

Discuss the extent to which the doctrine of Parliamentary Sovereignty is a critical component within the United Kingdom's constitution.

According to theorist A V Dicey "The right to make or unmake any law whatever; and, further, that no person or body is recognized by the law of England as having a right to override or set aside the legislation of Parliament." According to the Political and Constitutional Reform Committee, the United Kingdom constitution is "composed of the laws and rules which create the institutions of the state, regulate the relationships between those institutions, or regulate the relationship between the state and the individual." The UK does not have their rules codified in a written document, there is one document for the statute and another for case law.

In this assignment there will be a discussion about the principles of the UK's constitution, some of those include a total of 3 constitutions, the Rule of Law, Separation of Powers, and the Parliamentary Sovereignty. Society is governed by law not arbitrary power, this means that everyone is subjected to the same laws, and no one is above it. Parliament sovereignty is a principle of the UK constitution and is the most important part within the UK constitution. They make Parliament the supreme legal authority which is known as Primary Legislation within the United Kingdom and may create or end laws. Courts cannot overrule its legislation and the Parliament cannot pass laws that in future they cannot change. The bill for this must first go through the House of Commons and House of Lords before it gains the royal assent by the Monarch, which then allows it to become the law. No one can question or disagree with the Parliament laws. Already with the information presented, the Parliamentary Supremacy is the most important principle in the UK Constitution.

Parliament holds the position of a supreme law-making body due to its significant role in shaping the UK. As previously discussed, Parliament has the authority to create and end any law and the courts cannot overrule its legislation. This power means that no current parliament can pass legislations that the future parliament cannot modify, therefore solidifies their status in the UK's legal system. Many may refer to the UK as having an 'unwritten constitution.' Most parts are written down and then passed in parliament that then become known as statute law. Theorist A. V. Dicey once said that "The Septennial Act of 1715 extended Parliament's term from three to seven years, demonstrating its own authority and confirming parliamentary sovereignty." This statement serves as evidence of parliament's supreme legislative power that they held for at least two centuries. Parliament was able to amend their own rules. However, this agreement was

reduced from 7 years down to 5 years during the Parliament Act 1911, which was created by parliament, due to there being a growing need for more frequent elections.

Unfortunately, parliament is not always the most supreme and this can be seen in the Human Rights Act which integrates the rights that are outlined in the European Convention on Human Rights within the UK law. Any law created by parliament must be able to comply with the Human Rights Act. According to Section 4 of the Human Rights Act, if an Act of Parliament breaches these rights, the courts can declare the legislation incompatible. This does not affect the enforcement of the law; instead, it is down to parliament to decide if they wish to amend it. Parliament has supreme authority as previously discussed, that allows them to create, modify or abolish laws. These laws cannot be changed as future parliament must follow these rules. The first example of this would be the parliament act 1911 and 1949. Before the passage of the 1911 parliament act, the House of Lords could not change or block any legislation made by parliament in relation to taxes or spending. During 1909, controversy arose when the Lords had blocked the 'People's Budget'. This caused attention to the role of the upper House which led to the passage of the 1911 Parliament Act. This meant that any power the Lords had regarding taxes and spending was abolished along with the power to veto any bills, which meant that they were only able to ever delay it by two parliamentary sessions, that would then automatically become law without the consent from the House of Lords. The 1911 Act also brought forward that the maximum term of parliament will be reduced from seven years to five years. During 1949 the act changed the Lords powers of delay to just one year, for most bills. However, this caused an issue in the case *Jackson v General Attorney* (2005) which argued that the Hunting Act 2004 was not an Act of Parliament as it had been passed under the provisions of the Parliament Act 1949, and that the act itself was not an act of parliament due to it passing under the 1911 Act. Another example would be the Government of Wales Act 1998 (GoWA 1998), which was able to set up the National Assembly for Wales as a corporate body. This meant Wales acquired powers and responsibilities in areas such as agriculture, education, health and so on, to be transferred from the UK Government and to the National Assembly for Wales to hold the responsibilities for Wales. Looking at these examples, Parliament has the ultimate responsibility and power to create acts and legislation that affect these areas and are beneficial to the people of Wales.

The first reform act happened during 1832 which is also known as the "Great Reform Act", marked an important moment in British electoral history. Although the members of parliament

were technically elected prior to 1832, this meant that the limitations on who could vote at the time (which was only propertied men) meant that a small number of high-born elites either held or controlled most seats within parliamentary houses. Riots in 1832 pressured the House of Lords to pass the Reform Act, which created new electoral districts, introducing voter registration to prevent fraud, and granting voting eligibility to males in households that were worth at least £10 per year. Although the changes introduced by the Reform Act were only seen as moderate, it marked a significant shift towards a more inclusive and democratic governance. It is important however to note that even with these reforms, it meant only 10% of the population had gained their right to vote. This figure alone shines on the progress that has since been made and shows the electoral system to be more representative of the nation. A reform suggestion would be that parliament make it easier for people to have their say in what is happening in parliament. For example, a website that allows an individual to learn about what parliament is doing and voice their opinion on the issues being raised, for example the current Renters (Reform) Bill (2023). This could also allow individuals to contact their representatives and voice their concerns or ideas to them. By doing this, many more people can get involved and parliament can reflect the needs and wishes of local people, which clearly benefits both parliament and citizens. This reform would be able to make the political process more accessible and inclusive whilst also being able to encourage others to participate in shaping their future.

To summarize, with the evidence gathered and the history of parliament it is evident that parliament is supreme who holds the highest power. As discussed, parliament can create, change, or even cancel legislation without any outside interference. The supremacy of parliament ensures that the government responds quickly to new situations and deals with public issues promptly. Although there were some issues where parliament did not have the public's best interest, there was still the idea that they believed in the people's choice. Whilst parliamentary supremacy is important in the government, it should be balanced with the protection of individual rights and the rule of law, and everyone is treated fairly. So, to conclude everything, parliamentary supremacy is a key part in the democratic system, although it needs to go hand in hand with protecting an individual's rights and keep society balanced.

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