Primary and secondary legislation

Hierarchy of norms in CR

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Structure

- Primary legislation
- General Acts
- Personal and Local Acts
- Secondary legislation
- Hierarchy of norms in CR

- It's very important to distinguish between various level of legislation
- The legislation with which most people are familiar is *statute law*
- Bills proposed in Parliment become Acts
- => these acts may either be general or personal
- Both of these are sometimes known as

Primary legislation

Primary legislation

- is <u>legislation</u> made by the <u>legislative</u> <u>branch</u> of <u>government</u>
- In the <u>United Kingdom</u>, and other <u>Commonwealth</u> countries, primary legislation is known as an <u>Act of</u> <u>Parliament</u>, and in the <u>United States</u>, it is (at federal level) an <u>Act of</u> <u>Congress</u>.



General Acts

- Apply to everybody, everywhere wihin the legal system
- There are several different legal system within UK; one for England and Wales, one for Scotland and one for Northern Ireland
- A legal rule in a statute can only be changed by another statute

Personal and Local Acts

- Apply either to particular individuals or (more usually) to particular areas
- The most common example of local legislation is that which applies to individual cities

- Sometimes Parliament cannot decide exactly what the law should be on a point
- => in such cases Parliament may pass an Act giving somebody else the power to make law in the appropriate area
- Such power is often given to government ministers or local autorities
- => this is the most common example of what is known as *delegated* or

 The Act (sometimes called Parent Act) will determine the area in which law can be made, it may say something about the content of the law, but the details of that law will be left to the person or body to whom legislative power is delegated

- They may also have the power to change the law from time to time
- Most delegated legislation is published as a statutory instrument
- Most of the social security system is based on delegated legislation

Secondary legislation

- = Delegated legislation (also referred to as subordinate legislation) is law made by an executive authority under powers given to them by primary legislation in order to implement and administer the requirements of that primary legislation.
- It is law made by a person or body other than the <u>legislature</u> but with the legislature's authority.

Hierarchy of norms in CR

 Gradual arrangement of legal system according to importance of legislation

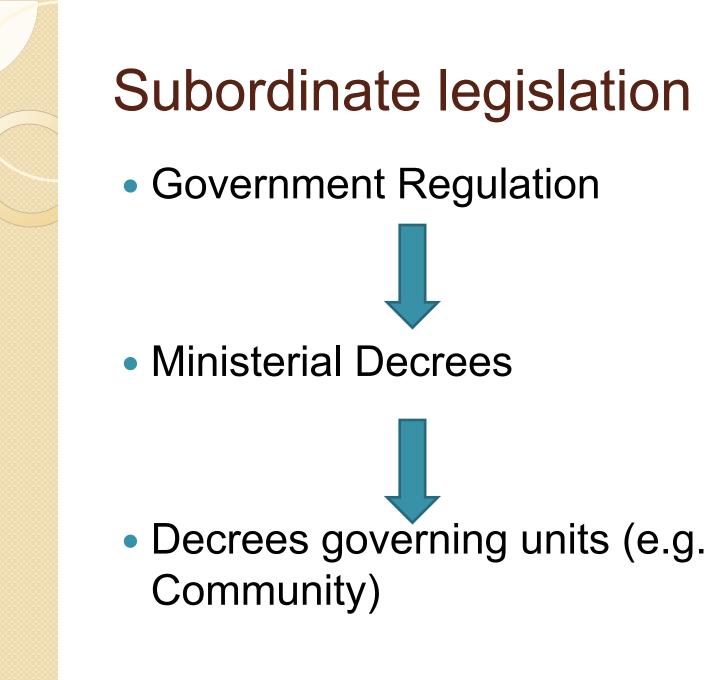


Statutory provisions

Constitution and constitutional laws









Sources

- Chromá Marta; New introduction to Legal English; Volume I
- http://en.wikipedia.org

Thank you for your attention