

Business Law (6th edn)

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### p. 43 3. Creating, Finding, and Applying the Law

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#### Abstract

This chapter discusses the administration of the legal system and introduces its essential elements. It begins by identifying the various sources of law in England and Wales and continues with an examination of the roles played by the judiciary in interpreting and applying legislation. It demonstrates the active and important role adopted by judges in giving the full effect of the law. It considers the law-making process, along with the workings of the parliamentary system and the use of delegated legislation. It also considers the sources of the law to identify where laws may derive, and delineates the 'hierarchy' of laws in England. The chapter concludes by identifying and critiquing the ability of Parliament to delegate the responsibility of passing legislation.

**Keywords:** sources of law, England, Wales, legislation, judges, full effect of the law, parliamentary system

An understanding of the sources of law governing individuals and organizations is required if one is to know where to find rules regulating conduct. Laws derive from Parliament, but the judiciary 'make law' through precedent, and laws have also been made through customs and conventions. Understanding the decisions from previous cases will enable disputes between businesses, or between the business and its workforce, to either be avoided due to the confidence of knowing how a case will be handled if it proceeds to court/tribunal (and this information can be relayed to the other party), or to be resolved without expensive legal advice. Government departments such as the Department for Business, Energy & Industrial Strategy (or BEIS) regularly invite opinions on draft Bills (proposed laws), and awareness of the progress of potential laws enables constructive dialogue between the State and businesses to occur. This can only strengthen the links between the two and help to produce legislation in the best interests of all in society.

To demonstrate how statutory interpretation will apply in a business scenario a hypothetical case study (based on the actual case of *Jones v Tower Boot Co. Ltd* [1997]) is presented in this chapter. The aim is not to discuss the content of the law here (it is a discrimination case) but rather how the parties, and then the courts, will interpret what the law means and how it should be applied.

## Business Scenario 3A

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Alan Robson, who is 16 years old, is employed at Bridge Boot Co. making shoes and boots. He is from mixed ethnic parentage and has, since joining the company, encountered substantial racial abuse. This has involved name-calling and most recently at a staff social event, Alan was subjected to physical abuse. Four weeks after joining the company he has decided he can endure the treatment no longer and has resigned. Alan wishes to make a complaint against his employer for the racial discrimination he has been subjected to. The Equality Act 2010 provides that an employer may be liable for actions of employees committed 'during the course of their employment'. Bridge Boot Co. deny liability as they say such discriminatory acts are not in the course of employment of their staff, and in any event, an interpretation of the law would not extend to actions occurring at social events.

## Learning Outcomes

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- Identify where the laws that govern England are located (3.2–3.2.5)
- Explain what is meant by the terms 'common law'/'case law', 'equity', 'legislation', 'customs', and 'conventions' (3.2.1–3.2.5)
- p. 44 • Identify and explain the use of the various methods available to the judiciary when interpreting statutes (literal, golden, mischief, and purposive approaches) (3.2.1.3–3.2.1.5)
- Explain the process of how a Bill becomes an Act of Parliament (3.3.4)
- Identify the sources of delegated legislation and explain the uses of each of the three methods (3.4.1–3.4.4)
- Explain the work of Committees in ensuring legislation is effectively considered (3.5.1).

## 3.1 Introduction

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This chapter introduces elements of the administration of the legal system. The chapter begins by identifying the various sources of law in England and Wales. It continues with an examination of the roles played by the judiciary in interpreting and applying the **legislation**. It demonstrates the active and important role adopted by the judges in giving the full effect of the law. The law-making process is considered, along with the workings of the parliamentary system and the use of **delegated legislation** when expert knowledge is required or because of the pressures on parliamentary time. Sources of the law are initially considered to

identify where laws may derive and their 'hierarchy' in the legal system. The law-making system is identified and the passage of a Bill (the intentions of future legislation) to its completion as a piece of legislation is considered, along with the protection afforded through scrutiny of these Bills by Parliament. The chapter concludes by identifying and critiquing the ability of Parliament to delegate the responsibility of passing legislation. It acknowledges the necessity for this method of law-creation, whilst also highlighting some of the perceived dangers in terms of accountability and scrutiny.

## 3.2 Sources of law

In order to identify the law governing an area such as contract and employment relations, it is necessary to understand the sources of those laws and how they have impacted on the legal system. As the constitution of the UK has been developing over several hundreds of years, various sources have contributed to it.

### 3.2.1 Case Law/Common Law

Before an effective and united system of government existed in the UK, laws had been created through judges, on a regional basis, in deciding cases brought before them. These regions therefore established systems of law (Scotland being the most distinct from the others) which were known as the '**common law**'. The laws created from this source were very important to the regulation of activities and were to be respected by Parliament. As a consequence, Parliament did not legislate where the common law had already established a law that did not require any alteration, and Parliament would only legislate against the common law where necessary. The common law has the advantage of being created through reference to practical cases, and so the law has been created in real-life situations, it is flexible and can be adapted to reflect changes in society, and it is created by judges who have extensive experience in practising and applying the law. ↩

#### Consider

The term 'course of employment' is used as part of the test to determine an employer/principal's vicarious liability—established and refined over many years by the courts in their judgments.

However, sometimes using an interpretation developed in the common law may produce unintended consequences (such as a restrictive right or application of the law). Hence, in Alan's case, where a statute is created, simply because it uses similar terminology to that which exists in the common law does not restrict the judiciary to follow the same interpretation—particularly if doing so would defeat the scheme of the legislation. Legislation is not just a higher law to inconsistent common law, it also enables the judiciary to use a range of statutory approaches to achieve the goal intended by Parliament.

The common law is so called where there was a law created by the judiciary and no statute existed. It is also sometimes referred to as case law (evidently because it was created through a court case), but this may be more applicable to a court giving an interpretation of a statutory provision. However, these terms are often used interchangeably and unless it is specified, they should be assumed to refer to the same judge-made law.

### 3.2.1.1 The binding force of precedent

At this stage it is important to realize that the rationale for the common law to be referred to as a 'source of law' is that, whilst established by judges, it has a binding effect on lower courts. This is known as **precedent** and works on a hierarchical structure, so the highest court will bind those below it, but importantly, precedent does not bind the court that established the rule (a distinction does exist with the Court of Appeal) and that court may reverse the decision in the next case it hears. This element of the law was created through the doctrine of *stare decisis* (which means 'stand by what has been previously decided'). Having established a precedent, judges in lower courts (hearing future cases) will follow the same decision if a similar case with comparable points of law is presented. A judge in a lower court may deviate from a precedent where some material difference between the precedent and the case before them exists. This is known as 'distinguishing' a precedent, and as long as the judge explains the distinction, making reference to the precedent and why they believe the facts are sufficiently different to allow a deviation from it, this is within their powers.

### 3.2.1.2 The *ratio decidendi* and *obiter dicta*

For a precedent to be established, the rule must have formed the *ratio decidendi* of the decision (this is the reason for the decision). This rule, consequently, must have involved a point of law rather than simply have been an aspect of the facts of the case. The court may also make a pronouncement *obiter dicta* ('something said by the way'), which, as it was not pertinent to the judgment provided in the case, will not form a precedent but may form a persuasive authority if a future case does come before the courts with a similar legal position. This means that the judges are not bound by *obiter dicta* as they are by *ratio decidendi*, but they may refer to the obiter and be influenced by it in their rulings in future cases.

### p. 46 3.2.1.3 Statutory interpretation

The legislature passes the Acts of Parliament and these are interpreted and applied by the judiciary. The judges therefore look towards the text of the legislation in their rulings, and if its provisions are uncertain or ambiguous, their task is to interpret and give it meaning. Despite the comprehensive drafting of legislation, following the debate and deliberation it receives in its passage through Parliament, there may be errors contained in the text or there may be aspects of the provisions that are challenged by the parties. In the interpretation of the legislation, the judges must follow the principles that are designed to assist them in understanding the meaning Parliament intended to give the legislation.

### 3.2.1.4 Aids to assistance in interpretation

To assist the judiciary in the correct interpretation and application of the legislation as enacted by Parliament, the following mechanisms may be used. Within the legislation, the courts may look to the 'long title' of the Act in instances of ambiguity to identify what the Act was designed to achieve. This is not a particularly useful mechanism in most cases, but it exists and has been used in judgments.

#### ***Royal College of Nursing v Department of Health and Social Security (1981)***

##### **Facts:**

The Royal College challenged the legality of the power of nursing staff to conduct abortions. Whilst the Offences against the Person Act 1861 made it an offence for any person to carry out this procedure, the Abortion Act 1967 provided a defence for doctors where certain conditions were satisfied. However, medical advances meant that few surgical abortions were necessary and these had been replaced with hormonal abortions which could be administered by nurses.


##### **Authority for:**

The House of Lords held that abortions carried out by nurses were lawful. The title and intent of the 1967 Act was to broaden the grounds on which abortions could be carried out as part of ordinary medical care. Thus, nurses were protected under the Act.

The courts may also use the punctuation employed in the text where it would help to remove some ambiguity (*Director of Public Prosecutions v Schildkamp*), and many pieces of legislation contain examples of how the legislation should be interpreted (as utilized in the Consumer Credit Act 1974 in Sch. 2). There are also aids that are not within the text of the legislation, but were included in the debates and consideration of its passage through Parliament, and the rules on the use of these materials have been somewhat relaxed.

#### ***Pepper v Hart (1993)***

##### **Facts:**

A teacher at a private school was required to pay tax on a benefit received as part of his employment (here it was in the form of reduced school fees for his sons). An argument  regarding the taxation of this benefit ensued as to the application of the Finance Act 1976, s. 63(2). The House of Lords dismissed the appeal and ordered a rehearing of the case where the teacher attempted to rely on a statement made by the Minister at the time of the passing of the Act and reported in Hansard. This gave details of circumstances where tax would not be payable.

### Authority for:

Sources such as Hansard can now be used if they would benefit the judges' interpretation of legislation. Per Lord Browne-Wilkinson '... courts have a duty to give effect to the intention of the Parliament. In most cases, reference to parliamentary materials will not throw any light on the matter of dispute. However, in a few cases, where the Parliament has considered the very problem will give a clear indication of their intentions. Therefore, in this kind of situation, the courts should not turn a blind eye and construe words in the way that they cannot bear.'

Three criteria were identified to be met to permit reference to Hansard:

1. Where the legislation is ambiguous/obscure, or its application would lead to absurdity;
2. The material/evidence on which the person relies consists of a statement by the relevant Minister/promotor of the Bill along with other parliamentary material as is necessary to understand that statement and its effect; and
3. The statement relied on and presented is clear.

As these were met in the case, the use of Hansard was permitted.

The judges may refer to dictionaries for definition of the text of a statute in the Literal method of interpretation, and the courts have also been permitted to refer to Reports of the Law Commission and White Papers when using the Mischief Rule (see *Davis v Johnson*). Further, the courts have developed guides for the correct construction of words that are used in legislation to ensure conformity and fairness:

1. *Ejusdem generis*: This guide has been developed to direct the interpretation of 'general' words used in legislation, that follow specific words, to be read in the context of those specific words.
2. *Expressio unius est exclusio alterius*: If one word or specific definition is provided in the legislation, then this is constructed to naturally and implicitly exclude all other things.
3. *Noscitur a sociis*: The interpretation of a word derives from the other words and the context in which they are used.

### 3.2.1.5 Methods of statutory interpretation

- *The Literal Rule*: This has been a method of interpretation traditionally used in the courts and, as its name suggests, involves the judges looking at the text of the legislation and giving it its plain and ordinary meaning. It is the most 'pure' form of interpretation as the intention of Parliament is sought through a direct examination of the text. There are many examples of the courts considering the interpretation of legislation, the most significant being provided by the Court of Appeal and the House of Lords (now Supreme Court).

## ***R v Hillingdon London Borough Council, ex parte Puhlhofer (1986)***

### **Facts:**

The applicants were a married couple residing in one bedroom of a guest house with a young child and (later) a baby. There were no cooking or washing facilities in the accommodation, although the applicants were provided with breakfast. They argued against the housing authority's assessment, accepted at judicial review, that they were not homeless.

### **Authority for:**

The Court of Appeal agreed with the housing authority. The issue was the suitability of the housing offered and this was for the authority itself to determine unless its decision was absurd: 'The plight of the homeless is a desperate one, and the plight of the applicants in the present case commands the deepest sympathy. But it is not ... appropriate that the remedy of judicial review, which is a discretionary remedy, should be made use of to monitor the actions of local authorities under the Act save in the exceptional case. The ground upon which the courts will review the exercise of an administrative discretion is abuse of power—eg bad faith, a mistake in construing the limits of the power, a procedural irregularity, or unreasonableness ... unreasonableness verging on an absurdity.'

Assistance has also been provided in this matter through Parliament enacting the Interpretation Act 1978, which enables judges to seek definitions of words beyond just the Oxford English Dictionary and similar materials—that may not provide the meaning Parliament had intended.

### **Consider**

If the courts take a literal interpretation of the words 'course of employment' they may provide an artificially restrictive view of the concept. It was a term included in the Act to establish the liability of the employer where discriminatory acts took place whilst those individuals undertaking such action were under the control of the employer (and the employer failed to take reasonable steps to prevent it). *Fisher v Bell* is an example of the use of the literal method of statutory interpretation, which was appropriate as to extend the law in that case would have led to the criminalization of a shopkeeper. Here the law, through the Equality Act, is intending to protect fundamental principles and values whilst individuals are at work. This responsibility falls on the employer and they are required to comply with both the wording and the spirit of the law. A literal interpretation would be restrictive and inappropriate.



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- *The Golden Rule*: This method of interpretation provides the court with the option of interpreting ambiguous legislation in a way that would otherwise lead to an absurd result if its literal meaning were given (as defined in *Grey v Pearson*). This, however, is only one use of the method of interpretation, and where the wording of the text is clear, yet its literal application would lead to a result that is against public policy, the Golden Rule may be used in preference to the Literal Rule.

## ***Adler v George (1964)***

### **Facts:**

The case involved the application of the Official Secrets Act 1920, s. 3, which made it an offence to obstruct the actions of the armed forces 'in the vicinity of' a prohibited place.

### **Authority for:**

The offence committed by the defendant was obstructing a member of Her Majesty's forces engaged in security detail at a Royal Air Force station. As such, the offence took place 'in' a prohibited place rather than 'in the vicinity', which the literal text of the legislation stated. As a literal interpretation would be absurd (and have led to the discharge of the defendant), the Golden Rule was used to give the true effect to the Act so it read 'in or in the vicinity of'.

In the second example involving public policy, it must be remembered that the Golden Rule is sparingly used so as not to abuse the judges' power and reinterpret what Parliament has already created.

## ***Re Sigsworth (1935)***

### **Facts:**

The case involved the beneficiary of a dead person's estate. However, the beneficiary (the son) had murdered his mother (the victim), and under the relevant law (The Administration of Estates Act 1925), he was entitled to claim from her estate.

### **Authority for:**

The strict, literal meaning of the Act clearly gave the murderer the right to be a beneficiary of his mother's estate, but such a result would have been against the public policy of allowing a murderer to profit from their crime. Consequently, the court would not interpret the legislation in accordance with its literal meaning, even though it was not unambiguous.



- *The Mischief Rule*: As the name suggests, this rule of interpretation looks to the mischief that the legislation was enacted to avoid, and interprets it accordingly. This rule was established in light of *Heydon's Case*, and has been applied by the courts in modern scenarios.

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## ***Smith v Hughes (1960)***

### **Facts:**

The Street Offences Act 1959 was passed to stop prostitution in the 'street or public place' (s. 1) and obviously to restrict the activities of this action. To circumvent the legislation, a prostitute solicited from inside her house and as such was not in a street or public place in accordance with the literal interpretation of the Act.

### **Authority for:**

The court considered that the legislation had been enacted to stop the mischief of prostitution, whether the soliciting occurred in a street or in the person's own home (by tapping on the balcony rail or window pane to draw the attention of men passing in the street). Therefore, it was interpreted that 'street or public place' could include the person's home.

## **Consider**

The courts may look to the mischief that the Equality Act was designed to remove and interpret the statute sufficiently broadly to meet this aim and the values that equality enshrines. The fact that the physical abuse suffered by Alan occurred at a social event would undermine the values of the Act if it was to facilitate the employer escaping responsibility. This was not, for example, a private birthday party to which some individuals, who have a relationship as work colleagues, attended. For instance, in December 2016 the High Court held that a fight following a work Christmas party where a manager suffered serious brain injuries was not in the course of his employment and hence the employer (and their insurers) were not liable—see *Bellman v Northampton Recruitment*. Had the fight occurred during the party, the court surmised that the employer may have been vicariously liable. In the present case, the actions took place during a work event and the law should be interpreted to stop the mischief of inequality (whether verbal or physical). Hence the 'course of employment' should be interpreted as including an assessment of the tortfeasor's (the person who committed the tort) 'field of activities' at work and determining whether their actions were part of an unbroken sequence of events.

- *The Purposive/Teleological Method*: Particularly following the UK's accession to the European Union (EU), the courts in this jurisdiction have an obligation to follow the Court of Justice of the European Union's decisions (when considering laws either emanating from the EU or with an EU dimension) to use a

purposive approach to interpretation. As opposed to the previous rules of interpretation outlined, this approach looks to the spirit or intent of the legislation, and seeks to give effect to it in as wide a means as possible. A similar approach is used with the Human Rights Act 1998 following the European Convention on Human Rights and the case law of the European Court of Human Rights as sources of interpretation. The power of a purposive form of statutory interpretation can be seen in the seminal case *Marleasing SA v La Comercial Internacional de Alimentación SA*. The facts of the case would not be particularly helpful but its implications are of great significance. In its judgment, the Court of Justice of the European Union permitted national courts to insert 'additional words ... They could be taken out; they can be moved around' to ensure domestic law conforms with the EU parent law (at para. 49).

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## Consider

The courts may adopt a meaning to the words 'course of employment' which adhere to principles of EU law and seek, in accordance with various social policy directives, to provide clear legislative expression to the underlying purpose of the statute. The object of the Equality Act is to achieve the goal of equality (here in the workplace) and places a responsibility on realizing this through the activities of the employer. Alan would thus find the courts interpreting the term with the purpose of ensuring the fundamental principle of equality is not defeated by technical rules (which could happen if a literal interpretation was provided to the term 'course of employment').

### 3.2.2 Equity

Whilst an ordinary interpretation of the word 'equity' means 'fairness', the legal meaning is more complex. Equity was developed along with the common law, where civil actions were based on a document known as a 'writ' that identified the legal grounds for the action. Ever more writs were developed to include the increasing number of claims being made, but at some time in the thirteenth century the process of new writs was halted. The claimants in these new cases had to use the existing writs and if their particular claim did not fall into one of the existing writs, then they could not proceed with their action through the common law. There was a further problem with the common law, in that it was becoming increasingly prescriptive and the only remedy available was damages. In many cases this is what the injured party wanted, but there were situations where a monetary payment would not adequately compensate the claimant. In order for individuals in these circumstances to pursue their claims, they began petitioning the Chancellor, who could decide the cases following an investigation, but this was a very unsatisfactory method of achieving a settlement. The reasons for the dissatisfaction included the lack of oral testimony accepted as evidence; disclosure of documents was not a requirement; and there were no rules binding the actions of the Chancellor, therefore, a system of precedent was missing from the cases being decided. The solutions being provided by the Chancellor were welcomed and appeared to be a fairer means of providing a remedy beyond damages in the common law—equity offered injunctions, specific performance, rectification, and rescission (rectification provides for words in a document to be changed if they do not express the true intentions of the parties). The

Judicature Acts 1873 and 1875 provided that equity, and the common law, could be provided by all courts (at their discretion in the case of equitable remedies), and there would not be different procedures to obtain each of the remedies available.

p. 52 It must be noted that as equity provides a wider range of remedies than does the common law, it is based on underlying maxims that must be adhered to (note, there are other ← principles than the three listed here, but these are the most relevant in the context of this section of the text). The first is that parties to equity must 'come with clean hands'. This essentially means that a claimant who wishes to avail him or herself of an equitable remedy (such as an injunction) must not have acted in a wrongful manner. A second rule is that the claimant who wishes to seek an equitable remedy must act in an equitable manner, and thirdly, the claimant must bring their claim in a reasonable time, with no unreasonably long delays.

The power of injunctions can be seen in the following case. Injunctions are a court order and their breach can have serious effects.

### ***OCS Group UK v Dadi (2017)***

#### **Facts:**

Mr Dadi was an employee of OCS. He was alleged to have sent confidential information through his personal email account and was subject to an injunction to prevent further disclosures. Dadi breached the injunction several times including deleting approximately 8,000 emails and informing others of the injunction. These actions were performed in the absence of legal advice. Following his taking legal advice, Dadi admitted the breaches and attempted to recover the deleted emails.

#### **Authority for:**

For his breaches of the interim injunction, Dadi was sentenced to six weeks' imprisonment. This reflected what the court considered was the minimum term of imprisonment for each of the breaches. Imprisonment was necessary to ensure continued compliance with the order and to act as a warning to others.

### **3.2.3 Legislation**

Legislation is created through Parliament, and came to the fore following the supremacy of Parliament through the 'Glorious Revolution' in 1688, where the ultimate authority to create legislation moved from the monarch to Parliament. Legislation is usually initiated by the Government and passed through Parliament in the form of general Public Acts. These laws have the power to apply to everyone in a country (such as England) or may have application to the entire UK. The legislation passed may be in the form of primary legislation (through Parliament) or through secondary legislation whose power has been provided through a government Minister (known as delegated legislation).

### 3.2.3.1 Parliamentary supremacy

p. 53 Parliament became the supreme law-making body in England following what became known as the ‘Glorious Revolution’ in 1688 (whilst some have questioned whether a revolution occurred at all, it is termed ‘glorious’ in that, unlike other revolutions, this did not involve widespread bloodshed or civil war). Prior to this, the monarch held the power to create laws (and indeed still holds the constitutional role of granting the Royal Assent as the final stage in the legislative process). King James II, a Catholic, succeeded to the throne when his brother, Charles II, died on 6 February 1685. James II attempted to impose his ↩ religious views on the rest of the country, to the disquiet of the Anglican clergy and the majority of the population. He also attempted to remove power from Parliament, enabling him to pass laws without reproach. This led James’ Protestant son-in-law (William of Orange) to intervene and when he arrived in Devon, England, with his troops on 5 November 1688, James exiled himself to France. This led to the Bill of Rights being established in December 1689, which held that Parliament was to be the supreme law-making body in the country, and a Protestant must occupy the throne.

Unlike the common law, which can be altered quickly by superior courts to reflect changes in society or the needs of the law, legislation can only be changed following a repeal of that law or it being superseded through a newer piece of legislation that contradicts it (implied repeal).

### 3.2.4 Customs

Custom is used in the law increasingly sparingly in the modern era, but had been used to provide for accepted practice such as the long-established rule that allowed fishermen to dry their nets on private land. In order for the custom to have the force of law, it must satisfy several criteria, including the ‘time immemorial’ clause, where it must be established that the claimed right has existed at least since 1189, and could have been exercised since that date (*Wyld v Silver*). The custom must have clear boundaries and be sufficiently precise to enable a court to enforce such a right, it must have been specific to a certain region or locality that the court can identify, and it must not conflict with legislation, otherwise it will fail to be established as an enforceable law.

### 3.2.5 Conventions

A convention is an accepted way in which something will be done and may be more coarsely referred to as ‘playing by the rules of the game’. These are usually historical ways, derived from established practices, in which individuals will act. However, they do adapt to modern society and are subject to change and/or modification. They are part of the uncodified constitution of the UK, and sometimes are (re)produced in written forms to ‘formalize’ the rule. Examples include that the Prime Minister must be a member of the House of Commons and not the Lords, the monarch must accept the party with the largest number of seats in Parliament to form the Government, and the monarch must give assent to legislation passed through Parliament. Consequently, conventions are more generally applicable to constitutional matters rather than the laws created by Parliament or the common law, but they have a significant impact as a source of law.

### 3.3 How laws are created: the legislative process

#### Business Scenario 3B

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Fulldrilla plc is a drilling company which seeks to promote the use of a controversial process of energy generation called 'fracking'. A member of the House of Lords is the chairman of the company and has arranged a series of meetings between the company's senior management, lobbyists and ministers, and civil servants in the Department of Energy and Climate Change and the UK Treasury. Fulldrilla has also engaged the use of journalists and academics to promote positive images of fracking and to highlight potential benefits of its use (such as creating jobs, improving the local infrastructure, and at a national level by reducing the country's energy bill).

Following the meetings and public media campaign, the Government introduced the (fictitious) Independent Energy, Renewal and Infrastructure Bill in Parliament.

Parliament exists, along with other functions, to pass legislation that governs individuals, organizations, and institutions in the State. Legislation begins with a Bill that outlines the scope and intentions of the law, and this is debated and voted upon by both Houses of Parliament (the Commons and the Lords (the Upper Chamber)). Generally, the Bill begins the process at the Commons, and then, having proceeded through the various stages, it moves to the Lords to be debated in the same way. If both Houses agree, the Bill will be sent for Royal Assent and will become law. As the Lords is a second chamber and unelected, the Parliament Acts 1911 and 1949 impose restrictions on its ability to prevent the passing of legislation. Of course, legislation is not necessarily the product of the Government and interested MPs' initiatives in isolation. Pressure groups lobby the Government, identifying where legislation is required or expressing their concerns at new legislative proposals. This allows interested parties to get involved and positively impact on the legislation that will directly affect them, but may also lead to questions being raised about the level of influence such organizations can exert on the legislative agenda.

#### 3.3.1 The House of Commons

The House of Commons is a body that enables citizens to elect individuals as MPs to represent their constituency and who are members of a political party. The party with the largest number of MPs may form a government that dictates the legislative calendar in Parliament and proposes Bills that may become Acts of Parliament.

#### 3.3.2 The House of Lords

The House of Lords functions as a legislative body (to initiate Bills and to review the Bills sent to it by the Commons) although it is an unelected upper chamber.

The monarch selects individuals for membership to the Lords (following recommendation from the Prime Minister and through the Appointments Commission). The Lords fulfil the function of reviewing the legislative proposals sent from the Commons.

### 3.3.3 Types of Bill

Whilst it is true that the Government is elected to pass legislation and has a mandate to govern the country, this is not the only source of Bills to pass into legislation. It may be the most successful, but others exist and demonstrate the nature of the system that allows individual MPs and corporations to advance proposals for legislation.

#### p. 55 3.3.3.1 Government Bills

The individual Minister for the Government department introduces the Bill, which, as it is supported by the members of the political party in power, generally ensures its success. The Government is elected to dictate the legislative calendar of the House. However, there are ways in which backbench MPs may seek to initiate legislation that may pass the relevant stages and become an Act. These are through Private Members' Bills and six were successfully passed (there were 16 Government Bills that received Royal Assent) in the 2015–16 session of Parliament.

#### 3.3.3.2 Private Members' Bills

An individual MP or private peer in the House of Lords may introduce a Bill that is, usually, of wider public moral/social concern. Without the support of the Government, due to the constraints of parliamentary time, such Bills are unlikely to be passed. However, MPs may also raise the issue in Parliament or the media, and bring the issue to the public's attention for debate and scrutiny.

#### 3.3.3.3 Private Bills

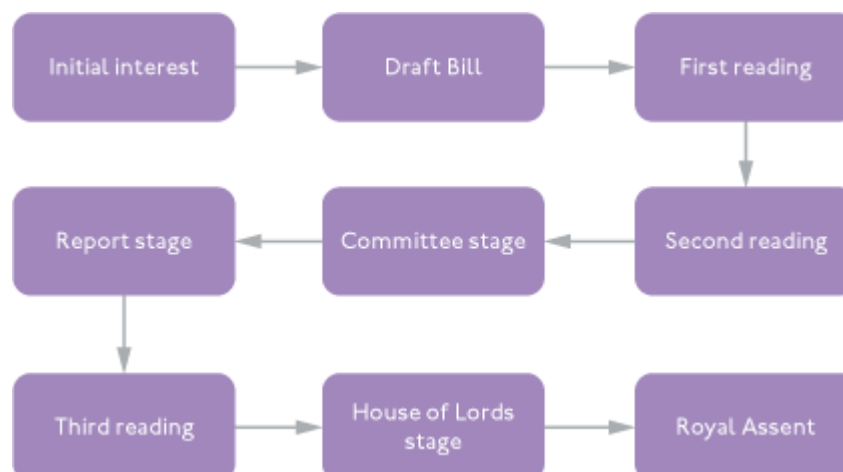
Bills may also be presented by organizations from outside of Parliament (companies and local authorities) in areas that they have a specific interest, to obtain powers for themselves to take actions in excess of those provided by the law. Private Bills are not intended to alter the law for the country, but rather are focused on a specific locality or industry/individual, and are most commonly witnessed in additional powers being granted to local authorities.

#### 3.3.3.4 Public Bills

These are the Bills that do affect the UK, unless it is specified that they are only to apply to certain regions. Much of the legislation that is discussed in this text refers to laws that began as Public Bills.

### 3.3.4 From a Bill to an Act: The Stages of a Parliamentary Bill

Figure 3.1 shows a diagram of the stages of a Parliamentary Bill.



**Figure 3.1** Stages of a Parliament Bill

#### p. 56 3.3.4.1 Initial interest

Before a Bill is formulated, the Government may produce documents that set out the nature of the legislation required and may do so in a Green Paper or a White Paper. The Government is increasingly moving towards producing draft and pre-legislative Bills so that interested parties (such as businesses) can comment on the proposals, and this provides an additional level of scrutiny.

#### 3.3.4.2 The draft Bill

Having identified the nature and scope of the law the Government wishes to create (perhaps from a commitment made in the Queen's speech at the opening of Parliament), lawyers from the Parliamentary Counsel Office liaise with the relevant government department to draft a Bill that is presented to Parliament.

#### 3.3.4.3 The first reading

On the first day of its presentation to Parliament, the Bill is allocated a number and The Stationery Office prints the Bill for the House (such Bills can begin in either the Commons or the Lords, but this section assumes they have begun in the Commons). Explanatory notes accompany the Bill for further detail.

#### 3.3.4.4 The second reading

Having printed the Bill, it can proceed to this second stage where the real process of debating and considering the proposal begins. The House considers the nature and content of the Bill, its implications are discussed in rather broad terms, and these debates are reproduced in Hansard to form a permanent record of the proceedings.



### 3.3.4.5 Committee stage

A Standing Committee is established for each Bill presented to the House (and as there may be several Bills at any one time, each Committee is denoted through Standing Committee A, Standing Committee B, and so on.), which takes each clause and Schedule of the Bill and examines it, either agreeing with its inclusion, or deleting it from the subsequent document. This may lead to a wider discussion of the Bill and it is possible to include additional clauses and Schedules if the Committee feels this is appropriate.

### 3.3.4.6 The report stage

Having had the individual clauses and Schedules considered at the Committee stage, the Report Stage may make further amendments to the Bill, but will not consider any aspects of the Bill that were not considered by the Committee. This enables MPs who were not members of the Committee to forward amendments and allows for reflection of the Bill. At this stage the House may accept or reverse the amendments made by the Committee.

### 3.3.4.7 The third reading

The final stage of the Bill in the Commons is the Third Reading, which occurs directly following the Report. The House considers the Bill, which may have been amended by the Committee or at the Report Stage, and is somewhat of a formality with a very quick debate. No amendments are permissible at this stage.

### 3.3.4.8 The House of Lords stages

p. 57 Having successfully passed through the Third Reading in the Commons, the Bill is sent to the Lords and follows a similar process to that which is followed in the Commons. ↩ However, in the Lords, the Committee Stage is usually held by a Whole House Committee (as opposed to a Standing Committee), and amendments are permissible at the Third Reading.

If the Bill passes the Stages as outlined above, and the Lords make an amendment to it, the amendment(s) is printed and sent to the Commons for consideration. The Commons then has the option to agree with the amendment(s) and accept it; agree with the amendments along with amendments of its own (and ask the Lords to agree); or it may disagree and send the Lords reasons for this, requesting that it considers the matter further. Assuming the Lords has not amended the Bill, it informs the Commons of this fact and the Bill proceeds to Royal Assent.

## 3.3.5 Royal Assent

Once a Bill has been through the relevant stages and has been debated in the Houses to a situation where the Commons and the Lords agree on the content, it proceeds to the monarch for Royal Assent. No legislation is valid until it has been given this Assent, and once provided, the Bill becomes an Act of Parliament.

These stages of the progression of a Bill to an Act must be completed within one session of Parliament and if that does not happen then the Bill is to be presented again at the next session (completing each stage a second time). However, a possibility exists for the Bill to be 'carried-over' from one session of Parliament to the next, and since an agreement was concluded by the House on 29 October 2002, a Minister may move a Motion to have a Public Bill not completed in the current session of Parliament, resumed in the following session.

### 3.4 Non-Parliament legislation: secondary legislation

The majority of laws passed are not through Parliament's primary legislation, but rather through secondary, delegated legislation. It is necessary to be aware of the sources and the controls that are available to scrutinize these measures. For example, if legislation is to be made through a by-law by a local authority, it may be wise for businesses affected by the proposal to share their views, or seek clarification on the issue from the authority, before the legislation is passed. Where a Statutory Instrument is used that affects a business, the local Member of Parliament may be able to raise any questions regarding the measure on behalf of the business. Scrutiny assists in ensuring all points of view have been considered, and that the views of small businesses are valued and respected by Parliament.

#### Consider

It is possible that, in order to enable constructive dialogue with interested parties, or possibly to enable legislation to be passed without the publicity and full scrutiny of Parliament, rather than trying to pass the Independent Energy, Renewal and Infrastructure Bill, the government seeks to introduce its features by changing an existing (fictitious) Energy and Land Act 1999. This could be achieved through a Statutory Instrument. This form of secondary legislation does not require a full debate in Parliament. However, even though such a fictitious law would raise significant interest in the immediate locality of any proposed fracking site, do Members of Parliament generally possess the skills and insight to identify any problems with the Act or to critique its full implications ahead of enactment?

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As can be seen, passing legislation is a complex, time-consuming, and potentially difficult exercise. Parliament also does not have the necessary time to pass each piece of legislation itself and so may delegate such authority to other bodies.

#### 3.4.1 Delegated Legislation

Not all the legislation that is passed and takes effect in this country is passed in Westminster. Delegated legislation refers to legislation that is passed by someone other than Parliament (under Parliament's authority). The authority that is provided is done so through an 'enabling' or 'parent' Act that establishes a

framework of the law, and enables the delegated legislation to provide the detail. There are three types of delegated legislation—Statutory Instruments, Orders in Council, and by-laws.

### 3.4.2 Statutory Instruments

Statutory Instruments are a method of law-making that allows legislation to be subsequently brought into effect or changed without the necessity for Parliament to pass new legislation each time. The Bill is passed through Parliament as described earlier, but the legislation may omit the technical details of the legislation (such as the date on which different elements of the law will come into effect, or to change the level of fines or awards of compensation). A further specific example is the power for a ‘remedial order’ to be made where legislation, which has been found to be incompatible with the Human Rights Act 1998, can be altered through a Statutory Instrument (s. 10). This power is then provided to a Minister to complete the tasks necessary as outlined in the enabling Act. The legislation is drafted by the legal office of the relevant government department, is given a number, and is identified by ‘SI’ on the legislation to denote it has been passed through a Statutory Instrument (the full text of all Statutory Instruments since 1988 are available at <http://www.opsi.gov.uk/stat.htm> <<http://www.opsi.gov.uk/stat.htm>>). Parliament passes approximately 2–3,000 Statutory Instruments a year.

Statutory Instruments are subject to control by Parliament through the method by which they must be laid before Parliament—*negative resolutions* and *positive resolutions*. There is also Parliamentary scrutiny available through the Joint Committees on Statutory Instruments, which is a Select Committee that may take oral and written evidence from the relevant government department. It should be noted, however, that these Committees do not consider the merits of the Statutory Instrument but seek to ensure that the Minister’s powers have been exercised in accordance with the provisions of the enabling Act (the procedural rather than substantive aspects of the proposals).

### p. 59 3.4.3 Orders in Council

Orders in Council are issued ‘by and with the advice of Her Majesty’s Privy Council’. Again, an enabling Act is issued to identify the extent and powers that may be passed through this secondary (and in some situations, primary) form of legislation. Orders in Council may be used for emergency legislation (Civil Contingencies Act 2004) but in their ordinary function they provide legislation where an ordinary Statutory Instrument would be inappropriate. An example is where powers were transferred from Ministers of the UK Government to those in devolved assemblies, including the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers Etc) Order 1999 (S.I. 1999/1750). It is also the mechanism used to give effect to the resolutions of the United Nations Security Council (United Nations Act 1946, s. 1).

### 3.4.4 By-laws

Local authorities and public corporations are given powers through enabling Acts such as the Local Government Act 1972 and the Public Health Act 1936 to create by-laws.

## 3.5 Control of delegated legislation

Control exists through scrutiny by Standing Committees, debates in Parliament, and through the courts. The courts have reviewed Orders in Council in *R v Foreign Secretary, ex parte Bancoult*; and by-laws.

### ***Kruse v Johnson (1898)***

#### **Facts:**

Kent County Council created a by-law which permitted a police officer to require a person to stop making music or singing within 50 yards of a dwelling house in a public place or highway. The claimant was associated with the Salvation Army and was singing hymns. He was subject to such a request and refused. In a challenge to the reasonableness of the creation of the by-law and his fine, the claimant sought a judicial review to declare the by-law as void.

#### **Authority for:**

The court upheld the by-law, but remarked at its unease at the use of the Council's power in this way. The court demonstrated its benevolent interpretation and judicial restraint in interfering with the by-laws established by elected authorities.

### 3.5.1 Control Through Committees

Statutory Instruments subject to the affirmative/positive procedure are automatically referred to Standing Committee if a Minister puts in a motion to that effect. The Committees are established to consider the specific item of delegated legislation and, having completed their duties, are discharged. The Committee debates the Instrument, with a maximum time allowed of between 90 minutes and 2 hours and 30 minutes, and reports to the ← House on its findings. With Instruments subject to the affirmative resolution procedure, it is normal for formal approval to be provided the next day, without any debate.

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#### **Consider**

The Secondary Legislation Scrutiny Committee (a Lords Select Committee which examines the policy merits of secondary legislation) may act as a review of the proposed changes to the (fictitious) Energy and Land Act 1999. Here the Committee would, within 12 to 16 days of the measure being laid before Parliament, enable any Member of the House to raise questions or issues (by tabling a motion for debate) within the 40-day 'prayer' window for rejecting negative Instruments.

### 3.5.2 Control Through Debates in Parliament

The precise method of control through Parliament is contained in the Statutory Instruments Act 1946, and is further defined in the enabling Act, but will generally fall into one of two categories: the negative resolution procedure or the positive resolution procedure. Increasingly, Statutory Instruments are debated on the floor of the House, although finding the Parliamentary time to ensure a successful debate can take place is difficult. These generally happen at the end of the day and may only be debated for up to one-and-a-half hours.

#### 3.5.2.1 Negative resolution procedure

The function of the negative resolution is that the delegated legislation (Instrument) will become law unless there is an objection from the House.

The procedures under this resolution are:

1. The Instrument is laid before Parliament in draft form and cannot be made if disapproved within 40 days.
2. The Instrument is laid before Parliament after making, and is subject to annulment if such a motion is passed within 40 days.

The Instrument will become law on the date specified within it, unless there is a motion (called 'Prayers') for annulment by either the Commons or the Lords. The time period for the motion is usually 40 days including the day on which it was laid before Parliament, and no account is taken of time when Parliament is dissolved. Any MP may make this motion.

#### 3.5.2.2 Positive/affirmative resolution procedure

The nature of the positive resolution results in the Instrument not becoming law unless approved by the House. This procedure accounts for approximately 10 per cent of such Instruments.

The procedures under this Resolution are:

1. The Instrument is laid before Parliament but cannot be made unless both Houses approve the draft.
2. The Instrument is laid before Parliament after making, but cannot come into force until it has been approved.
3. The Instrument is laid before Parliament after making, and will take effect immediately but cannot continue in force unless it is approved in either 28 or 40 days (as appropriate).

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The very nature of this Procedure provides a more thorough control as it actively requires Parliament's approval for the Instrument to progress into law. The period for approval is generally 28 days, but can be 40 days. This time excludes when Parliament is dissolved or adjourned. The approval process does not enable a debate of the Instrument (unless the enabling Act expressly provides for this), but only an acceptance of it or a move to annul (depending on the type of procedure). Procedures exist where the Instrument is only published for information and does not require Parliamentary scrutiny. Further, procedures even exist where the Instrument does not need to be laid before Parliament.

The Instruments have to be identified through notice in the local press one month before publication, and they must be available for minimal cost and for public inspection (the most common form of access is through the Internet but they are also available from The Stationery Office).

### 3.5.3 Control Through the Courts

As the legislation is being passed by a body other than Parliament, the Instrument is subject to review by the courts. However, the merits of the Instrument are not subject to challenge but rather the measures taken by the body/Minister are. As such, the provisions in the Instrument may be quashed on the grounds of *ultra vires* (*Commissioners of Customs & Excise v Cure & Deeley Ltd*), inconsistency with Statutes (a Statutory Instrument will be considered void if it is created in conflict with EU laws as provided for under the European Communities Act 1972, s. 2(4)), unreasonableness (*Strickland v Haynes*), or uncertainty.

#### ***Percy v Hall (1996)***

##### **Facts:**

Demonstrators were arrested many times for trespassing on military land. The relevant by-laws, created by the Secretary of State, had been previously declared as invalid. The argument presented by the demonstrators was that their arrest and imprisonment by the arresting officers was wrongful.

##### **Authority for:**

The Court of Appeal, reversing the finding of the trial judge, regarded the validity of the by-law as irrelevant and even were it void for uncertainty, the convictions would be set aside but the officers would still have acted lawfully. The officers were acting in the reasonable belief that the by-law was effective and took their actions accordingly. Per Brown LJ: 'Better ... to treat the instrument as valid unless so uncertain in its language as to have no ascertainable meaning, or so unclear in its effect as to be incapable of certain application in any case.'

## Conclusion

p. 62   ← The chapter has demonstrated the various sources of law affecting individuals and organizations in England. It has also outlined the methods of legislating and the distinction between laws passed through Parliament and those passed under delegated legislation. Controls exist to ensure debate and accountability in the passage of these Bills into Acts of Parliament. However, it is open to question whether these mechanisms provide the robust system of scrutiny that would be expected.

The following chapter identifies the court structure in the UK and the increasingly important role played by alternative dispute resolution techniques. Arbitration, conciliation, and mediation are being used by businesses to avoid court actions when disputes occur, in an attempt to reduce costs and to maintain the business relationships that are normally killed when disputes involve lawyers and the courts.

## Summary of Main Points

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### Sources of law

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- There are various sources of English law that will have an impact on individuals and businesses.

### The common law

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- The judiciary had created a system of establishing laws before a united system of government was formed, and this is known as the common law.
- Judges spend time preparing a judgment that outlines previous case law authorities, and with reference to these, explain how they have arrived at the decision. From this detailed information the ratio may be found.
- The ratio is ‘the reason for the decision’ and requires lower courts to follow the rules established in previous cases. The system of precedent is hierarchical, and it is binding on ‘lower’ courts.
- The judgment may also include pronouncements that do not form part of the decision (the legal issue under consideration). This part of the judgment is *obiter dicta* and is not binding but rather is of persuasive authority.

### Statutory interpretation

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- When interpreting legislation, the judiciary is subject to rules on how such an interpretation may be given. Intrinsic and extrinsic sources may be used to assist them.
- The methods of interpreting statutes can be summarized in four categories—the literal approach, the golden approach, the mischief approach, and the purposive approach.

### Equity

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- Equity was developed along with the common law to provide more appropriate remedies beyond damages, available under the common law, which often failed to adequately compensate the injured party.
- Equitable remedies include injunctions, specific performance, rectification, and rescission. Being ‘equitable’ remedies, they are available at the discretion of the courts and they will not be awarded where the injured party has not acted equitably: they must have acted in an equitable manner, and they must seek the remedy in a



‘reasonable’ time.

## Legislation

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p. 63

- Parliament’s role, among others, is to legislate for the country.
- Parliament’s law is supreme (above the common law and equity) because of the ‘Glorious Revolution’ in 1688, where Parliament superseded the monarch as the supreme law-making body.
- Parliament also has the power to delegate legislative authority to bodies such as Ministers, Local Authorities, and the Privy Council.

## Customs

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- Whilst little used, they have created laws that are respected if they satisfy the test of ‘time immemorial’. They must also be sufficiently precise for the courts to enforce the right; be specific to a locality, region, and/or industry; and they must not conflict with statutes.

## Conventions

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- Conventions are known as ‘soft’ law and establish principles that are abided by. They are increasingly codified into codes of practice.

## The stages of a Parliamentary Bill

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- An Act begins life as a Bill.
- The Bill has its First Reading where its title is presented, it is issued with a number, and The Stationery Office prints it for the House.
- At the Second Reading, a debate is possible and the Opposition may defeat the Bill by tabling a ‘reasoned amendment’.
- The Bill then proceeds to a Standing Committee, which debates and considers the Bill clause by clause. In the Lords, the Committee Stage is usually held by a Whole House Committee as opposed to a Standing Committee.
- The Report Stage will decide on the issues raised at the Committee Stage and allows for those Members not part of the Committee to forward amendments and reflect on the Bill.
- The Third Reading involves a quick debate on any changes made at the Committee and Report Stages.
- Where the Bill began in the Commons, the Lords may make amendments as they see fit and these are then sent back to the Commons for agreement or further debate.

- Having passed each of these stages and with agreement from both Houses, the Bill is sent for Royal Assent.

## Control over the power of the House of Lords

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- The House of Lords is the unelected second chamber that can stall legislation by making amendments with which the Commons may not agree. There is protection against this chamber stopping the Commons from having a Bill enacted, through the Parliament Acts 1911 and 1949.

## Non-Parliament legislation: secondary legislation

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- Legislation may be delegated from Parliament to another body due to the time constraints on Parliament, the need for expertise, the fact that legislation may be needed in an emergency, or because the changes may be so slight as not to warrant the passage of the Bill in the manner outlined earlier.
- The three types of delegated legislation are Statutory Instruments, Orders in Council, and by-laws.

p. 64

## Control of delegated legislation

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- Standing Committees have been specifically established to review Statutory Instruments and European Union documents.
- Delegated legislation, generally, is subject to either a negative resolution procedure or a positive resolution procedure.
- The courts may also review the power to create the legislation, or to ensure that the requirements as established in the enabling Act were followed, but they are not empowered to consider the merits of the legislation.

## Summary Questions

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### Essay questions

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1. 'Governments in the UK are elected to create legislation; however, this power may be abused if accountability is not ensured. The role of the Government in this respect therefore requires a system of checks and balances to be exercised to ensure public scrutiny.'

Identify how Parliament can maintain accountability of the Government and critically assess its effectiveness in this role.

2. 'Delegated legislation is a necessary requirement for the effective functioning of the legislative process, it is a purposeful use of expertise, and it enables Parliament to concentrate on issues of national significance.'

Discuss.

## Problem questions

1. The planning department of Redmount Borough Council (RBC) has been given the power (through delegated legislation) to build a new road through parkland. This legislation will enable the compulsory purchase of farmland and privately owned parkland where necessary to facilitate the build programme. The enabling Act requires RBC to consult with local people regarding the impact of this proposal before a final decision is made. Further, the Council is required to consult with interested pressure groups when reaching its conclusion.

The Council failed to consult with many of the local residents, instead restricting its consultation to three of the most powerful businessmen in the area. Having obtained their agreement (probably in part due to the purchase price of their property and the fact they do not live in the area), RBC sought to proceed with the build.

Advise Hamish, a farmer who lives and owns property in an area proposed for the new road, who was not consulted, as to any mechanism available to him to challenge the decision. Further, explain who may be the most powerful groups involved in the decision-making in terms of the Parliamentary process, media campaigning, and gaining the support of other powerful groups.

2. The (fictitious) Police and National Security Act 2005 provides that, in relation to the increased security risks from terrorist activities in recent years, retailers may not offer for sale prohibited items. The list of prohibited items identified in the statute includes radio-based devices which may be used to hear communications between members of the police service. As Ron (an off-duty police officer) was walking past a retail outlet of ABC, he looked in the window and saw a newly developed police scanner displaying a price tag of £85. The information on the display box of the scanner lists as one of its features—‘full access to police communications—listen to what they don’t want you to hear’.

p. 65   ← Ron knew of the Act, having attended a briefing session run by the police service, and reports ABC to the appropriate authorities. Consequently, ABC is charged with a breach of the 2005 Act.

In relation to the methods of statutory interpretation available to the judiciary, assess the potential liability of ABC in the above scenario.

You can find guidance on how to answer these questions **here** <https://oup-arc.com/access/content/marson6e-student-resources/marson6e-chapter-3-indicative-answers-to-end-of-chapter-questions?options=name>.

## Further Reading

### Books and articles

Carney, G. (2015) ‘Comparative Approaches to Statutory Interpretation in Civil Law and Common Law Jurisdictions’ *Statute Law Review*, Vol. 36, No. 1, p. 46.

Harden, I. and Lewis, N. (1986) ‘The Noble Lie: The British Constitution and the Rule of Law’ Hutchinson: London.

Lord Devlin (1976) 'Judges as Lawmakers' *Modern Law Review*, Vol. 39, Issue 1, p. 1.

Page, E. C. (2001) 'Governing by Numbers: Delegated Legislation and Everyday Policy-Making' Hart: Oxford.

Watt, G. (2016) 'Cases and Materials on Equity and Trusts' (10th Edition) Oxford University Press: Oxford.

## Websites and Twitter links

<http://www.gov.uk/beis> <<http://www.gov.uk/beis>>

@beisgovuk

<https://www.youtube.com/channel/UCyGwamm:eoM69zC1wO9qVDg> <<https://www.youtube.com/channel/UCyGwamm:eoM69zC1wO9qVDg>>

Sources of information from the Government Department of Business, Energy & Industrial Strategy. They contain a wealth of material and access to various sources of information to achieve the Department's goal of building a dynamic and competitive UK economy.

<http://www.judiciary.gov.uk/about-the-judiciary/advisory-bodies/cjc/> <<http://www.judiciary.gov.uk/about-the-judiciary/advisory-bodies/cjc/>>

The website of the Civil Justice Council—an advisory public body with the responsibility for overseeing and coordinating the modernization of the civil justice system.

<http://www.judiciary.gov.uk> <<http://www.judiciary.gov.uk>>

@JudiciaryUK

Sources of information from the judiciary of England and Wales. It has information including case law and sentencing decisions, and the website has a very useful interactive learning suite with features such as 'you be the judge'. It is informative and easily navigable.

<http://www.legislation.gov.uk> <<http://www.legislation.gov.uk>>

@legislation

@HouseofCommons

@UKHouseofLords

Sources of information on domestic legislation, where and how this has been amended, provisions which are not yet in force, how legislation has been amended for different jurisdictions (such as for England and Wales, and for Scotland), and links between affecting and affected legislation.

p. 66   ←   <http://www.number10.gov.uk> <<http://www.number10.gov.uk>>

@Number10gov

Sources of information from the office of the Prime Minister.

<http://www.parliament.uk> [<http://www.parliament.uk>](http://www.parliament.uk)

@UKParliament

<https://www.youtube.co.uk/user/UKParliament> [<https://www.youtube.co.uk/user/UKParliament>](https://www.youtube.co.uk/user/UKParliament)

Details of the role of Parliament, its members, standards, and business.

## Online Resources

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**Visit the online resources** [<https://oup-arc.com/access/marson6e-student-resources#tag\\_chapter-03>](https://oup-arc.com/access/marson6e-student-resources#tag_chapter-03) for further resources relating to this chapter, including self-test questions, an interactive glossary, and key case flashcards.

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