



House of Commons

Political and Constitutional Reform Committee

# A new Magna Carta?

PHOTOGRAPHER: JOSEPH TURP

COVER IMAGE COURTESY OF THE BRITISH LIBRARY

## **This is a great opportunity for you to have your say on the future of our democracy. Please seize this chance.**

A serious review of any political question will always take time and should involve careful consideration. That is why after four years of initial work, Parliament's Political and Constitutional Reform Select Committee is launching a major consultation on the shape of the UK's democracy.

The consultation is timely as many will be thinking deeply about our democracy, prompted by the 800th anniversary of Magna Carta—one of the most famous of all constitutional documents—in 2015. The Committee has been looking forward by working on a project with King's College London to develop several versions of a renewed and sustainable democratic settlement for the UK.

The UK is one of the very few democratic countries in the world without a codified constitution. This means that there is no one document or rule book that describes or regulates the relationship between the state and the citizen.

The case in favour of a codified constitution is that the UK has a "sprawling mass" of common law, Acts of Parliament, and European treaty obligations, and unwritten "conventions" that govern administration, but the full picture is unclear and uncertain to electors in our democracy. The research points to concerns about an "elective dictatorship", and argues that it has "become too easy for governments to implement political and constitutional reforms to suit their own political convenience". A codified constitution would entrench requirements for popular and parliamentary consent. The present uncoded constitution is "an anachronism riddled with references to our ancient past, unsuited to the social and political democracy of the 21st century and the future aspirations of its people."

Conversely, the case against a codified constitution is that it is unnecessary and undesirable because the UK's constitution is evolutionary and flexible, enabling problems to be resolved as they arise and reforms made. The research points to concerns that a codified constitution would create more litigation in the courts and politicise the judiciary, requiring them to pass judgement on the constitutionality of government legislation (which currently happens only in some contexts, such as compatibility with the Human Rights Act), when the final word on legal matters should lie with elected politicians in Parliament, not unelected judges. There is no real popular support or demand and, especially given the massive amount of time and destabilising effect such a reform would entail, it is a very low priority.

The research the Select Committee commissioned from King's College London sets out three different models for a codified constitution for the UK:

**Constitutional Code** – a document that doesn't have legal force, but which would set out the existing principles of the constitution and the workings of government.

**Constitutional Consolidation Act** – a document which would consolidate existing constitutional laws in one place.

**Written Constitution** – a document of basic law by which the UK would be governed, setting out the relationship between the state and its citizens.

Each of these options is itself open to debate and variation. They are for you to consider. The Select Committee is initiating a national debate, and is deliberately not supporting a position for or against a codified constitution, believing it is for the people ultimately to decide that question.

The Select Committee will consult widely and asks anyone who is interested in the future of the UK's constitution to send in their views on the questions below:

- Does the UK need a codified constitution?
- If so, which of the three options offers the best way forward?
- What changes would you like to be made to your favoured option if you have one?

Comments can be submitted via the Committee's website [www.parliament.uk/pcrc-constitution](http://www.parliament.uk/pcrc-constitution) or by post to the Political and Constitutional Reform Select Committee, House of Commons, London, SW1A 0AA. The consultation closes on 1 January 2015. The Committee will report on the responses from the public in time for them to be taken into account ahead of the general election.

The Committee's report and the research are available at:  
[www.parliament.uk/pcrc-constitution](http://www.parliament.uk/pcrc-constitution)

Find our full report and the King's College London research online at:  
[www.parliament.uk/pcrc-constitution](http://www.parliament.uk/pcrc-constitution)

To find out more about the Select Committee visit:  
[www.parliament.uk/pcrc](http://www.parliament.uk/pcrc)

To contribute your views, please submit them via our website [www.parliament.uk/pcrc-constitution](http://www.parliament.uk/pcrc-constitution) or write to the Political and Constitutional Reform Committee, House of Commons, London, SW1A 0AA, by 1 January 2015



UK Parliament/Jessica Taylor

“It is very fitting in the year of the 800th anniversary of Magna Carta that Parliament is launching a widespread public consultation to secure views on whether there should be ‘A new Magna Carta?’ I very much hope that you will participate in this interesting and unique engagement about the future of our democracy, the results of which will be reported back to Parliament before the next general election.”

**Rt Hon John Bercow MP,**  
Speaker of the House of Commons