



Parliament, government, the courts and the law

Learning objectives

On completion of this topic, students should be able to understand the work of parliament, the government and the courts in making and shaping the law.

Topic notes

The purpose of the topic is to provide students with a brief outline of how parliament, government and the courts work in making and shaping the law. It introduces these concepts and puts them into context. It also puts into context the legislation examined in Topic 1. This topic shows that laws do not just happen and it is important to emphasise this to students.

As the topic covers law-making, it may be worthwhile highlighting the legislation that students may have already looked at, such as the **Race Relations Act 1976** and the **Sex Discrimination Act 1975** in Topic 2.

Worksheet 1 Parliament and government

Divide the class into groups and ask each group to imagine they are the Cabinet. Their task is to prepare the arguments in favour of a particular bill and present them to the rest of the class. You can use the topics suggested on the worksheet or you could adapt them to relate to your local setting. Alternatively, you may wish to choose a national debate that is of interest to your students.

Ask the whole class to vote on whether or not each bill should become law and discuss the various stages of how a bill becomes an Act of Parliament. This will help students to realise that laws do not just happen.

Worksheet 2 The courts and the law

The article on this worksheet should be read before students answer the questions at the end. It can be done as a class exercise and discussed in class, or the worksheet could be given as a homework exercise and discussed in class when answers have been marked.

Resources

To complement your teaching of this topic, you may like to use the following resources if you have access to them through your school library.

Philip Allan Updates resources

Cowley, P. (2003) 'The British MP: not dead yet', *POLITICS REVIEW*, Vol. 12, No. 3, pp. 23–25.

Cowley, P. and Stuart, M. (2003) 'Shifting the balance? modernising the House of Commons', *POLITICS REVIEW*, Vol. 12, No. 4, pp. 2–4.

(2003) 'What's new? Lords reform, Commons modernisation', *POLITICS REVIEW*, Vol. 12, No. 4, pp. 14–15.

Websites

10 Downing Street, www.number-10.gov.uk

BBC News politics section, news.bbc.co.uk/1/hi/uk_politics/default.stm

Criminal Justice System Online, www.cjsonline.org

Criminal Justice System Online, juror section www.juror.cjsonline.org

Electoral Commission, www.electoralcommission.org.uk

Her Majesty's Courts Service, www.courtservice.gov.uk

UK Parliament, www.parliament.uk

w4mp, www.w4mp.org

Suggested timing

Information Sheet 1 30 minutes

Worksheet 1 40 minutes

Information Sheet 2 20 minutes

Worksheet 2 30 minutes



Parliament and government

In the UK, parliament is made up of the House of Commons, the members of which are elected members of parliament (MPs), and the House of Lords, the members of which are unelected. Parliament is responsible for passing laws and social policies that affect the lives of each of us and the society in which we live. It is the highest authority in the land.

In Scotland, the Scottish Parliament has the power to make legislation in addition to that made by the House of Commons and which covers the whole of the UK elections. The Welsh Assembly has no powers to make legislation.

The UK is a democracy, which means the government has to be voted for by the people at a general election. The government is formed by the political party which wins.

General elections

A general election decides which political party forms the government. General elections must take place at least every 5 years. To vote in a general election, you must be:

- at least 18 years old
- a British, Commonwealth or Republic of Ireland citizen living in the UK
- registered to vote

The following people are not allowed to vote:

- members of the House of Lords
- convicted prisoners
- anyone found guilty of election corruption within the last 5 years
- people with learning disabilities or a mental illness who are not able to make a reasoned judgement

2005 general election results

| Political party | Number of seats (MPs to the House of Commons) |
|--|--|
| Labour | 356 |
| Conservative | 198 |
| Liberal Democrat | 62 |
| Democratic Unionist Party | 9 |
| Scottish National Party | 6 |
| Sinn Fein | 5 |
| Plaid Cymru | 3 |
| Social Democratic and Labour Party | 3 |
| Ulster Unionist Party | 1 |
| Respect | 1 |
| Independent Kidderminster Hospital and Health Concern | 1 |
| Others | 1 |
| Total number of seats | 646 |
| Labour majority | 66 |

The current UK government

The Labour Party is the ruling political party in the UK parliament. The prime minister and other Labour MPs form the Cabinet and hold offices of state. The table below shows the responsibilities of each post holder.

| Office of state | Department | Responsibilities |
|-----------------------------|---|---|
| Prime minister | All | Overall responsibility for the Cabinet and all departments. |
| Chancellor of the exchequer | HM Treasury | Formulates and puts into effect the UK government's financial and economic policy. |
| Foreign secretary | Foreign and Commonwealth Office | Promotes UK interests abroad and works with international bodies to support a strong world community. Responsible for the conduct of business with other governments and international organisations. |
| Home secretary | Home Office | Responsible for internal affairs in England and Wales. Seeks to promote a safe, just and tolerant society through its policies to reduce crime, deliver justice and regulate entry into the UK. |
| Health secretary | Department of Health | Aims to improve people's health and well-being through its strategic responsibility and accountability for the health and social care system in England. It does not directly run the National Health Service (NHS), manage individual hospitals or employ nurses, doctors or dentists. It sets the national standards for patient care and regulates health. |
| Transport secretary | Department for Transport | Oversees the delivery of a reliable, safe and secure transport system that responds efficiently to the needs of individuals and business while safeguarding our environment. |
| Education secretary | Department for Education and Skills | Sets national standards and passes legislation to improve the quality of education and training. |
| Culture | Department for Culture, Media and Sport | Promotes the economic contribution and educational benefits of the arts, media, sport and our national heritage. |
| Pensions | Department for Work and Pensions | Responsible for the government's welfare reform agenda. |

Deciding which laws to make

Before an election, each political party publishes a manifesto of its ideas and promises to make these ideas become reality if it is elected and forms the government. In theory, at a general election, people vote on the contents of a manifesto. In reality, however, it is very much the personalities of the leaders that sway people to vote one way or another.

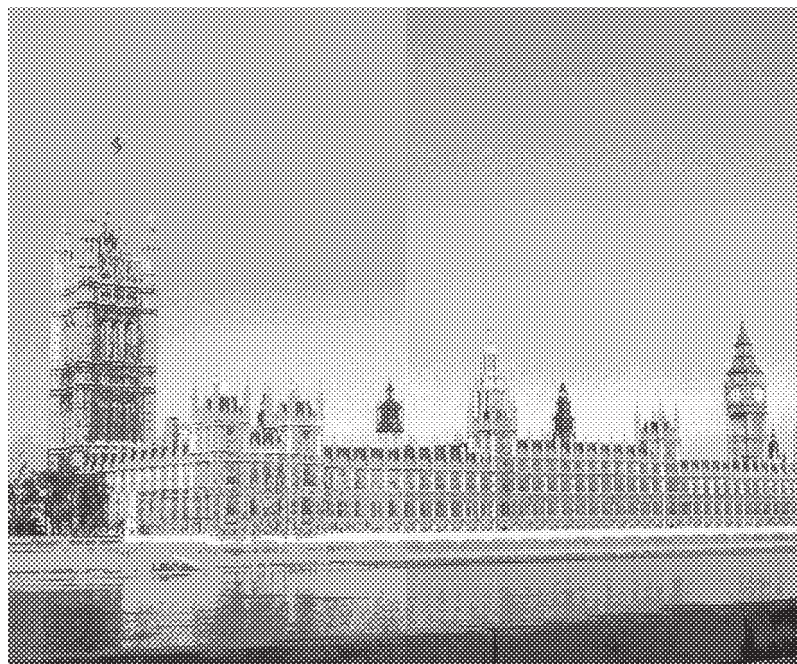
The government selects issues that it believes people are concerned about and attempts to introduce laws to deal with these issues. The media can be influential in highlighting areas of public concern that they believe the government should be dealing with. These ideas from the media and the public can help to form legislation over a long period of time, such as legislation about immigration. Sometimes, legislation is introduced quickly to deal with problems and issues that the government believes have to be dealt with in response to events, such as terrorism.

Since the London bombings of 7 July 2005, the government has outlined plans to introduce tough new anti-terrorist legislation. This is partly a reaction to the events, but it is also an attempt to reduce the threat of such attacks in the future.

Parliament's role in law-making

Once an issue is seen to be serious enough that it needs legislation to deal with it, the government presents its ideas for new laws to parliament. This is known as a bill. A bill can start in either the House of Commons or the House of Lords, but it must pass all the following stages before it becomes law:

- **First reading:** the title of the bill is read out by an MP to the House of Commons.
- **Second reading:** the general principles of the bill and the proposed new laws are debated. At the end of the debate, a vote is taken on whether the bill should proceed.
- **Committee stage:** MPs from several political parties study the bill in depth, dealing with each part in turn. This stage may take several months.
- **Report stage:** the committee reports back to the House of Commons on any changes that have been made to the bill. The amendments are debated and voted on.
- **Third reading:** MPs have a chance to review the bill, including any amendments. This stage is usually quite short.
- **Passage through the other house:** if the bill was introduced in the House of Commons, it is passed to the House of Lords, where the same steps are carried out, and vice versa. Further amendments can be made. The House of Lords has the power to delay a bill for up to a year.
- **Royal assent:** after the bill has passed through all stages in both houses, it is passed to the king or queen for signature. The bill then is then known as an act, which becomes law on a specified date.



Ingram



The courts and the law

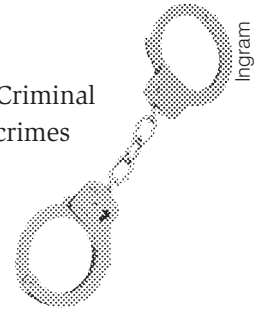
Once a law has been passed and put in place, it is the responsibility of the courts to uphold it and ensure it is enforced fairly.

In the UK, there are two types of law: civil and criminal. These were looked at in Topic 1 and are examined again below. This is a helpful reminder but if you have not yet studied Topic 1, it gives you some basic knowledge and understanding.

Criminal justice system

The criminal justice system is the means by which criminal law is implemented. Criminal law applies to crimes committed against property, people's health and safety, and crimes against the queen and government (the Crown).

In the case study outlined in the table below, thieves have broken into Chris's car. The table shows how the criminal justice system in the UK operates to deal with this crime.



| Stage | Process |
|----------------------------|---|
| 'Crime' committed | Chris returns to his car and discovers that it has been broken into. Thieves have smashed the windows and stolen CDs and the satellite navigation system. Chris calls the police to report the incident. Other cars in the car park have also been attacked. |
| Investigation and evidence | The police arrive and take statements from Chris and other drivers. They also take fingerprint samples from the cars and other useful evidence. As there have been a number of incidents, the police are able to build up a picture of the suspects. Two people are arrested and charged with causing damage and robbery. |
| Getting the case to court | For the case to go to court, there has to be sufficient evidence that there is a case to answer. This can take a great deal of work and time on the part of the police and the solicitors representing the defendants. If the Crown Prosecution Service (CPS) believes there is no case to answer, it will not go to court. |
| The trial | The trial is held in front of a judge and a jury. Both the police and witnesses present the case against the defendants. The solicitors for the defendants argue against these charges. The jury decides whether the accused are guilty or not. Once this decision has been reached, the judge passes sentence on them. |
| Compensation | The two defendants in this case were found guilty and ordered to pay each of the people they had robbed a fixed amount of money over a period of time. They were also ordered to do 65 hours' community service. |

Civil justice system

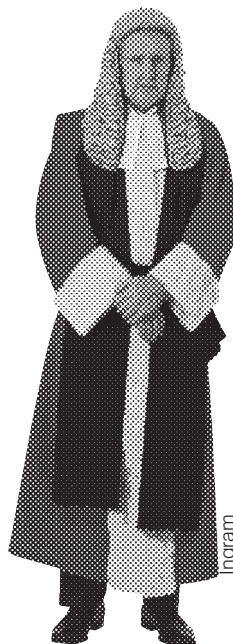
The civil justice system is the means by which civil law is implemented. Civil law covers private and civilian matters such as disputes between groups, individuals and organisations rather than crimes.

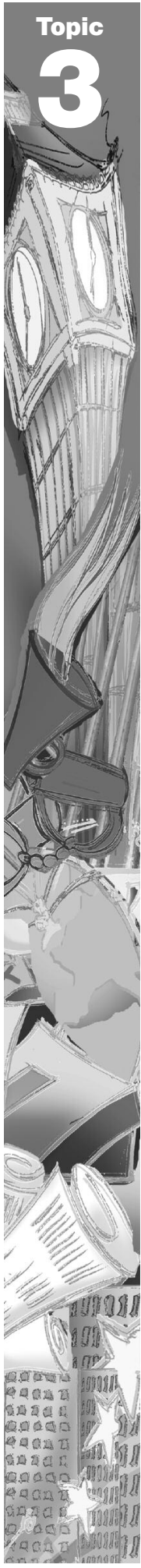
The case study outlined in the table below looks at a case of discrimination and how the civil justice system operates to deal with this.

| Stage | Process |
|-----------------------------|--|
| 'Discrimination' committed | Jo thinks she has been discriminated against on the grounds of her race. She believes that, although she has the right experience and qualifications, other colleagues are being promoted faster than her. She has applied for several promotions and has not been successful in any of the interviews. The company she works for says she lacks experience. |
| Investigation and evidence | Jo contacts her union to pursue her claims. Solicitors interview Jo and other evidence is gathered. The company also gathers evidence relating to the claims. |
| Getting the case to court | Jo decides to take the company to an industrial tribunal with the help of her union. At this tribunal, a judge and two other independent people are present. They hear the evidence from Jo and the company. |
| Settlement and compensation | After hearing all the evidence, the judge decides that Jo has been discriminated against and awards her £21,700 in compensation. The company is ordered to pay the compensation and the cost of bringing the case to court. |

Appeals

The highest appeal court in the UK is the House of Lords. Cases are usually heard there only if they are matters of general public importance. Five Law Lords hear the case and make a judgment on it. At this point, the law can be amended, particularly if the case in point covers an area that is new for the particular law. Law established in this way is known as **case law**.





The courts and the law

Read the extract below and answer the questions that follow.

How are criminals' sentences decided?

When it comes to public confidence, the terms handed down by judges — and the way they are presented by the media — are a key factor.

With the establishment in 2004 of the Sentencing Guidelines Council, other aspects of government policy will also be relevant.

One of the main factors will be the desire to cap the prison population at around 80,000 by greater use of

alternatives to custody for non-violent offences. These include electronic tagging and community punishment.

At present, sentencing guidelines do not exist for all cases. For more serious offences, they are issued from a body called the Sentencing Advisory Panel.

Source: BBC News website, news.bbc.co.uk, 9 November 2004

1 What role do the media play in setting sentences for criminals?

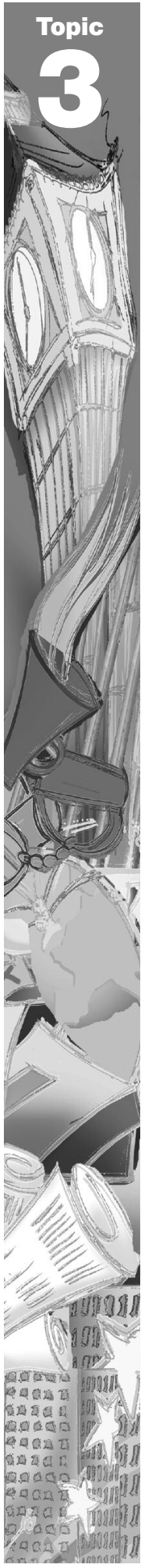
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2 Why do politicians make public statements about certain sentences that criminals are given?

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3 (a) List the *advantages* of all courts being obliged to heed the views of the Sentencing Guidelines Council.

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(b) List the *disadvantages* of all courts now being obliged to heed the views of the Sentencing Guidelines Council.

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4 In what ways does the use of electronic tagging give judges greater flexibility when sentencing criminals?

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5 List the advantages and disadvantages of giving community sentences to criminals.

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