

Appendix 1

The Commonwealth of Britain Bill

Commonwealth of Britain

A

BILL

To establish a democratic, federal and secular Commonwealth of England, Scotland and Wales dedicated to the welfare of all its citizens; to establish fundamental human rights within that Commonwealth; to lower the voting age to 16 years and to make other provision with respect to elections, including equal representation for women; to prescribe a constitutional oath; to establish a Commonwealth Parliament consisting of the House of Commons and the House of the People and to make provision for the term of a Parliament and for legislative and other procedure; to establish the office of President, and a Council of State, and to prescribe the powers of each; to provide for the formation of governments; to amend the law relating to official information, the armed forces and the security services; to make fresh provision for the participation of Britain in the United Nations Organisation and the European Communities; to make the basing of foreign forces in Britain dependent upon the approval of the House of Commons; to make new provision with respect to the judicial system and to establish a National Legal Service; to set up national Parliaments for England, Scotland and Wales; to amend the law relating to local government, the district auditor and the accountability of police forces; to end the constitutional status of the Crown and to make certain consequential provision; to abolish the House of Lords and the Privy Council, to end the recognition in law of personal titles, and to provide for the acknowledgment of service to the community; to disestablish the Church of England, abolish the offence of blasphemy, and to provide for equality under the law for all religions and beliefs; to end British jurisdiction in Northern Ireland; to provide for a Constitution and for constitutional amendment; and to make transitional and related provision.

Presented by Mr Tony Benn

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Commonwealth of Britain Bill

EXPLANATORY MEMORANDUM

PART I: THE COMMONWEALTH OF BRITAIN

This part of the Bill provides for the establishment of a democratic, secular, federal Commonwealth comprising the Nations of England, Scotland and Wales, dedicated to the maintenance of the welfare of all its citizens.

It establishes a Commissioner for Human Rights and sets out the powers of the courts and of Parliament in maintaining human rights.

The voting age is reduced to 16 and provision is made for all citizens and permanent residents to exercise the vote, excluding citizens who have been permanently resident abroad for more than five years.

It also institutes a new oath to uphold the Constitution to replace the present oaths taken by those in authority.

PART II: THE COMMONWEALTH PARLIAMENT

This Part of the Bill provides for the election of two Houses of Parliament, each to consist of an equal number of men and women, and each to serve for four years.

The House of Commons becomes the supreme legislative authority but the House of the People has certain powers over legislation, the arrangements for which are set out.

It also provides that the laws passed by the Commonwealth Parliament shall take precedence over European Community law where the two conflict.

PART III: THE PRESIDENCY

Provision is made for the election of a President, with certain powers, all of which must be exercised with the consent of the House of Commons.

The role of the President is also set out in respect of the dissolution of Parliament and the issuing of invitations to a person to attempt to form a government.

PART IV: THE COUNCIL OF STATE

This Part provides for the election of a Council of State, to be presided over by the President, half of whose members shall be men and half women, to be elected by the two Houses of Parliament, which shall have certain powers at moments when no government is in power, and all of whose decisions shall be subject to confirmation by the House of Commons.

PART V: THE EXECUTIVE

This Part of the Bill sets out the means by which a government shall be formed and the executive powers which it shall exercise. It also provides for the procedures in the event of the defeat of a government in the House of Commons on a matter of confidence, for its replacement by another administration, and for the exceptional circumstances in which Parliament might be dissolved.

It also provides for freedom of information, and for the accountability of the armed forces and the security services to Parliament.

PART VI: FOREIGN RELATIONS

This Part of the Bill governs the role of Parliament in determining the representation of Britain at the United Nations and in the European Communities, and in controlling foreign forces based in Britain.

PART VII: THE HIGH COURT

This Part of the Bill sets up a High Court, presided over by a Chief Justice, and sets out its responsibilities.

It also makes arrangements for the appointment of judges, after confirmation by Parliament, and for the election of County Court judges and magistrates.

It also establishes a National Legal Service, free at the point of use, for personal litigation.

PART VIII: THE NATIONAL PARLIAMENTS

This Part of the Bill sets up national Parliaments for England, Scotland and Wales, provides for their composition and election and the powers which they exercise through an executive responsible to each national Parliament, subject to the over-riding authority of the Commonwealth Parliament.

PART IX: LOCAL GOVERNMENT

This Part of the Bill, together with Schedule 3, sets out the powers of local authorities and limits the role of the District Auditor.

It also provides for local authority responsibility for police forces.

PART X: THE CROWN

This Part of the Bill ends the constitutional role of the Crown, its heirs and successors and the Crown prerogatives associated with it.

It provides for all Crown lands and property to pass to the State, and for compensation and a pension to be paid to the former Monarch as well as providing for accommodation to be made available for members of the Royal Family.

It confers full civil rights on all members of the Royal family, provides that they should be liable for taxation as are other citizens, and lifts all legal restrictions that now limit the Crown and its successors in respect of their religion or their right to marry whomever they may wish.

It also provides for the abolition of the House of Lords, members of which will be eligible to stand for Parliament; of the Privy Council and of the honours system; and makes alternative arrangements for the recording and rewarding of services to the Commonwealth.

PART XI: RELIGIOUS FREEDOM

This Part of the Bill disestablishes the Church of England, transferring all control of that Church to the General Synod, removes the disqualification of priests to stand for election to the House of Commons, and abolishes the offence of blasphemy.

It accords equal status to all religions and beliefs within the Commonwealth.

PART XII: NORTHERN IRELAND

This Part of the Bill terminates British jurisdiction in Northern Ireland and makes provision for the necessary transitional arrangements.

PART XIII: IMPLEMENTATION

This Part of the Bill describes the process of enactment, the transitional arrangements and the method of amendment of the Constitution, and provides for commencement.

SCHEDULES

Schedule 1: THE CHARTER OF RIGHTS

This Schedule sets out the rights which are to be a part of the Commonwealth Constitution.

Schedule 2: THE CONSTITUTIONAL OATH

This Schedule sets out the words of the Constitutional Oath to be taken by all persons exercising authority in the State.

Schedule 3: ANNUAL REPORT ON THE SECURITY SERVICES

This Schedule sets out the information which the responsible Ministers shall present to Parliament every year.

Schedule 4: THE POWERS OF LOCAL AUTHORITIES

This Schedule sets out the powers which are to be exercised by local authorities.

Commonwealth of Britain Bill

ARRANGEMENT OF CLAUSES

PART I

THE COMMONWEALTH OF BRITAIN

Clause

1. The establishment of the Commonwealth.
2. The rights of the People.
3. The Commissioner for Human Rights.
4. The Courts and human rights.
5. Parliament and human rights.
6. The franchise.
7. The Constitutional Oath.

PART II

THE COMMONWEALTH PARLIAMENT

8. The establishment of the Commonwealth Parliament.
9. The House of Commons.
10. The House of the People.
11. Legislation.
12. The supremacy of Parliament.

PART III

THE PRESIDENCY

13. The President.
14. Presidential powers.

PART IV

THE COUNCIL OF STATE

15. Establishment of the Council of State.
16. Powers of the Council of State.

PART V

THE EXECUTIVE

17. The Government.
18. Freedom of information.
19. The armed forces.
20. The security services.

PART VI

FOREIGN RELATIONS

21. The United Nations.

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- 22. The European Communities.
- 23. Foreign forces in Britain.

PART VII

THE HIGH COURT

- 24. The establishment of the High Court.
- 25. Judicial appointments.
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PART VIII

THE NATIONAL PARLIAMENTS

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- 30. Composition and election.
- 31. The Executive.
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LOCAL GOVERNMENT

- 34. Local government powers.
- 35. The District Auditor.
- 36. Control of the Police.

PART X

THE CROWN

- 37. The ending of the constitutional status of the Crown.
- 38. Crown property.
- 39. Compensation.
- 40. Liability to taxation.
- 41. Repeal of legislation restricting the Royal Family.
- 42. The House of Lords.
- 43. The Privy Council.
- 44. Titles, honours and awards.

PART XI

RELIGIOUS FREEDOM

- 45. Disestablishment of the Church of England.
- 46. Abolition of the offence of blasphemy, etc.
- 47. Equal status for all religions and beliefs.

PART XII

NORTHERN IRELAND

- 48. Termination of jurisdiction.
- 49. Arrangements for withdrawal.

PART XIII
IMPLEMENTATION

- 50. The Constitution.
- 51. Amendment of the Constitution.
- 52. Further provision under this Act.
- 53. Expenses.
- 54. Commencement and citation.

SCHEDULES:

- Schedule 1. — The Charter of Rights.
- Schedule 2. — The Constitutional Oath.
- Schedule 3. — Annual report on the security services.
- Schedule 4. — Powers of local authorities.

A
B I L L
TO

Establish a democratic, federal and secular Commonwealth of England, Scotland and Wales dedicated to the welfare of all its citizens; to establish fundamental human rights within that Commonwealth; to lower the voting age to 16 years and to make other provision with respect to elections, including equal representation for women; to prescribe a constitutional oath; to establish a Commonwealth Parliament consisting of the House of Commons and the House of the People and to make provision for the term of a Parliament and for legislative and other procedure; to establish the office of President, and a Council of State, and to prescribe the powers of each; to provide for the formation of governments; to amend the law relating to official information, the armed forces and the security services; to make fresh provision for the participation of Britain in the United Nations Organisation and the European Communities; to make the basing of foreign forces in Britain dependent upon the approval of the House of Commons; to make new provision with respect to the judicial system and to establish a National Legal Service; to set up national Parliaments for England, Scotland and Wales; to amend the law relating to local government, the district auditor and the accountability of police forces; to end the constitutional status of the Crown and to make certain consequential provision; to abolish the House of Lords and the Privy Council, to end the recognition in law of personal titles, and to provide for the acknowledgement of service to the community; to disestablish the Church of England, abolish the offence of blasphemy, and to provide for equality under the law for all religions and beliefs; to end British jurisdiction in Northern Ireland; to provide for a Constitution and for constitutional amendment; and to make transitional and related provision.

A.D. 1992.

WHEREAS the constitution of the United Kingdom of Great Britain and Northern Ireland has evolved, over the centuries, from its feudal origins, without ever having been systematically examined in terms of its effectiveness in providing democracy or justice for its citizens;

Whereas the accession of the United Kingdom to the Treaty of Rome, and its membership of the North Atlantic Treaty Organisation have transferred to foreign governments and organisations certain sovereign powers which properly belong to the citizens of this country;

Whereas the citizens of the United Kingdom have no legally enforceable human, political, social, legal or economic rights, nor any safeguards against the denial of such rights; and

Whereas it is now urgent that the United Kingdom adopts a new constitution to remedy these and other defects;

Be it therefore enacted, by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I

THE COMMONWEALTH OF BRITAIN

**The establishment
of the
Commonwealth.**

1. Britain shall be a democratic, secular, federal Commonwealth, comprising the Nations of England, Scotland and Wales, in association with such islands as have historically been linked to the United Kingdom, to be designated under arrangements made under section 52 below.

**The rights of the
People.**

2.—(1) The Commonwealth shall be dedicated to the maintenance of the welfare of all its citizens, in whom all sovereign power shall be vested, to be exercised by them, and on their behalf, by the representatives whom they shall elect.

(2) Schedule 1 to this Act shall have effect for the purposes of providing for and entrenching certain basic and fundamental human rights.

**The Commissioner
for Human
Rights.**

3.—(1) It shall be the duty of the President, the Government and the Courts to use their best endeavours to secure and safeguard these rights.

(2) The House of Commons shall appoint a Human Rights Commissioner, responsible to Parliament ("the Commissioner"), who shall be responsible for monitoring the observance of these rights.

(3) Any person who believes that he or she is being denied his or her rights may petition the Commonwealth Parliament or ask the Human Rights Commissioner to investigate such a complaint, and the Commissioner may examine the claim and submit a report upon it; any such report shall be published, and the House of Commons shall decide upon it within twelve months of publication.

4. The High Court established under section 24 below may undertake a judicial review of any administrative act of the Executive, on application by any person complaining of a denial of one or more of the rights set out in Schedule 1 to this Act.

PART I
The Courts and
human rights.

5. The House of Commons or the House of the People may review any decision of the High Court if the Human Rights Commissioner has reported that any person has been denied rights as a result of a decision of the Courts, and may pass a resolution requesting the High Court to re-examine the matter, upon which the High Court shall undertake such a re-examination.

Parliament and
human rights.

6.—(1) A British citizen who has not been resident abroad for more than the immediately previous five years shall be entitled to register and to vote in all parliamentary and local elections.

The franchise.

(2) A person who has been resident in Britain for more than five years may register and shall have the right to vote in all parliamentary and local elections.

(3) A person who is eligible to vote may exercise that right from the date of that person's sixteenth birthday.

7. All oaths of allegiance taken by any person to the Crown, or by the Crown on the occasion of the Coronation, and all other oaths taken by any other person in authority, including judges, magistrates, bishops, members of the armed forces or civil service, members of parliament and Privy Counsellors are hereby declared to be null and void, and, where appropriate, are replaced by the words set out in Schedule 2 to this Act.

The Constitutional
Oath.

PART II

THE COMMONWEALTH PARLIAMENT

8.—(1) The Commonwealth Parliament—

The establishment
of the
Commonwealth
Parliament.

- (a) shall consist of two Houses, the House of Commons and the House of the People;
- (b) shall be elected for a fixed term of four years; and
- (c) shall not be dissolved before the expiry of that period, unless pursuant to section 17(3) or (4) below.

(2) All elections shall be conducted on the basis of one person one vote from the age of sixteen, and all electors shall be eligible to be candidates, subject only to any disqualification for which the Commonwealth Parliament may provide.

9.—(1) The House of Commons shall—

The House of
Commons.

- (a) decide its procedure;
- (b) elect its Speaker;
- (c) exercise the supreme legislative power; and
- (d) elect the government.

(2) The government shall be accountable for all its actions to the House of Commons.

PART II

(3) The boundaries of House of Commons constituencies shall be determined on the recommendation of the Boundary Commission under arrangements made under section 52 below, and each constituency shall elect one man and one woman to the House of Commons.

The House of the People.

10.—(1) The House of the People shall be elected in such a way as to represent England, Scotland and Wales in proportion to their populations.

(2) Half of the members of the House of the People shall be women and half shall be men.

(3) Further provision for the establishment of the House of the People may be made under section 52 below.

Legislation.

11.—(1) Bills may be introduced into either House of Parliament.

(2) Bills or motions of a character now requiring the consent or recommendation of the Crown shall require the consent or recommendation of the Government before they are proceeded with, but the House of Commons may, by resolution, proceed with such a bill or motion without that consent or recommendation.

(3) Primary legislation shall be considered by each House in turn.

(4)(a) The House of the People may amend bills brought from the House of Commons; and

(b) bills brought from, and amendments made by, the House of the People may be accepted or rejected by the House of Commons, and its decision shall be final.

(5) The House of the People may reject a bill brought from the House of Commons, whereupon the bill shall be returned to the House of Commons which may, after one calendar year has elapsed, again pass the bill without amendment, in which case the Speaker of the House of Commons shall issue his certificate to that effect and the bill shall be presented to the President for assent forthwith.

(6) The words of enactment of all bills shall be:

“Be it enacted by the Authority of the President and the Commonwealth Parliament, as follows:”

(7) Each statutory instrument passed by the House of Commons shall be referred to the House of the People, which shall have the power to delay it for a maximum of one month, after which it shall have effect, provided that the House of Commons so further resolves.

The supremacy of Parliament.

12.—(1) Where legislation passed by the Commonwealth Parliament conflicts with any directive or regulation issued or approved by the Council of Ministers or the Commission of the European Communities, British legislation shall prevail, and shall be so accepted by British courts.

(2) Where the House of Commons, by resolution, determines that any directive or regulation of the European Communities should not apply in Britain, such resolution may not be questioned in British courts.

PART II

PART III

THE PRESIDENCY

13.—(1) There shall be a President elected from amongst their number, by a two-thirds majority, by both Houses of Parliament sitting together, to serve for a three year term and to be eligible for re-election for one further three year term. The President.

(2) If the office of President is vacant, or the President is unable to discharge the duties of the Presidency, the Speaker of the House of Commons shall act as President until the President is able to discharge the duties of the Presidency or until a new President is elected.

14.—(1)(a) The powers now exercised under Crown prerogative shall be exercised by the President, who shall act solely upon the advice of the Prime Minister, or of a resolution of the House of Commons (which shall prevail if such resolution is in conflict with the advice of the Prime Minister); Presidential powers.

(b) the exercise of such powers shall require the assent of the House of Commons before having effect; and

(c) the powers of the President shall include power—

- to give assent to the passage of legislation;
- to dissolve Parliament;
- to invite a person to attempt to form an administration;
- to make orders for any purpose for which Orders in Council were required before the coming into force of this Act;
- to declare war;
- to order British forces into armed conflict;
- to make peace;
- to recognise foreign governments;
- to sign or ratify treaties;
- to grant pardons;
- to grant charters;
- to make appointments;
- to establish commissions of inquiry;
- to grant commissions in the armed forces;
- to issue orders; and
- to exercise other executive powers not conferred by statute.

(2) Instruments previously made by Order in the Council and which are legislative in character, after being made by the President, shall be brought in as Bills.

(3) Instruments exercising the general administrative powers of the President shall be published and laid before the House of Commons for approval by resolution of that House.

PART III

(4) Instruments exercising powers of appointment shall be published as separate orders for each appointment, and shall be subject to annulment in pursuance of a resolution of the House of Commons.

PART IV

THE COUNCIL OF STATE

Establishment of the Council of State.

15.—(1) There shall be a Council of State consisting of twenty-four persons, of whom twelve shall be men and twelve shall be women.

(2) Half of the members of the Council of State shall be elected by the House of Commons from among its members and half by the House of the People from among its members.

(3) Each member shall serve for a period of two years.

Powers of the Council of State.

16.—(1) In the event of no government being in office, the powers of government shall be vested in the Council of State, and all decisions made by the Council of State shall be subject to confirmation by the House of Commons.

(2) The President shall preside over the Council of State and shall report its decisions to both Houses of Parliament.

PART V

THE EXECUTIVE

The government.

17.—(1) The House of Commons shall, by a simple majority, elect one of its members to form a government as Prime Minister, and that person shall present the Government to the House of Commons for approval as a whole, by resolution, before, he or she takes office.

(2) All executive power shall be vested in the government for so long as it enjoys a majority in the House of Commons, or until the day of first meeting of a new Parliament.

(3) In the event of a government being defeated in the House of Commons on a matter of confidence, the Prime Minister shall tender his or her resignation forthwith to the President who shall consult widely to determine who might best be able to form a new administration, and shall issue an invitation to that person to attempt to do so, and to present his or her government to the House of Commons for approval.

(4) Parliament shall be dissolved before the expiry of its term only if—

(a) no person attempting to form a government has secured the approval of the House of Commons for that government:

(b) the President recommends a dissolution: and

(c) the House of Commons votes in favour of a dissolution

and in such a case there shall be a general election to elect a new Parliament for the unexpired term of the previous Parliament.

**Freedom of information.
1958. c. 51.**

18.—(1) (a) In the Public Records Act 1958 references to “four years” shall be substituted for references to “thirty years”.

(b) In section 5(1) of that Act the words from “created” to the end of the subsection, and section 5(2), shall be omitted.

PART V

(2) Notwithstanding subsection 1 above, a Minister may certify that a paper should remain secret, and any such certificate shall be laid before the House of Commons for approval by resolution.

(3) The Official Secrets Acts 1911, 1920, 1939 and 1989 are hereby repealed.

1911 c. 28.
1920 c. 75.
1939 c. 121.
1989 c. 6.

(4) All official information shall be published, or made available on request, save that categories of information relating to the following subjects may be protected by order subject to approval by resolution:

- (i) defence and security matters:
- (ii) economic policy:
- (iii) international relations: and
- (iv) personal data:

(5) It shall be a criminal offence to disclose protected information, and penalties and defences shall be specified by an order under section 52 below.

19.—(1) The legal status of all the armed forces of Britain shall depend upon the passing by the House of Commons of an annual authorisation order.

The armed forces.

(2) The Chief and Vice-Chief of the Defence Staff, and the Chief of Staff of each of the three Services shall be nominated by the Government and confirmed by the Defence Committee of the House of Commons before they are appointed.

20.—(1) The security services of the Commonwealth shall be accountable to Parliament through the responsible Minister or Ministers, who shall make a report annually to the House of Commons containing the information set out in Schedule 3 to this Act.

The security services.

(2) The House of Commons may make recommendations by resolution on any aspect of the work of the security services.

(3) The legal status of the security services shall depend upon the passing of an annual authorisation order by the House of Commons.

(4) The head of each security service shall be nominated by the Government and confirmed by the Select Committee of the House of Commons for the time being having responsibility for matters relating to that service.

PART VI

FOREIGN RELATIONS

21.—(1) The British representative attending the Security Council of the United Nations shall be elected by the House of Commons, and shall be removable by a resolution of that House.

The United Nations.

(2) No veto may be cast by the British representative on any issue which touches upon the interests of the planet: that is, in respect of proposals for the control of nuclear weapons, chemical weapons or environmental protection, without first having obtained specific approval from both Houses of Parliament.

PART VI

(3) British delegates to the General Assembly of the United Nations, of whom half shall be men and half shall be women, shall be elected for each session of that organisation, one half by the House of Commons and one half by the House of the People.

The European Communities.

22.—(1) No vote may be given by a British Minister at the Council of Ministers of the European Communities unless and until the House of Commons has given its approval by resolution to that vote.

(2) The British members of the European Commission shall be nominated by the government and elected by the House of Commons.

(3) A British Commissioner may be removed from his post by a majority vote in both Houses of the Commonwealth Parliament.

Foreign forces in Britain.

23.—(1) No armed forces of any foreign country, nor any weapons or equipment, shall be

(a) based in the Commonwealth of Britain or its territorial waters; or

(b) used from British territory, airspace or territorial waters in any armed conflict

without the prior consent of the House of Commons.

(2) Any treaty which provides for the basing of any foreign forces shall be subject to annual renewal by resolution of the House of Commons at the same time as the annual authorisation orders provided for in section 19 above.

PART VII

THE HIGH COURT

The establishment of the High Court.

24.—(1) There shall be a High Court, independent of the Commonwealth Government and Parliament.

(2) The High Court shall initially be composed of such persons as are Law Lords and members of the Judicial Committee of the Privy Council at the coming into force of this Act.

(3) The Chair of the High Court shall be known as the Chief Justice of the Commonwealth.

(4) The responsibilities of the High Court shall include the safeguarding of the Commonwealth Constitution and its judgments shall be binding upon the Government.

Judicial appointments.

25.—(1) Nominations to the High Court shall be made by the President, and shall be confirmed by the Select Committee of the House of Commons for the time being having responsibility for judicial matters, before having effect.

(2) High Court, Appeal Court and County Court judges shall retire when they reach the age of 60.

(3) Members of the High Court and other judges shall be removed only upon a resolution of both Houses of Parliament.

26.—(1) The High Court may nominate persons to serve on a panel from which County Court judges shall be elected by those who are on the electoral register for the House of Commons constituencies which cover the areas for which any such judge is to exercise jurisdiction.

PART VII
Election of
County Court
judges.

(2) A County Court judge elected under subsection (1) above shall be removed only upon resolution of both Houses of Parliament.

27. Magistrates shall be elected by those who are on the electoral register for the House of Commons constituencies which cover the areas for which any such magistrate is to exercise jurisdiction, shall hold office for four years, and shall be eligible for re-election, up to the age of 60.

Election of
magistrates.

28. A National Legal Service shall be established giving to each person the right, free of charge, to be represented in Court on matters of direct personal or family concern, but such a right shall not extend to commercial, industrial or financial enterprises.

National Legal
Service.

PART VIII

THE NATIONAL PARLIAMENTS

29.—(1) There shall be national Parliaments elected for England, for Scotland and for Wales.

Establishment of
the national
Parliaments.

(2) Each Parliament shall decide its own procedure, save that it shall elect its own Speaker, who shall have the same powers in respect of proceedings as the Speaker of the House of Commons.

30.—(1) Half of the Members of each Parliament shall be men and half shall be women.

Composition and
election.

(2) National Parliaments shall be elected by those who are registered upon the electoral registers in England, Scotland and Wales respectively, at the same time, and for the same four year period, as the elections for the Commonwealth Parliament, with the exception of any election under section 17(4) above.

31. Each Parliament shall elect its own Executive, which shall hold office for as long as it commands the support of the Parliament to which it is accountable.

The Executives.

32. Each Parliament shall enjoy the power to legislate in all matters save only defence, foreign affairs and Commonwealth finance, which shall remain within the sole authority of the Commonwealth Parliament.

Powers of the
national
Parliaments.

PART VIII
Relations with the
Commonwealth
Parliament.

33. The Commonwealth Parliament may enact legislation applying to the Commonwealth as a whole, and where such enactments conflict with any enactments of the national Parliaments, the Commonwealth legislation shall have precedence.

PART IX
LOCAL GOVERNMENT

Local government
powers.

34.—(1) Each local authority shall enjoy, in addition to the powers conferred by any other enactment, the power to act as it thinks fit in respect of the activities specified in Schedule 4 to this Act.

(2) Nothing in this section shall empower any local authority to take any action that is explicitly prohibited by Act of Parliament, and if such an action is taken the Council shall be collectively liable, but no individual councillor shall be personally penalised for that action, excepting only where he or she may be convicted of any breach of the criminal law.

The District
Auditor.

35.—(1) The powers and duties of the District Auditor shall, in respect of all local authorities, be restricted to

- (a)** an annual audit of their accounts;
- (b)** the presentation of that audit to the council of each local authority, the responsible Minister and to Parliament; and
- (c)** the making available of accounts at all times for public inspection in the area covered by each local authority.

(2) The District Auditor shall not have any power to declare any expenditure to be ultra vires, nor to surcharge councillors for decisions taken collectively by them in pursuit of their duties as members of the council of a local authority.

Control of the
police.

36. All police forces shall be answerable to the local authorities in the areas which they serve, and shall submit a report annually to those authorities on the model of the report required by Schedule 4 to this Act.

PART X
THE CROWN

The ending of the
constitutional
status of the
Crown.

37. The legal status of the Crown is hereby ended and the Monarch for the time being, and his or her heirs and successors, shall cease to enjoy, or exercise as Monarch, any political or personal power of any kind, either directly through the person of the Monarch, or by prerogative, or through Ministers.

Crown property.

38. The ownership and control of all Crown lands, buildings and property which are held by the Monarch for the time being, as a consequence of his or her occupancy of the Throne, or position as heir to the Throne, shall be transferred forthwith to the Commonwealth Government.

Compensation.

39.—(1) A payment shall be paid from public funds to the person occupying the Throne at the coming into force of this Act, to dispose of as he or she thinks fit.

(2) A pension shall be paid to the person occupying the Throne at the moment of coming into force of this Act.

(3) Accommodation shall be made available for such members of the Royal family, in such Royal Palaces as may be determined by Parliament.

(4) Provision under this section shall be determined under section 52 below.

40. *All members of the Royal family shall be liable for the payment of taxes and charges paid by a citizen of the Commonwealth, or a person residing in the Commonwealth, as the case may be.* Liability to taxation.

41.—(1) All restrictions presently imposed by statute or otherwise specifically upon members of the Royal family in respect of their religious faith or in any other way are hereby declared to have no effect. Repeal of legislation restricting the Royal family.

(2) Members of the Royal family shall enjoy the same rights as those which are enjoyed by any citizen of the Commonwealth, including the right to stand for Parliament.

(3) The Royal Marriages Act 1772 is hereby repealed. 1772 c. 11.

42. The House of Lords is hereby abolished, and from the coming into force of this Act no person shall enjoy any legal status as a Lord Spiritual or Temporal, and any person who was formerly a member of the House of Lords shall enjoy the right to stand for Parliament. The House of Lords.

43. The Privy Council, and the style and precedence of Privy Counsellor, are hereby abolished. The Privy Council.

44.—(1) No personal title or rank, whether hereditary or not, shall be recognised in law. Titles, honours and awards.

(2) No personal title, rank or dignity shall be conferred, nor shall any admission be made to a rank or class of an order of chivalry or any similar order.

(3) The Commonwealth Parliament and the national Parliaments may express gratitude to those citizens who have distinguished themselves through service to the community by Resolutions of Thanks.

(4) Those named in such Resolutions shall receive medals issued under the authority of the Commonwealth Parliament or the appropriate national Parliament.

PART X

(5) Nominations for inclusion in Motions for Resolutions of Thanks may be made by any organisation or person; and the selection of those for inclusion in the Motion shall be made each year by a Committee of the House of Commons or of a national Parliament, as the case may be.

PART XI

RELIGIOUS FREEDOM

Disestablishment
of the Church of
England.

45. The Church of England is hereby disestablished, and all the powers over faith, doctrine, liturgy, property, discipline and appointments now exercised over that Church by the Crown, Parliament or private patrons, shall forthwith be transferred, in their entirety, to the General Synod of the Church of England, to be exercised in accordance with any rules determined by that body.

Abolition of the
offence of
blasphemy etc.

46.—(1) No proceedings shall be instituted against any person for the offences of blasphemy, blasphemous libel, heresy, schism or atheism.

(2) A person who has been convicted of an offence listed in subsection (1) shall be deemed never to have committed that offence.

Equal status for
all religions and
beliefs.

47.—(1) Members of all religious denominations, and holders of other beliefs including atheism, agnosticism or humanism, shall have equal status before the law.

1801 c. 63.

(2) The House of Commons (Clergy Disqualification) Act 1801 is hereby repealed, and it is declared that a priest, deacon or minister of the Church of England or any other Christian denomination may stand for election to the House of Commons or the House of the People.

PART XII

NORTHERN IRELAND

Termination of
Jurisdiction.

48. Two years after the passage of this Act, or on such earlier date as the Commonwealth Parliament may determine, the jurisdiction of Britain in Northern Ireland shall cease, and from that date no legislation passed by that Parliament shall apply in Northern Ireland.

Arrangements for
withdrawal.

49. Orders under section 52 below shall make provision for the withdrawal of all British troops and personnel, and the disposal of premises or equipment which, up to the coming into force of this Act belong to Her Majesty's Government, but no such order shall purport to give powers to make laws or to enforce them in Northern Ireland after the day upon which British jurisdiction ends.

PART XIII

IMPLEMENTATION

The Constitution.

50.—(1) The provisions of this Act shall form a Constitution for the Commonwealth of Britain, subject to approval by referendum.

(2) Within two months of the passing of this Act, an order under section 52 below shall make provision for the holding of a referendum to approve the Constitution.

(3) An order mentioned in subsection (2) above shall provide

- (a) for the manner of holding the referendum, which shall be conducted on the basis of the Parliamentary constituencies in existence before any new determination under section 9(2);
- (b) for the date of the referendum, which shall be held within three months of the passing of this Act;
- (c) that approval of the Constitution shall be by simple majority, without requirement as to the total numbers voting;
- (d) that the qualification of a voter shall be as set out in section 6 above;
- (e) that the referendum shall consult the people on the electoral system under which parliamentary elections shall be conducted, to be decided by a simple majority;
- (f) for the manner in which the choice of the people under paragraph (e) above is to be implemented; and
- (g) that the referendum shall be held under the overall supervision of the Speaker of the House of Commons, to whom any matter of dispute or doubt shall be referred and whose decision shall be final.

51. After approval in a referendum, the Constitution shall be amended only with the agreement of both Houses of the Commonwealth Parliament and the endorsement of the people in a referendum.

Amendment of the Constitution.

52.—(1) Orders under this section may make further provision as specified in this Act, or, as necessary, for the implementation of the provisions of this Act or for transitional purposes.

Further provision under this Act.

(2) Orders under this section shall be laid before the House of Commons by the Prime Minister or by the Speaker.

(3) No order shall be made under this section unless a draft of it has been laid before, and approved by resolution of, the House of Commons.

53. *There shall be defrayed out of money provided by Parliament—*

Expenses.

(a) *any expenses of the Speaker of the House of Commons, or of any Minister, under this Act; and*

(b) *any increase attributable to this Act in the sums so payable out of such moneys under any other Act.*

54.—(1) This Act, except for sections 6, 8(2) and 50, shall come into force, if approved by referendum as specified in section 50 above, on the day after that approval is announced by the Speaker of the House of Commons.

Commencement and citation.

(2) Sections 6, 8(2) and 50 shall come into force upon the passing of this Act.

(3) This Act may be cited as the Commonwealth of Britain Act 1993.

SCHEDULES

Section 2.

SCHEDULE 1

THE CHARTER OF RIGHTS

1. All citizens of Britain shall be entitled to enjoy, and to campaign for, universal democratic and enforceable rights, both individual and collective, enshrined in law, adhered to in practice and respected by society, as a precondition of self-government and the achievement of full political, social and economic emancipation within a civilized society:

2. Every citizen shall have the following political rights:

- to freedom of speech;
- to freedom of assembly and of association for the purpose of expressing an opinion, without interference from the State;
- to organize for common political, social or economic ends;
- to practise, or not to practise, any or all religions;
- to vote in all elections, participate in all electoral processes and institutions, and to contest all elections;
- to privacy and the protection of personal information and correspondence from surveillance or interference;
- to information about public, political, social or economic affairs;
- to freedom of movement, unhindered by arbitrary interference, and to be given asylum from political social or economic oppression; and
- to conscientious objection to service in the armed forces.

3. Every citizen shall have the following legal rights:

- to personal freedom from arbitrary arrest, detention or harassment;
- to a fair and impartial hearing by a jury of the citizen's peers if accused of any unlawful activity, and to equal treatment before the law and equal access to legal representation;
- to be presumed innocent until proved guilty, to be informed of all charges laid and the evidence in support of them, and the right to silence in court;
- to freedom from torture or cruel and degrading treatment, and from capital punishment;
- to legal advice and services, free at the point of use; and
- to equal treatment before the law, and in the community, without discrimination, and regardless of race, sex or sexual preference, colour, religious or political conviction or disability.

4. Every citizen shall have the following social rights:

- to adequate and warm housing and comfortable living conditions;
- to rest, recreation and leisure, to a limitation of working hours and to holidays;
- to enjoy access to literature, music, the arts and cultural activities;
- to good health care and preventive medicine, free at the moment of need;
- to lifelong and free educational provision;
- to dignity and care in retirement;
- in the case of women, to control of their own fertility and reproduction;
- to free and equal access to child care;

- to free, effective and equitable means of transportation;
- to a healthy, sustainable, accessible and attractive environment and to clean water and air;
- to media free from governmental or commercial domination; and
- to full access to personal information held by any public authority, subject only to a restriction order signed by a Minister and reported to Parliament.

5. Every citizen shall have the following economic rights:

- to useful work at a fair wage that provides an income sufficient to maintain a decent standard of living;
- to belong to a trade union and to withdraw labour in pursuit of an industrial dispute;
- to participate in all decisions, including those relating to health and safety, affecting the workplace and to information, representation and expression of opinion for all employed persons;
- to full and equal access to all state or social benefits at a level sufficient to meet basic needs; and
- to freedom from taxation in excess of an ability to pay.

SCHEDULE 2

Section 7.

THE CONSTITUTIONAL OATH

The Oath under section 7 above shall be in the following terms, and shall be declared in the presence of another person who has taken the Oath, who shall report the names of all those who have taken the Oath before him or her to the President.

"I...do solemnly declare and affirm that I will be faithful to the Constitution of the Commonwealth of Britain, and will respect its laws, as enacted by Parliament; will preserve inviolably the civil rights and liberties of the people, including the right to self-government, through their elected representatives, and will faithfully and truly declare my mind and opinion on all matters that come before me without fear or favour".

SCHEDULE 3

Section 20.

ANNUAL REPORT ON THE SECURITY SERVICES

1. The responsible Minister shall lay before the House of Commons annually a report on the work of the security services setting out the following information:

- (a) the total budget of those services, divided into the following categories:
 - (i) wages and salaries;
 - (ii) equipment and offices;
 - (iii) expenditure in Britain; and
 - (iv) expenditure abroad
- (b) the total number of persons employed directly and on contract;
- (c) the total number of names held in records kept in any form by the service in question;
- (d) the number of telephones intercepted, by any means, during the course of the previous year;
- (e) the number of persons whose mail was intercepted and opened for examination;

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- (f) the broad categories under which interceptions mentioned in paragraphs (d) or (e) above were made;
- (g) the number of arrests made and convictions obtained as a result of such interceptions; and
- (h) the nature of the suspected crimes or subversive or other activities considered to justify such interceptions.

2. (a) A draft order to renew authority for the legal status of the security services shall be laid together with the report required by section 20 of this Act and this Schedule, and shall be amendable.

(b) The authority for the legal status of the security services shall lapse six months after the laying of a draft order under sub-paragraph (a) above if the draft order has not previously been approved by resolution of the House of Commons.

Section 34.

SCHEDULE 4

POWERS OF LOCAL AUTHORITIES

1. The powers of local authorities shall include any activity, not explicitly prohibited by law, which that authority believes to be in the interests of the people in its area, including the powers:

- to provide any service, and to finance such a service, or other activity, out of any income accruing to the authority, or by borrowing;
- to acquire by purchase, or to hold, any land, buildings or other property, or shares in any company;
- to establish any company, either wholly owned by the authority, or jointly with others, to undertake any task authorised by the authority;
- to assist by way of grant, loan subsidy or the acquisition of equity, any commercial undertaking;
- to make grants to any voluntary body, whatever the nature of the service that that body may provide, under any arrangements that it thinks fit;
- to provide a service of news and information, by whatever means appears to the authority to be appropriate, so that the people may have access to accurate news, free from bias or distortion, with a diversity of views, such a service to extend to the use of posters, leaflets, newspapers, magazines, radio, television or video broadcast and the means of distribution thereof; and
- to give, after consultation with that body, an instruction to any public body or service operating in the authority's area to desist from any action, which, in the opinion of the authority, is damaging to the interests of the people living in the area, or to request the replacement of any official employed by such an authority, whose actions have had a similar effect, such instruction or request to become effective after six months, unless the House of Commons, on motion of the responsible Minister, resolves that such an instruction or request is contrary to the national interest.