.] do solemnly and sincerely swear [or affirm] that I will well and truly serve Her [or His] Majesty in the office of constable, with fairness, integrity, diligence and impartiality, upholding fundamental human rights and according equal respect to all people; and that I will, to the best of my power, cause the peace to be kept and preserved and prevent all offences against people and property; and that while I continue to hold the said office I will to the best of my skill and knowledge discharge all the duties thereof faithfully according to the Constitution and the law. [So help me God].

### **SECOND SCHEDULE – ENTRENCHED AND SPECIALLY ENTRENCHED PROVISIONS**

#### *Part 1. Entrenched Provisions*

Section 1 – Sovereignty  
Section 2 – Supreme Law  
Section 4 – Territory  
Sections 7 to 32 inclusive – Fundamental Rights and Freedoms  
Section 60 – Composition of House of Commons  
Section 95 – Alteration of the Constitution  
Section 96 – Dissolution of Parliament  
Section 98 – General Elections  
Section 131 – Voting in Elections and Referendums  
Parts 1 and 2 of this Schedule.

#### *Part 2. Specially Entrenched Provisions*

Section 5 – National Symbols  
Section 6 – Official Languages.  
Subsection (1) of section 126 – Devolved Authorities (in Wales)  
Part 2 of this Schedule  
The Third Schedule in so far as it applies to Wales.

## **THIRD SCHEDULE – RESERVED AND DEVOLVED MATTERS**

### *Part 1. Reserved Matters*

1. The Constitution, institutions and machinery of government of the United Kingdom, including –
  - (a) The Crown, succession to the Crown and regencies;
  - (b) all matters declared by this Constitution to be within the exclusive power of the Parliament;
  - (c) the public service of the United Kingdom;
  - (d) regulation of elections, political parties, campaign finance, and related matters.
2. Defence of the United Kingdom or any part thereof, including-
  - (a) naval, military and air forces and other armed forces;
  - (b) any armed forces attached to or operating with any of the armed forces of the United Kingdom; visiting forces;
  - (c) defence works; military and protected areas; naval, military and air force bases, barracks, aerodromes and other works;
  - (d) war and peace; alien enemies and enemy aliens; enemy property; trading with an enemy; war damage; war risk insurance; national service and civil defence;
  - (e) regulation of arms, fire-arms, ammunition and explosives;
  - (f) control of nuclear, biological and chemical weapons and other weapons of mass destruction.
3. External affairs, including-
  - (a) treaties, agreements and conventions with other countries and all matters which bring the United Kingdom into relations with any other country;
  - (b) diplomatic and consular representation;
  - (c) participation in international bodies and organisations;
  - (d) foreign and extra-territorial jurisdiction;
  - (e) Overseas Territories and Crown Dependencies;
  - (f) foreign aid and international development.
4. National security, including –
  - (a) the Security Service,
  - (b) the Secret Intelligence Service,
  - (c) Government Communications Headquarters,
  - (d) special powers and other provisions for dealing with terrorism or subversion,
5. Home Affairs, including –
  - (a) citizenship,
  - (b) naturalization,
  - (c) visas, immigration and asylum,
  - (d) passports and national identity documentation,
  - (e) the inspection and supervision of police services,
  - (f) control and security of borders, ports and airports,
  - (g) quarantine,
  - (h) co-ordination of emergency and disaster relief operations,
  - (i) prevention of serious and organized crime,
  - (j) extradition,
  - (k) fugitive offenders.
6. Regulation of trade and commerce, including –
  - (a) currency, coinage, and legal tender;
  - (b) bills of exchange and promissory notes;
  - (c) weights and measures;
  - (d) intellectual property, patents, trade marks and copyrights;
  - (e) product packaging and labeling;
  - (f) bankruptcy and insolvency;

- (g) arbitration;
  - (h) mercantile law;
  - (i) registration and incorporation of businesses;
  - (j) corporate ethics and social obligations;
  - (k) consumer protection, product safety and trading standards;
  - (l) banking, other than co-operative banks and local development banks;
  - (m) regulation of insurance, investments and financial services;
  - (n) competition policy;
  - (o) foreign trade, imports and exports
7. Marriage, divorce and matrimonial causes, including –
- (a) parental rights;
  - (b) the custody and guardianship of infants;
  - (c) adoption law, but not the provision of adoption services.
8. Civil and criminal law generally, including –
- (a) civil procedure;
  - (b) criminal procedure;
  - (c) law of evidence;
  - (d) courts, the judicial system and judicial administration;
  - (e) prisons, the prison service and the probation service;
  - (f) legal aid;
  - (g) regulation of the legal professions.
10. Employment law generally, including –
- (a) minimum wage;
  - (b) protection of health and safety in the workplace;
  - (c) regulation of working hours, public holidays, days of rest and holidays;
  - (d) employment tribunals;
  - (e) trade union rights and industrial relations;
  - (f) prohibition of the employment of minors;
  - (g) equal opportunities legislation in the workplace.
11. Postal services, the internet, telephones, and other like services.
12. Transport and infrastructure affecting more than one devolved area, including –
- (a) driver and vehicle licensing;
  - (b) the Highway Code;
  - (c) motorways;
  - (d) regulation of road haulage and vehicle safety;
  - (e) railways, other than light railways and tramways for local purposes;
  - (f) air travel, air traffic control, and civil aviation;
  - (g) transport police;
  - (h) inland waterways;
  - (i) any infrastructure project declared by Act of Parliament to be of national importance.
13. Shipping, navigation and fisheries, including-
- (a) shipping and navigation on the high seas and in tidal and inland waters;
  - (b) lighthouses and other provisions for the safety of navigation;
  - (c) maritime and estuarine fishing and fisheries;
  - (d) wrecks and salvage;
  - (e) admiralty jurisdiction;
  - (f) sea ports and harbours;
  - (g) Her Majesty's Coast Guard.
14. Astronomical and meteorological services.
15. Space exploration and research.
16. Arctic exploration and research.

17. Social security generally, including any form of old age pension, unemployment benefit, maternity allowance, child benefits, sickness benefit, payment to persons with disabilities, and any other benefit declared by Act of Parliament to apply to England and Wales as a whole, howsoever designated.
18. The following aspects of health policy –
  - (a) regulation and registration of doctors, nurses, midwives, dentists, opticians, and other healthcare professionals;
  - (b) regulation and licensing of medicines and associated products;
  - (c) medical ethics.
  - (d) vaccination schemes;
  - (e) co-ordinating specialist care between devolved areas;
  - (f) co-ordinating prevention of, and response to, epidemics;
  - (g) regulation of abortion and euthanasia.
19. Power generation and the national grid, other than local micro-generation schemes.
20. Nuclear energy and control of radioactive substances.
21. The census and national statistics.
22. The public debt and property of the United Kingdom.
23. Income or payroll taxes, corporation taxes, value added taxes, and any other taxes declared by Act of Parliament to be exclusively levied by Parliament; revenues from oil, gas, mines and minerals; customs and excise duties.
24. Betting, gaming and lotteries; the national lottery.
25. Regulation of poisons, dangerous drugs and hazardous substances.
26. Dignities and titles of honour.
27. Race relations, gender equality and prohibition of unlawful discrimination.
28. Regulation of radio frequencies and licensing of private broadcasting services.
29. *In England only*: public broadcasting services.
30. *In England only*: the following aspects of education policy -
  - (a) the English National Curriculum;
  - (b) school leaving age;
  - (c) qualification and registration of teachers and other educational workers;
  - (d) higher education; students' bursaries, grants, loans; tuition fees;
  - (e) qualifications and examination boards.
31. *In England only*: ecclesiastical law in relation to the Church of England.

## *Part 2. Devolved Matters*

1. Agriculture generally, including –
  - (a) horticulture,
  - (b) forestry;
  - (c) animal health and welfare;
  - (d) hunting and conservation;
  - (e) plant health, plant varieties and seeds;
  - (f) use and sale of genetically modified organisms.
2. Food and food products, including –
  - (a) food safety, food packaging and food labelling;
  - (b) protection of interests of consumers in relation to food;
  - (c) public health and hygiene in the food service industry;
  - (d) farmers' markets;
  - (e) promotion of local and traditional foods.
3. Culture and heritage, including –
  - (a) archaeological remains, ancient monuments;
  - (b) buildings and places of historical or architectural interest;

- (c) arts and crafts;
  - (d) theatres, cultural activities and projects;
  - (e) libraries, museums and galleries;
  - (f) archives and historical records,
4. Subject to sections 126 to 130 inclusive, the constitution, election, organisation, privileges and procedures of –
- (a) the devolved Assembly;
  - (b) the organisation of the devolved Executive or Government.
5. Economic regeneration and development, including –
- (a) urban redevelopment and rural development;
  - (b) reclamation of derelict land;
  - (c) promotion of business and social enterprise;
  - (d) apprenticeships and work training schemes;
  - (e) the careers service.
6. Education generally, including –
- (a) preschool education;
  - (b) primary and secondary education;
  - (c) further and vocational education;
  - (d) social and physical training.
7. Environmental protection, including –
- (a) control and removal of pollution, nuisances and hazardous substances;
  - (b) prevention, reduction, collection, management, treatment and disposal of waste;
  - (c) recycling facilities;
  - (d) land drainage and land improvement;
  - (e) local adaptations to climate change;
  - (f) countryside and open spaces (including the designation and regulation of national parks and areas of outstanding natural beauty);
  - (g) nature conservation and sites of special scientific interest;
  - (h) control and removal of pests and hazardous or invasive species;
  - (i) protection of natural habitats, coast and marine environment (including seabed);
  - (j) biodiversity.
8. Provision of public healthcare and National Health Service services, including –
- (a) prevention, treatment and alleviation of disease, illness, injury, disability and mental disorder;
  - (b) hospitals, clinics, dental, ophthalmic, pharmaceutical and ancillary services and facilities;
  - (c) clinical governance and inspecting and regulating standards of health care;
  - (d) ambulance and paramedic services; first aid training and certification;
  - (e) health promotion and health education, control of diseases;
  - (f) family planning and sexual and reproductive health (but not abortion law).
9. Transport and infrastructure in the devolved area, including –
- (a) highways, other than motorways, including bridges, tunnels and streetworks;
  - (b) traffic management and regulation, including speed limits other than on motorways;
  - (c) transport facilities and services;
  - (d) regulation and licensing of local bus and taxi services;
  - (e) tramways and light rail services;
  - (f) in general, all local public works and undertakings within the devolved area.
10. Housing, including –
- (a) public or social housing for persons on low incomes;
  - (b) encouragement of home energy efficiency and conservation,
  - (c) regulation of rent and standards of safety and sanitation in rental accommodation;
  - (d) prevention of homelessness and aid to homeless persons;
  - (e) residential caravans, caravan sites and mobile homes.

11. Town and country planning, including –
  - (a) listed buildings and conservation areas, spatial planning and protection of visual amenity.
  - (b) new towns, industrial estates and other planned developments,
  - (c) smallholdings and allotments;
  - (d) common land, town and village greens.
12. Subject to the provisions of section 132, local government generally, including –
  - (a) the constitution, election, structure and areas of local authorities
  - (b) powers and duties of local authorities and their members and officers;
  - (c) local government finance.
13. Tourism, including –
  - (a) amenities for visitors;
  - (b) registration and licensing of tour guides, hotels, guest houses etc;
  - (d) promotion of tourism generally.
14. Policing and police services.
15. Fire and rescue services; fire safety and fire prevention.
16. Licensing of public houses, inns, nightclubs, and the sale and consumption of intoxicating liquor and beverages.
17. Social services generally, including –
  - (a) protection and well-being of children (including adoption and fostering services) and of young adults, care of children, young adults, vulnerable persons and older persons, and care standards;
  - (b) facilities for disabled persons or persons with learning difficulties;
  - (c) drug, alcohol and addition counselling and rehabilitation services.
18. Any form of supplementary public assistance to persons in poverty, foodbanks and clothing banks, and emergency relief of destitution.
19. Water supply, including –
  - (a) water resources management (including reservoirs);
  - (b) sewers, drainage and waste water treatment;
  - (c) irrigation schemes;
  - (d) water quality and representation of consumers of water and sewerage services;
  - (e) flood risk management and coastal protection.
20. Burial and cremation, except coroners' functions.
21. Taxes (other than income or payroll taxes, corporation taxes, value added taxes, and any other taxes excluded by Act of Parliament) in order to raise a revenue for devolved purposes; and the imposition of charges and fees for any devolved service or license.
22. Borrowing money on the sole credit of the devolved administration, in accordance with such restrictions and conditions as may be prescribed by or in accordance with any Act of Parliament.
23. Buying, selling, leasing, and otherwise managing and disposing of, the property of the devolved administration, and managing any rents or proceeds therefrom.
24. The imposition of punishment by fine, penalty, or imprisonment for a term not exceeding five years for enforcing any law made in relation to any matter coming within any of the classes of subjects enumerated in this section.
25. *In Wales only*: public broadcasting services.
26. *In Wales only*: the following aspects of education policy -
  - (a) the Welsh National Curriculum;
  - (b) school leaving age;
  - (c) qualification and registration of teachers and other educational workers;
  - (d) higher education; students' bursaries, grants, loans; tuition fees;
  - (e) qualifications and examination boards.
27. *In Wales only*: the promotion, protection and use of the Welsh language.

## **FOURTH SCHEDULE – TRANSITIONAL PROVISIONS**

### **1. Existing Law**

1. Subject to the provisions of this Constitution –

(a) the existing law shall continue to be in force on and after the appointed day, until repealed or amended in accordance with this Constitution;

(b) all rights, obligations and liabilities arising under the existing law shall continue to exist on and after the appointed day and shall be recognised, exercised and enforced accordingly, and

(c) proceedings in respect of offences committed against the existing law may be instituted on and after the appointed day in that Court, established under the provisions of this Constitution, having the appropriate jurisdiction, and offenders shall be liable to the punishments provided by the existing law.

2. Where in the existing law reference is made to Her Majesty the Queen in right of the United Kingdom of Great Britain and Northern Ireland, or to the Crown in right of the United Kingdom of Great Britain and Northern Ireland, that reference shall, unless the context otherwise requires, be construed as a reference to Her Majesty or to the Crown in right of the United Kingdom of England and Wales.

### **2. Transfer of Property**

All property which immediately before the appointed day is vested in Her Majesty the Queen in right of the United Kingdom of Great Britain and Northern Ireland, or to the Crown in right of the United Kingdom of Great Britain and Northern Ireland, or in the Government of the United Kingdom of Great Britain and Northern Ireland, or any Minister or Department thereof, shall, to the extent that such property lies within the jurisdiction of England and Wales, be vested in Her Majesty or in the Crown in right of the United Kingdom of England and Wales, or in the Government of the United Kingdom of England and Wales, or the equivalent Minister or Department thereof.

### **3. Ministerial Office**

1. Any person who immediately before the appointed day holds ministerial shall as from that day hold the corresponding ministerial office as if he or she had been appointed thereto under this Constitution.

2. Any person holding office as Prime Minister or other Minister by virtue of the preceding subsection who immediately before the appointed day was assigned responsibility for any business of the Government shall be deemed to have been assigned responsibility for such business under this Constitution.

3. Subsections (1) and (2) shall not apply to any person who immediately before the appointed day held a seat in the House of Commons for a constituency in Scotland or Northern Ireland, or whose ministerial duties were solely in connection with Scotland or Northern Ireland.

### **4. Public Officers**

1. Every person who immediately before the appointed day holds or is acting in a public office shall, as from the appointed day, hold or act in that office or the corresponding public office established by or under this Constitution as if he or she had been appointed to do so in accordance with the provisions of the Constitution and shall be deemed to have taken any oaths required upon such appointment by any existing law; provided that any person who under the existing Constitution or any existing law would have been required to vacate office at the expiration of any period or on the attainment of any age shall vacate his or her office under the Constitution upon the expiration of that period or upon the attainment of that age, and may be removed in accordance with this Constitution.

2. Notwithstanding the provisions of subsection (1), every public officer whose normal place of duty is in Scotland or Northern Ireland immediately before the appointed day shall have the right at their option either to retire with their earned pension rights or to be transferred to an equivalent position in England and Wales.

## **5. Judicial Officers**

Every person who immediately before the appointed day holds or is acting in any judicial office in England and Wales shall, as from the appointed day, hold or act in that office or the corresponding judicial office established by or under this Constitution as if he or she had been appointed to do so in accordance with the provisions of the Constitution and shall be deemed to have taken any oaths required upon such appointment by any existing law; provided that any person who under the existing Constitution or any existing law would have been required to vacate office at the expiration of any period or on the attainment of any age shall vacate his or her office under the Constitution upon the expiration of that period or upon the attainment of that age, and may be removed in accordance with this Constitution.

## **6. Constitutional Offices and Commissions**

1. Any power, function, duty or right that, immediately before the appointed day, is vested in the Equality and Human Rights Commission, the Electoral Commission, the Boundaries Commission, the Judicial Appointments Commission, Civil Service Commission, or the offices of Ombudsman (Parliamentary Commissioner for Administration), Auditor-General or Director of Public Prosecutions shall from the appointed day be vested in the corresponding Commission or Office established under this Constitution.
2. The members of such Commissions, or holders of such Officers, as are specified in subsection (1) shall, subject to the rules on removal or disqualification prescribed in this Constitution, continue in office until their successors are appointed in accordance with this Constitution, such appointments being made within two years after the appointed day.

## **7. House of Commons**

1. The members of the House of Commons in being immediately before the appointed day ('the existing House of Commons') who were elected from English or Welsh constituencies shall continue to serve as if they had been duly elected to the House of Commons under the provisions of this Constitution; but the existing House of Commons shall continue in being only until Parliament is dissolved in accordance with paragraph (8) of this Schedule, and henceforth the members of the House of Commons shall be such as are elected in accordance with the provisions of this Constitution.
2. The existing House of Commons shall be dissolved by Her Majesty, acting on the advice of the Prime Minister, within six months after the appointed day, and the first general election under this Constitution shall then take place in accordance section 96 or 97.
3. It shall be the duty of the Electoral and Boundaries Commission, before a dissolution under subsection (2) takes place, to renew the electoral roll and to revise the boundaries of the electoral constituencies in accordance with the provisions of this Constitution.
4. If the seat of a Member of Parliament becomes vacant before the date of the first general election held after the appointed day, that vacancy shall, unless contrary provision is made by law, remain vacant until the first general elections held after the appointed day.
5. The Speaker and the Deputy Speaker of the House of Commons who are in office immediately before the appointed day, if they sit for an English or Welsh seat, shall be deemed to have been duly elected as Speaker and Deputy Speaker, respectively, under the provisions of this Constitution.
6. Subject to the provisions of this Constitution as so far as this Constitution allows, the Standing Orders of the House of Commons in force immediately before the appointed day shall be the Standing Orders of the House of Commons under this Constitution, and they may be amended, repealed or added to under the provisions of section 71.

## **8. Devolved Assemblies**

1. The National Assembly for Wales and the London Assembly in being on the appointed day shall continue in being subject to the provisions of this Constitution until dissolved or renewed in accordance with the law.

2. The first election of English Regional Assemblies shall take place on a date proclaimed by Her Majesty acting on the advice of the Electoral Commission, being no later than six months after the coming into effect of this Constitution.

### **9. The Senate**

1. The first Elected Senators for Wales and Greater London shall be elected within sixty days after the appointed day.
2. The first Elected Senators for the English Regions shall be chosen no later than sixty days after the first election of the devolved assemblies for those regions.
3. The first members of Senate Appointments Committee may be appointed from amongst persons who were, immediately before the appointed day, members of the House of Lords, and the members of the Senate Appointments Committee so appointed shall serve for up to twelve months, and no longer.
4. The first Appointed Senators shall be appointed within twelve months after the appointed day.
5. Subject to the provisions of this Constitution as so far as this Constitution allows, the Standing Orders of the House of Lords in force immediately before the appointed day shall be the Standing Orders of the Senate under this Constitution, and they may be amended, repealed or added to under the provisions of section 71.

### **10. Implementing Orders**

It shall be lawful for Her Majesty on the advice of the Cabinet, for a period of two years immediately following the appointed day, or for such longer period not exceeding five years as may be prescribed by an Act of Parliament, to make provision by Order-in-Council for the implementation of this Constitution, which may include changes to any Act of Parliament or other law enacted before the appointed day which is necessary to give effect to this Constitution or to bring existing laws into conformity with this Constitution.