4 Acts of Parliament

BILLS IN GENERAL

The central function of Parliament is to make the statute law of the land. Even the historic purpose of Parliament to raise revenue for the maintenance of the Sovereign’s government is expressed in the form of law through the Finance Acts and Consolidated Fund Acts. Not all the law of the United Kingdom is enshrined in Acts of Parliament, and the Courts which administer our system of law also draw upon the common law, especially following the precedents of previous cases, but an increasing proportion of all United Kingdom law is contained in statutes bearing the authority of Parliament. The preamble of every Act of Parliament states that that Act is made by the monarch of the day, by and with the advice and consent of Parliament, indicating that, in our form of constitutional monarchy, sovereignty is vested in the monarch within the assembly of Parliament. The last monarch to veto a proposed Act of Parliament was Queen Anne in 1707 on the Militia (Scotland) Bill, since when the royal assent has been given to all parliamentary Bills which have completed their procedure through Parliament and which have become Acts by virtue of that assent. In 1807 George III effectively prevented a Bill of Catholic emancipation from becoming law, but it never reached the stage of royal assent. The purpose of this chapter is to indicate how individual MPs are involved in the introduction of Bills and the procedure governing the passage of Bills through Parliament.

In general, a parliamentary Bill has to pass through all stages of procedure in both the House of Commons and the House of Lords before it can be presented for royal assent. The only exceptions to this general rule are Bills on money matters, which in accordance with the Parliament Act 1911 are generally considered only pro forma by the House of Lords. The annual Finance Bill and the frequent Consolidated Fund Bills are money Bills for this purpose, but the Speaker can give his certificate to declare any appropriate
Bill a money Bill; sometimes certain sections of a Bill are declared as money matters for the consideration of the Commons only, in which case those sections are printed in italics, but the rest of the Bill has to go through the Lords. For any general Bill which has to pass through both Houses in toto, the procedures in the Lords are similar to the procedures in the Commons, but not identical, the main differences being that the committee stage of a Bill in the Lords is nearly always taken on the floor of the House and it is also possible to make detailed amendments to a Bill at the stage of third reading in the Lords. In this chapter, however, we shall consider the current procedure for handling Bills in the House of Commons.

In general there is no golden rule which stipulates that any Bill, other than a money Bill, should start its parliamentary progress in one House rather than the other. Private Members' Bills will almost certainly start in the House to which the sponsoring Member belongs. Government Bills can, however, be introduced first in either House, because each House contains members of the Government. There are several conventions which are usually followed in deciding whether particular Bills should commence in one House rather than the other. Controversial Bills usually start in the Commons, so that, if they complete their passage through that House, the House of Lords knows that they have been agreed by the elected representatives of the people and generally will give them unopposed second readings. On the other hand, Consolidation Bills, which are simply measures to re-enact existing legislation in a better, more systematic form, nearly always start in the Lords and, indeed, their later consideration by the Commons is merely a formality. Apart from these considerations, the general distribution of new Government Bills between the two Houses will depend on trying to balance the workload of the two Houses at different stages of the parliamentary year. When a large number of controversial Bills start off in the Commons, it very often happens that the House of Lords has little business to conduct early during the session but is overburdened with too much business late in the session, sometimes having to be recalled during the summer recess. Government business managers often find that they cannot avoid such a situation.

For most Bills to become Acts of Parliament, they have to complete their passage through both Houses within a session of Parliament, which is usually a period of about a year between one Queen’s Speech and the next. It is entirely for the Government of