The constitution in context disproves A.V. Dicey's theory of unlimited Power

A.V. Dicey a late nineteenth century Jurist wrote much about the law and constitution. His words have been taken as authority to explain the function of the constitution and his very learned writings have been the basis for many peoples understanding of the constitution most particularly that of many lawyers and MPs.

Here is the basis Dicey used to construct his conclusions about the Sovereignty of Parliament. It is revealed in the following extract from his book, An introduction to the study of the Law of the Constitution. It is worth careful study, because it would appear that his assumptions, have not taken into account, the full effect of Magna Carta, the Declaration and Bill of Rights, or the Coronation Oath, all of which are unquestionably key parts of the Constitution.

To assist in understanding I recommend you read through and ignore the red text and then re read it, this time including my comments in red.

Pages 88-92 ***THE SOVEREIGNTY OF PARLIAMENT A.V. Dicey***

"In England," writes de Tocqueville, "the Parliament has an acknowledged right to modify the constitution; as, therefore, the constitution may undergo perpetual changes, it does not in reality exist; the Parliament is at once a legislative and a constituent assembly."

His expressions are wanting in accuracy, and might provoke some criticism, but the description of the English Parliament as at once "a legislative and a constituent assembly" supplies a convenient formula for summing up the fact that Parliament can change any law whatever. Being a "legislative" assembly it can make ordinary laws, being a "constituent" assembly it can make laws which shift the basis of the constitution. (Precisely the purpose of the Bill of Rights, permanently!) The results which ensue from this fact may be brought under three heads.

First, There is no law which Parliament cannot change, (This is **obviously untrue** if the words and principles of the Bill of Rights and Coronation Oath are obeyed) or (to put the same thing somewhat differently), fundamental or so-called constitutional laws are under our constitution changed by the same body and in the same manner as other laws, namely, by Parliament acting in its ordinary legislative character. (Since 1690 this has been the case, but the fact that Parliament has sometimes acted beyond its constitutional authority and broken its own laws does not invalidate the principles of the Constitution or the relevant laws. The breaches may be expedient, they may be popular they may be welcomed, but that is not sufficient reason to say that the constitution is entirely defeated or somehow illegitimate. Oaths have been renewed and statutes remain in force only the most universal public requirement might justify their breach. (Such was the nature of the catholic emancipation in Ireland). Also there are many religious aspects not considered here. The 1688 revolution was definitely extra ordinary. The Declaration of Rights were the demands of the people which had forced the change. The throne had been abused and vacated. The Rights demanded in return for the Crown. All this came about initially through force of arms as did Magna Carta. Its sole purpose was the entrenchment of **all the Rights, by the People**, **for all time**.)

A Bill for reforming the House of Commons, a Bill for abolishing the House of Lords, a Bill to give London a municipality, a Bill to make valid marriages celebrated by a pretended clergyman, who is found after their celebration not to be in orders, are each equally within the competence of Parliament, (This speech in 1770 over the Wilkes case by the Earl of Chatham directly contradictcs Dicey "**What! if the Commons should pass a vote abolishing this House, abolishing their own House, and surrendering to the crown all the rights and liberties of the people, would it only be a matter between God and their own consciences, and would nobody else have any thing to do with**

it? You would have to do with it—I should have to do with it—every man in the kingdom would have to do with it—and every man in the kingdom would have a right to insist upon the repeal of such a treasonable vote, and to bring the authors of it to condign punishment." How could abolishing the House of Lords be Customary? i.e. contrary to the oaths of office of all those who govern us. Contrary to their terms of employment.) they each may be passed in substantially the same manner, they none of them when passed will be, legally speaking, a whit more sacred or immutable than the others, for they each will be neither more nor less than an Act of Parliament, which can be repealed as it has been passed by Parliament, and cannot be annulled by any other power. (A bill to abolish the House of Lords would be in direct conflict with the Coronation Oath and the Bill of Rights. We will be governed according to our custom. The House of Lords is about as customary as you can get! (ask an American). The Bill of Rights cites the declaration which was not a statute. The revolution annulled the powers of James the Second. It confirmed the custom.)

Secondly There is under the English constitution no marked or clear distinction between laws which are not fundamental or Constitutional and laws which are fundamental or constitutional The 'very language therefore, expressing the difference between a "legislative" assembly which can change ordinary laws and a "constituent" assembly which can change not only ordinary but also constitutional and fundamental laws, has to be borrowed from the political phraseology of foreign countries. (This is a red herring. England was not in need of additional or separate legislative bodies it just required entrenchment of the accepted constitution. A guarantee that all those who governed would not be able to ignore the constitution and that if they did the People would have a means of redress through the independence of the courts to uphold the law. The whole point of the revolution was exemplified with these words in the Bill of Rights "and all officers and ministers whatsoever shall serve their Majesties and their successors according to the same in all times to come." …. "All which their Majesties are contented and pleased shall be declared, enacted and established by authority of this present Parliament, and shall stand, remain and be the law of this realm for ever")

This absence of any distinction between constitutional and ordinary laws has a close connection with the non-existence in England of any written or enacted constitutional statute or charter (What about the Declaration and Bill of Rights, the Coronation Oath, and Magna Carta, don't they count, were they not constitutional merely because they are not in a single codified document? All four are constitutional, all four determine how government may govern and how the Judiciary shall adjudge). de Tocqueville indeed, in Common with other writers, apparently holds the Unwritten character of the British constitution to be of its essence: "L'Angleterre n'ayant point de Constitution écrite, qui peut dire qu'on change sa constitution ?" But here de Tocqueville falls into an error, characteristic both of his nation and of the weaker side of his own rare genius. He has treated the form of the constitution as the cause of its substantial qualities, and has inverted the relation of cause and effect. (Dicey is guilty of exactly the same thing over the settlement of the Revolution. Note the settlement was of sufficient force to check the Monarch's power. Creating a new limited Monarchy and binding Parliament as a whole to preserve the Rights and Liberties etc). The constitution he seems to have thought, was changeable because it was not reduced to a written or statutory form. It is far nearer the truth to assert that the constitution has never been reduced to a written or statutory form because each and every part of it is changeable at the will of Parliament. When a country is governed under a constitution which is intended either to be unchangeable (Exactly the intention of the Revolutionary Settlement) or at any rate to be changeable only with special difficulty the constitution, which is nothing else than the laws which are intended to have a character of permanence or immutability, is necessarily expressed in writing, or, to use English phraseology, is enacted as a statute. Where, on the other hand, every, law can be legally changed with equal ease or with equal difficulty, there arises no absolute need for reducing

the constitution to a written form, or even for looking upon a definite set of laws as specially making up the constitution. One main reason then why constitutional laws have not in England been recognised under that name, and in many cases have not been reduced to the form of 'a statutory enactment, is that one law, whatever its importance, can be passed and changed by exactly the same method as every other law, (even if it breaches the coronation Oath or its own statutory provisions! The whole revolutionary settlement was specifically draughted so as to bind constitutionally all ministers and offices of government, to obey the law and not to be in breach ever again! Thus for Parliament to breach the Bill of Rights, Parliamentarians must overrule the Declaration of Rights, repeal the statue law, repeal their oath of office, and repeal the Coronation Oath and declare the result of this action lawful! The entrenchment may be mere words, as are all laws, oaths and contracts which bind depend on words associated with honesty and principle. An Englishman's word is his bond. The universal application of the rule of law, the words of the law, are fundamentals that the Revolution intended never to be discarded or set aside). But it is a mistake to think that the whole law of the English constitution might not be reduced to writing and be enacted in the form of a constitutional code. The Belgian constitution indeed comes very near to a written reproduction of the English constitution, and the constitution of England might easily be turned into an Act of Parliament without suffering any material transformation of character, provided only that the English Parliament retained—what the Belgian Parliament, by the way, does not possess— the unrestricted power of repealing or amending the constitutional code. (Where does this power, supposedly to be retained, come from! It certainly was not given by the Revolution. The exact reverse is true. Any doings or proceedings to the contrary is to be adjudged as of no effect. Clear instructions to the judiciary which they have all sworn on oath to uphold.)

Thirdly, There does not exist in any part of the British Empire any person or body of persons, executive, legislative or judicial, which can pronounce void any enactment passed by the British Parliament on the ground of such enactment being opposed to the constitution, (the Bill of Rights affirms That the freedom of speech and debates or proceedings in Parliament ought not to be impeached or questioned in any court or place out of Parliament; Naturally this assumes that the Declaration and Bill of Rights will be obeyed in its entirety. It cannot be cherry picked. All ministers and officers whatsoever must govern according to all of the Bill of Rights, it is simply impossible for this not to be the lawful situation. Contrary doings or proceedings including **statutes** are quite definitely to be judged illegal and void according to the terms laid down and therefore with the same authority as all subsequent legislation who's legitimacy stems from the Revolution. This is the only logical and lawful conclusion that can be drawn. It is clearly judicial duty to uphold all of this law. "And they do claim, demand and insist upon all and singular the premises as their undoubted rights and liberties, and that no declarations, judgements, doings or proceedings to the prejudice of the people in any of the said premises ought in any wise to be drawn hereafter into consequence or example" This instruction from the declaration says exactly how every issue should be judged. The Bill (Statute) goes further "do pray that it may be declared and enacted that all and singular the rights and liberties asserted and claimed in the said declaration are the true, ancient and indubitable rights and liberties of the people of this kingdom, and so shall be esteemed, allowed, adjudged, deemed **and taken to be**; and that all and every the particulars aforesaid shall be firmly and strictly holden and observed as they are expressed in the said declaration, and all officers and ministers whatsoever shall serve their Majesties and their successors according to the same in all times to come." The Declaration was made and passed by the convention (which at minimum must rank as the High Court of Parliament) and the Bill by Parliament. The highest authorities in the land gave expression to these boundaries of Parliamentary power declaring that it **must be adjudged** and **ministers must act** accordingly. **This is the law.** Anything contrary to this must be ultra vires and automatically void. No special arrangements or powers are required, however reluctant the judiciary maybe to thwart government or government to be thwarted, this is their clear duty. If an act is contrary to the Bill of Rights it is obvi-

ously unlawful. In this aspect Dicey is plainly illogical, and ignores this constitutional settlement) or on any ground whatever, except, of course, its being repealed by Parliament.

These then are the three traits of Parliamentary sovereignty as it exists in England: **first,** the power of the legislature to alter any law, fundamental or otherwise, as freely and in the same manner as other laws; **secondly,** the absence of any legal distinction between constitutional and other laws; (The Bill of Rights differs by relying for its authority on the successful revolution through the declaration stating how we shall be lawfully governed) **thirdly,** the non-existence of any judicial or other authority having the right to nullify an Act of Parliament, or to treat it as void or unconstitutional. **(Parliaments** itself has **specified** the **provision** that **nothing** may be taken into **consequence** or **example against** the **Rights of the People,** nor may **any Minister** or **Officer** act in any other way than in compliance with the Rights of the People. From the Bill of Rights Parliamentarians are guaranteed to have freedom of speech, they are assured of parliamentary privilege, these they are pleased to accept, but it is just as much law that they must also **obey** and **uphold, all** of the **Bill** of **Rights,** as is **their duty**. Conversely there can be no law absolving them of this responsibility) These traits are all exemplifications of the quality which my friend Mr. Bryce has happily denominated the "flexibility of the British constitution. Every part of it can be expanded, curtailed, amended, or abolished, with equal ease. (Why then did William Pitt the younger Resign when George the third upheld his Oath,) It is the most flexible polity in existence, and is therefore utterly different in character from the "rigid" constitutions (to use another expression of Mr. Bryce's) the whole or some part of which can be changed only by some extra ordinary method of legislation.

(Clearly to abolish the Monarchy or the House of Lords or to give away our sovereignty breaks the constitution as set by the Statute law the Common law and the Custom. This last paragraph of Dicey is utterly inconsistent with the revolutionary settlement. As we have just seen the Earl of Chatham spoke of just such a scenario and said that if such a thing should occur "every man in the kingdom would have a right to insist upon the repeal of such a **treasonable vote**, and to bring the authors of it to **condign punishment**." He would definitely disagreed with Dicey over this.

Dicey has gone too far and politicians all too readily follow, continuously quoting Dicey (see the speakers letter) believing that Parliament is Sovereign and can make or unmake any laws whatsoever. If Dicey was right then Parliament could destroy its own 'Omnipotence' by handing power to a foreign government much as is happening today with Europe. De Tocqueville would be proved to be nearer the truth with his claim that in reality the constitution does not exist. These facts do not prove Dicey right merely the willingness of the establishment to override the constitution where they can get away with it. We have written constitutional documents which are law. Even if our constitution were only made of statute law there can be no excuse for breaching the law, ignorance of the law *is* no excuse.

Since the Glorious Revolution there have been no exceptions! Even the King was forced to obey the law. Much of what is being done by today's Politicians in the name of government is unconstitutional and lawfully void.)

Further quotes

Sir Robert Megarry V-C Manuel V Attorney General 1983 (C.A.)

"As a matter of law the courts of England recognise Parliament as being omnipotent in all save the power to destroy its own omnipotence."

If this is so then there **must be some power to restrain the possible self destruction of the 'Omnipitence'** mentioned.

This fits the constitutional position that I propound. That the coronation oath is the restraint and limit of parliaments power and is a contract to support and uphold the Declaration and Bill of Rights, also Magna Carta.

Now look at these European ideals that are being foisted on us:- a federal Europe, a single currency, a unified defence force, a unified police force, unified law in part controlled from Brussels, and a Judiciary made subservient to foreign law they are all in obvious breach of these principles!

These clearly deplete that Omnipotence!

A.V. Dicey, Introduction to the Study of the Law of the Constitution

"The principle of Parliamentary sovereignty means neither more nor less than this, namely, that Parliament has, under the English constitution, the right to make or unmake any law whatever; and further, that no person or body is recognised by the law of England as having a right to override or set. aside the legislation of Parliament."

The Bill of Rights is the primary statute law of the Glorious Revolution and makes these three statements:-

"so that the same for the future might not be in danger **again** of **being subverted**, to which the said Lords Spiritual and Temporal and Commons did agree, and proceed to **act accordingly**. Now in **pursuance of the premises** the said Lords Spiritual and Temporal and Commons in **Parliament** assembled, for the **ratifying, confirming and establishing** the said **declaration** and the articles, clauses, matters and things therein contained by the **force** of a **law** made in due form by **authority of Parliament**, do pray that it may be **declared and enacted** that **all** and **singular** the **rights** and **liberties asserted** and **claimed** in the said **declaration** are the **true, ancient and indubitable rights and liberties of the people** of this kingdom, and so **shall be esteemed**, **allowed, adjudged, deemed and taken to be;** and that **all and every** the particulars aforesaid shall be **firmly and strictly holden and** observed as they are expressed in the said **declaration,** and **all officers and ministers whatsoever** shall serve their Majesties and their successors **according to the same in all times to come**"

"and do faithfully promise that they will stand to, **maintain and defend** their said **Majesties**, and also the **limitation and succession** of the **crown** herein specified and contained, to the **utmost** of their **powers** with their **lives** and **estates** against all persons whatsoever that **shall attempt anything** to the **contrary**"

"All which their Majesties are contented and pleased shall be declared, **enacted** and **established** by **authority** of this present **Parliament**, and **shall stand**, **remain** and **be the law** of this realm **for ever**; and the same are by their said Majesties, by and with the advice and consent of the Lords Spiritual and Temporal and Commons in **Parliament** assembled and by the **authority** of the same, **declared, enacted and established accordingly."**

According to Dicey: Parliament, **under the English Constitution,** may make or unmake any law. No person or body is recognised by the law of England to have a right to override or set aside the legislation of Parliament.

How about Parliament itself? The Declaration and Bill of Rights clearly make it Judicial Duty to uphold the Rights Etc by judging void any thing that is contrary. The law, the Bill of Rights is on the Statute book it must be upheld! The Declaration of Rights at very least must amount to a decision of the High Court of Parliament if one ignores all other significance. (Remember the House of Lords acting alone is the High Court of Parliament it cannot be ignored.)

Well the Bill of Rights certainly is legislation. And it STATES that all ministers what-

soever shall serve the same and that nothing shall be to the contrary. It follows that to obey the law all ministers and officers whatsoever etc must act accordingly. In tune with Dicey, no lesser power than Parliament, has legislated that any thing to the contrary is void.

Crucially this is and has been, current statute Law since 1688/9.

Because the Bill of Rights was made law in 1689 it must have grandfather rights. Since 1689 no Power has lawfully existed to detract form it. Subsequent younger legislation must comply or by necessity be held 'ultra vires' beyond the boundary of Parliaments Power, and to no effect or void. It is the lawful Duty of the Judiciary to apply the words of this Law and all ministers and officers whatsoever must obey it. Going beyond its terms in any way especially by making laws or signing treaties which impinge on this, is to break the law, which absolutely nobody has the right to do. Especially those who are elected to represent us

"**all ministers and officers whatsoever shall serve the same in all time to come**."

"and so shall be esteemed, allowed, **adjudged**, deemed and taken to be; and that all and every the particulars **aforesaid shall be firmly and strictly holden and observed** as they are expressed in the said declaration,"

Dicey says the law has this status

"that no person or body is recognised by the law of England as having a right to override or set. aside the legislation of Parliament."

As we have just seen the Bill and Declaration specifically give power to the Judiciary to uphold the constitutional status of the demands! Note Dicey's words "under the constitution". It is untenable to hold that the Bill of Rights is not constitutional. Specifically Parliament confirms the Judicial power to uphold the Bill of Rights.

"and so shall be esteemed, allowed, **adjudged**, deemed and taken to be; and that all and every the particulars aforesaid shall be firmly and strictly holden and observed as they are expressed in the said declaration,"

How can any Judgement lawfully override this. Judges are bound by legislation. The Bill of Rights says any thing to the contrary is void. No body or person has to set the legislation aside, for **Parliament has already declared it invalid from the moment it is formally recognised as being contrary to the Bill of Rights.**

The Judiciary are by statute bound to uphold this law. Anything less is logically impossible. The Law tempers Dicey's statement by its own words.

Manuel V Attorney-General [1983] Ch. 77 at 86.

"from first to last I have heard nothing in this case to make me doubt the simple rule that the duty of the court is to obey and apply every Act of Parliament, and that the court cannot hold any such Act to be ultra wires" (Sir Robert Megarry V-C);

This quote is interesting. If the Bill of Rights is applied, since it became law in 1689, then it is obvious that no contrary legislation can reach the statute book. In this context no

contrary legislation could lawfully have become a statute! Where the law has reached the statute book through mistake ignorance or unintended consequences it must be void where it is in contradiction to the Bill of Rights. All Ministers and officers will have acted unlawfully, this being so, it must be adjudged as of no consequence or example, Void!

Pickin V BRB (1974) AC 765 at 789.

"It is the function of the courts to administer the laws which Parliament has enacted. In the courts there may be argument as to the correct interpretation of enactment; there must be none as to whether it should be on the statute book at all" (Lord Morris).

Lord Morris' and Sir Robert Megarry's words can only be taken in the context of the Bill of Rights. It is their Duty as it has been their predecessor's to uphold it. **It is also the duty of the Politicians and civil servants! <u>There are no exceptions</u>.** Conversely failure to uphold the constitution is obviously unlawful (treasonable).

Lord Justice Swifen Eady in Rex V Halliday 1916 House of Lords.

"only by following the golden rule—namely, to construe a statute according to the natural and ordinary meaning of the language used in it."

Bowles V Bank of England Parker J 1912 Chancery Division

the Bill of Rights still remains unrepealed, no practice or custom, however prolonged, or however acquiesced in on the part of the subject, can be relied on by the Crown as justifying any infringement of its provisions.

In 1976 in the Court of Appeal Lord Denning M.R., upheld the Bill of Rights with this statement in Congreve V The Home Secretary over a £6 increase in Television Licences.

'**These courts have the authority – and, I would add, the duty – to correct a misuse of power by a Minister or his department, no matter how much he may resent it or warn us of the consequences if we do**. Padfield v. Minister of Agriculture Fisheries and Food [1968] A.C. 997 is proof of what I say. It shows that when a Minister is given a discretion – and exercises it for reasons which are bad in law – the courts can interfere so as to get him back on the right road. Lord Upjohn put it well when he said at pp. 1061 –1062. 'A Minister is a public officer charged by Parliament with the discharge of a public discretion affecting Her Majesty's subjects; if he does not give any reason for his decision it may be, if circumstances warrant it, that a court may be at liberty to come to the conclusion that he had no good reason for reaching that conclusion and order a prerogative writ to issue accordingly.'

There is yet another reason for holding that the demands for £6 to be unlawful. **They were made contrary to the Bill of Rights. They were an attempt to levy money for the use of the Crown without the authority of Parliament: and that is quite enough to damn them.**

This case is well worth reading and gives a good insight into the way in which the Executive and Government assume powers for which they have no lawful authority. They do not back off until forced by the court. In this case Mr Congreve who won championed the rule of Law particularly through the robust Judgement of Lord Denning. Who will be the next Lord Denning?

Padfield v Ministry of Agriculture Fisheries & Food 1968 HL

Held

His discretion (a Minister's) might nevertheless be limited to the extent that it must not be used, whether by reason of misconstruction of the statute or other reason, **as to frustrate the objects of the statute which conferred it.**

Lord Reid

Parliament must have conferred the discretion with the intention that it should be used to promote the policy and objects of the Act; the policy and objects of the Act **must be determined by construing the Act as a whole,** and construction is always a matter of law for the court. In a matter of this kind it is not possible to draw a hard and fast line, but if the Minister, by reason of his having misconstrued the Act or for **any other reason**, so uses his discretion as to **thwart or run counter to the policy and objects of the Act, then our law would be very defective if persons aggrieved were not entitled to the protection of the court.**

Ex *parte* LIVESEY Lord Coleridge J

but it has been so often decided as to have become an axiom, that, in public statutes, words directory, permissory, or enabling, may have a compulsory force where the thing to be done is for the public benefit or in advancement of public justice."

Bankes J

if the object for which a power is conferred is for the purpose of enforcing a right, there may be a duty cast on the donee of the power, to exercise it for the benefit of those who have the right, when required on their behalf.

House of lords and Privy Council
Julius V Oxford Lord Blackburn

"Enabling words are always compulsory where they are words to effectuate a legal right."

"the conclusion to be drawn from the cases was that when a statute confers an authority to do a judicial act in a certain case, it is imperative on those so authorized to exercise the authority, when the case arises, and its exercise is duly applied for by a party interested, and having the right (that is having by statute the right) to make the application."

"My Lords, the cases to which I have referred appear to decide nothing more than this**: that where a power is deposited with a public officer for the purpose of being used for the benefit of persons who are specifically pointed out, and with regard to whom a definition is supplied by the Legislature of the conditions upon which they are entitled to call for its exercise, that power ought to be exercised, and the Court will require it to be exercised."**

The Declaration

"And they do claim, demand and insist upon all and singular the premises as their undoubted rights and liberties, and that no declarations, judgements, doings or proceedings to the prejudice of the people in any of the said premises ought in any wise to be drawn hereafter into consequence or example"

The word **'consequence'** (the result or effect of an action or condition) defeats any possibility of **implied repeal,** a thing not even expressly asserted but only *implied.* This in itself is a *suspending of law and must therefore be illegal.* Express repeal of an act, by act of parliament is plain. Implied repeal is a matter of interpretation. Nobody could honestly judge the bill of rights to be impliedly repealed, whilst upholding their oath of office and obeying the meaning of the Statute law, it is logically impossible. The Bill of Rights has been statute law since 1689 and no person, minister, judge, or official may act against it without being in breach of the law and we know "that the Bill of Rights will be required to be fully respected by all those appearing before the courts." from the speakers quote to the House of Commons in 1993 and all the other supportive judgments.

The word **example** (a thing characteristic of its kind or illustrating a general rule) defeats any use of 'precedent' whatsoever, to the prejudice (impair the validity or force of a right ,claim, or statement) of the people in upholding the Rights and liberties of the subject.

Nothing may be held in **'consequence or example'** Quite obviously this nullifies any possibility of **implied repeal or any contrary precedent,** these rights are sacrosanct**.**

Ashby v White 1704. From Chalmers and Hood Phillips on Constitutional Law

If a 'person has a right, the law provides a remedy to enforce it. As Holt, CJ, said in *Ashby* v. *White :* " If the plaintiff has a right, he must of necessity have a means to vindicate and maintain it, and a remedy if he is injured in the exercise or enjoyment of it; and indeed it is a vain thing to imagine a right without a remedy, for want of right and want of remedy are reciptocal."

Ubi jus ibi remedium

The Magna Carta Society had this quote made in reply (22/8/2001) to a constitutional question which they had asked from the :-

CABINET SECRETARIAT
Constitution Secretariat
Central Buildings, Matthew Parker St, London SW1H 9NL

In his reply Mr P Hamashire wrote:-

THE POWERS OF CROWN IN PARLIAMENT

The basis on which government proceeds in this country is that Parliament, consisting of the Monarch, the Lords and the Commons, is the *sovereign* body of the UK constitution. As such, it can make and unmake any law and no person or body can declare any such law invalid unless Parliament itself has given it that ability (and which power parliament always retains the ability to remove).

Indeed, the classic expression of parliamentary sovereignty is that by Professor Dicey, writing at the end of the nineteenth century

"the principle of Parliamentary sovereignty means neither more nor less than this, namely, that Parliament thus defined has, under the English constitution, the right to make or unmake any law whatever and, further , that no person or body is recognised by the law of England as having a right to override or set aside the legislation of Parliament."

It is generally accepted that. Dicey's description of what he called the 'English constitution' applies equally to the UK Constitution.

It is plain that the Declaration of Rights 1688 is exactly as its title implies. The Bill was merely the declaration's ratification by Statue law in 1689. The Bill of Rights offers no punishment or penalty for its breach but merely states that any such breach is to be judged void. This is in accordance with the official government view as stated above and is itself the remedy where rights are infringed. (for want of right and want of remedy are reciprocal). Failure to uphold the rights must necessarily be oppression for the rule of law is paramount.