

A Constitution Act

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A Constitution Act

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Part III - Procedures of the Constitutional Convention

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Part III - Procedures of the Constitutional Convention

11 Procedural Senate

11 (1) The Constitutional Convention shall have a Procedural Senate for adjudicating on matters of procedure, and it shall have the following members:

- (a) the Speaker of the House of Commons, who shall be its Convenor
- (b) the Lord Chancellor
- (c) the Speaker of the Northern Ireland Assembly
- (d) the Llywydd of the Senedd
- (e) the Presiding Officer of the Scottish Parliament

11 (2) The members of the Procedural Senate shall have rights of attendance, hearing and access to documents pertaining to the business of the Constitutional Convention.

11 (3) the Procedural Senate shall give its assent by unanimity.

11 (4) the Procedural Senate shall not act until after taking the advice of:

- (a) the Legal Officers of Section 9 (1)
- (b) the UK Government
- (d) the NI Government
- (d) Llywodraeth Cymru
- (e) the Scottish Government

11 (6) The Procedural Senate shall have a quorum of 5, and shall have the right to conduct its business remotely.

11 (7) The members of the Procedural Senate shall be able to nominate a Depute to attend in their place:

- (a) the Depute shall be selected according to the normal procedures of the corporate bodies which they represent
- (b) the Depute shall not be an elected member of the Constitutional Convention

12 Presiding Officer and Clerk of the Constitutional Convention

12 (1) The Constitutional Convention shall as its first business elect one of its members to be the Presiding Officer of the Convention. The Convenor of the Procedural Senate shall preside over this election.

12 (2) The person so elected shall hold office until the dissolution of the Convention unless they previously

resign or cease to be a member of the Convention or are removed from office by resolution of the Convention; and if the presiding officer vacates their office before the expiration of its term of office the Convention shall elect another person to fill their place for the remainder of that term.

12 (3) There shall be a Clerk to the Constitutional Convention selected by the Convention by simply majority vote from a shortlist of at least 3 drawn up by the Procedural Senate

12 (4) The Clerk to the Constitutional Convention shall draw up an establishment of other officers and servants of the Constitutional Convention and also the Procedural Senate as they considers appropriate:

(a) this roster shall have proposed remuneration and conditions of service on a comparative basis with the House of Commons.

(b) the officers and servants of this roster are excluded from elected membership of the Constitutional Convention under Section 18 (2) (d).

(c) this roster shall presented to the Procedural Senate for assent.

(d) having given its consent, the Procedural Senate shall instruct the Prime Minister to use his Section 10 power with respect of its funding.

12 (5) The Clerk to the Constitutional Convention shall act as Presiding Officer while that office is vacant pending an election under subsection (2) above.

12 (6) Any functions of the Clerk to the Constitutional Convention may, if the office of Clerk is vacant or the Clerk is for any reason unable to act, be discharged by any other officer for the time being discharging the duties of the Clerk.

13 Procedures

13 (1) The first business of the Constitutional Convention, after the election of the Presiding Officer, shall be to agree its procedures and standing orders as it sees fit, by simple majority vote.

13 (2) The Constitutional Convention shall have the power to take evidence and compel witnesses.

13 (3) The Procedural Senate may in the period between this Act receiving Royal Assent and the convocation of the Constitutional Convention after the election appoint a working group to draft procedures and standing orders for the Constitutional Convention and co-opt to that group whomsoever it deems appropriate.

13 (4) The Procedural Senate shall, after such consultation as it sees fit, procure a place of assembly for the deliberations of the Constitutional Convention.

13 (5) The Procedural Senate may direct the Prime Minister to use his Section 10 power with respect to funding the activities of working group and the provision of a place of assembly.

13 (6) Any or all procedures and standing orders drafted by the working group under Section 13 (3) shall not come into force except by a vote under Section 13 (1).

14 Privileges

14 (1) The powers, privileges and immunities of the Convention and of the members and committees thereof shall be the same as those for the time being held and enjoyed by the House of Commons and its members and committees.

14 (2) The proceedings of the Constitutional Convention shall be published.

14 (3) The Prime Minister shall by Order In Council make such arrangements as required to satisfy Section 14 (2).

15 Convocation and dissolution

15 (1) The Prime Minister shall, after consulting with the Chief Electoral Officer for Northern Ireland and Registration Officers in England, Wales and Scotland as to the readiness of the electoral registers, set by Order In Council a date for the election to the Constitutional Convention at a date no later than 6 months after the date this Act receives Royal Assent.

15 (2) The Constitutional Convention shall convene not more than one month after the date of the election and its term of office shall start upon the successful election of the Presiding Officer.

15 (3) The Prime Minister shall, by Order In Council, dissolve the Constitutional Convention after its term of office has expired under Section 7.

15 (4) The Constitutional Convention may by simple majority vote request an extension under Section 7 (2) and the Prime Minister shall, if they believe it will be fruitful, grant that extension.

16 Constituencies and number of members

16 (1) For the purpose of the election in the United Kingdom of members of the Constitutional Conventions:

- (a) England is to be divided into nine electoral regions, and
- (b) Scotland, Wales and Northern Ireland are each to constitute a single electoral region.

16 (2) There are to be 360 MEPs elected in the United Kingdom, of whom:

- (a) 295 are to be elected for the electoral regions in England,
- (b) 30 are to be elected for Scotland,
- (c) 20 are to be elected for Wales, and
- (d) 15 are to be elected for Northern Ireland.

16 (3) Schedule E (which makes provision for the electoral regions in England and for the number of members of the Constitutional Convention to be elected for each region) has effect.

17 Elections and franchise

17 (1) The election of members shall be by the Representation of the People Act 1983 as amended by Schedule F of this Act.

17 (2) The system of election of members of the Constitutional Convention is to be a single transferable vote system under which:

- (a) a vote is capable of being given so as to indicate the voter's order of preference for the candidates, and
- (b) a vote is capable of being transferred to the next choice:
 - (i) when the vote is not required to give a prior choice the necessary quota of votes, or
 - (ii) when, owing to the deficiency in the number of votes given for a prior choice, that choice is eliminated from the list of candidates.

18 Qualification and disqualification from membership of the Constitutional Convention

18 (1) Any person eligible to vote for the Constitutional Convention shall be eligible to be an elected member subject to the subsequent subclauses of this subsection.

18 (2) The following classes of person are not eligible to be an elected member:

(a) The Prime Minister

(b) Legal officers listed in Section 9 (1)

(c) The members of the Procedural Senate listed in Section 12 (1)

(d) Officers and servants of the Constitutional Convention

18 (3) Persons serving prison sentences are not eligible to serve as an elected member by right, but, if elected, may appeal to the Procedural Senate for parole and permission to attend.

18 (4) The Procedural Senate shall by what ever process it chooses consider applications under Section 18 (3) and compel evidence as it sees fit to make a ruling.

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Part II - The Constitutional Convention

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Part II - The Constitutional Convention

6 The Constitutional Convention

6 (1) The Constitutional Convention shall consist of elected representative of the sovereign peoples of Northern Ireland, Wales, England and Scotland.

7 Duration

7 (1) The Constitutional Convention shall sit for 6 months or until it has produced an agreed constitution to be put to the sovereign peoples of Northern Ireland, Wales, England and Scotland for ratification.

7 (2) The Prime Minister may, by Order In Council, issue up to two extensions to the sittings of the Constitutional Convention of 3 months duration each.

8 Renumeration

8 (1) Elected members of the Constitutional Convention shall receive the same pay and pension entitlement (excluding loss of office payments) as members of the House of Commons.

8 (2) For the purposes of computing their remuneration, the pay that an elected member receives for being a member of the following bodies shall be considered as part or whole of their remuneration while sitting in the Constitutional Convention:

- (a) the House of Commons
- (b) the Northern Ireland Assembly
- (c) the Senedd
- (d) the Scottish Parliament

8 (3) For the purposes of computing their remuneration, the attendance allowance that an elected member receives for attending the House of Lords shall be considered as part or whole of their remuneration while sitting in the Constitutional Convention.

8 (4) The Prime Minister shall by Order In Council make such provision as they see to fit with regard to the administration of pay and pension with regard to the elected members of the Constitutional Convention.

9 Legal officers

9 (1) The following legal officers shall have rights of attendance, hearing and access to documents pertaining to the business of the Constitutional Convention:

- (a) Attorney General for England and Wales
- (b) Solicitor General for England and Wales

(c) Counsel General for Wales

(d) Advocate General for Northern Ireland

(e) Attorney General for Northern Ireland

(f) Advocate General for Scotland

(g) Lord Advocate

(h) Solicitor General for Scotland

9 (2) The the legal officers of Section 9 (1) shall have no right to vote in the Constitutional Convention, or be paid, but shall otherwise be afforded all the courtesies of membership.

10 Financing

10 (1) The Prime Minister shall by Order In Council make such financial provision as required for the running of the Constitutional Convention.

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Part IV - The Constitution and Excepted Matters

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Part IV - The Constitution and Excepted Matters

19 The Constitution

19 (1) The Constitutional Convention shall by simple majority vote adopt a constitution, with the exception of matters pertaining to Section 22 which shall require a 2/3 majority of elected members from Northern Ireland

19 (2) the Procedural Senate shall rule which parts of the constitution fall under Section 19 (1) (a) and shall seek a non-binding indication of consent to them from the Government of Ireland before the vote under Section 19 (1) (a).

19 (3) After adoption the Procedural Senate shall, on the advice of the legal officers defined in Section 9 (1), take a view as to whether the constitution conforms, in whole or in part, to the rule of law and the exemptions of Sections 20, 21, 22 and 23.

(a) if the constitution does not conform, in whole or in part, to the rule of law including the exemptions of Sections 20, 21, 22 and 23, it shall be returned to the Constitutional Convention for reconsideration.

(b) if the constitution does conform to the rule of law including the exemptions of Sections 20, 21, 22 and 23 it will proceed to ratification under Part VI.

19 (4) nothing shall be precluded from the Constitution except as provided by the Sections 20, 21, 22 and 23.

20 The voluntary Union of sovereign peoples

20 (1) The constitution must declare the Union a voluntary union of the sovereign people of Northern Ireland, Wales, England and Scotland as defined in Sections 1 and 2.

21 Entrenchment of the European Convention on Human Rights

21 (1) The constitution shall entrench, with direct access to the European Court on Human Rights:

(a) the Convention for the Protection of Human Rights and Fundamental Freedoms, agreed by the Council of Europe at Rome on 4th November 1950, and

(b) the Protocols to the Convention.

22 Entrenchment of elements of the Good Friday/Belfast Agreement

22 (1) The constitution shall entrench the following parts of the Good Friday/Belfast Agreement:

(a) Section 1

(b) Strand 1, Section 5

(c) Strand 2 - North/South Ministerial Council

(d) Strand 3 - the British/Irish Council

(e) Strand 3 - the British-Irish Intergovernmental Conference

(f) Strand 3 - Human Rights

(g) Strand 3 - Policing and Justice

22 (2) in light of structural changes to the current state, required amendments to the text of the Good Friday Agreement textual shall be taken under Section 19 (1) (a).

23 Treaty obligations

23 (1) Treaties freely entered into shall not be infringed by the constitution.

23 (2) Where technical changes are implied by structural changes to the current state the Procedural Senate shall seek non-binding indications of consent from relevant foreign governments or international bodies before certifying the relevant parts of the constitution.

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Part I - Preliminary

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Part I - Preliminary

1 The Constitutional Convention and the Union

1 (1) There shall be a constitutional convention to give rise to a constitution of the Union with an agreed mechanism to amended it.

2 Sovereignty

2 (1) The constitution written under Section 1 (1) shall be a voluntary union based on the principle of the popular sovereignty of the peoples of Northern Ireland, Wales, England and Scotland.

2 (2) The constitution shall only come into force when ratified by the sovereign peoples of Section 2 (1).

2 (3) Amendements to the constitution shall require the consent of the sovereign peoples in Section 2 (1) freely given.

3 Welsh Version

3 (1) The Welsh version of this Act is set out in Schedule A to this Act and has the same authority in the Union as the English version thereof.

4 Ulster Scots Version

4 (1) The Ulster Scots version of this Act is set out in Schedule B to this Act and has the same authority in the Union as the English version thereof.

5 Irish Version

5 (1) The Irish version of this Act is set out in Schedule C to this Act and has the same authority in the Union as the English version thereof.

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Part VII - Miscellaneous

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Part VII - Miscellaneous

27 Role of Electoral Commission

27 (1) The Prime Minister shall, having consulted with the Procedural Senate, make such Orders In Council as are required that the election to the Constitutional Convention and the Ratification Referendum shall come under the supervision of the Electoral Commission.

28 Short title, interpretation and commencement

28 (1) This Act may be cited as the Act Of Voluntary Union 2023

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Part VI - Ratification

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Part VI - Ratification

25 Referendum

25 (1) The constitution shall not come into force until ratified in a referendum.

25 (2) The franchise for the Ratification Referendum shall be the same as the franchise for the election of the Constitutional Convention.

25 (3) Ratification will require a majority in all 4 constituent parts of the Union: Northern Ireland, Wales, England and Scotland.

25 (4) Should the proposed constitution contain protected subject-matter and require super-majorities for amendment in whole or in part, then the most severe of the super-majorities must apply for the Ratification Referendum.

25 (5) In the event of a dispute as to which super-majority is to be deemed the most severe the Procedural Senate shall, having taking such advice as it sees fit, make a ruling.

26 Question

26 (1) The ratification question shall be “Do you approve the constitution? Yes/No”.

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Part V - The Commonwealth, Crown Colonies, Dependent Territories, etc

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Part V - The Commonwealth, Crown Colonies, Dependent Territories, etc

24 Post-constitutional settlement of relations

24 (1) The Procedural Senate shall take such soundings from the governments and legislatures of members of the Commonwealth, of the Crown Dependent Territories and Crown Colonies as it sees fit.

24 (2) The Procedural Senate shall grant rights of attendance, hearing and access to documents pertaining to the business of the Constitutional Convention, but not rights to vote, to representatives from the governments and legislatures of the Commonwealth, the Crown Dependent Territories and Crown Colonies as it sees fit.

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Constitution Of The Voluntary Union Bill

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Constitution Of The Voluntary Union Bill

An Act to provide a constitution and a means to amend that constitution to the sovereign people of the voluntary Union of Northern Ireland, Wales, England and Scotland.

Be it therefore enacted by the King'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:

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Schedule D - Form of oath or affirmation

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Schedule D - Form of oath or affirmation

I swear by Almighty God [or affirm] that I will uphold the laws of the Union and conscientiously fulfil my duties under the Voluntary Union Act 2023 in the interests of the peoples of Northern Ireland, Wales, England and Scotland.

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Schedule E - Electoral Regions

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Schedule E - Electoral Regions

There shall be 25 Convention members for East Midlands, consisting of:

- County of Derby
- County of Derbyshire
- County of Leicester
- County of Leicestershire
- County of Lincolnshire
- County of Northamptonshire
- County of Nottingham
- County of Nottinghamshire
- County of Rutland

There shall be 35 Convention members for Eastern, consisting of:

- County of Bedfordshire
- County of Cambridgeshire
- County of Essex
- County of Hertfordshire
- County of Luton
- County of Norfolk
- County of Peterborough
- County of Southend-on-Sea
- County of Suffolk
- County of Thurrock

There shall be 40 Convention members for London, consisting of:

- Greater London

There shall be 15 Convention members for North East, consisting of:

- County of Darlington
- County of Durham
- County of Hartlepool
- County of Middlesbrough
- County of Northumberland
- County of Redcar and Cleveland
- County of Stockton-on-Tees
- County of Tyne and Wear

There shall be 40 Convention members for North West, consisting of:

- County of Blackburn with Darwen
- County of Blackpool
- County of Cheshire

- County of Cumbria
- County of Greater Manchester
- County of Halton
- County of Lancashire
- County of Merseyside
- County of Warrington

There shall be 50 Convention members for South East, consisting of:

- County of Berkshire
- County of Brighton and Hove
- County of Buckinghamshire
- County of East Sussex
- County of Hampshire
- County of Isle of Wight
- County of Kent
- County of the Medway Towns
- County of Milton Keynes
- County of Oxfordshire
- County of Portsmouth
- County of Southampton
- County of Surrey
- County of West Sussex

There shall be 30 Convention members for South West, consisting of:

- County of Bath and North East Somerset
- County of Bournemouth
- County of the City of Bristol
- County of Cornwall
- County of Devon
- County of Dorset
- County of Gloucestershire
- County of North Somerset
- County of Plymouth
- County of Poole
- County of Somerset
- County of South Gloucestershire
- County of Swindon
- County of Torbay
- County of Wiltshire
- Isles of Scilly

There shall be 30 Convention members for West Midlands, consisting of:

- County of Herefordshire
- County of Shropshire
- County of Staffordshire
- County of Stoke-on-Trent
- County of Telford and Wrekin
- County of Warwickshire
- County of West Midlands
- County of Worcestershire

There shall be 30 Convention members for Yorkshire and the Humber, consisting of:

- County of the City of Kingston upon Hull

- **County of the East Riding of Yorkshire**
- **County of North East Lincolnshire**
- **County of North Lincolnshire**
- **County of North Yorkshire**
- **County of South Yorkshire**
- **County of West Yorkshire**
- **County of York**

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Schedule F - Amendments To The Representation Of The People Act 1983

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Schedule F - Amendments To The Representation Of The People Act 1983

1 The Representation of the People Act 1983 shall be amended as follows:

(a) insert after Part I Section 2:

“2A constitutional convention electors.”

“2A (1) A person is entitled to vote as an elector for the constitutional convention in any electoral area if on the date of the poll he:”

“(a) is registered in the register of constitutional convention electors for that area;”

“(b) is not subject to any legal incapacity to vote (age apart);”

“(c) is a Commonwealth citizen, a citizen of the Republic of Ireland or a qualifying foreign national”

“2A (2) is of voting age: 16 years or over.”

(b) in Part I Section 3 (1A) after *“Scotland”* insert *“or the election to the Constitutional Convention”*

(c) in Part I Section 4 after *“local government”* insert *“or constitutional convention”*

(d) insert after Part I Section 4 (3A):

“(3B) A person is entitled to be registered in the register of local government electors for any electoral area if on the relevant date he:”

“(a) is resident in that area;”

“(b) is not subject to any legal incapacity to vote (age apart);”

“(c) is a qualifying Commonwealth citizen, a citizen of the Republic of Ireland or a qualifying foreign national and”

“(d) is of voting age, being 16”

(e) insert after Part I Section 4 (5C):

“(5D) A person otherwise qualified is (despite subsection (3)(d)) entitled to be registered in a register of constitutional convention electors if the person is 14 years of age or over, but:”

“(a) the person’s entry in the register must give the date on which the person will attain voting age, and”

“(b) until the date given in the entry the person shall not by virtue of the entry be treated as an elector for any purposes other than those of an election the date of the poll for which is the date so given or any later date.”

“(5E) If a person entitled to be registered by virtue of subsection (5D) has an anonymous entry in the register, the references in paragraphs (a) and (b) of that subsection to the person’s entry in the register are to be read as references to the person’s entry in the record of anonymous entries prepared in pursuance of paragraph 8A of schedule 2.”

(f) in Part I Section 5 (6) after *“Scotland”* insert *“or constitutional convention electors”*

(g) in Part I Section 7B (2A) after *“Scotland”* insert *“or constitutional convention electors”*

(h) in Part I Section 7B (2D) after *“Scotland”* insert *“or constitutional convention electors”*

(i) in Part I Section 7B (2D) 3 (e) after *“Scotland”* insert *“or constitutional convention electors”*

(j) in Part I Section 7B (2D) 4 (c) replace *“Scotland”* with *“the United Kingdom”*

(k) in Part I Section 7B (7) insert after both instances of *“local government elections”* with *“or the constitutional convention election”*

(l) in Part I Section 7B (7C) insert after both instances of *“local government elector”* with *“or the constitutional convention elector”*

(m) replace the cross-heading of Part I *“Registration of parliamentary and local government electors”* with *“Registration of parliamentary, constitutional convention and local government electors”*

(n) after Part I Section 9 (1) (a) insert:

“(c) a register of constitutional convention electors for the electoral regions contained in Schedule E of the Constitution Of The Union Bill or parts of those regions included in the area for which he acts.”

(o) after Part I Section 9 (5A) insert:

“(5B) In relation to the registration of constitutional convention electors, the entry in the combined registers of any person aged 16 or 17 who is registered only as a constitutional convention elector must give the date on which the person will attain the age of 18.”

(p) after Part I Section 9 (7) insert:

“(7A) Where under this section two or more registration officers maintain registers of constitutional convention electors in respect of different parts of the same region, then in relation to that region any reference in this Act (whether express or implied) to the register of constitutional convention electors for a region shall be read:”

“(a) as a reference to one of those registers, or”

“(b) in relation to one of those registration officers, as the register maintained by him,”

“as the context may require.”

(q) in Part I Section 9A (1) (a) insert after both instances of *“parliamentary electors”* with *“or constitutional convention electors”*

(r) in Part I Section 9A (2) (ba) insert after both instances of *“parliamentary electors”* with *“or constitutional convention electors”*

(s) after Part I Section 9E (7A) insert:

“(7B) In relation to the registration of constitutional convention electors, subsection (7) does not apply to a person who was under the age of 16 at the time the requirement was imposed.”

(t) after Part I Section 14 (1A) insert:

“(1B) In relation to the registration of local government electors in Scotland, a person also has a service

qualification for the purposes of this Act if:

“(a) the person is under the age of 18,”

“(b) a parent or guardian of the person has a service qualification under any of paragraphs (a) to (e) of subsection (1), and”

“(c) the person is residing at a particular place in order to be with that parent or guardian.”

(u) after Part I Section 15 (3A) insert:

“(3D) In relation to the registration of constitutional convention electors, a service declaration made by a person by virtue of a service qualification under section 14(1A) ceases to have effect when the person attains the age of 18”

(v) in Part I Section 15 (5) insert after “parliamentary elections”* with *“or the constitutional convention election”*

(w) in Part I Section 16 (1) (e) insert after “local government electors in Scotland”* with *“or constitutional convention electors”*

(x) in Part I Section 17 (1) (c) insert after “local government electors in Scotland”* with *“or constitutional convention electors”*

(y) after Part I Section 17 (3) insert:

“(3A) In relation to the registration of constitutional convention electors, subsection (2) is subject to section 15(3A).”

(z) in Part I Section 18D (7) insert after “parliamentary electors”* with *“, constitutional convention electors”*

(aa) in Part I Section 28 (3A) insert:

“(c) in the case of the constitutional convention election on the day specified by the Prime Minister under Section 12 (1) of the Constitution Of The Union Act)”

(ab) after Part I Section 30 insert:

“30A Sections 18, 18A, 18AA, 18B, 23, 24, 25, 27, 28, 29, 29A, 50 governing parliamentary elections shall be deemed to apply to the constitutional convention election.”

(ac) replace the cross-heading of Part I *“Supplemental provisions as to parliamentary and local government elections”* with *“Supplemental provisions as to parliamentary , constitutional convention and local government elections”*

(ad) in Part I Section 49 (4) after *“parliamentary”* insert *“, constitutional convention”*

(ae) after Part 1 Section 49 (5) (b) (v) insert:

**“(vi) n the case of a person registered as a constitutional convention elector or entered in the list of proxies by virtue of being a qualifying foreign national, a qualifying foreign national,”*

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Schedules

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Explanatory Notes for the Constitution Of The Voluntary Union Bill

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Explanatory Notes for the Constitution Of The Voluntary Union Bill

This draft takes its structure freely from the [Northern Ireland Constitution Act 1973](#) stripped of the accretions required to make a pre-condition free process for discussing the constitution of Northern Ireland work in an unchanged Westminster constitution.

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Explanatory Notes To Part III - procedures of the Constitutional Convention

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Explanatory Notes To Part III - procedures of the Constitutional Convention

11 Procedural Senate

The Procedural Senate are the umpires of the operation of the Constitutional Convention.

12 Presiding Officer and Clerk of the Constitutional Convention

Provisions for the administration of the Constitutional Convention.

Based on [Section 24 of Northern Ireland Constitution Act 1973](#)

13 Procedures

The Convention is its own master in matters of procedure but has the power to compel witness and take evidence.

14 Privileges

Based on [Section 26 \(1\) of Northern Ireland Constitution Act 1973](#)

15 Convocation and dissolution

How the Convention starts, and ends.

16 Constituencies and number of members

Defines the size and composition of the constitutional convention. Based on the [European Parliamentary Elections Act 2002](#)

17 Elections and franchise

The register of voters shall be as the Scottish Parliament franchise, including qualifying foreign voters and all persons over the age of 16. The election mechanism is the STV system that was used for electing MEPs in Northern Ireland (but not GB). Designed to allow a larger number of small organisations to be represented than would otherwise be the case. Based on the [European Parliamentary Elections Act 2002](#)

18 Qualification and disqualification from membership of the Constitutional Convention

This section is more liberal than the comparative legislation for the Houses of Parliament, the Northern Ireland Assembly, the Senedd or the Scottish Parliament because this body does not oversee a government but has a constitutional remit.

The working principle is - if you can vote in the Constitution Convention election you can be a member - except for individuals who are ex-officio mentioned in this Bill.

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Explanatory Notes To Part II - The Constitutional Convention

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Explanatory Notes To Part II - The Constitutional Convention

6 The Constitutional Convention

This section sets the scene.

7 Duration

The Constitutional Convention has a job to do, it is a transitory body and thus is subject to a time limit.

8 Renumeration

Members need to be compensated, and it is to be expected that a significant proportion of the elected members will already be members of an elected body.

The renumeration section aims to regulate double jobbing and the collection of additional monies.

9 Legal officers

The writing of a new constitution is a profound legal act. This section ensures that appropriate legal advice from across the 4 constituent parts of the Union has prominent voice. The legal officers are granted right of audience, hearing and access to documents which means that they can:

- attend sittings of the Constitutional Convention and its committees - and compel the timetable to ensure their participation
- present submissions to the Constitutional Convention by right and have them considered
- get access to any working documents that they wish.

10 Financing

Grants the Prime Minister the powers to pay for the running of the convention.

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Explanatory Notes To Part IV - The Constitution and Excepted Matters

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Explanatory Notes To Part IV - The Constitution and Excepted Matters

19 The Constitution

The output of the Constitutional Convention needs to be defined. The Constitution must conform to the rule of law. The principle that as a general rule nothing is ruled out of the Constitution is established.

20 The voluntary Union of sovereign peoples

The first of the four exceptions to the principle that nothing is ruled out - the Union is a voluntary union of sovereign peoples.

21 Entrenchment of the European Convention on Human Rights

The second exception relates to the entrenchment of the ECHR in Northern Ireland, Wales and Scotland.

22 Entrenchment of elements of the Good Friday/Belfast Agreement

The third exception is for selected elements of the Good Friday/Belfast Agreement.

23 Treaty obligations

The fourth and final exception is with respect of treaty obligations freely entered into.

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Explanatory Notes To Part I - Preliminary

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Explanatory Notes To Part I - Preliminary

1 The Constitutional Convention and the Union

This section states the overall intent of the Act.

Based on [Section 1 of the Scotland Act 1998](#)

2 Sovereignty

This section declares the sovereignty of the peoples of the Union.

3 Welsh Version

This recognises the role of Welsh in the Union as defined in the [Welsh Language Act 1993](#).

Based on [Section 3 of the Canada Act 1982](#)

4 Ulster Scots Version

This recognises the role of Ulster Scots as outlined in the [Northern Ireland Act 1998](#).

Based on [Section 3 of the Canada Act 1982](#)

5 Irish Version

This recognises the role of Irish as outlined in the [Northern Ireland Act 1998](#).

Based on [Section 3 of the Canada Act 1982](#)

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Explanatory Notes To Part VII - Miscellaneous

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Explanatory Notes To Part VII - Miscellaneous

27 Role of Electoral Commission

Supervision of both the referendum and the ratification.

28 Short title, interpretation and commencement

How the act may be referred to.

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Explanatory Notes To Part VI - Ratification

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Explanatory Notes To Part VI - Ratification

25 Referendum

The constitution doesn't come into force until returned to the sovereign peoples that elected the Constitutional Convention for their ratification.

A majority is required in all 4 parts of the Union as per the Australian constitution. Super-majorities are a part of the UK constitutional make-up already. For instance, they are used to protect the electoral system in Scotland from simple majority change.

If the constitution contains protected subject matter and super-majorities in whole or in part, then the ratification must require the most stringent of those super-majorities in all 4 parts of the Union. So if the proposed constitution required a simple majority for amendment except for citizenship which required a 2/3 majority and changes to the electoral system which required 3/4 then the ratifying referendum would require a 3/4 majority in all 4 parts of the Union.

Based on [Section 128 of Commonwealth of Australia Constitution Act 1900](#) and [Section 31 of Scotland Act 1998](#)

26 Question

Simple Yes/No question.

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Explanatory Notes To Part V - The Commonwealth, Crown Colonies, Dependent Territories, etc

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Explanatory Notes To Part V - The Commonwealth, Crown Colonies, Dependent Territories, etc

24 Post-constitutional settlement of relations

Members of the Commonwealth, the Crown Dependent Territories and Crown Colonies may make suggestions as to changes in their relationship with the Union as they see fit and this section enables them to be heard, propose but not decide upon the constitution.

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Explanatory Notes To Schedule A - Welsh Version

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Explanatory Notes To Schedule A - Welsh Version

Obviously the constitution should be published in all the languages of the peoples of the state, as recognised in law.

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Explanatory Notes To Schedule B - Ulster Scots Version

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Explanatory Notes To Schedule B - Ulster Scots Version

Obviously the constitution should be published in all the languages of the peoples of the state, as recognised in law.

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Explanatory Notes To Schedule C - Irish Version

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Explanatory Notes To Schedule C - Irish Version

Obviously the constitution should be published in all the languages of the peoples of the state, as recognised in law.

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Explanatory Notes To Schedule D - Form of oath or affirmation

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Explanatory Notes To Schedule D - Form of oath or affirmation

Based on [Schedule 4 of the Northern Ireland Constitution Act 1973](#)

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Explanatory Notes To Schedule E - Electoral Regions

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Explanatory Notes To Schedule E - Electoral Regions

The seats per region come from the old European Elections regions, with each region being given 5 members of the Constitutional Convention where 1 MEP had been allocated.

This seat distribution should either be revised in an actual bill, or have an appropriate order enabling the UK government to revise it added.

Based on [The European Parliament \(Number of MEPs and Distribution between Electoral Regions\) \(United Kingdom and Gibraltar\) Order 2008](#)

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Explanatory Notes To Schedule F - Amendments To The Representation Of The People Act 1983

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Explanatory Notes To Schedule F - Amendments To The Representation Of The People Act 1983

This schedule lists all the amendments to the Representation Of The People Act to enable the constitutional convention elections to take place.

Based on [Scottish Elections \(Franchise and Representation\) Act 2020](#)

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