



BATTEN IN BRUSSELS

THE LISBON TREATY AND THE BRITISH CONSTITUTION

"By allowing Royal Assent to be given HM The Queen has effectively signed her own redundancy notice."

AS EVERY schoolboy and school-girl ought to know, but now surely doesn't, contrary to popular myth Britain does indeed have a much written constitution. It is just not written down in one place but consists of various Charters and constitutional Acts of Parliament, including the *Magna Carta*, the Petition of Rights, the Declaration and Bill of Rights 1689, the Act of Settlement and the Acts of Union.

When James II ruled without Parliamentary authority, set about re-establishing the divine right of Kings, a form of dictatorial power, and was thought to be about to establish an absolutist Roman Catholic state, he was deposed by William of Orange at the invitation of various leading protestant politicians.

James was deemed to have abdicated and in his place William and his wife Mary, James's daughter, were invited to assume the English Crown. This was done by means of their acceptance of the Declaration of Rights in which they undertook, among other things, to uphold the freedoms and liberties of the English, to govern according to the laws of the land and to accept no higher authority.

The deposition of James II required a full and legal settlement of the revolutionary events. Since no Parliament was sitting at the time, the whole process was confirmed one year afterwards by means of the Crown and Parliament Act 1690, passed by a new Parliament summoned by William and Mary. The Declaration of Rights was confirmed and established by the force of statute as the Bill of Rights, on 16 December 1689.

In short there had been a "Glorious Revolution" in which a despotic monarch was deposed and a new constitutional monarchy installed. It was asserted that this was justified in *Magna Carta* as legitimate resistance against unconstitutional governance. Every English Monarch has from then on held office by means of this constitutional settlement.

The significance of the Bill of Rights is clear: there can be no higher political authority above the Rule of Law: "Be ye

King or commoner the law is above you". The monarch meanwhile governs as a constitutional monarch as 'King or Queen in Parliament'. And of course, over the last three hundred years, almost all of the former Royal powers came to be exercised in Parliament on behalf of the Crown.

We have all been told that the Queen is duty bound to accept the advice of her ministers; but if her ministers give her unconstitutional advice in contravention of the Constitutional Acts of Parliament she is surely bound to refuse it. Until they are expressly and explicitly repealed, the Bill of Rights and other Constitutional Acts override over all other legislation because they define the duty of the Crown.

The Constitution served Britain well until we joined the European Economic Community on 1st January 1973. Under the Treaty of Rome, European Union Directives and Regulations take precedence over the UK's domestic law. As successive Treaties have been adopted, the supremacy of EU law has been challenged; but legal opinion has been that this does not violate the constitutional position, as the treaties are merely enacted by Acts of Parliament and therefore Parliament can repeal them if it wishes.

This is despite that fact that Her Majesty The Queen was made a citizen of the European Union on 1st January 1993. The English monarch was purportedly made subject to the European Union and to the 'rights and (unspecified) duties imposed thereby' of common European citizenship. As far as the European Union is concerned it would seem Her Majesty the Queen is no more than European Citizen, Elizabeth Windsor.

Many have wondered if there would finally come a point where Her Majesty could no longer accept the transfer of power and sovereignty to the EU. That point has never come and on 19 June 2008 Royal Assent was given to the European Union (Amendment) Bill for the Lisbon Treaty.

The Lisbon Treaty is almost one hun-

dred per cent the same as the European Constitution. There is nothing legally enforceable in the Constitution that is not in the Treaty. The primacy of EU law is expressly stated in the Treaty (Declaration 17). By allowing Royal Assent to be given, Her Majesty the Queen has effectively signed her own redundancy notice.

EU law, as interpreted by the European Court of Justice, is now the ultimate authority. The power of the EU may be extended by agreement of the members of the European Council. New powers can be taken by the EU without recourse to new treaties, let alone referendums of the people. The European Council, made up of the heads of Government, becomes an institution of the EU. The British Prime Minister, formerly a servant of the Crown and people, now becomes a servant of the European Union (contrary to the Privy Councillors' oath of office).

It appears that on 19 June 2008 the British constitution was illegally set aside, the Constitutional Acts not having been repealed. The Queen and the Ministers of the Crown charged with protecting it failed to do so. If the situation goes unrectified Her Majesty will only fulfil the role of giving spurious legitimacy to an illegitimate Government. The office of Monarch will be allowed to exist for cosmetic purposes while it degenerates into an irrelevant Disneyworld-style tourist attraction.

The Glorious Revolution of 1688 turned out a King who abused the law. It installed a new constitutional monarchy firmly under the rule of law. This settlement has lasted for over three hundred years. Britain has now reached the saddest nadir in its national and political life. It would seem that we now live in an illegally constituted state. Perhaps a new Glorious Revolution is required?

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