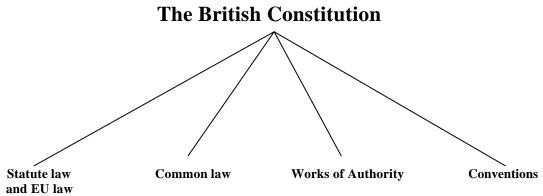
The Myth of the 'Unwritten' British Constitution

Constitutions are rules governing the structure, Organisation and procedure of a state or any other body such as a university, football club or a scientific society. It used to be said that Britain did not have a constitution. Later when this view was seen to be wrong it was common to describe the British constitution as unwritten. Now it is clear that this interpretation is also in error.

Can, then, Mr Burke produce the English Constitution? If he cannot, we may fairly conclude that, though it has been much talked about, no such thing as a Constitution exists ... - Thomas Paine



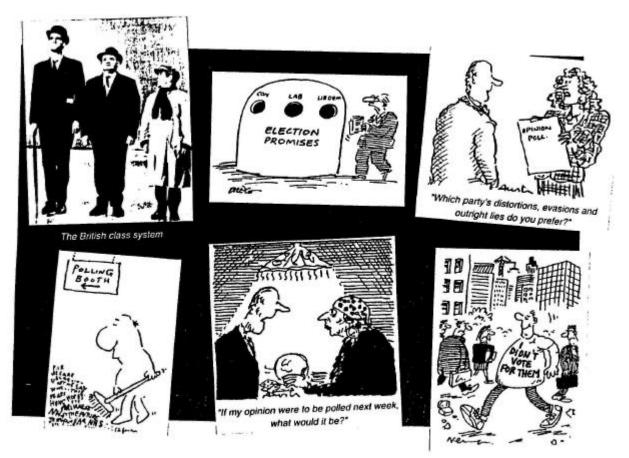
Statute law is by far the This means case law and Works most important part of the constitution. It consists of Acts of Parliament which regulate the following matters: the composition the (Representation of the common law, as is the People Acts. 1832-1928), royal prerogative in the the relationship between appointment of ministers, the House of Commons the and the House of Lords parliament, the power of (Parliament Act, 1911), pardon, and the award of between the component honours. of the United Kingdom (Act of Union with Scotland, 1707). between the Crown and parliament (Bill of Rights, 1689), between the U.K. and the EU (European Community Act. 1972), and between the state and the individual citizen (Habeas Corpus 1679).

custom, laws which have been made by the courts or which have grown up as accepted practice over the years. The sovereignty of electorate parliament is based on dissolution

written or Germany.

by Conventions are informal constitutional experts are rules which are considered often consulted in cases of binding by those who doubt as there is no British operate the constitution, but Supreme Court such as which are not enforced by exists in the United States the law courts. It is a convention of the British constitution that the monarch must appoint as prime minister a person who has the confidence of the House of Commons. In normal circumstances this is the leader of the majority It party. is convention that the monarch must assent to laws passed by the House of Commons.

As can be seen from this chart the British constitution is partly written. It would therefore be more accurate to describe it as uncodified, i.e. not set out in a single document like those of Germany or the United States.



"Electoral Reform: Which System is Best?"

This article from the Guardian discusses some of the ways in which votes at the ballot box are translated into seals in parliament. Britain's first past the post system seems particularly unfair since in the 1992 general election it allowed the Conservative Party to win over 50% of the seats in parliament with only 43% of the votes. The Liberal Democrats, on the other hand, gained only 3% of the seats after obtaining 17% of the votes. - *The Guardian*, 8 April 1992. p. 4.

Electoral reform is on the agenda in several European countries as well as in Britain. The rise of fringe extremists in the French, German and Italian elections has made consensus rule by middle-ground parties more difficult as their ability to obtain overall majorities is reduced.

Almost all European countries use some form of proportional representation. But now, some European politicians are looking wistfully at Britain's first-past-the-post system. Others say that a reform of PR is needed. PR aims to produce a distribution of seats among parties and individuals that reflects the percentage of votes cast in their favour.

The following are the main forms of PR used in Europe:

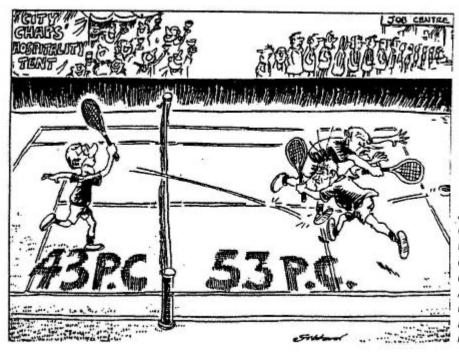
- The Single Transferable Vote, as practised in Ireland and Malta, is favoured by the Liberal Democrats. In Ireland, constituencies elect up to five MPs. Voters indicate their order of preference for candidates. If a candidate has more votes than the quota needed to win a seat, the surplus is distributed to other candidates as indicated by the preference.

- **-The Additional Member System**, used by Germany. elects some candidates through constituencies as in first-past-the-post elections and others according to an overall voting trend. Parties must win at least 5 per cent of the vote to qualify for seats, a hurdle meant to keep extremist parties out.
- A List System. This is a purer form of proportional representation in which parties put forward lists of candidates according to the strength of party support. The list method forms the basis of electoral Systems in Sweden, Italy, Belgium and Spain.
- The Alternative Vote is the system used to select Australia's lower house. Electors choose a first preference candidate in a single member constituency who must gain half the vote to win. If not, the second preference votes are shared out and so on until a majority winner emerges.
- Reinforced Proportional Representation. used in Greece, reserves a bloc of about 20 seals for the party which comes first. Greece experimented with a more proportional method in 1989 but abandoned it after two unstable governments were elected.

"Election Results"

The present British electoral system and some of ist alternatives showing the results they produced and would have produced at the general election on 9 April 1992. The figures are taken from *The Independent on Sunday*, 12 April 1992, p. 20.

	The result under the first past the post system on 9 April 1992			The re alternative vote system		sult as it would have single transferable system		been under the additional member system	
	% of total votes	seats	% of seats	seats	% of seats	seats	% of seats	seats	% of seats
Conservative	43.0	336	51.6	323	49.6	275	42.2	346	45.9
Labour	35.4	271	41.6	261	40.1	237	36.4	283	37.7
Liberal Democrats	17.7	20	3.1	39	6.0	102	15.7	89	11.9
Scottish National Party	2.1	3	0.5	6	0.9	17	2.6	10	1.3
Plaid Cymru	0.4	4	0.6	5	0.8	3	0.5	4	0.5
Ulster Parties	2.2	17	2.6	17	2.6	17	2.6	19	2.5



John Major, leader of the Conservative Party is playing tennis with Neil Kinnock, leader of the Labour Party at the time of the 1992 election, and Paddy Ashdown, leader of the Liberal Democrats. This cartoon appeared on 14 April 1992 in the Guardian.