

FACT SHEET

Time Limit within which the House of Lords of the United Kingdom Parliament Could Delay a Bill Passed by the House of Commons from Becoming Law

1. Background

1.1 The Panel on Constitutional Affairs, at its meeting on 20 March 2006, requested the Research and Library Services Division to provide information relating to the time limit within which the House of Lords of the United Kingdom Parliament could delay a bill passed by the House of Commons from becoming law.

2. Type of bills

2.1 Bills are divided into two main classes – public bills and private bills. Public bills relate to matters of public policy and they tend to be general in nature and affect the public. Private bills are bills for the particular interest or benefit of any person or persons, public company or corporation, or local authority, and are promoted by the interested parties themselves by means of petitions deposited in accordance with the standing orders relating to private business.

3. The Parliament Acts 1911 and 1949

3.1 A bill (both private and public) can originate in either the House of Lords or the House of Commons. It has to be approved by both Houses before it receives the Royal Assent¹ and becomes an Act of Parliament. In certain circumstances, the Lords' power is restricted by the Parliament Acts 1911 and 1949, and bills can become law with or without the Lords' consent:

¹ When a bill has completed all its parliamentary stages, it receives the Royal Assent from the Monarch.

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- (a) If a money bill², having been initiated and passed by the House of Commons, and sent to the House of Lords at least one month before the end of the session, is not passed by the House of Lords without amendment within one month after it is sent to that House, the bill can still be presented for Royal Assent and becomes an Act of Parliament, notwithstanding that the House of Lords have not consented to the bill. However, this does not debar the Lords from amending the money bill provided that it is passed within the month, but the Commons are not obliged to consider the amendments³; and
 - (b) for other public bills, if they are passed by the House of Commons in two successive sessions (whether of the same Parliament or not), and which, having been sent to the House of Lords at least one month before the end of each session, are rejected by the House of Lords⁴ in each of those sessions, the bills can still be presented for Royal Assent and become Acts of Parliament, notwithstanding that the House of Lords have not consented to them. However, one year must elapse between the second reading of the bills in the House of Commons in the first session and their passing in the House of Commons in the second session.⁵

3.2 Bills which are not subject to the Parliament Acts 1911 and 1949 are:

- (a) bills originating in the House of Lords;
- (b) bills extending the life of a Parliament beyond five years;
- (c) private bills;
- (d) provisional order confirmation bills⁶;

² A money bill is one kind of public bill which deals with national taxation, public money or loans and their management. It is only considered to be a money bill if it is certified by the Speaker of the House of Commons.

³ There are a few occasions, however, that minor amendments have been made by the Lords to money bills and have been accepted by the Commons.

⁴ The Lords are deemed to have rejected a bill if the bill is not passed without amendment or with such amendments only as may be agreed to by both Houses.

⁵ The Parliament Act 1949 amended the Parliament Act 1911 by reducing the number of sessions in which public bills must be passed by the Commons from three to two, and reducing the period from two years to one between the second reading of the bills in the first session and their passing in the second session in the Commons.

⁶ A provisional order confirmation bill refers to a bill that confirms an order made under, and requiring confirmation by, an Act of Parliament. This type of bill is now virtually redundant as it has been gradually superseded by the Statutory Orders (Special Procedure) Acts 1945 and 1965.

- (e) delegated legislation⁷; and
- (f) bills which are sent to the House of Lords less than a month before the end of a session.

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⁷ Also known as subordinate legislation or secondary legislation, delegated legislation is legislation made by Ministers under powers granted to them in an Act of Parliament, usually by means of a statutory instrument. This prevents the need for an Act of Parliament every time a detail needs to be updated or added to.

References

1. *Erskine May's Treatise on The Law, Privileges, Proceedings and Usage of Parliament.* (2004) 23rd ed. LexisNexis Butterworths.
2. House of Commons Information Office. (2003) *Order Confirmation Bills and Special Procedure Orders.* Factsheet L9 Legislation Series.
3. House of Lords. (2005) *House of Lords Briefing. Reform and Proposals for Reform Since 1900.*
4. Kelly, R. & Pond, C. (2004) *The Parliament Acts.* SN/PC/675. Parliament and Constitution Centre.
5. *The United Kingdom Parliament.* (2006) Available from: <http://www.parliament.uk> [Accessed May 2006].
6. Winetrobe, B. (1998) *Lords Reform: The Legislative Role of the House of Lords.* House of Commons Library, Home Affairs Section. Research Paper 98/103.