

Lawmaking process in the parliament



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DESCRIBE THE PHASES OF THE LAWMAKING PROCESS IN THE PARLIAMENT.
IN WHAT CIRCUMSTANCES CAN PROPOSED LEGISLATION GO FOR ROYAL
ASSENT WITHOUT THE APPROVAL OF THE HOUSE OF LORDS?

The Parliament of England as one of the main pillars of a constitutional democracy plays a vital role in governing the country by lawmaking, the process which divides into number of stages. These stages which comprise the first reading, the second reading, the Committee Stage, the Report stage, the third reading, the approval of the House of Lords and the Royal Assent will be main focus of this essay. In addition, the essay will concern rather exceptional situations when proposed legislation might go for Royal Assent without, otherwise necessary, approval of the House of Lords.

The Parliament of England stems from royal council which was established by William the Conqueror in 11th century and had further developed in 13th century with issuance of Magna Carta as a result of struggle for limit of the power of the English monarchy and thus is crucial for separation of powers – an important thrust of the constitutional monarchy. Over the centuries, the Parliament has evolved into the highest source of law in the UK. The concept of Parliamentary Supremacy was introduced by English constitutional theorist Albert Dicey at the end of 19th century. The modern Parliament consists of three elements, the House of Commons, the House of Lords; and the monarch each of which has its own function in lawmaking process. Members of the House of Commons debate the issues of the proposals for new laws while members of the House of Lords are responsible for making laws and investigating political issues.

The lawmaking process is a complex procedure which starts with pre-parliamentary process by identification of policy objective which included in a Green paper, a document that puts forward the proposals on which the parties give their opinions and views. The Green Paper is followed by a White paper which consists of the reform plans. Further, a Bill must be given three readings in both in the House of Lords and the House of Commons. The procedure can be commenced in either House and it starts with the first reading which is purely a formal procedure when the title of the proposed Bill is prepared, read out and followed by an order to be printed. Next step is the second reading which usually takes place no sooner than two weekends after first reading. It is the main point in the process and during this phase main provisions of the Bill are discussed. At this stage the proposals may be amended and it is up to the members to decide whether the legislation should proceed and they do it by exercising their voting rights. Once second reading is complete, the Bill goes to the Committee Stage which usually starts within a couple of weeks after a Bill's second reading. At this stage the detailed examination, clause by clause, takes place. A chairman of standing committee, whose job is to consider the provisions, also has the power to amend it. When the committee stage is finished the Bill returns back to the House of Commons for its report stage where it can be debated and further amendments proposed. At this point, the standing committee reports the Bill back to the House to give the members an opportunity to make proposals for change to a Bill which has been examined during the previous stage. The members can suggest the amendments or the new clauses to the Bill and all the changes are voted upon. The report stage is immediately followed by the third reading which is the last chance to the members to vote on the

contents of the Bill. During this stage the it is re-presented the House, where short debates may take place and a vote whether to accept or reject the legislation, but the questions relating to the general principles cannot be raised. When a Bill has passed through third reading in both Houses it is returned to the House where it started for the second House's proposals for change to be considered. Both Houses must agree on the exact wording of the Bill. If one House refuses to make the changes proposed by the other the Bill might be re-introduced, but as Bills should be complete within one particular parliamentary Session, failure to reach the agreement might lead to the loss of the Bill. As legislation needs to be approved by both Houses we can see that the House of Lords plays a vital role in lawmaking process.

However, there are some exceptions when the two Houses cannot reach agreement, the Bill falls and the Commons use the Parliament Acts to pass the Bill without the consent of Lords. The Parliament Act of 1911 removed the House of Lords' power to veto a Bill. Act also retained the House of Lords power to block any attempt to prolong the lifetime of a Parliament. The Parliament Act of 1911 limited the power of the Lords to delay the Bill more than for two years. The Parliament Act of 1949 reduced the Lords' power to delay to one year, but the Parliament Act 1949 itself was introduced through the use of the Parliament Act of 1911. Though these procedures are used rarely as the House of Lords usually approve the legislature of the House of Commons, four substantive acts have been passed into law without the approval of the House of Lords, for example the controversial Hunting Act 2004, which was introduced to prohibit the hunting of mammals with dogs and was designed to outlaw the fox-hunting. It was passed despite the House

of Lords' opposition relying on the Parliament Act 1949. Another three acts passed without the consent of the Lords' are The War Crimes Act 1991, The European Parliamentary Elections Act 1999, The Sexual Offences (Amendment) Act 2000. Since 1949 a ' Money Bill' containing only financial provisions can be enacted without the House of Lords consent after the delay of one month. The last stage in the lawmaking process is the Royal Assent – it is required before any Bill becomes a law.