

'No Parliament may bind its successors'

You have to be very careful with the 'No Parliament may bind its successors' argument. Firstly it is only a doctrine which means that it has no actual legal force. The doctrine is based on a logical theory of absolute power and is explained by Sir William Blackstone in his famous constitutional books 'Commentaries on the laws of England'. It is often misused to promote the false presumption of absolute power residing in Parliament.

Sir William Blackstone:-

"Because the legislature being in truth the sovereign power, is always of equal, always of absolute authority: it acknowledges no superior upon earth, which the prior legislature must have been, if its ordinances could bind the present Parliament. And upon the same principle Cicero, in his letters to Atticus, treats with a proper contempt these restraining clauses which endeavour to tie up the hands of succeeding legislatures. "When you repeal the law itself says he, you at the same time repeal the prohibitory clause which guards against such repeal"." (1st Ed p90)

So it can plainly be seen that the theory is based upon absolute power being held by successive governments. Our Monarchy has never been lawfully entrusted with such absolute power but had only ever usurped it. The ultimate conflict between the rule of law and absolute power was settled in 1688/9. The contest was between the 'divine right claimed by the Stuart King's v the rule of law. The Glorious Revolution confirmed the 'rule of law' as the winner. It placed definite limitations upon the powers of governance hence the expression a 'constitutionally limited Monarchy'.

It logically follows that if the Monarch is restrained by various constitutional instruments of law & oath etc those restraints are boundaries to powers of governance upon the institution of the Crown. This was confirmed in 2001 when I obtained a parliamentary answer from the Government stating that no minister could advise a breach of the Coronation Oath. Here then is proof of a positive limitation. Parliament cannot constitutionally do that which the Crown is restrained from doing.

At the Settlement of the Glorious Revolution power was not transferred from the Crown to Parliament, all the legitimate power that was held by the Crown before the Revolution was retained and fully transferred to the new Monarchy. The legitimate power that the Crown had before the Revolution it had afterwards but it was definitely not above the constitutional law.

Changes were made to the oath of office i.e. the Coronation Oath which made it impossible for the Monarch to pretend that they had 'divine right'. They were made to swear a revised Coronation Oath which confirmed that they were bound by the statute law. *"Will you solemnly promise and swear to govern the people of this kingdomaccording to the statutes in parliament agreed on and the laws and customs of the same?"* The words 'Statutes in Parliament agreed on' were not in the oath of the Stuart Kings

The rule of our extant Constitutional law is supreme, not Parliament. The Crown is bound by the constitutional law it always was as Magna Carta had made clear in 1215. Thus the Crown in Parliament is limited by the constitutional law as the Crown out of Parliament (ie the executive acting directly). It certainly does not have absolute power.

The Crown was not bound by a predecessor as assumed by the theory but by the working of the law it was able to resume its rightful constitutional place from 1689 to the present time.

Sadly the 'no parliament may bind it successors' phrase has become so misunderstood people now use it to justify the false presumption of the absolute power of Parliament. It is frequently used as a short cut to their argument. Politicians find it convenient as it gives the impression that they are supreme. Generally this demonstrates a complete failure to know or comprehend the logic and the constitutional limitations that should restrain excess governance. Parliament is bound by the rule of law.

Remember our MPs are elected into Parliament **not** to represent their parties but their **constituents**. They represent the will of the people in Parliament for the defined and limited purpose of governance in accordance with our Constitution much of which is written. The fundamental Constitutional duty is to maintain the liberty of the subject by maintaining the law so as to keep the people in their Spiritual and Civil rights and Properties. The rule of law is the Birthright of the People.