3. The Nature of the British Constitution

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Titles in the Complete series combine extracts from a wide range of primary materials with clear explanatory text to provide readers with a complete introductory resource. This chapter outlines the characteristics of the UK constitution, which is not a traditional written constitution and thus is defined as an ‘unwritten’ constitution. It is not hierarchically superior to all other law in the country, which means that Acts of Parliament cannot be compared with it by judges and be declared as unconstitutional and invalid. Neither can the UK constitution be enforced against the legislature as a result, nor is it entrenched and protected, because it can always be changed by Act of Parliament. However, it can be legally enforced by the mechanism of judicial review against the executive, meaning that the executive may legally act only within its legal power. The chapter also considers the sources that make up the UK constitution and proposed constitutional reforms.