

## **THE CONSTITUTION OF THE ENGLISH REPUBLIC**

We, the sovereign People of England, do hereby ordain and enact this Constitution:

### **I. General Provisions**

1. England is a sovereign, independent, and democratic republic.
2. The territory of the Republic includes all that territory which was under the jurisdiction of the English courts immediately before the coming into effect of this Constitution. Its capital city is the City of Westminster.
3. The flag of the Republic is the cross of St George. The national anthem is 'Jerusalem'.
4. The official language of the Republic is English.
5. This Constitution is the supreme law of the Republic. No law shall be enacted which is in any respect repugnant to any of the provisions of this Constitution. If the Courts pronounce any law or any provision thereof to be repugnant to the Constitution, such law or provision shall, to the extent of such repugnancy, be thenceforth absolutely void and inoperative.
6. The conditions governing the acquisition of citizenship by birth, marriage or naturalisation, and the process for the renunciation of citizenship, shall be determined by Act of Parliament.

### **II. Fundamental Rights**

7. All persons within the jurisdiction of the English Republic shall be entitled in equal measure to the protection of the law. No discrimination of any kind shall be made by the Republic between the inhabitants of England on the grounds of race, religion, language, or sex.
8. All citizens of the Republic shall enjoy equal civic and political rights. No citizen shall be at a disadvantage as a candidate for public office or employment or in the matter of promotion, on account of his race, religion, language or sex.
9. The Republic shall ensure the sanctity of human life and uphold human dignity. There shall be no penalty of death, nor shall anyone be subjected to torture, degrading or humiliating punishment. The application of moral pressure or physical violence in the course of police interrogations is prohibited; evidence obtained by such methods shall not be admissible.
10. The liberty of the person is inviolable. No one shall be detained except pursuant to an order or judgment of a Court of Law, or when apprehended *in flagrante delicto*, or for the purpose of bringing him before a Court on a charge of having committed a crime. Preventive arrest or detention by executive order shall be unlawful except when authorized under the terms of an Emergency Measures Act.
11. Any person arrested shall be informed in writing within twenty-four hours by what authority and on what grounds he is being detained, and shall be brought up for trial not later than two days from the date of his arrest. Upon complaint of being lodged by or on behalf of any person to the High Court or any Judge thereof, that any such person is being unlawfully detained, the High Court or the Judge to whom such complaint is made shall require the officer in whose custody such person is detained, to produce him without delay and certify in

writing the grounds of his detention. If satisfied that the detention is not in accordance with the law, the Judge shall order the immediate release of the detainee. No person under arrest shall be held incommunicado.

12. No person shall be deprived of his liberty on account of a debt or other contractual obligation except for fraud.
13. No one shall be tried save by due process of law. Extraordinary courts shall not be established. No person other than members of the Armed Forces of the Republic on active service, shall, at any time, be subjected to jurisdiction of military tribunals.
14. No one shall be convicted of any infringement of the law which did not constitute an offense when it was committed, nor shall any amendment of the law increasing the penalty for any offence or altering the rules of evidence to the detriment of the accused, have retroactive effect.
15. Anyone wrongfully arrested, convicted or punished shall have an enforceable claim for compensation against the Republic.
16. The dwelling of every person is inviolable and shall not be entered or searched except in accordance with the law and in the manner therein prescribed. Private correspondence as well as telegraphic and telephonic communications shall not be intercepted.
17. Freedom of conscience and the free exercise of all forms of worship, subject only to the maintenance of public order and morals, shall be guaranteed.
18. There shall be no established church: until further provision is made by law to this effect, the provisions of the Welsh Church Act 1914 shall extend, *mutatis mutandis*, to the Republic. But without prejudice to the principle of the separation of church and state and the freedom of religion, the Republic recognises the historical contribution of Christianity to England's character and values, and the contribution of religious societies to civic and social life.
19. Freedom of speech and the free expression of opinion in writing or in any other form are guaranteed. This constitutional guarantee shall not extend to utterances or publications which are libellous, slanderous or obscene, or which are designed to stir up racial or religious hatred, or to incite to violence or crime, or which advocate the forceful suppression of human rights, or of the democratic system of government, or which reveal secrets of national defence. Preventive censorship shall be unlawful save under the terms of an Emergency Measures Act.
20. All citizens of the Republic shall have the right to assemble peaceably without arms and to form associations, subject to such regulative provisions as may be enacted from time to time by the National Assembly. Such enactments shall contain no discrimination on grounds of race, religion, language or political belief. This constitutional guarantee shall not extend to assemblies or associations aiming at the suppression of human rights or of the democratic form of government.

21. No land, buildings or other private property may be expropriated except for public purposes and in accordance with the law. In all cases of expropriation full compensation, as prescribed by law, shall be paid.
22. Any public official or other person who, contrary to the provisions of this Constitution, knowingly violates the rights and liberties of any person shall be liable to proceedings under the civil and criminal law.
23. Every citizen of the Republic has the right, either individually or in association with others, to petition the President, the Government, the National Assembly, or any other public authority for the redress of grievances or for the enactment of legislation.
24. No one may be extradited to any foreign country where he is liable to be deprived of such fundamental personal and political rights as are guaranteed by this Constitution. Those who are fleeing from political oppression shall have the right of asylum in the Republic.
25. In time of war, invasion, rebellion, severe public disorder, or in response to a natural disaster or epidemic, the National Assembly may enact an Emergency Measures Act. Such Act shall be enacted only if passed by a three-fifths majority of the members of the Assembly, and shall remain in force for no more than six months; it may be renewed, but renewal shall require approval by a two-thirds majority of the members of the National Assembly. An Emergency Measures Act may provide for such limitations of the rights herein enumerated as may be necessary, reasonable and justified by the circumstances of the emergency, but all such limitations of rights shall be subject to judicial review and to parliamentary oversight.

### **III. Social, Economic and Cultural Provisions**

26. All natural resources within the jurisdiction of the state shall belong to the Republic, subject to any rights therein vested in any person or body, and shall be controlled and administered by the Government in accordance with such regulations and provisions as shall from time to time be approved by legislation. The Republic shall enact legislation to ensure the proper conservation and economic utilization of the soil and water for the benefit of the people.
27. The economic order of the Republic shall be based on the principles of social justice. Every citizen shall have an equitable share in the national income and a right to social security. To this end, the Republic shall endeavor to ensure to all its citizens without distinction a decent standard of living and a fair and equal opportunity of earning a livelihood. Legislation shall be enacted making provision for reasonable wages, working hours and conditions of work.
28. Legislation shall be enacted making provision for state insurance against the risks of accident, sickness, disablement, unemployment, old age and other causes of undeserved want. Special protective measures shall be enacted for the benefit of working mothers and children, and of widows and orphans, and of persons with disabilities.
29. The right of workers to form trade union associations, to enter into collective bargaining contracts and to strike in defence of their economic rights and interests is guaranteed. Any contractual provision which involves renunciation or diminution of these rights shall be null and void.

30. Care for the health of the population is a primary duty of the Republic. Legislation shall be enacted providing for the establishment and maintenance of a universal national health service, protection of motherhood and child life, the promotion of public and personal hygiene, and the grant of state aid towards improvements in health, housing and sanitation.
31. The Republic shall provide adequate facilities for primary and secondary education. The right of private and charitable institutions to maintain their own schools, while conforming to such educational requirements of a general nature as the law may impose, shall not be denied.
32. England's national heritage and cultural patrimony shall be considered as a trust to be conserved for future generations, and the Republic shall enact laws for their protection.
33. The Republic shall protect and honour marriage and the family as the foundations of society.
34. All hereditary titles are abolished, and no privileges of nobility shall be recognised. Honours shall henceforth be granted only during the lifetime of the recipient, and shall be awarded, according to law, only on the grounds of valour, distinguished and meritorious public service, or humanitarian achievements.

#### **IV. The President of the Republic**

35. There shall be a President of the Republic who shall be the Head of State and who shall perform such civic, ceremonial and constitutional functions as are vested the President by this Constitution.
36. Any citizen of the Republic who is eligible to the National Assembly, has reached the age of thirty-five years, and is proposed and seconded by members of the National Assembly, may be elected to the office of President.
37. The President of the Republic shall be elected by the National Assembly by secret ballot. If, in two successive ballots, no candidate receives an absolute majority of votes, the candidate for whom, in the third ballot, a relative majority of votes is cast, shall be deemed to be elected.
38. The term of office of the President shall be five years. He may be re-elected on the expiry of his term or at any subsequent election, but only for one additional term of office.
39. The election of the President shall take place not later than one month prior to the expiration of the term of the President in office. If the latter dies, resigns, is removed from office or becomes permanently incapacitated, such incapacity being established by a decision of the Supreme Court, the election of a new President shall take place within one month therefrom.
40. If the office of the President becomes vacant as a result of the death, resignation, removal, or permanent incapacity of the holder, the Speaker of the National Assembly shall exercise the functions of the President until the election of a new President.
41. The President, upon entering his office, shall make the following declaration in the presence of members of the Executive Council, the National Assembly and the Judges of the Supreme Court and the High Court: "I solemnly promise that I will obey and maintain the Constitution

and the laws of the English Republic, that I will dedicate myself to the service and welfare of the people of England, and that I will act justly and rightly to all, without fear or favour.”

42. Every official act of the President shall be countersigned by the Prime Minister or a member of the Executive Council who shall thereby assume responsibility for it. Provided, however, that the President may exercise the following powers on his or her own personal discretion: (a) the dissolution of the National Assembly in accordance with articles 56 and 57; (b) the refusal of assent to legislation in accordance with article 69; (c) the appointment of a Prime Minister in accordance with article 74; (d) the exercise of the prerogative of pardon and the appointment of members of the Pardons Advisory Board in accordance with article 89; and (e) the awarding of such civic honours as may by law be in the personal gift of the President.
43. The President shall be removed from office on impeachment by two-thirds of the National Assembly and on conviction by the Supreme Court of high treason, bribery or culpable violation of the Constitution.

## **V. The Legislature**

44. The legislative power in the English Republic shall be vested in the National Assembly.
45. All citizens of the State who have reached the age of eighteen and are not subject to any legal disability or incapacity under the electoral law shall be entitled to vote in the elections to the National Assembly.
46. All citizens of the Republic who have reached the age of twenty-one and are not subject to any legal disability or incapacity under the electoral law shall be eligible to the National Assembly; provided, that Judges, civil servants members of the Armed Forces serving with the colours, and persons who are also citizens of a foreign state, shall not be eligible.
47. The National Assembly shall be elected by equal, direct and universal suffrage and by secret ballot on the basis of proportional representation by Single Transferable Vote.
48. The National Assembly shall consist of five hundred members. The country shall be divided by law into one hundred electoral districts; each of which shall, as nearly as practicable, be a compact and contiguous geographical area of approximately equal population, and each of which shall be represented by five members of the National Assembly.
49. The electoral districts shall be revised once in ten years on the proposition of an independent and non-partisan Boundaries Commission, which shall consist of five members: the Chair shall be a former judge, appointed by Judicial Selection Board; the Deputy Chair shall be a public officer having experience of electoral administration, appointed by the Civil Service Commission; one member shall be appointed by the President on the advice of the Prime Minister; one member shall be appointed by the President on the advice of the Leader of the Opposition; and one member shall be appointed by the Speaker of the National Assembly.
50. Vacancies caused by the death, resignation, of disqualification of any member shall be filled within three months by means of a by-election, unless a general election is due in that time.

51. Elections shall be held within two months from the expiration of the term or the dissolution of the preceding National Assembly. Writs for elections shall be issued by the President.
52. The National Assembly shall meet within one month of its election. It shall hold two sessions every year, beginning in the first week of May and September, respectively. The sessions shall be convened by the Speaker on the day fixed by the National Assembly upon its adjournment.
53. At the request of the Executive Council or one-third of the members of the National Assembly, an extraordinary session of the National Assembly shall be convened by the Speaker to address urgent matters arising.
54. On taking their seats, members shall make the following solemn declaration: "I pledge myself to be faithful to the English Republic and to uphold its Constitution and laws, and to perform my duties as a faithful representative of the people having regard only to the public good."
55. The National Assembly shall be elected for a period of four years, and at the expiration of its term of office shall be dissolved by the President; but it may extend its term by a two-thirds majority vote, in case of war or emergency, but for not more than one additional year.
56. The President of the Republic shall dissolve the National Assembly prior to the expiration of its term at the request of the Prime Minister – provided, that the President may, acting in accordance with his or her own personal discretion, refuse a requested dissolution of the National Assembly if: (a) the Prime Minister has ceased to enjoy the confidence of the National Assembly; or (b) the President considers the request vexatious or unreasonable.
57. The President may, acting in accordance with his or her own personal discretion, but only after consulting the Speaker, dissolve the National Assembly if the Prime Minister resigns or the office of Prime Minister is vacant, and if in the judgment of the President no alternative Prime Minister enjoying the support of the National Assembly can be appointed within a reasonable time.
58. No criminal or civil action shall be taken against any member of the National Assembly in respect of any statements made or votes taken in the National Assembly or its committees, or in respect of any opinions expressed by him outside the National Assembly in his official capacity. Official reports of proceedings in the National Assembly and its committees, as well as true reports of such proceedings wherever published, shall be likewise privileged.
59. No member of the National Assembly may be required, even after having ceased to be a member, to give evidence in any court of law in regard to matters confided to him in that capacity. This provision shall not apply to any investigation conducted by a committee of enquiry appointed by the National Assembly.
60. No criminal proceedings may be taken against any member of the National Assembly except with the consent of the National Assembly. No member of the National Assembly may be arrested except if apprehended *in flagrante delicto*. If any member is so arrested, the Speaker shall be immediately informed and shall bring the matter to the notice of the

National Assembly. Unless the National Assembly within ten days approves of the detention and authorizes the institution of legal proceedings against the member, he shall be released.

61. Members of the National Assembly shall receive reasonable remuneration and allowances, to be fixed by law; provided, that no law to increase such remuneration or allowances shall apply until after an intervening general election.
62. The National Assembly shall elect by secret ballot a Speaker and Deputy Speaker, who shall preside over its sessions and ensure that the Standing Orders are duly enforced. They shall be elected at the first meeting of the National Assembly following a general election, and whenever the office of the Speaker or Deputy Speaker is vacant. The Speaker and Deputy Speaker shall be required to perform their duties in a non-partisan manner.
63. The National Assembly shall adopt Standing Orders for regulating its procedure, maintaining internal discipline and protecting its members from any molestation, interference or attempt at corruption. The Standing Orders shall make provision for the recognition of a Leader of the Opposition, being the leader of the largest party which does not support the government.
64. The proceedings of the National Assembly shall be held in public. Upon a motion supported by two-thirds of the members present, the public may be excluded from matters concerning national security or diplomatic sensitivity.
65. Save as otherwise prescribed in this Constitution or in the Standing Orders, decisions in the National Assembly shall be by a majority of those present. In case of any equality of votes the Speaker (or Deputy Speaker if presiding) shall exercise a casting vote.
66. The initiative in introducing legislation shall rest with the Executive Council and the members of the National Assembly; provided, that money bills may be introduced only by a Minister.
67. All revenues of the State, from whatever source arising shall form one Consolidated Revenue Fund and shall be appropriated by the National Assembly for the purposes of the State in the manner and subject to the charges and liabilities imposed by this Constitution.
68. The National Assembly shall consider the estimates of income and expenditure for the current financial year submitted to it by the Executive Council, and shall enact the Finance Act prior to the end of the financial year. No resolution for the appropriation of funds or for the increase of any grant or charge may be moved except by a member of the Executive Council.
69. After a Bill had been passed by the National Assembly, it shall be transmitted by the Speaker to the President of the Republic for his or her signature. The President shall promulgate the laws enacted by the National Assembly within ten days from the date of such enactment. The President, acting in accordance with his or her own deliberate judgment, may refuse to sign and promulgate a bill passed by the National Assembly, on the grounds that the bill is grossly contrary to the national interest or repugnant to the Constitution, and shall in that case return the bill to the National Assembly with a statement of his or her objections; if the National Assembly subsequently re-approves the bill, with or without amendments, by an absolute majority of its members, the President may not refuse assent a second time.

70. There shall be a Comptroller and Auditor General to control, on behalf of the State, all payments and to audit all accounts of monies administered by or under the authority of the National Assembly. He shall not be a member of the National Assembly nor hold any other office or position of emolument. The manner of his appointment and the length of conditions of his tenure of office shall be fixed by law.
71. The National Assembly may provide by law for the holding of a national referendum on any draft bill (other than a money bill) or any general question of policy of national importance. All persons eligible to vote in elections to the National Assembly shall be eligible to vote in referendums. Referendums held on bills to amend the constitution in accordance with article 102 shall be legally binding; other referendums are only advisory and are not legally binding.

## **VI. The Executive**

72. The executive power in the English Republic shall be vested in the Executive Council.
73. The Executive Council shall consist of the Prime Minister, the heads of the Departments of State and such Ministers-without-Portfolio as may from time to time be appointed.
74. The President shall, after consultation with the leaders of the parliamentary parties, appoint as Prime Minister the member of the National Assembly who appears best able to command the confidence of a majority of the members of the National Assembly; and shall, upon the advice of the Prime Minister, appoint and dismiss other members of the Executive Council.
75. The total number of Ministers shall not exceed twenty. All ministers shall be members of the National Assembly; provided, that a person who was a member of the National Assembly immediately before the most recent dissolution remains eligible to hold Ministerial office until ninety days have elapsed since the date of the dissolution.
76. The Prime Minister shall preside over the meetings of the Executive Council. He shall be responsible for the coordination of activities of the Executive Council and for the execution by the Departments of State of the policies adopted by the Executive Council. He shall keep the President of the Republic informed on all major questions of domestic and foreign policy.
77. The Executive Council shall be collectively responsible to the National Assembly. It shall resign if the National Assembly by an absolute majority of its members passes a vote of no confidence or rejects the budget, but shall continue in office until its successors have been appointed. The resignation of the Prime Minister shall entail that of the Executive Council as a whole. Individual ministers may resign from office by placing their resignation in the hands of the Prime Minister for submission to the President of the Republic.
78. The Executive Council and any of its members shall have power to make orders and regulations within the framework of existing laws. Such orders and regulations shall be tabled in the National Assembly and shall become inoperative if a motion to that effect is adopted by the National Assembly within two weeks therefrom.
79. The organization of the various departments, the designation of ministers, their functions and their remuneration, shall be regulated by law.



80. No minister may be a member of the Board of Directors of any joint stock or limited liability company carrying on business for profit; and no former minister, within five years of leaving office, may become a director or employee of, or consultant to, any private company in a sector for which the former minister had regulatory or oversight responsibility.
81. The organization of and admission to the Civil Service shall be regulated by law. After the enactment of this Constitution, all appointments to the Civil Service shall be by examination to be conducted by a Civil Service Commission. In exceptional cases the Civil Service Commission may authorize the appointment of senior officers without examination.

## **VII. The Judiciary**

82. The judicial power shall be vested in and exercised by the Courts of Law established under this Constitution. They shall comprise: (a) the Supreme Court of the Republic as the final court of appeal; (b) such superior courts as may be established by law, including but not limited to a Court of Appeal and the High Court; (c) such subordinate courts as may be established by law. The organization and jurisdiction of the courts, and all matters of procedure, shall be regulated by law.
83. All judges, other than Justices of the Peace, shall be appointed by the President of the Republic on the advice of the Minister of Justice who, in tendering such advice, shall act on the recommendations of a Judicial Selection Board. The Judicial Selection Board shall consist of: (a) three senior members of the judiciary chosen by their peers; (b) two representatives of the legal profession chosen by their recognised professional bodies; and (c) three lay members of the public elected by the National Assembly. Further provision for the composition and organisation of the Judicial Selection Board shall be made by law.
84. In making its recommendations, the Judicial Selection Board shall be concerned solely with the merits of the candidates, which shall include but is not limited to legal knowledge and experience and personal qualities such as wisdom, integrity and impartiality. All positions shall be openly advertised.
85. Justices of the Peace shall be appointed on merit by the Minister of Justice, subject to such qualifications and general procedures as may be prescribed by the Judicial Selection Board.
86. No judge shall be removed from office except for stated misbehavior or incapacity upon a resolution supported by two-thirds of the members of the National Assembly; provided, no such resolution shall be voted upon unless the Judicial Selection Board has conducted an investigation into the alleged misbehaviour or incapacity and has reported to the Assembly.
87. The remuneration, pensions and age of the retirement of the judges shall be regulated by law, provided that no law may decrease the remuneration or other benefits of existing judges while in office.
88. Judges shall be independent in the performance of their duties. They shall not hold any other public office – except as a member of the Judicial Section Board, Boundaries Commission, or other such state commission in which they serve in a quasi-judicial capacity. They may not be active members of any political party.

89. The President shall have the right to exercise the prerogative of mercy and to grant free or conditional pardons at his or her own personal discretion. Provided, that: (a) the President may, before exercising this power, consult with a Pardons Advisory Board consisting of the Minister of Justice, the Attorney-General, the Chief Justice of the Supreme Court and up to three other members appointed by the President at his or her discretion; and (b) the President may delegate routine cases of pardons and parole to the Minister of Justice.
90. All powers, duties and responsibilities formerly vested in the Judicial Committee of the Privy Council shall be vested in the Supreme Court of the English Republic under this Constitution.

### **VIII. Foreign Relations and Defence**

91. The President shall appoint the Commander in Chief of the Armed Forces on the advice of the Prime Minister and shall sign the commissions of the officers of the Armed Forces.
92. The recruitment, maintenance, administration and discipline of the Armed Forces shall be subject to the legislative control of the National Assembly.
93. President on the advice of the Prime Minister shall appoint the ambassadors, consuls and other diplomatic officers of the English Republic, shall receive the diplomatic envoys accredited to the English Republic and shall issue exequaturs to foreign consuls.
94. The President shall, upon the advice of the Executive Council and with the assent of the National Assembly, conclude treaties with foreign states; but treaties and other agreements with foreign countries shall not be binding on the State unless approved by the National Assembly by law. By such approval these treaties and agreements shall become part of domestic law. All such treaties and agreements shall be published in the Official Gazette.

### **IX. Decolonisation**

95. Crown Colonies and Crown Dependencies of the United Kingdom, immediately before the coming into effect of this Constitution, shall become colonies and dependences of the English Republic, but they shall have the right to self-government and to national self-determination; and the English Republic shall facilitate their orderly transition to independence if requested.
96. The National Assembly of the English Republic shall have no authority to legislate for the self-governing Dominions, except to the extent agreed by them in accordance with the Statute of Westminster. The abolition of the Crown in England shall not affect the continuity of the Crown in the self-governing Dominions in accordance with their own constitutional laws.

### **X. Local Government**

97. For the purposes of local government and administration the Republic shall be divided by law into counties, cities, boroughs, districts, civil parishes, and other local authority areas.
98. Each local authority shall be governed accordance with the law by a Council, the members of which shall be elected by the citizens of the locality for terms not exceeding four years. The law may also make provision for the direct popular election of Mayors, Lords Lieutenant, Education Committees, and other local executive officers or officials with special jurisdiction.

99. Each local authority shall have, in addition to such powers, duties, and financial resources as may be vested in them by law, all the powers of a corporate body with general responsibility to promote the well-being of the locality.

#### **XI. Adoption and Amendment**

100. This Constitution shall come into force on the day of its publication in the Official Gazette.

101. The National Assembly shall have power to amend the Constitution in accordance with the provisions of this Chapter. Every such amendment shall take the form of bill which expressly states its intention to amend the Constitution and is designated as such in its short title.

102. A bill to amend the Constitution shall require, on its final reading, the assent of a two-thirds majority of the total membership of the National Assembly. It shall not be presented to the President for signature and promulgation unless it has been submitted to the people in a national referendum in accordance with article 71 and has been approved by a majority of the votes cast.

103. Notwithstanding the provisions of article 102, a referendum shall not be necessary if the Speaker certifies that the amendment bill contains only minor, technical and uncontroversial amendments; in which case, the bill may be presented to the President for signature and promulgation if it is re-passed by the National Assembly, in the subsequent session, by a three-fourths majority of the members thereof. Amendment bills concerning Chapter I, Chapter II or this Chapter of this Constitution, or concerning the term of office or the composition and election of the National Assembly, cannot be passed by this process.

104. The laws in force in the England at the time of the enactment of this Constitution shall continue in force to the extent to which they are not inconsistent with the terms of this Constitution until the same or any of them shall have been repealed or amended by the National Assembly or under its authority.