

The process when making an act of parliament

Law



The Process When Making an Act of Parliament Making law is one of the core functions of Parliament. Laws begin as bills and must progress through a number of set stages in both the House of Commons and the House of Lords. Only Parliament can make new laws, or change existing ones, that affect the whole of the UK and so proposals are brought to Parliament by the Government and by individual Members of Parliament. These are called 'Bills'. There are 3 different types of Bills, these are Public Members' Bills, Private Members' Bills and Hybrid Members' Bills.

Most Public Bills are introduced into Parliament involve public policies which will either effect the whole country or a large section of it, these Bills are known as Public Bills, for example, the Legal Services Act 2007. Public Bills change the law which applies to the population and are the most common type of Bill in Parliament Government Bills, and those put forward by MP's or Lords, also known as Private Members' Bills. A Private Bill is a Bill designed to pass a law which will only affect individual people.

A Private Bill does not make law for the whole country. However, a Private Members Bill is a Bill which is introduced by an individual Member of Parliament. Very little Private Member Bills become laws, but there have been some important laws passed, for example the Abortion Act 1967 and the Household Waste Recycling Act 2003. MPs and Lords can introduce as many bills as they want, but most of them will have little chance of becoming laws. A ballot is present at the start of each parliamentary session.

Sometimes an MP will use the Ten Minute Rule to make a short speech on the advantages of a bill they want to introduce, which is often a way of drawing attention to an issue rather than saying the advantages of their

<https://assignbuster.com/the-process-when-making-an-act-of-parliament/>

chosen bill. Bills can be introduced to either the Commons or the Lords first, every Public Bill has to be passed through stages in both Houses until it can become a law. The first stage is the bill's official introduction to the House. It is made up of the short title of the bill being read out by the Clerk in the chamber.

Then, then bill is given a date for the second stage, which is the second reading and an order made for it to be officially printed, making it available to all Members and the public. The second reading is when the main purpose of a bill is discussed and voted on. This is the first opportunity for MPs or Lords to say their concerns on areas where they think changes are needed. If the bill passes this stage, it moves on to the committee stage. The committee stage is where a detailed examination is said. It usually starts within a couple of weeks after the bill's second reading.

A Public Bill Committee is appointed which is usually able to take evidence from experts from outside Parliament. Changes for discussion are selected by the chairman of the committee and only members of the committee can vote on the changes. This is when it is agreed on, changed or removed from the bill. A small amount of bills are dealt with by a Committee of the Whole House which takes place in the main chamber, where every MP is able to take part. The Lords Committee stage usually takes place in the main chamber and there is no time limit on discussion of amendments.

The report stage is when a bill is returned to the House after the committee stage, this is where the whole House reviews the amended form of the bill. The third reading is the final opportunity for each House to debate and to vote on the bill as a whole. Debate on the bill is usually short, where changes

can't be made at the third party reading. The third party reading is the final vote on the Bill as a whole. There is a further debate on the Bill if six or more MP's request it. If this happens, the Bill passes to another House where it will have to go through the same stages again.

The power of the Supreme Court is limited. When the Supreme Court makes changes to the Bill, the changes will be considered by the House of Commons before the Bill goes to its final stage. If the Supreme Court refuses to pass a Bill, the House of Commons can introduce the same Bill in the next Parliamentary session, if it is passed by the House of Commons for a second time it can then receive the Royal Assent and become a law without the agreement of the Supreme Court. The Royal Assent is a monarch has to approve the Bill and give their agreement for it to become a law.

The last time the Royal Assent was refused was in 1707 when Queen Anne refused to agree to the Scottish Militia Bill. The doctrine of Parliamentary sovereignty means that any statute passed by the Parliament can't be challenge. It is associated with Dicey, who defines sovereignty as the right to make any law and the principle that there is no competing legislative body of Parliament. Parliament does not have time to debate every small detail of complex regulations. Making regulations through delegated legislation saves Parliamentary time.

Society has become very technical, this makes it impossible that members of the Parliament could have all the knowledge needed to control technology, ensuring environments safety, dealing with different industrial problems or operating complex taxation schemes. Delegated legislation allows the Government to make changes to a law without needing to push through a

<https://assignbuster.com/the-process-when-making-an-act-of-parliament/>

completely new Act of Parliament. Consultation is important for rules with technical things, where it is necessary to make sure that the regulations technically work.

The process of passing an Act of Parliament can take time and in an emergency Parliament may not be able to pass law quick enough. However, Orders in Council can be made very quickly. Delegated legislation can be revoked easily when necessary so that the law can be kept up to date. This can be useful when monetary limits have to change each year, for example the minimum wage or the limits for legal aid. The main criticism is that delegated legislation takes law making away from the House of Commons and allows non-elected people to make law.

This criticism can't be made of laws made by the local authorities since there are elected bodies and accountable to the local citizens. Another problem is sub-delegation, this means that the law making authority is handed down another level. The large amount of delegated legislation is also a disadvantage as it makes it difficult to discover what the present law is. The delegated legislation shares with the Acts of Parliament the same problem that can cause difficulty in understanding the law. The UK joined the European Union on 1st January 1973.

European law is mainly concerned with trade and work, but this affects areas of law, such as agriculture, company law, consumer rights, employment rights and environmental law. Since the UK joined the European Union, the highest court in our legal system is the European Court of Justice. The European Union law is made by the European Court of Justice is binding on all courts in England and Wales. The European Union doesn't affect all area

of our law, such as our criminal law, for this law the highest court is the Supreme Court. Parliament is seen as being the supreme law maker for England and Wales.

The UK entering the European Union has affects Parliament's supremacy, as the European laws take priority over any national law. This was decided even before the UK joined the European Union in the Dutvh case of Van Gend en Loos in 1963. Parliament can still be said to be supreme, since it is only through Parliament passing the European Committee's Act 1972 that European law has effect in the UK. The Human Rights Act 1998 joined the European Convention on Human Rights in British law. This means that anyone taking a court case in the UK can rely on the rights given in the Convention as part of their case.

The Act makes it impossible for a public authority to act in a way that is incompatible with a Convection right. Public authority is anyone who has some public function, this does not include Parliament. The right to life is the most fundamental of human rights. This is everyone's right to life and is protected by the law, if this is breached then there is a breach of the Convection, this was seen in the case of McCann v United Kingdom in 1995. The aim of the Human Rights Act 1998 is to give further effect to rights and freedoms under the European convention on human rights.