

## The British Parliament

Parliament is separate from the Government –It is bicameral. It's made up of the House of Commons, the House of Lords and the Monarch. Legislation must be passed through both Houses to pass into Law. Parliament's role is to: scrutinise the UK Government; make new laws and change existing ones; raise and debate key issues and; check and improve Government spending. Parliament is there to represent people's interests and make sure they are taken into account by the Government. The Government therefore cannot make new laws or raise new taxes without Parliament's agreement.

### 1.1 The House of Lords

This is the "Upper House" of the British Parliament . It consists of about 750 members (a variable number ) most of whom are **Life Peers (i.e. not hereditary lords)**, or people who have been ennobled for services rendered to the nation. These Life Peers are mostly former members of the House of Commons, or former senior officials, judges, or former business leaders or trade union leaders: each government and opposition party has the right, each year, to propose new Life peers .The other members of the House of Lords are 96 **hereditary Lords** from the "nobility" of the United Kingdom, and 26 Bishops of the Anglican Church.

The House of Lords can not block bills proposed by the Government in the House of Commons, and can only delay some bills . It is rare that the House of Lords use of this prerogative, other than in exceptional cases; for the Lords to act against the wishes of an elected government would be constitutionally unacceptable. Thus, almost all the bills from the House of Commons are approved quickly by the Lords, and returned for a "second reading" with some proposals for modifications or improvements. It is up to the House of Commons to accept or reject these proposals.

The essential role of the House of Lords is to discuss non controversial subjects, or examine in detail projects for which the House of Commons does not have time. Given the experience of the Life Peers who sit in the House of Lords, the Upper House is an assembly of well experienced former politicians , and is well suited to its parliamentary duties, even if its members are not elected representatives.

## **1.2 The House of Commons**

House of Commons, also called Commons, popularly elected legislative body of the bicameral British Parliament. Elected Members of Parliament do not have a deputy, so in the event of the death, resignation or removal of an MP, a "by-election" must be called in order to elect a new MP. Each MP represents a territory, or constituency: the link between an MP and his or her constituency is symbolically and historically very important, and in the House of Commons, Members are not called by their name, but by the name of the constituency from which they have been elected ( or, if they are government ministers, by their function) .

Since 1902, the British Prime Minister has always been a serving Member of Parliament, elected to the House of Commons; and most ministers - often all ministers - are members of the House of Commons too. The Government is formed by the party (or from 2010 to 2015, for example, by the coalition of parties) that has a majority of seats in the House of Commons. Members of the Government sit in the front row of benches in the House of Commons (called the Front Bench ), directly opposite the leaders of the Opposition .The chairman of the House of Commons is known as the "Speaker", and he or she presides over each parliamentary session, deciding who can speak.

A significant aspect of the House of Commons is the importance given to the Parliamentary Opposition . It is structured with an official Leader (The Leader of the Opposition ) and a "shadow cabinet ", consisting of spokesmen for the Opposition each with an official portfolio corresponding to that of a government minister.

Most of the time the debates in the House of Commons are devoted to projects of government legislation . Most bills are put forward by the government ministers. However, some time is given to bills tabled by individual MPs (known as Private Members' bills), or to bills tabled by the opposition (known as Opposition motions) . In each session of Parliament, the opposition has 20 days during which it may propose legislation and determine the agenda of the House.

### **Parliamentary sovereignty means that:**

(a) Parliament is the supreme law-making body in the British constitution. Parliamentary law should therefore prevail over all other sources of law. This means that Acts of Parliament are superior to, and can therefore override, the common law rules made by judges. If it appears that primary legislation is out of date – and this is noted by judges in relevant cases that come

before them – the enacted legislation will nevertheless remain in force until expressly or impliedly repealed (cancelled out).

(b) Parliament can make any laws that it wants. This follows from an acceptance of Parliament as the supreme law-making body and is both subject to, and supported by, the doctrine of implied repeal. This amounts to a practical rule that a differing later statute dealing with a subject in an earlier statute, in the absence of any express statement, impliedly repeals the earlier statute.

### **The Bill**

A Bill is a proposal for a new law, or a proposal to change an existing law that is presented for debate before Parliament. Bills are introduced in either the House of Commons or House of Lords for examination, discussion and amendment. When both Houses have agreed on the content of a Bill it is then presented to the reigning monarch for approval (known as Royal Assent). **Once Royal Assent is given a Bill becomes an Act of Parliament and is law.**

### **Types of Bills :**

#### *Public Bills*

Bills that propose **general changes** in the law:

- **Government Bills** (brought forward by Ministers heading Government departments).
- **Private Members' Bills** (brought forward by individual MPs).

#### *Private Bills*

Bills that propose changes in the law that **affect only specific areas or persons.**

These are brought to Parliament by outside bodies.

These Bills are relatively rare.

### The House of Commons

#### *First Reading*

A formal stage. Title of the Bill is read out.



#### *Second Reading*

Debate on general principles of the Bill followed by a vote.



#### *Committee Stage*

Bill is debated clause by clause: this is usually by way of a Standing Committee composed of MPs from different parties. Amendments may be made to the Bill.



#### *Report Stage*

Any amendments made at Committee Stage are reported back and voted on. Further amendments may be made.



#### *Third Reading*

Another general debate on the Bill in its revised form.



### The House of Lords

Bill goes through the same five stages as in the Commons – First Reading, etc.



Lords may accept the Bill, delay its passing by rejecting the Bill or amend the Bill. Any amendments made by the Lords must also be considered by the Commons, which may accept or reject the changes.



### Royal Assent

A formal stage. Royal Assent has not been refused since 1707.



Bill is now an Act.