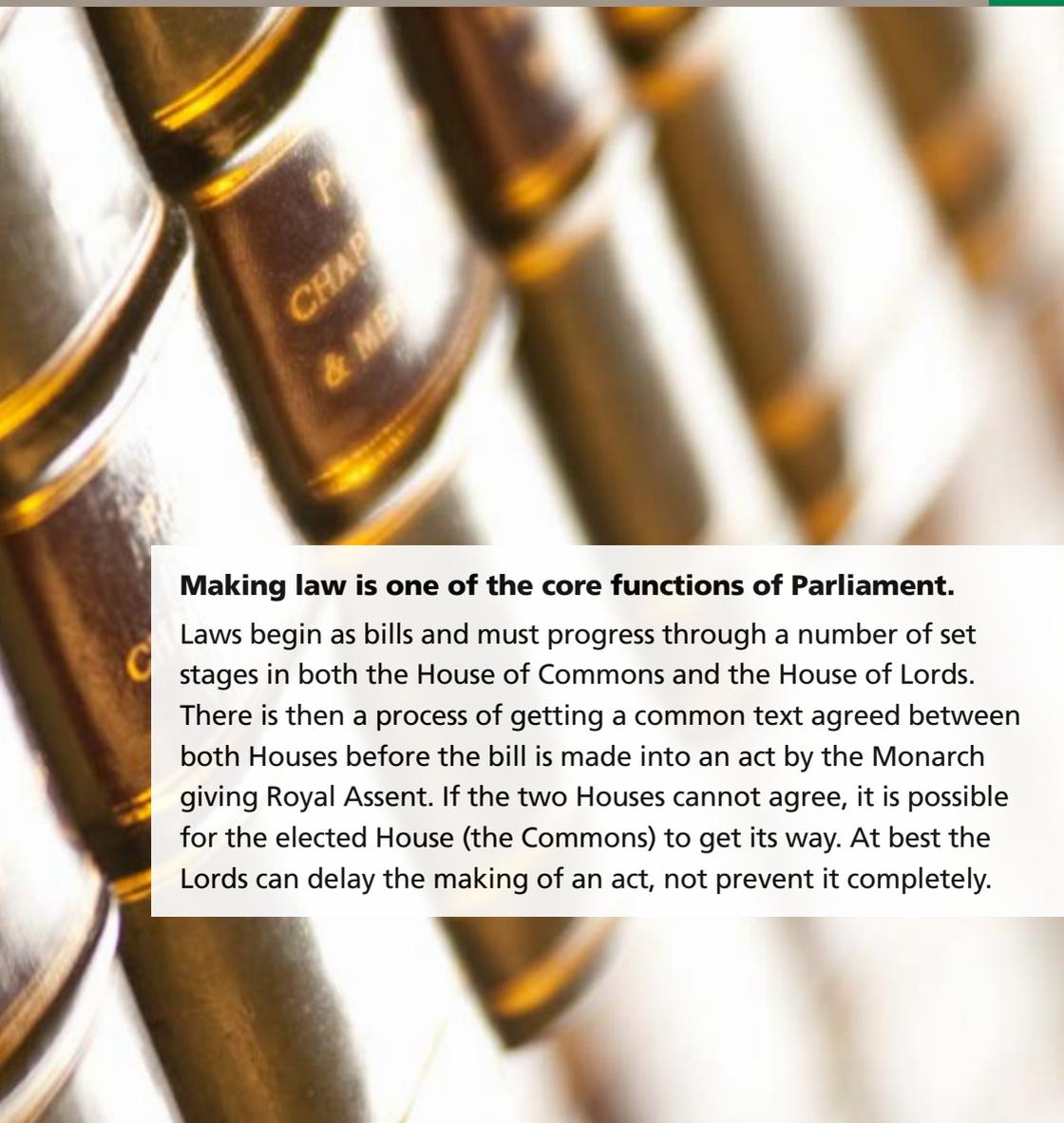




# Making Laws

A close-up, shallow depth-of-field photograph of several wooden gavel heads. The gavel heads are arranged in a diagonal line, with the one in the foreground being the most prominent. The wood is a warm, golden-brown color. One of the gavel heads in the foreground has the words "P. CHAP. & ME." engraved on it. The background is blurred, showing more gavel heads and a light-colored surface.

**Making law is one of the core functions of Parliament.**

Laws begin as bills and must progress through a number of set stages in both the House of Commons and the House of Lords. There is then a process of getting a common text agreed between both Houses before the bill is made into an act by the Monarch giving Royal Assent. If the two Houses cannot agree, it is possible for the elected House (the Commons) to get its way. At best the Lords can delay the making of an act, not prevent it completely.

Only Parliament can make new laws, or change existing ones, that affect the whole of the UK and so proposals are brought to Parliament by the Government and by individual Members of Parliament ('private Members'). These proposals are called Bills.

Bills normally have to be passed in the same parliamentary year (session) that they are introduced. Many bills are introduced in each session but only a small number of them are successful.

Most bills are Public Bills, but there are two other types: Private and Hybrid

- *Public Bills* change the law as it applies to the general population and are the most common type of bill introduced in Parliament. Government bills and those put forward by backbench MPs or Lords (known as Private Members' Bills) are normally Public Bills.
- *Private Bills* only change the law as it applies to specific individuals or organisations, rather than the general public. Private Bills are promoted from time-to-time by organisations, like local authorities or private companies, to give themselves powers beyond, or in conflict with, the general law.
- *Hybrid Bills* mix the characteristics of Public and Private Bills and are rare. The changes to the law proposed by a Hybrid Bill would affect the general public but also the private interests of specific individuals or groups.

Private and Hybrid Bills may be carried over from one session to the next as a matter of course, and may take several years to complete their passage, while Public Bills require a special motion to be passed by the



House of Commons if they are to be allowed more time.

## Government Bills

Government Bills are those that are presented to Parliament by a government minister. The Bills' provisions may fulfil a pledge made in the governing party's general election manifesto, or have been included in the Queen's Speech which lists the Government's agenda at the start of each parliamentary year. For this reason, and because the governing party usually enjoys a majority in the House of Commons, government bills take precedence over other bills; a large amount of parliamentary time in each session is



## Private Members' Bills

Individual (backbench) MPs and Lords can introduce as many bills as they wish, though most will have little chance of success because not much parliamentary time is allocated to private members' business. In the Commons, consideration of private members' bills is confined to the fairly small number of Fridays on which the House sits. A ballot is held at the start of each parliamentary session into which MPs can put their names. The first 20 Members to be drawn from the ballot have the opportunity to sponsor a Private Members' Bill that will have a prioritised slot on a sitting Friday.

Those MPs who are unsuccessful in the ballot are still able to introduce bills but these are not guaranteed any time for debate. Sometimes an MP will use the Ten Minute Rule to make a short speech on the merits of a bill they want to introduce, which is often a way of drawing attention to an issue rather than a serious attempt at legislation, though some do become law.

## Bill stages

Bills can be introduced to either the Commons or the Lords first, but every Public Bill has to pass through the following stages in both Houses on its way to becoming an Act:

The **first reading** is the bill's proper introduction to either House. Over time this has become a formality. It now consists of the short title of the bill being read out in the chamber by the Clerk. The bill is then given a date for second reading and an order made for it to be printed, making it available to all Members and the public.

devoted to them and they are usually formally timetabled in the Commons which means that they are very likely to be passed. The Government can also use the provisions of the Parliament Acts to overrule opposition to a bill in the House of Lords.

## Draft bills

Sometimes government bills are introduced in a 'draft' format before being formally presented to Parliament. Draft bills are referred to a Commons select committee or a joint committee of members from both Houses who can take evidence from the public and suggest improvements.

The **second reading** is the first hurdle for a bill to clear. It is when the main purpose of a bill is discussed and voted on. Second reading is the first opportunity for MPs or Lords to flag up concerns and areas where they think changes are needed. If the bill passes, it moves on to its committee stage. It is possible for a bill to have a second reading with no debate – as long as MPs agree to its progress.

**Committee stage** is where detailed examination of the bill takes place. It usually starts within a couple of weeks of a bill's second reading, although this is not always the case. In the Commons a Public Bill Committee is appointed which is usually able to take evidence from experts and interest groups from outside Parliament. Amendments (proposals for change) for discussion are selected by the chairman of the committee and only members of the committee can vote on amendments during committee stage. Every clause in the bill is agreed to, changed or removed from the bill, although this may happen (particularly under a programme order) without debate. A minority of bills are dealt with by a Committee of the Whole House (taking place in the main chamber), with every MP able to take part. The Lords Committee stage usually takes place in the main chamber and there is no time limit on discussion of amendments. Less controversial bills may be debated in a Grand Committee, which sits in another room.

**Report stage** is when a bill is returned to the House after its committee stage. The whole House reviews the amended form of the bill. This is an opportunity for reconsideration and decision on points revised during the committee stage, and for further amendments to be proposed.

## Did you know that bills have two titles?

The **short title** *Finance Bill* is the one people use to talk about it.

The **long title** *A Bill to grant certain duties, to alter other duties, and to amend the law relating to the National Debt and the Public Revenue, and to make further provision in connection with finance.*

is the one that says what it does

Any changes made to the bill must conform to the long title.

**Third reading** is the final opportunity for each House to debate and to vote on the bill as a whole. In the Commons it usually takes place immediately after report stage as the next item of business on the same day. Debate on the bill is usually short and amendments cannot be made at third reading in the Commons. In the Lords at least three sitting days usually pass between report stage and third reading and amendments can be made at this stage, provided the issue has not been fully considered and voted on at an earlier stage. After third reading in the chamber in which the bill was first introduced, the bill moves to first reading in the other chamber. A sponsor must be found in the other House before Private Members' Bills can proceed.

### Consideration of Amendments

Before a bill can become law, the two Houses need to agree its final text, but simply allowing each House to follow these stages does not achieve that.

The first House to look at a bill sends its amended version to the second House. At the end of the stages in the second House, there will be changes (amendments) made that the first House has not had a chance to see or consider. These amendments are sent back to the first House which may or may not agree to them. Amendments that are not agreed to are sent back to the second House which may agree to drop the change, insist on it or send back a compromise change. It is possible for the Houses to disagree and continue to bounce one or more changes between each other (which is why it is often referred to as 'ping pong'). If the Houses cannot agree then there can be no Act of Parliament and, at the end of the Session, the bill fails. It must be brought to Parliament the next Session, if there is still a desire for the legislation, and the process must begin all over again.

### Resolution of disputes

It would appear that this process could prevent legislation ever being made if the Houses were in disagreement. However, the Parliament Acts have provided one House, the House of Commons, with an advantage. If a bill begins in the House of Commons and fails to become an Act of Parliament because it was not agreed to by the House of Lords and, the following year the Lords still refuses to agree the text, the House of Commons can use the Parliament Act to send the text originally sent to the Lords for Royal Assent. In other words, the elected House has the ability to over-rule the appointed House.

### Royal Assent

When a bill has completed all its parliamentary stages in both Houses, it must be given the assent of the Monarch before



it can become an Act of Parliament and part of UK Law. Royal Assent is the Monarch's agreement to make the bill into an Act and is a formality. When Royal Assent has been given to a bill, the announcement is usually made in both Houses – at a suitable break in each House's proceedings – by the Lord Speaker in the Lords and the Speaker in the Commons.

### After Royal Assent

The legislation within the bill may commence immediately, after a set period or only after a commencement order by a Government minister. A commencement order is designed to bring into force the whole or part of an Act of Parliament at a date later than the date of the Royal Assent.

In the absence of commencement information, the Act will come into force from midnight at the start of the day of the Royal Assent.

The practical implementation of an act is the responsibility of the appropriate government department, not Parliament.

# → FAQs

## **How many bills were introduced in the last session?**

299 bills were introduced in the 2010–12 session. Of these, 253 were Private Members' Bills.

## **How much time was spent on Government Bills in the House of Commons in the last session?**

652 hours out of a total of 2344 sitting hours in 2010–12. Due to the changing of the Parliamentary timetable, this was a longer session than normal.

## **How many Government Bills were successful in the last session?**

42 Government Bills introduced in the 2010–12 session were passed.

## **How many Private Members' Bills were successful in the last session?**

7 in the 2010–12 session

## **When was the ballot for Private Members' Bills?**

The ballot for the 2012–13 session took place on Thursday 7 May 2012. The ballot always takes place on the second Thursday after the State Opening of Parliament. The formal presentation of Ballot Bills for the 2012–13 session took place in the House of Commons on Wednesday 20 June 2012.

## **How can I follow a bill through its stages to become an Act of Parliament?**

The Parliament website makes all of the Parliamentary material related to the passage of a bill available to anyone interested in the bill. This includes versions of the bill, amendment papers and briefing papers produced by the House of Commons Library.

**<http://services.parliament.uk/bills>**

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