

The English Constitution – worksheet

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Mention the English Constitution and most people think of the Magna Carta – but what is its importance and, for a country so ruled by laws, what exactly is our Constitution?

Stage 1

Before you read the text, which of the following statements about English law do you think are true or false?

1. English Law dates from 1189
2. Judges can influence the development of law
3. All laws are interpreted by the courts
4. Parliament's powers are limited
5. Parliament makes all the laws
6. Custom is part of law
7. The decision of one court does not affect another
8. The first written constitution in England was the Magna Carta

Stage 2

Now, read the text and see if you were right - if you weren't, correct the statements. Do not worry about the missing words.

"Even when laws have been written down, they ought not always to remain unaltered."

These words by Aristotle, the famous ancient Greek philosopher, could have been written to describe English law and its sources.

Where else would you find constitutional laws without any constitution? Most people have heard of the Magna Carta (1215). It is often described as the corner stone of liberty and the chief defence against arbitrary and unjust rule in England by establishing for the first time a very significant constitutional principle, namely that the power of the king could be limited.

Through the ages this principle has continued to be upheld in spite of various monarchs, civil war and riots resulting in Parliament making itself sovereign and representing the will of the people.

As a result, all ____ (1) ____ power is vested in Parliament. There is no legal limit to the power of Parliament and the courts are bound by all legislation that is enacted by Parliament. So, what is the role of the ____ (2) ____?

The courts interpret the law, which means that although Parliament ____ (3) ____ the law, the courts decide how they are to be applied. These decisions are treated as precedents and ____ (4) ____ courts will follow these decisions if they have similar issues to determine.

This ____ (5) ____ of precedent developed from common law which itself is based on custom and dates from 'time immemorial' (or at least 1189). Often before government wrote new laws, judges applied local and ancient customs, in order ensure that ____ (6) ____ were consistent and relied on decisions made in previous cases. This has also led to the principle that a judge is ____ (7) ____ by the decision of a superior court when reaching a decision in a similar case.

Judges do not exercise their discretion in an ____ (8) ____ way they rest their judgements upon the general ____ (9) ____ of case law and can have influence upon the development of enacted law.

Accordingly, the courts can exercise a considerable degree over the practical application of statutes although governments make new laws which ____ (10) ____ or clarify the common law.

Stage 3

From the choice of words below choose the correct word to fill each space in the previous text:

Example:

(1)	judicial	legislative	administrative
(2)	judiciary	judges	courts
(3)	enacts	makes	decides
(4)	consequent	consecutive	subsequent
(5)	doctrine	principle	theory
(6)	rulings	judgements	conclusions
(7)	constrained	bound	obligated
(8)	inconsistent	arbitrary	approximate
(9)	principles	purpose	objectives
(10)	adjust	redefine	modify

Stage 4

Match the missing words in Column A with the definition in Column B:

A	B
enacts	having the power to create laws
principles	a system of courts of law for the administration of justice
modify	to make into law
arbitrary	following in time or order
bound	a rule or principle of law, especially when established by precedent
doctrine	a judicial decision
subsequent	being under an obligation
judiciary	based on or subject to individual judgment or preference
judgements	a rule or standard
legislative	to change in form or character

Stage 5

On your own, complete the chart below comparing the system of law in the England with the system in your country.

Main points	England	Your country
Type of constitution		
Its history		
Sources of law		
The role of Parliament		
The role of the judiciary		
Importance of previous cases and decisions		
The role of statutes		
Interpretation of statutes		

Your teacher will give you instructions about the next stages.