



All you need to know about how laws are made in the UK

Introduction

Laws are paramount in shaping the responsibilities and duties, limits and restrictions that regulate government, business, communities, institutions, and individuals.

As citizens, independently of our background we can help shape legislation. BAME communities can influence legislation through many different routes e.g. by responding to consultations in government and by lobbying their Parliamentarians.

To do this efficiently we need to understand how laws are created and what stages of creation they go through. By understanding these different stages we can understand where we need to engage with our government most, and when it is most important to be heard. One example of where BAME communities can have a say is the Single Equality Bill. The Bill aims to unify existing equality legislation and strengthen some of the provisions of the Race Relations Act 1976 and the Race Relations (Amendment) Act 2000. It is influencing the development of the Bill through these stages which will shape the final law.

As part of ROTA's commitment to empower BAME individuals and the BAME third sector to engage in civic society and influence decision making at all levels, we have prepared this brief. The document will go through the different types of legislation in the UK and how they are required to pass before Parliament. There will also be description of the stages of proposed legislation passing into law.

For more information on ROTA's work on the Single Equality Bill visit <http://www.rota.org.uk/pages/WTRC.aspx>

Types of legislation

An Act of Parliament (An Act) – Creates a new law or changes an existing law. There are different types of proposed Laws in the UK. They have different coverage to their effects and there are different ways in which you can seek to change them.

Delegated Legislation – Also known as secondary legislation, these detail the changes under the law made under broader powers from an already existing Law. Statutory Instruments are the most common but also can be known as Codes or Rules.

How a law is made...

For an Act of Parliament to be created a proposal for that law is presented to Parliament. This is done through specific types of document used by the respective Houses of Parliament which are described below.

A Bill – A proposal for a new piece of law or to change a law that is already in existence. A Bill is presented before either the House of Lords or the House of Commons to be debated and agreed by MP's and members of the Lord's

Public Bills – Is a proposed law that would affect everyone in the UK and are the most common type of Law in the UK. They are generally proposed by Government. For instance, the Single Equality Bill is a Public Bill

Private Bills – Is a proposed law on behalf of a certain group of people or a certain area or industry. They are generally to give that group powers beyond or in conflict with other laws. For example to give powers to a local authority demolish a listed building to build a road.

Hybrid Bills – Mixes the characteristics of both Private and Public Bills. These Bills would change the law in a way that affects the general population and an impact on specific groups or individuals. The Channel Tunnel would be an example which is issue that is of national importance but applies in only one area of the country.

Private Members Bills – these are proposals to change the law introduced by MPs that are not government ministers. They go through the same stages as Public Bills but are given less time to be debated and few become actual law.

The wording of a Bill has to be agreed by both the House of Commons and the House of Lords to become an Act of Parliament, a law of the UK. Most types of Bill follow roughly the same process as a Public Bill, but depending on which type of Bill different people have rights to inform and influence Parliament about the Bill.

This briefing will follow the process for a Public Bill. Any difference due to different types of Bill will be identified at each of the stages

Developing legislation

Green Paper - This is a discussion document produced by government with some tentative proposals around a certain issue. There are no firm commitments and it is often open ended in terms of conclusions. The government will hold usually a

consultation on the documents. A consultation is period of time where the government publishes a document/proposals and invites comments and responses from the public and interested groups or individuals.

White Paper – This is a document which lays out the government’s policy and the actions they intend to make. It usually includes firm commitments to introduce legislation, or Bills, in Parliament to make new laws. There is usually a consultation period where interested parties can give their views on the proposals. This is the first opportunity to try and influence the new legislation. It is an opportunity to look at the proposals before the any Bills have been drafted. **This process is used for Public, Private or Hybrid Bills.**

Pre-Legislative Scrutiny – More recently drafts of Bills can have the opportunity to be looked at by a Committee of MP’s prior to being published. This allows any issue and disagreements on the wording to be resolved early and to make the agreement of the Parliament easier. It doesn’t apply to all legislation and depends on the government department submitting the draft for pre legislative scrutiny. Informing the MPs on the committee can be a method to influence the new legislation.

Passage through the House of Commons and House of Lords

For a new law to be created the wording of a Bill has to be agreed by both the House of Commons and the House of Lords. To do this there are several stages of publishing the Bill and debating it in both Houses. Once the wording has been agreed the Bill receives Royal Assent and becomes law.

New Bills can be introduced into the House of Commons or the House of Lords. There are slight differences in the process depending on which House the Bill is introduced. These are described below;

First reading – The long title of the Bill is read out describing what the Bill intends to do. It is a formality and there is no vote. The Bill is ordered to be printed, and if it is a private members Bill a date for the second reading is chosen.

Second reading – There is debate on the general principles of the Bill and a vote to see whether the Bill will proceed to the next stage. Before the second reading in the House of Lords a list of speakers is created which interested members add their names. This list is good way to identify peers who are interested in the Bill.

Committee Stage – Detailed examination of the Bill takes place where each clause and any amendments are considered. In the House of Commons this is generally done by small **Public Bill Committee** that is representative of the political parties in the commons. The MPs involved in the Committee vote to agree any changes or ‘amendments’.

For certain Bills, such as financial Bills ('the budget'), the committee stage is conducted in the main chamber or 'on the floor' of the House of Commons and any MP can be involved.

In the House of Lords the committee stage is conducted in the main chamber and any member can be involved.

In this stage the Public Bill Committee will often receive evidence from external organisations. This is usually done either through a face to face meeting with the Committee or through written submissions to the Committee. Key organisations that represent groups of individuals or organisations who are interested in the Bill are invited to give evidence. This is an opportunity to submit your views and the submissions and discussions are recorded.

Report Stage – This is an opportunity for every member of the House to speak and vote on the amended Bill. Not every clause is debated but only those that have been amended. Once all amendments have been agreed the Bill is reprinted.

Third reading – There is debate on the amended version of the Bill. No further amendments can be made and the debate is to garner support or opposition for the vote on the Bill. At the end of the debate the House votes on whether the Bill third reading should be approved

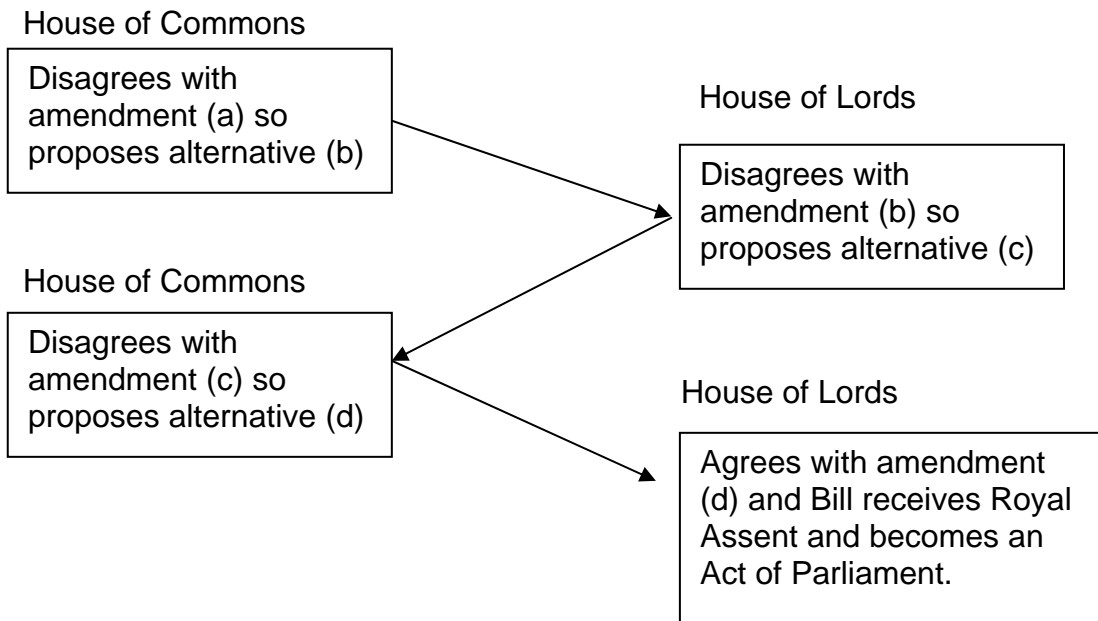
The Bill then passes to the other House to repeat these stages. So if the Bill was introduced to the House of Commons it goes to the House of Lords to be debated and voted on. If the Bill was introduced in the House of Lords then it goes to the House of Commons to be debated and voted on.

As the stages are repeated including the debates and the committee stage there is the repeated opportunity to influence the Bill through peers or MPs as the Bill proceeds through the other respective House.

Consideration of Amendments

When a Bill has passed through both Houses, it is returned to the House where it was introduced. So if it started in the House of Commons it goes back to the House of Commons with the amendments that the House of Lords have made. If it started in the House of Lords it goes back to the House of Lords with the Amendments that the House of Commons have made.

Using an example of a Bill that started in the House of Commons the Bill returns to the House of Commons. Here the amendments are considered and the Commons either agrees the amendments or makes alternative proposals. The Bill then passes back to the Lords, which has to agree or disagree with the amendments made by the Commons. If the Lords disagree or makes alternative proposals then the Bill returns to the commons. A Bill may go back and forth 'pin pong' between the two Houses until final agreement is reached on the exact wording. There is no time limit.



Failure of a Bill

If agreement cannot be reached between the two Houses then the Bill fails and does not become law. This is through each House insisting on an amendment, known as the 'double insistence' rule.

A Bill can only be passed and gain Royal Assent in the course of one Parliament. If Parliament is dissolved, as at an election, then all the unpassed Bills run out of time and cannot become Acts of Parliament. Any Bills would have to be reintroduced into the Parliament once it is called after the election, redoing all the stages once again. In terms of the Single Equality Bill there is only a small amount of time in the House of Lords before an election has to be called and Parliament dissolved by the 6th May 2010. If it is not passed it would be down to the discretion of the next government, from whichever party, to reintroduce the act if they saw fit.

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