

The main sources of scots business law law constitutional administrative essay

Law



Malwina Szymanska HNC Administration & IT " D" Submission date
04/03/2013

Introduction

Scottish law has two main area of law Civic Law and Criminal Law. Laws are made to protect people and feel them safety. Scottish criminal law deal with offence against the human and offences against property for example murder, rape, parking, no TV licence and theft also criminal law include public order offences which include mobbing and so on.[1]Scottish civic law is focused on non - criminal disputes, such as business , personal relationship, divorce, contract, debts etc[2]Identify and describe the sources of legislation that are binding in Scots law and quote at least one example. Name on written law is legislation, the three sources of legislation that are binding in Scottish law are: Sources of LawEuropean legalisationUnited Kingdom legalisationScottish legalisationEuropean legislation proposed by institutions of the European Union. United Kingdom has been membership in the UE science Jan. 1. 1973.[3]Put in to various Treaties and different legalisation which passed to EU and will concern to Grate Britain and it is general public. EU legalisation is made by laws planned by the European Commission. Commissioner is one from member state. One of commissioner role is to suggest changes or propose new laws. They will describe by the heard new role and terms of law. However, before suggested new laws become actual laws, should be passed through Council of European Union and European Parliament then accepted. EU legalisation is the form of commands or rules . Example Act" European Union Act 2011"[4]is about conditions related to the European UnionUnited Kingdom legislation

<https://assignbuster.com/the-main-sources-of-scots-business-law-law-constitutional-administrative-essay/>

proposed by the United Kingdom Parliament (Westminster) United Kingdom Parliament consists of two "houses" Commons House and Houses of Lords. House of Commons is elected by population and House of Lords is appointed as Lords by governments and limited number of hereditary, also be able to create laws on any topic. UK Legislation before become a law both houses are discussed subject they can make changes, refuse or accept. It has to be passed in both houses and be given to Royal Assent. Examples Act" Statute Law (Repeals) Act 2013[5]- An act is recommendation of the Law Commission and the Scottish Law Commission an act is support the change of the statute law by the repeal The Health & Safety at Work Act 1974 The Sale of Goods Act 1979 Scottish legislation proposed by the Scottish Parliament (Holyrood) In 1990's by the referendum and elections Scotland has built Parliament in Edinburgh. Act 1998 Scottish Parliament has right to make Law on any subject, but just practical to Scotland and the just on Matters delegated to it by UK Parliament, or example education, planning, health and so on. They cannot legislate on foreign policy, defence, economic policy, employment or laws which conflict with EU Legalisation. Scottish Parliament Legislation made laws by gives details of the suggested law after consider by the part of the Scottish Parliament then accept amend or reject. When passed then confer to Royal Assent and becomes an Act Examples Act" Licensing (Scotland) Act 2005[6]- role for sales alcohol" Tourist Boards (Scotland) Act 2006[7]- increase members of tourist boards Explain judicial precedent[8] and it is used in Scots law quoting at least one example" Judicial precedent is based on case law." [9] Judicial precedent base on a different court while decided case base on identical face of common law. Judicial

Precedent is the method where judicial precedent go after previously resolute law fact, which is very similar. Begin decision, keep decided, where lower court is demand to apply lawful ideology place by superior course in before cases. For example, the High Court be required to go after verdict of the Court of Appeal, which necessity follow decision of the House of Lords. The binding element of a before choice in the ratio decided, it has to be followed by judges in shortly case. No matter what said obiter dictum on the original case id does matter because it was not harshly belong to the matter in problem. In case where there are laws with different precedent levels the one with higher precedence becomes the most important although the might be laws with greater precedents. For example Airedale NHS Trust v Bland (1993). Explain Institutional writing and it is role in Scots law Industrial writers are Stair, Craig, Erskine, Hume, Bell and Bankton is a closed group of legal experts, they wrote during 17th to early 19th century. They were published works on their area, they published became authoritative statements of the law in those part of laws, because of them experience and skill in this area. However, Industrial Writing is formal recording of court decision and their opinions. Institutional writing is using in Scot law for this day and it is main source of Scot law although nobody has enough experience and skills to change and publish again this part of laws. Explain custom and it is role in Scots law. Custom at the present hardly ever a basis of fresh law Custom is way which has been extended and again and again documented and so has acquire the power of law. Along with judicial precedent, institutional writings and equity these make up what is recognized as a group as common law. An

example would be the legal rights of widows and children when a husband dies without leaving a will.