

2.1 Statutes and Acts of the UK Parliament

There are a number of ways in which our laws are created. As it is recognised as the supreme law-making body, we will start by considering the UK Parliament's role in law making.

The UK Parliament makes laws that are known as statutes, acts or Acts of Parliament. These are sometimes referred to as legislation. As you have already learnt, the UK Parliament can make or repeal any law it chooses. Also, it is sovereign, which means that in theory any laws made by the UK Parliament take precedence over any other laws. The UK Parliament can also give power to other people or public bodies to make laws in a process known as **subordinate legislation**.

All Acts of the UK Parliament begin as a bill, which is simply a proposal for a piece of legislation. There are three main types.

1. **Public bills:** these are written by specialised lawyers, who are trained in the art of drafting legislation. Public bills are presented to Parliament by government ministers and change the general law of the country.
2. **Private members' bills:** these are prepared by individual back bench Members of Parliament (MPs). MPs win the right to present these bills by entering a ballot. Very few of these bills become Acts, but they have a useful function as a way of drawing attention to particular issues. The Abortion Act 1967 stemmed from a private members' bill put forward by David Steel. Bills relating to areas such as birth certificates have also played a role in changing the law in recent years.
3. **Private bills:** these are usually proposed by a local authority or a large public body and usually only affect that organisation or body. Examples include a local authority seeking the right to build a bridge or road, or a transport company seeking land on which to build a new road.

A bill goes through several stages to enable debate, discussion and detailed consideration within each of the UK's Houses of Parliament (i.e. the House of Commons and the House of Lords). The following stages take place in both houses:

- **first reading:** this is a formal introduction of the bill without debate, where the title of the bill is read out
- **second reading:** this is a general debate on the principles and content of the bill
- **committee stage:** this is a detailed examination of the bill, leading to a debate and amendments of the bill
- **report stage:** this is an opportunity for further amendments to the bill
- **third reading:** this is the final chance for debate on the bill.

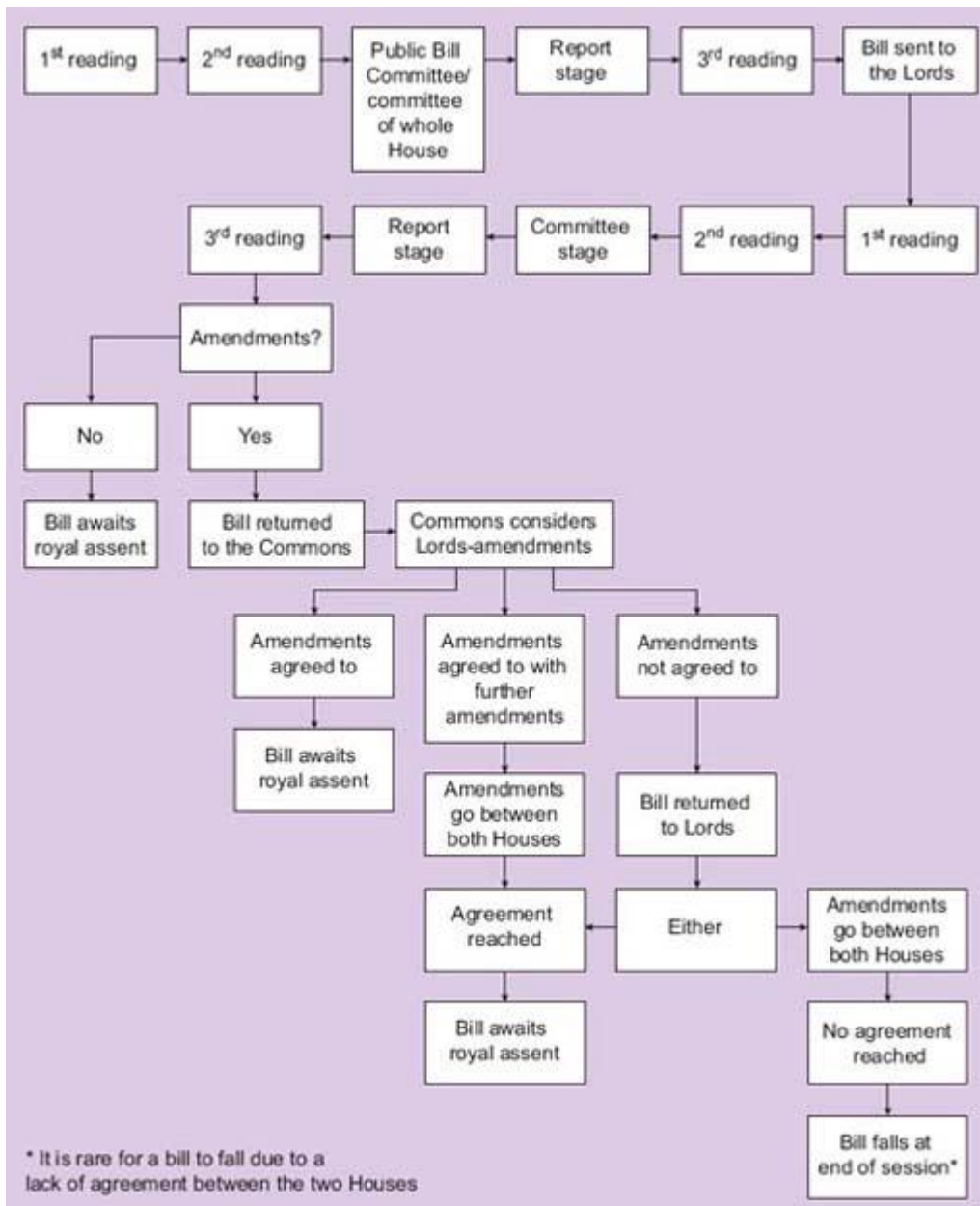


Figure 1 The Parliamentary stages of a government bill

When a bill has passed through both Houses of Parliament it is returned to the first House (where it originated) for the second House's amendments to be considered.

Both Houses of Parliament must agree on the final text. There may be several rounds of exchanges between the two Houses of Parliament until agreement is reached on every word of a bill. Once there is agreement, the bill goes to the next stage in the process: royal assent.

Technically the monarch must give their consent to all bills before they can become law. In reality, since 1709 no monarch has been asked to specifically give royal assent to a bill and the request goes to a committee. A bill becomes an Act on receiving royal assent. Acts then

become operational as law on their commencement date. This date is often in the future to allow time for companies and public bodies to prepare for the new law.

You may wonder what happens if the House of Lords and the House of Commons cannot agree on a bill. As the House of Commons is directly and democratically elected, it takes precedence over the House of Lords. Special procedures have been developed by which proposed legislation can go for royal assent without the approval of the House of Lords once certain time limits have elapsed. The Parliament Act 1949 laid down some of these rules.

