

Unit 3 Sources of law - legislation

The most obvious source of codified law in the United Kingdom is an Act of Parliament. In the British constitution, a fundamental doctrine is that of parliamentary sovereignty which recognises that supreme power is vested in Parliament and that there is no limit in law to the law-making capacity of that institution. Unless it conflicts with EC law or the Convention on Human Rights, what Parliament passes in the form of an Act will be put into effect by the courts.

Complete the naming definitions:

1. A proposal, a draft for a new law (becoming an Act when it has received Royal Assent) which is debated by Parliament is called a _____
2. The part of general law when enacted applying to all individuals or bodies, to everybody, everywhere within the legal system includes _____
3. Proposals for legislation affecting the powers of particular bodies, such as local authorities or the rights of individuals are called _____
4. The law made up of Acts of parliament is called _____
5. The enactments covering both general acts and personal and local acts are called _____
6. Acts giving somebody else the power to make law in the appropriate area (such power is often given to government ministers or local authorities) are called _____
7. An Act which determines the area in which the law can be made and the content of the law and sometimes also determines the power to change that law from time to time is called a _____
8. A legislative document used to exercise powers expressly granted by delegated legislation containing regulations carrying the force of law is called a _____
9. The type of legislation produced by various State agencies and bodies and legally binding in some cases or very influential includes _____
10. An Act prior to receiving Presidential or Royal Assent, not having the force of law, is called an _____
11. Bills introduced by a minister on behalf and with the support of the Government are called _____
12. Bills introduced by a backbench or ordinary Member in their own capacity rather than as part of Government policy are called _____

Use the following expressions or phrases to fill in the gaps. Some of them may be used more than once:

Act of Parliament, Bill, Government Bills, Personal Bill, Private Bills, Private Members Bills, Public Bills, Royal Assent, the House of Commons, the House of Lords

No new law can be made by Parliament unless it has completed a number of stages in both _____ and _____, and has been agreed by both Houses. The Queen also has to sign it to show that it has been given _____ (these days a formality). Only after that it becomes a new law or _____. Before this, while it is still going through Parliament, it is called a _____. They can begin in either _____ or _____. There are two main types of bill: _____ and _____. The former are only intended to affect one particular area or organisation. Occasionally a type of private bill known as a _____ is presented to Parliament. Personal Bills affect only one or two people. These always begin in _____. The latter, unlike private bills, are intended to affect the public as a whole and not just one area, organisation or person. There are two types of public bill - _____ and _____. The majority of public bills which succeed in becoming _____ are sponsored by the Government and succeed because the Government has a majority in _____.

The following expressions may be used for the next part:

consultation, drafting, Green Paper, introduced into Parliament, loopholes, Parliamentary Draftsmen, pre-legislative scrutiny, Readings, select committees, sponsoring department, White Paper, wording of the bill

Before a bill is _____ there is often _____ with those who are likely to be affected. Within the _____, both the ministers and the civil servants will be involved in the consultation process. Sometimes the Government will set out the ideas for a bill in a discussion document or consultation paper known as a _____. Organisations can then send their comments back to the department. As a result of this process firm proposals may then be produced in a _____ which will form the basis of the bill to be _____. Not all bills have green papers and white papers. The content of the bill then have to be written down, a process known as _____. This work is carried out by a small number of specially trained lawyers called _____. The _____ has to be exact and must not leave any _____ as once a bill becomes an act then others, including judges, will have to enforce it. If the law is not clear, a judge may take it to mean something different to what was intended and it could also mislead others such as solicitors and members of the public. Before being formally presented to Parliament, some bills are considered in draft by _____ in a process which is known as _____. This enables Members with an interest and expertise in the subject area to make suggestions and recommendations at an early stage. Most of the stages through which a bill must proceed are known as _____.

Which stage is being described?

This is when a bill is introduced into Parliament and formally presented. Then it is printed and proceeds to the next reading stage. There is no discussion or vote at this stage so the bill proceeds automatically. Which stage is being described? _____

At this stage the bill is normally proposed by a government minister in the department responsible for the measure. This is the first really important stage of the bill when the Minister in charge explains its main purpose, outlines the main principles and summarises the most important clauses. There is time for debate on the general principles of a bill and the views of other opposition parties and backbenchers are heard. The major points raised in the debate are dealt with by another government minister and the House must vote for the bill to pass to the next stage. Which stage is being described? _____

The bill is referred to a standing committee for detailed, clause-by-clause examination and consideration. The rules of debate in committee proceedings are more flexible. Each bill is considered clause-by-clause and amendments which will be voted on may be made. This stage allows the examination of all of the detail of the bill for the first time. Which stage is being described? _____

Any amendments made are reported for consideration by the House as a whole. The bill has to be reprinted and the members have an opportunity to see how the changes fit into the bill as a whole. They may propose further amendments or new clauses to a bill. All members may speak and vote, further changes can be suggested at this stage which is usually followed immediately by the next reading debate. Which stage is being described? _____

The bill is reviewed in its final form with all of the amendments made at earlier stages. Substantive amendments cannot be made to a bill at this stage and the debate is generally very short. Which stage is being described? _____

A bill is sent to the other House where it passes through all the stages once more. This stage is not a formality and bills can be further amended. Amendments must be agreed, or a compromise agreement reached. Bills with contentious amendments pass back and forth between the Houses before agreement is reached. If each House insists on its amendments, a bill may be lost. Which stage is being described? _____

Once a bill has completed all its parliamentary stages and both Houses have agreed to the final wording of the bill, it has to go to the Queen and after having been signed, it becomes an Act of Parliament. Which stage is being described? _____