

LEGISLATURE

Senedd Cymru –
Welsh
Parliament

EXECUTIVE

Welsh
Government
(led by
Labour's Mark
Drakeford)

JUDICIARY

LEGISLATURE – makes the law

EXECUTIVE – enforces the law

JUDICIARY – apply and interpret the law

LEGISLATURE

UK Parliament –

- House of Commons
- House of Lords Monarch

EXECUTIVE

UK Government
(led by
Conservative
Boris Johnson)

JUDICIARY

Acts of Parliament

All Acts of Parliament start off as Bills:

Public Bills: Matters of public policy which will affect either the whole country or a large section of it – most government Bills fall into this category.

Example: Constitutional Reform Act 2005.

Private Members' Bills: Introduced by an MP after winning a ballot.

Example: Abortion Act 1967.

Private Bills: Affects individuals or corporations only.

Example: University College London Act 1996.

Legislative Process:

House of Commons

1 2 C R 3

House of Lords

1 2 C R 3

Parliament Acts 1911 and 1949 allows the Bill to bypass the House of Lords – Hunting Act 2004.

Parliamentary Sovereignty – A V Dicey – Parliament has absolute and unlimited power to make or unmake any law.

Threats to Parliamentary Sovereignty: Membership of the EU, Human Rights Act 1998, Devolution.

Welsh Legislature

Since 2011, the Senedd has had primary **law-making powers** in 21 areas.

These areas include education, health, transport, environment, Welsh language.

A primary law passed by the Senedd is called an **Act of Senedd Cymru**.

Wales Act 2017: Proposed a “**reserved powers**” model which increases independence for Wales.

Commission on Justice for Wales: Looking into recommendations for a distinct Welsh justice system.

Legislation (Wales) Bill 2020:

- Guidance on how Welsh law should be interpreted.
- Consolidation of all Welsh legislation.

European Union law

Primary Sources: Treaties

- Highest source of EU Law
- Sets out the basic principles and overall aims of EU law
- Has **vertical direct effect** – Van Gend en Loos
- Has **horizontal direct effect** – McCarthy's Ltd v Smith.

Secondary Sources: Regulations

- Passed under **Article 288 Treaty on the Functioning of the European Union**
- Regulations are **directly applicable** – Re Tachographs
- Has **vertical direct effect** – Leonosio v Italian Ministry of Agriculture
- Has **horizontal direct effect** – Antonio Munuz v Frumar Ltd.

Secondary Sources: Directives

- Main way harmonisation is achieved within EU
- Directives are **NOT directly applicable** – Re Tachographs
- Has **vertical direct effect** – Van Duyn v Home Office
- NO **horizontal direct effect** – Duke v GEC Reliance.

Ways to avoid no horizontal direct effect:

- Francovich principle – sue State for non-implementation
- Von Colson principle – interpret law as if it had been implemented
- Foster v British Gas – wide definition of ‘emanation of the State’.