In this chapter we shall be concerned with the way in which rules of law are created and altered.

Almost all rules of law owe their existence either to Acts of Parliament or to decisions of the courts. In other words, the main sources of law are legislation and judicial precedent. These sources of law give authority to the rules, making them part of the law.

There are two subsidiary sources of law, namely, local custom and books of authority. These sources once enjoyed a considerable significance, but nowadays they are seldom encountered. The main sources support almost all rules of law.

In the study of law, the rules should be known. This is obvious. Also, the source of each rule should be known. This is, perhaps, not so obvious but it is the case. A lawyer can construct a legal argument only by citing the authority (statute or decision) for each rule or principle which he uses.

As the reader progresses through the chapters of this book it will be seen that all the most important rules of law are explained with their respective sources. Rules and sources have been explained together and should be learned together.

2.1 Legislation

Modern legislation may be expressed in the form of an Act of Parliament or as delegated legislation.

Parliament is sovereign. There is, in theory, no limit to the legislative power of Parliament. An Act of Parliament may make any new law. Parliament may amend or repeal any existing law. The courts are bound to apply the rules contained in an Act of Parliament. In *British Railways Board v. Pickin* (1973) the House of Lords restated the principle that the courts have no power to disregard an Act of Parliament. Nor have the courts any power to examine parliamentary proceedings to determine whether an Act has been passed as a result of any irregularity or fraud.

The legislative process starts with the drafting of a Bill by parliamentary draftsmen, usually under the supervision of a government minister. The Bill must then be introduced into either the House of Commons or the House of Lords. The Bill must pass through the several parliamentary stages as set out below in one single session. The Bill is then qualified for the Royal Assent and thus becomes an Act of Parliament.

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Normally the concurrence of both Houses is required but, by the Parliament Act 1911, the Royal Assent may, in some circumstances, be given to a Bill which has not been passed by the Lords.

Acts of Parliament may be public or private. A public Act applies generally to the United Kingdom. A private Act applies only to a particular local authority mentioned in the Act.

Where a public Bill is introduced in the House of Commons it will pass through the following stages.

(a) First reading
The Clerk of the House of Commons reads the short title of the Bill. This is an important formality which registers the introduction of the Bill. There is, obviously, no debate at this stage.

(b) Second reading
After the first reading, the Bill is printed so that it can be debated and voted on. The following stages occur only if the Bill passes the vote at this stage.

(c) Committee stage
At this stage the Bill is dealt with in detail, clause by clause, in committee. The committee will usually be a Standing Committee. In important cases, the Committee may be of the whole House. Again, a vote is taken and, if the Bill is passed, the following stages occur.

(d) Report stage
The Bill, as amended in Committee, comes again before the whole House of Commons. Here it will be decided whether the Bill needs further consideration in Committee, or whether it can proceed to the next stage.

(e) Third reading
The House of Commons now votes on the Bill to accept or reject it. If it is passed, it is sent to the House of Lords where it passes through the same stages as in the Commons. The Bill is eventually returned to the House of Commons with amendments by the Lords.

(f) Discussion of the Lords' amendments
If the Commons do not object to the Lords' amendments, the bill will pass to the next and final stage. Where the Commons object to the amendments, discussion usually takes place with a view to reaching an agreement with the Lords.

(g) The Royal Assent
Once the Royal Assent has been given, the Bill becomes an Act of Parliament.