Civilinės teisenos srityje nebaigtos procedūros ir procesai, pradėti iki pereinamojo laikotarpio pabaigos, bus tęsiami pagal ES teisę. Remiantis abipusiu susitarimu su Jungtine Karalyste, atitinkama su Jungtine Karalyste susijusi informacija E. teisingumo portale bus saugoma iki 2024 m. pabaigos.

National legislation

Anglija ir Velsas

This page provides you with information on law and legal databases relating to the legal system in the United Kingdom. There are three distinct legal jurisdictions in the United Kingdom – England and Wales, Northern Ireland, and Scotland. This information relates to the England and Wales jurisdiction.

Sources of law

The principal sources of law in the England and Wales jurisdiction of the United Kingdom are:

Primary legislation in the form of **Acts of the United Kingdom Parliament, Acts of the National Assembly for Wales** and **Measures of the National Assembly for Wales**

European Union law

Secondary (or subordinate legislation) in the form of **statutory instruments** made by the Sovereign, the United Kingdom government, the Welsh Assembly government or other authority. Some other subordinate legislation may be made as **administrative orders**.

The **common law** as developed through judicial decisions

Types of legal instruments – description

Primary legislation, or Acts of Parliament, are made by the UK Parliament in London and may apply to all or any part of the United Kingdom. The National Assembly for Wales is able to pass Acts on 20 devolved areas listed in Schedule 7 to the **Government of Wales Act 2006.** Other primary legislation may be made by the Sovereign under the prerogative in various forms, such as Orders in Council, Proclamations, Royal Warrants, Royal Instructions, Regulations and Letters Patent.

Secondary legislation is made under powers conferred by or under statute of Her Majesty in Council or a Minister, department (Ministry), Welsh Ministers or other body or person. This is also called delegated or secondary legislation, and the statute conferring the power is referred to as the enabling or empowering or 'parent' Act. Secondary legislation may have various titles: such as, Orders in Council, Regulations or Rules, all of which may be referred to collectively as 'Statutory Instruments' or 'Statutory Rules'.

In July 1999, certain law-making powers were transferred from the UK Parliament to the National Assembly for Wales in Cardiff. The Assembly was given the power to make statutory instruments affecting Wales, but primary legislation on Welsh affairs continued to be made by the UK Parliament. Following the **Government of Wales Act 2006**, the Assembly was given the power to pass Measures (primary legislation) in respect of Welsh affairs for which the UK Parliament has approved legislative competence orders covering subjects set out in the Act. Measures must, however, must be submitted for approval by the Sovereign in Council before they can become law. The Assembly has responsibility for matters that include economic development, education, the environment, health, housing, tourism and transport; but does not have responsibility for civil or criminal law. Welsh legislation made by the Assembly and the Welsh Ministers (the Welsh Assembly government) is made in both the English and Welsh languages.

The power to make **international treaties** on behalf of the UK is vested in the Crown – i.e. the Sovereign under the Royal Prerogative, acting on the advice of the UK Government. The UK Parliament currently has no formal role in making treaties, but where a treaty requires a change in UK legislation or a grant of public money, Parliament will vote on that in the normal way. All EU treaties require legislation for their implementation in the UK and are therefore subject to parliamentary scrutiny. When the Constitutional Reform and Governance Act 2010 comes into force a treaty may not be ratified unless (a) a Minister of a Crown has in the first instance laid before Parliament a copy of the treaty, (b) the treaty has been published and (c) a period of 21 sitting days has expired without either House of Parliament having resolved that the treaty should not be ratified.

Hierarchy of norms

Where there are conflicts between the different sources of law, the principal forum for resolving them is the courts. Disputes about the interpretation of legislation may also be resolved by the courts. However, since there is no 'written constitution' in the UK, it is not possible to challenge an Act of Parliament in court on the basis that it is 'unconstitutional'. The **constitutional doctrine of 'parliamentary sovereignty'** holds that the UK Parliament is the supreme legislative authority – in the sense that it may make and repeal any law, and that no other body may repeal or question the validity of an Act of Parliament. However, the doctrine of parliamentary sovereignty is qualified by the UK's membership of the European Union. By virtue of the European Communities Act 1972, European Union law forms part of the law of England and Wales (and Scotland and Northern Ireland). Domestic legislation must be interpreted so as to comply with EU law wherever possible.

The Human Rights Act 1998, which incorporated the European Convention on Human Rights into UK law, gives the courts another power with which to call Acts of Parliament into question. As far as possible, domestic legislation must be interpreted to be compatible with the rights in the Convention.

Decisions of the courts, and particularly of the appeal courts, play an important role in the development of the law. Not only do they provide authoritative rulings on the interpretation of legislation, but they also form the basis of the common law, which is derived from court decisions in previous cases (or case law).

As concerns which courts' decisions bind which other courts, the general principle is that a court will be bound by earlier decisions made by a higher court. In relation to matters of European Union law, the **European Court of Justice** is the highest authority. The Law Lords within the House of Lords have acted as the Supreme Court of the United Kingdom but were replaced by the new Supreme Court, which came into being on 1st October 2009. The existing Law Lords became the first Justices of the Supreme Court, and the Senior Law Lord became the President.

Institutional framework

Institutions responsible for the adoption of legal rules and the decision-making process

Primary legislation is made by the **UK Parliament** in London. Before a **proposal for legislation** (known as a Bill) can become an Act of Parliament, it must be approved by both Houses of Parliament: the House of Commons and the House of Lords. The following stages take place in both Houses:

First reading (formal introduction of the Bill without debate)

Second reading (general debate)
Committee stage (detailed examination, debate and amendments. In the House of Commons, this stage generally takes place in a public bill committee)
Report stage (opportunity for further amendments)
Third reading (final chance for debate; amendments are possible in the Lords).
Once a Bill has passed through both Houses, it is returned to the first House (where it started) for the second House's amendments to be considered.
Both Houses must agree on the final text. There may be several rounds of exchanges between the two Houses until agreement is reached on every word of the Bill. Once this happens, the Bill can be submitted for Royal Assent.
Primary legislation is also made by **The National Assembly for Wales.** Before a Bill can become and Act of the Assembly, it has to be considered and passed by the Assembly and given Royal Assent by the monarch. An Act of Assembly is a law, enforced in all areas of Wales, where it is applicable.
There is, generally, a 4-stage process for the consideration of a Government Bill in the Assembly as follows:
Stage 1: Consideration of the general principle of a Bill or Measure by a committee (or committees), and agreement of these general principles by the Assembly.
Stage 2: Detailed consideration, by a committee, of a Bill or Measure and any amendments proposed by Assembly Members.
Stage 3: Detailed consideration, by the Assembly, of the Bill or Measure and any amendments proposed by Assembly Members. The Presiding Officer decides which amendments will be considered by the Assembly.
Stage 4: A vote by the Assembly to pass the final text of the Bill or Measure.
When a Bill has passed through all its parliamentary stages in the UK Parliament or the Welsh Assembly, it is sent to the Sovereign for **Royal Assent**, after which it becomes an **Act**. Measures of the National Assembly for Wales must be submitted for approval by the Queen in Council.
Primary legislation can generally be amended or repealed only by new primary legislation. There are, however, exceptions under which certain amendments and repeals may be made by statutory instrument. This includes where they are implementing EU obligations or a piece of legislative reform that reduces or eliminates regulatory burdens. Such orders must, however, be approved by affirmative resolution of both Houses of Parliament before they are made.
Primary legislation comes into force in accordance with the **commencement provisions** included in the Act or Measure. The Act or Measure may specify a particular date for coming into force. This might be immediately on Royal Assent, on a specified date (generally at least two months after Royal Assent) or a date to be specified by a Minister or department by making a commencement order (statutory Instrument). Different dates may be specified for different provisions of an Act.
The coming into force date of any piece of secondary legislation will generally be specified in the instrument itself. Exceptionally, the commencement date may be made by publication of a notice in the official gazette (the London Gazette).

Legal databases

Legislation.gov.uk, managed by The National Archives, is the official home of UK legislation.
Legislation.gov.uk provides access to UK legislation covering all jurisdictions (England, Scotland, Wales and Northern Ireland). The site contains all legislation from 1988 to present day, most pre-1988 primary legislation in both original and revised versions, and a large selection of secondary legislation from 1948 onwards where this legislation is still in force.

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