

Section A Law making

Topic 1 Parliamentary law making

The legislative process

Parliament is the supreme law-making body in the UK. It makes law for England — and in some situations also makes laws for Scotland and Wales. The laws made by Parliament are called Acts of Parliament — and are also referred to as statutes. There is a set process that must be followed in order to create a law. This process includes a bill going through both the House of Commons and the House of Lords before finally getting royal assent.

Before the formal process begins there is an informal stage. The proposals for new laws are discussed with organisations and various people who may be affected by them. The government publishes Green and White Papers — these are consultation documents which allow people to comment on the proposed law.

The formal stage of law making begins with the introduction of a draft bill. The formal process involves five stages, which must start in either the House of Commons or the House of Lords:

- First reading — the bill is introduced to the House. There is no debate at this stage. The title and main aims of the bill are read out. A vote is taken to decide if the bill should continue on to the second stage.
 - Second reading — the House debates the bill. It is normally the minister who introduced the bill who starts the debate. There is a vote at the end of the debate — this decides whether the bill goes on to the next stage.
 - Committee stage — in the House of Commons a standing committee of between 15 and 50 MPs scrutinises the bill, clause by clause. It can make amendments, which have to be voted on. Any money bills must be scrutinised by all of the House of Commons — there would not be a separate standing committee for this. The House of Lords does not generally have a specialist standing committee for this stage — it is normal for the whole of the House to scrutinise the bill.
 - Report stage — the committee reports back to the House and a vote is taken regarding any changes if applicable.
 - Third reading — the final vote is taken to decide whether the bill should proceed to the other house. After the third reading the bill is passed to the other House where it goes through the same five stages.
- After both Houses have processed a bill it then requires royal assent to become law.

1 Put the following in order to show the correct process a bill must follow to become an Act of Parliament.

7 marks

- a** Royal assent
- b** First reading of the draft bill — title and aims are read out to the House
- c** Committee stage — the bill is scrutinised and amendments can be made
- d** Publication of Green Papers and White Papers
- e** Third reading — a vote is taken to decide if the bill is to move on to the next house
- f** Second reading — this is the main debate on the bill — a vote is taken
- g** The same process is followed in the next House

2 It is important to understand key words and to use them in your exam answers. Match the key word to the correct description, e.g. Crown = This person is the head of state.

8 marks

- House of Commons Democracy House of Lords Crown A bill
 Public bill Government bill Private members' bill Private bill

Key word	Description
	This person is the head of state
	One of the two Houses — its members are elected democratically
	Membership of this House is only by appointment or hereditary
	When the elected government carries out actions on behalf of the electorate
	A piece of draft legislation
	A bill that will affect an organisation or individual
	A bill that will affect everyone
	A bill introduced by the government
	A bill introduced by an individual MP or by a peer in the House of Lords

3 What is the key difference between a Green Paper and a White Paper?

1 mark

.....

4 What is a private members' bill and how is it introduced?

3 marks

.....

5 Private members' bills are introduced into Parliament by individual backbench MPs who are not part of the government. Give some examples of private members' bills that have been introduced.

4 marks

.....

In the exam you will be required to 'evaluate the process of parliamentary law making' — you must be able to say what are the advantages and disadvantages of this form of law making.

6 List the advantages and disadvantages of parliamentary law making.

8 marks

Advantages

.....

Disadvantages

.....

.....

.....

7 Develop the following pointers a–d to consider the disadvantages of parliamentary law making.

a The process is very long...

4 marks

.....

.....

.....

.....

b The process of parliamentary law making is undemocratic...

4 marks

.....

.....

.....

.....

c The process is very slow...

4 marks

.....

.....

.....

.....

d When drafting a bill the draftsmen often use words that are ambiguous, unclear and obscure...

4 marks

.....

.....

.....

.....

Exam technique

Here is an exam question:

'Explain the roles of the House of Commons, House of Lords and the monarch in the process of statute creation.'

10 marks

The following text is a student's answer to the exam question:

Parliament creates the law in this country. The House of Commons starts by introducing a bill. This is read out by the MP. A vote is taken in the first reading if the MPs want it to go through to the next stage. The second reading is where they debate the law. It then goes onto the committee stage. The committee reports back to the House and then a vote is taken. The process is then repeated in the other House and it will then go to the queen for the royal assent. The queen generally will not refuse it.

An examiner judged this answer to be worth only some of the marks available. The student gained only 4 marks out of a possible 10 marks.

8 Why would an examiner state that this is worth only some of the marks? Give four reasons.

4 marks

.....

.....

.....

9 What would you do to improve this answer?

4 marks

.....

.....

.....

Parliamentary supremacy

The supremacy of Parliament means simply that Parliament can make any law it likes and it cannot be challenged. Its power is unlimited — no one parliament can limit the law making of future parliaments. No parliament can pass a permanent law — future parliaments have the right to create any new laws

and also to repeal any old laws. There are, however, limitations on Parliament. A key limitation is where the law concerns a European Union issue. When the UK joined the European Community in 1973, the **European Communities Act 1972** resulted in the UK being bound by any future European law.

10 What did each of these cases clarify?

3 marks

Case	What did it clarify?
<i>Costa v ENEL</i> (1964)	
<i>Ex parte Factortame No. 2</i> (1991)	
<i>A and others v Secretary of State for the Home Department</i> (2004)	

Influences on parliamentary law making

- There are many influences on Parliament when it creates laws — these include the Law Commission, pressure groups, the media and public opinion. You must be able to give clear examples *and* evaluate each type of influence to obtain full marks.

11 Complete the following paragraph by inserting the correct word(s) from the list below.

12 marks

lobbying

House

Commission

influence

Commons

queen

reform

review

Sarah's

Lords

1965

repeal

Parliament is made up of the of , the House of and the

The law-making process can be influenced by the Law – this is an independent, permanent and full-time law body set up by the Law Commission Act

Under s.3(1) of the 1965 Act the role of the Law Commission is to 'Keep under all the law'.

The Law Commission can suggest reforms to the government as well as obsolete law and consolidate current law.

Pressure groups can range from a single person to several hundred thousand members, who may Parliament to legislate on an issue. They employ various methods to support their campaigns, including ministers and MPs, marches, petitions, demonstrations and publicity campaigns.

The media can highlight matters of concern to the public. The media may both represent public opinion and influence public opinion. As well as day-to-day news the media also campaign to reform laws. An example was the 'name and shame' campaign run by the *News of the World* in 2000 following the murder of a child by a paedophile. Another example is Law, which was introduced as a result of a campaign by the family and the *Sun* newspaper.

12 Complete the following table.

12 marks

Influence	What it is and some examples	Advantages	Disadvantages
The Law Commission			
Pressure groups			
Media and public opinion			

Exam-style questions

Using the guidance given, write an essay plan for the following question:

01 What is meant by the term 'parliamentary supremacy'? Give an example of a limitation on it.

10 marks



This question states clearly that you are to explain what is meant by the doctrine of parliamentary supremacy. This means you must explain what it means and how it works. You will need to provide up-to-date examples to support your answer.

Give a brief introduction of what is meant by parliamentary supremacy and make sure you give some examples. Include the following words: *power, unlimited, validity, limit, repeal*.

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

