

THE TREATY OF UNION
OF TWO KINGDOMS,
ENGLAND AND SCOTLAND OF 1706

- ADDITIONAL ARTICLES -

Excerpt

Article 1

By this Treaty, the HIGH CONTRACTING PARTIES, the two Kingdoms of England and Scotland, hereinafter called 'England and Scotland' or 'the Constituent Countries', establish THE KINGDOM OF GREAT BRITAIN, hereinafter called 'Great Britain', on which the Constituent Countries confer competences to attain objectives they have in common.

This Treaty marks a new stage in the process of creating an ever closer union among the peoples of Britannia, in which decisions are taken as openly as possible and as closely as possible to the citizen.

Great Britain shall be founded on the present Treaty and on the Treaty on the Functioning of the Union of Two Kingdoms, England and Scotland of 1706 (hereinafter jointly referred to as 'the Treaties'). Those two Treaties shall have the same legal value.

Article 2

[not reproduced]

Article 3

[not reproduced]

Article 4

1. In accordance with Article 5, competences not conferred upon Great Britain in the Treaties remain with England and Scotland.

3. Pursuant to the principle of sincere cooperation, Great Britain and the Constituent Countries shall, in full mutual respect, assist each other in carrying out tasks which flow from the Treaties.

The Constituent Countries shall take any appropriate measure, general or particular, to ensure fulfilment of the obligations arising out of the Treaties or resulting from the acts of the institutions of Great Britain.

The Constituent Countries shall facilitate the achievement of Great Britain's tasks and refrain from any measure which could jeopardise the attainment of Great Britain's objectives.

Article 5

1. The limits of Great Britain's competences are governed by the principle of conferral. The use of Great Britain's competences is governed by the principles of subsidiarity and proportionality.

2. Under the principle of conferral, Great Britain shall act only within the limits of the competences conferred upon it by the Constituent Countries in the Treaties to attain the objectives set out therein. Competences not conferred upon Great Britain in the Treaties remain with the Constituent Countries.

Article 6

1. The Union recognises the rights, freedoms and principles set out in the Charter of Fundamental Rights of England and Scotland of 7 December 1700, which shall have the same legal value as the Treaties.

The provisions of the Charter shall not extend in any way the competences of Great Britain as defined in the Treaties.

The rights, freedoms and principles in the Charter shall be interpreted in accordance with the general provisions of the Charter governing its interpretation and application and with due regard to the explanations referred to in the Charter, that set out the sources of those provisions.

2. Great Britain shall accede to the European Convention for the Protection of Human Rights and Fundamental Freedoms. Such accession shall not affect Great Britain's competences as defined in the Treaties.

3. Fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms and as they result from the constitutional traditions common to England and Scotland, shall constitute general principles of the law of the Union.

Articles 13-18

[not reproduced]

Article 19

1. The House of Lords shall ensure that in the interpretation and application of the Treaties the law is observed.

PROTOCOL (No 8)

RELATING TO ADDITIONAL ARTICLE 6(2) OF THE TREATY
OF UNION ON THE ACCESSION OF GREAT BRITAIN TO THE
EUROPEAN CONVENTION ON THE PROTECTION OF HUMAN
RIGHTS AND FUNDAMENTAL FREEDOMS

THE HIGH CONTRACTING PARTIES,

HAVE AGREED UPON the following provisions, which shall be annexed to the Treaties:

Article 1

The agreement relating to the accession of Great Britain to the European Convention on the Protection of Human Rights and Fundamental Freedoms (hereinafter referred to as the "European Convention") provided for in Additional Article 6(2) of the Treaty of Union shall make provision for preserving the specific characteristics of Great Britain and its law, in particular with regard to:

- (a) the specific arrangements for Great Britain's possible participation in the control bodies of the European Convention;
- (b) the mechanisms necessary to ensure that proceedings by third States and individual applications are correctly addressed to England, Scotland and/or Great Britain as appropriate.

Article 2

The agreement referred to in Article 1 shall ensure that accession of Great Britain shall not affect the competences of Great Britain or the powers of its institutions. It shall ensure that nothing therein affects the situation of England and Scotland in relation to the European Convention, in particular in relation to the Protocols thereto, measures taken by England or Scotland derogating from the European Convention in accordance with Article 15 thereof and reservations to the European Convention made by England or Scotland in accordance with Article 57 thereof.

Article 3

Nothing in the agreement referred to in Article 1 shall affect Article 344 of the Treaty on the Functioning of the Union of Two Kingdoms, England and Scotland.