

**Lecture 4**

**BRITISH**

**LEGISLATIVE**

**AND JUDICIAL**



# *PLAN*

## *1. British Parliament*

*a) History and structure.*

*b) The House of Lords.*

*c) The House of Commons.*

*d) The State Opening of Parliament.*



## ***2. British law system***

***a) Criminal law.***

***b) Civil law.***



An aerial photograph of London, England, showing the River Thames flowing through the city. The Houses of Parliament, including the Elizabeth Tower (Big Ben), are visible on the left bank. The city skyline is dense with buildings, and a red double-decker bus is seen on a bridge in the foreground. A large white text box is overlaid on the center of the image.

# ***1. British Parliament a) History and structure.***

**British *sovereignty* consists in  
3 elements:**

- **the Crown,**
- **Parliament's 2 chambers**
  - the House of Lords
  - the House of Commons.
- **Government**

The one of the oldest  
parliaments in the world

- **13<sup>th</sup> century - the Magna Carta**
- **Great Council** (church and secular nobility) □ **Parliament** (from French “speak, discuss”)

● **“Model Parliament” (1295):**

apart from the nobility, it included knights and burgesses

□ they became known as **“the Commons”**

(=Norman-French word “community of the realm”)

1341 – the Commons met separately from the nobility and the clergy for the 1<sup>st</sup> time

- The Upper Chamber □ the House of Lords from 1544
- The Lower Chamber □ the House of Commons



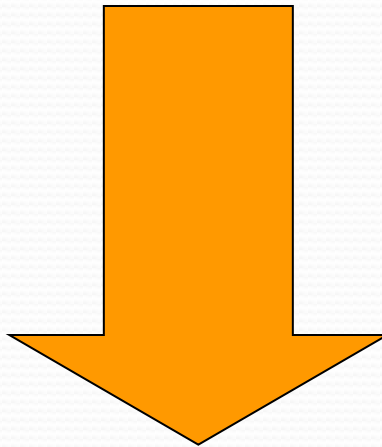
**the Parliament  
of England**

**+**

**the Parliament  
of Scotland**

**1707**

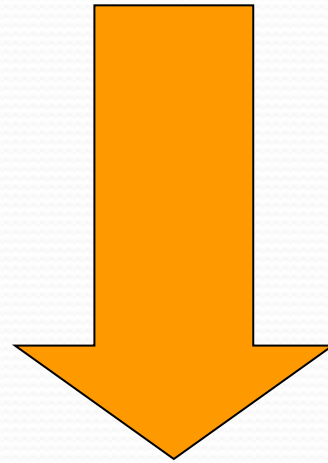
**ratification of  
the Treaty of  
Union**



**The Parliament of Great Britain**

# The Parliament of Great Britain + the Parliament of Ireland

1800  
the Act of  
Union  
abolished the  
Irish Parliament



+ 100 Irish  
members to the  
Commons and  
32 to the Lords

## the Parliament of the United Kingdom of Great Britain and Ireland

*"the mother of parliaments"*



The UK Parliament is  
**the supreme legislative  
body in the United  
Kingdom.**

Parliament is known as  
**‘Westminster’**, since it is housed  
in the **Palace of Westminster**.



The parliament is *bicameral*

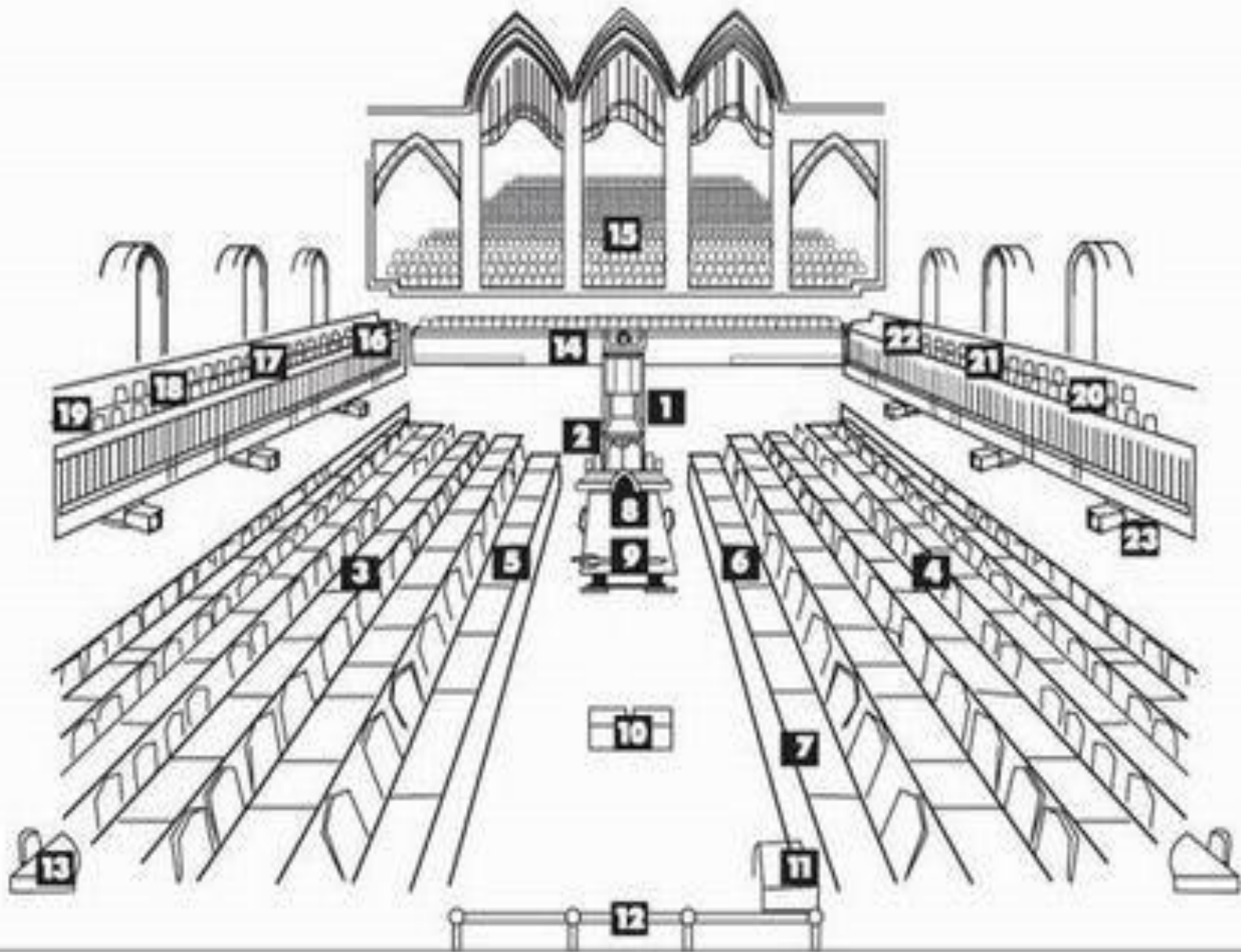
1) an upper house,  
the House of Lords,

2) a lower house,  
the House of Commons.

# The Chambers

- The arrangement of seats reflects and maintains the 2-party system of Britain.
- rectangular in shape
- with rows of benches on either side
- a raised platform for the throne in the House of Lords and the Speaker's Chair in the House of Commons

- The proceedings in both Houses are public.
- Visitors are admitted into the Strangers' gallery.
- The number of visitors is about 200, no card or pass is needed.
- The proceedings are published in the press and televised.





An aerial photograph of the Palace of Westminster in London, showing the intricate Gothic architecture of the Houses of Parliament and the tall Elizabeth Tower (Big Ben) on the right. The River Thames flows along the left side of the building. A white text box with a black border is overlaid on the right side of the image, containing the text 'b) The House of Lords.' in a large, bold, black serif font.

***b) The House of Lords.***

- The members of the House of Lords are **not elected** by the population, but are **appointed** by the Sovereign on the advice of the Prime Minister.
- The number of members is not fixed.

# types of members:

- 1) *the Lords Spiritual* (the senior bishops of the Church of England including 2 archbishops)
- 2) *the Lords Temporal* (members of the Peerage:

- hereditary peers (can hand down their title to their children);
- life peers and peeresses (awarded this title for specially good service, the title is not inherited by their children).

3) *the Lords of Appeal*

(the judges of the  
Supreme Court of  
appeal)

4) *the Queen*

# The head of the House of Lords:

- traditionally – **the Lord Chancellor;**
- since 2005 – **Lord Speaker.**

Baroness  
D'Souza,  
current Lord  
Speaker



Reason for renaming:

**The Lord Chancellor** used to be

- ✓ the Speaker of the House of Lords,
- ✓ a member of the Cabinet,
- ✓ head of the Ministry of Justice.

Hitherto, *the Lord Chancellor was part of all three branches of government: the legislative, the executive, and the judicial.*

# Lord Speaker's role in the Chamber

- presides over proceedings from the Woolsack.
- has no power to call members to order, to decide who speaks next, or to select amendments,
- collects the votes and calls for divisions (votes) when necessary.



# Lord Speaker's elections

- elected by members of the House of Lords for a period of five years.
- upon election, the successful Lord Speaker becomes unaffiliated from any party and is not expected to vote, even in the event of a tie.

# Functions

## of the House of Lords

- reviews and amends Bills from the Commons.
- can't prevent Bills passing into law, except in certain limited circumstances,
- BUT! can delay Bills for the period of up to 1 year and force the Commons to reconsider their decisions.

- the lowest quorum to adopt decisions.
  - 3 Lords present will be capable to take any decision.
- about 300 peers present (out of about 700).
- A peer who attends a debate receives a salary in addition to travelling expenses.

# The Lords Chamber



the Government sit

The Woolsack




# Permanent officers

- **The Clerk** – records the proceedings;
- **The Gentleman User of the Black Rod or Black Rod** – responsible for security and accommodation in the HL.



# ***c) The House of Commons.***



- 
- a democratically elected chamber
  - elections are held at least every five years.



- ≈ 650 members

- **Members of Parliament (MPs)** □ represent England, Scotland, Wales and Northern Ireland.

- introduce bills

- receive salaries



The MPs are elected  
during

- the General Elections;
- by-elections (in case of death, etc).

- The political party that has won the General Election makes up the majority in the HC and **forms the Government.**
- The Party with the next largest number of members in the House **forms the official Opposition.**



The head is **the Speaker**.

Elected at the beginning of  
the new parliamentary term.

- The Speaker cannot debate or vote.
- He votes only in case of a tie (when voting is equal)
  - **he votes with the Government.**

## His functions:

- to maintain order during the debate;
- to keep fair play between the parties, the Government and opposition;
- to forbid insulting language;



- to select an MP to speak

- the list of speakers is not arranged in advance

- catch the Speaker's eye  
and get his permission to talk.

The MPs address each other as  
**“Honourable Member”** (not  
*you* or by name),

the Ministers as **“Right  
Honourable Members”**,

the Speaker **“Dear Speaker, Sir”**  
– aimed at taking the heat out  
of discussion.



# The Commons Chamber





**the  
Speaker's  
chair**

**the Table  
of the  
House**



*members of the Government - on the Speaker's  
right,*

*members of the Opposition - on the Speaker's  
left.*



**Government ministers and the leader of the Opposition and the Shadow Cabinet sit on the front rows –**

**"frontbenchers"**

Other Members of Parliament -

**"backbenchers"**



- **"backbenchers"** follow strict party discipline and obey the instructions of **the whips**
- **the whips** = paid party managers, who instruct the MP how to vote, when to attend the debate, etc.
- Each political party has officially recognised whips as well as the **Chief Whip of the Government** and the **Chief Whip of the Opposition**.

- The Chamber only has space to seat about 400 of the 650 Members.
- MPs simply stand up and speak from whatever they are speaking. □ conversational manner of speaking.

# Voting

= a **division**: members enter one of two lobbies (the "**Aye**" lobby or the "**No**" lobby) on either side of the Chamber, where their names are recorded by clerks.



The life of Parliament is 5 years,

But the government of the day may call for a general election at any time during its term.

Each Parliament is divided into **annual sessions**, (usually October – October)

with **breaks** for public holidays and for a long summer ‘recess’ (late July until October).

# Major Procedures:

- Question time – an hour when MPs can ask any questions to the government ministers.

# Adopting a bill

proposal



bill



3 readings



sent to the HL



royal assent



Act of Parliament (=law).

A close-up photograph of a wooden gavel resting on a wooden surface. The gavel is positioned diagonally, with its head pointing towards the bottom left. The background is a blurred Union Jack flag, with red, white, and blue colors visible. The text "2. British law system" is overlaid on the image in a bold, italicized black font.

## ***2. British law system***

# the Judiciary

- the third branch of  
government



no civil code or  
criminal code in  
England.



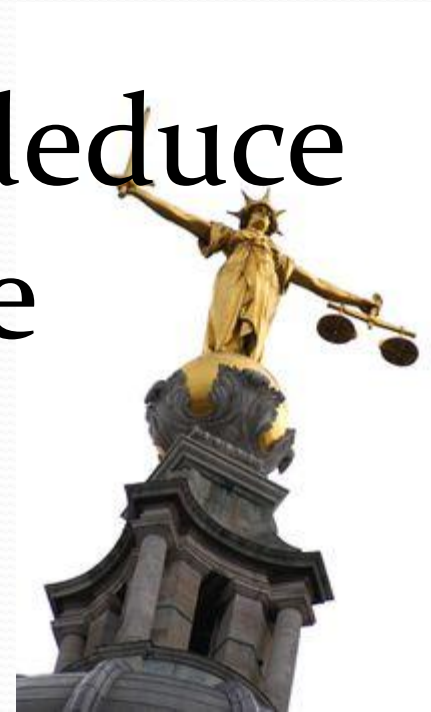
# 3 main sources of contemporary English law:

1) *statutes* (Acts of Parliament);



## 2) *common law* = unwritten law

- the past decisions and practices based on custom and reason
- **precedents**
- from them later judges deduce the basic principles to be applied in new cases





3) *European Community law* □ takes precedence over British domestic law.

□ If they are incompatible, the Community law will be applied by a UK court.



**Criminal law deals with crimes and their punishments.**

The criminal action is brought against the accused in the name of the Queen (e.g., *R. v. Hall*, R=Rex/Regina)



**Civil law deals with  
non-criminal  
disputes between 2  
or more parties.**



# Supreme Court

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graph TD; SC[Supreme Court] --> CRIM[CRIMINAL]; SC --> CIVIL[CIVIL]; CRIM --> CA_C[Court of Appeal]; CA_C --> CC[Crown Court]; CC --> MC[Magistrates Courts]; CIVIL --> CA_CV[Court of Appeal]; CA_CV --> HCJ[High Court of Justice  
(Queen's Bench, Chancery, and Family)]; HCJ --> CCV[County Courts];
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**CRIMINAL**

**Court of Appeal**

**Crown Court**

**Magistrates Courts**

**CIVIL**

**Court of Appeal**

**High Court of Justice**  
(Queen's Bench, Chancery, and Family)

**County Courts**

A close-up photograph of a wooden gavel resting on a wooden surface. The gavel is positioned diagonally, with its head pointing towards the bottom left. The background is a blurred flag with red, white, and blue stripes. The text "a) Criminal law" is overlaid in a bold, black, italicized font.

***a) Criminal  
law***

# Criminal Courts

## Magistrates Courts

- local courts.
- consist of 3-7 magistrates (= Justices of the Peace (JPs)).
- hear cases without a jury,
- receive no salary.
- try less serious offences, (e.g., shoplifting)







# Crown Courts – the higher court


- deal with serious offences (murder, drug trafficking rape, armed robbery)
- situated in larger towns and cities.



□ presided by professional  
**judges**

□ the **prosecution** and the  
**defence** contest trying to  
persuade the 12 **jurors** of  
their point of view.





The Central  
Criminal Court in  
London is known as  
**the Old Baley**



# The Court of Criminal Appeal

□ a safeguard against of mistakes and injustice.

A close-up photograph of a wooden gavel resting on a wooden surface. The gavel is positioned diagonally, with its head pointing towards the bottom left. The background is a blurred flag with red, white, and blue stripes. The text "b) Civil law" is overlaid in the center of the image in a bold, black, italicized serif font.

***b) Civil law***

# Civil Courts

## ● County Courts

- are presided by a paid judge
- deal with minor matters that involve small amounts of money (under £25,000)



# High Courts of Justice

- deal with more complicated matters, cases involving amounts above £25,000.





**The  
Royal  
Courts  
of  
Justice**





# **Court of Civil Appeal**

# Juvenile Court

- cases involving young people under 18

# **The Lord Chancellor**

- the head of legal system.
- overall responsibility for court system.

