

JUDICIAL CHANGE

- Judges make law through the system of judicial precedent.
 - Relies on the individual taking a case to court, which is not always successful, for example **Tony Nicklinson** who wanted to change the law on assisted suicide.
- Examples:**
R v R (marital rape)
R (Steinfeld and Keiden v Secretary of State for International Development) – heterosexual civil partnerships.
- Judicial law making is not very popular; it is undemocratic and unconstitutional, and judges are not representative and have a narrow view of the law, not being able to benefit from the debate and discussion that in Parliament.

Influencing Parliament:

THE MEDIA

- Issues of public concern can be highlighted in the media.
- Campaigns can be run through the tabloids to put pressure on the media.
- **Examples:**
Sarah's Law (disclosure of convicted sex offenders)
Clare's Law (disclosure of partners' violent history)

Influencing Parliament:

PRIVATE MEMBERS' BILLS

- MPs can respond to their constituents' concerns by introducing a Private Members' Bill.
- The concept is that the MP will win a ballot which gives them 20 minutes to pitch their proposal in the House of Commons.
- Very unlikely to be successful.
- **Examples:**
Dangerous Dogs Act 1991
New upskirting offence – Sexual Offences Act 2003
Abortion Act 1965

Influencing Parliament:

e-PETITIONS

- Anyone can start a petition on the UK Parliament website.
- 10,000 signatures = response from House of Commons
- 100,000 signatures = debated in the House of Commons.
- Current statistics (*March 2019*):
295 = received a response
53 = debated in House of Commons.
- **Examples:**
 - reform to sentencing for knife crime
 - lower age for smear tests from 25 to 18.

PRESSURE GROUPS

Two types of pressure groups:

Interest Groups: These are groups which represent the interests of their members, and membership is restricted to the people they represent.

Examples: Law Society, British Medical Association, National Union of Teachers.

Cause Groups: These are groups which represent a common cause, based on the shared interests of its members.

Examples: Greenpeace, Fathers 4 Justice, Age UK.

They can **influence** Parliament by writing letters, lobbying MPs, organising petitions and gaining publicity.

They can act as a **consultative** body by being consulted as part of the Green and White Paper process.

Effective:

- Facilitate public discussion and educate people
- Specialist knowledge can inform governments
- Enhance democracy and encourage people to engage in politics.

Ineffective:

- Only provide a one-sided view of an issue
- Undemocratic in the sense that they are unelected
- Can use illegal tactics to attract attention – **Occupy London**.

LAW COMMISSION

- Set up under s3 Law Commission Act 1965 to “*keep under review all the law*”
- Process: **Research – Consultation – Report – Draft Bill – Parliament.**

Repeal: to delete old, obsolete and out of date laws. **Example:** Statute Law (Repeals) Act 2013.

Create: to create new laws in response to public demand or because of pressure from other groups.

Example: Criminal Justice and Courts Act 2015.

Consolidate: to bring together successive statutes on the same subject. **Example:** Care Act 2014.

Codify: to bring together all the rules including case law into one statute.

Example: failed attempt to codify criminal law in UK / Legislation (Wales) Bill 2020 to codify Welsh law.

- Law Commission Act 2009: annual report, new parliamentary procedure, guarantee from relevant Minister
- Current Projects: surrogacy, electronic signatures, smart contracts, automated vehicles.