Cambridge Assessment International Education

Endorsed for full syllabus coverage

Cambridge International AS & A Level

Law

Second edition

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Boost

HODDER EDUCATION

Contents

Unit 4.3 Torts affecting the person

Unit 4.4 General defences and remedies

Introduction

This book follows the Cambridge AS & A Level Law syllabus (9084) from 2023. The text does not assume any previous knowledge, and the law is as we believe it to be in June 2020.

Structure of this book

The Cambridge International AS & A Level Law syllabus is presented in sections. The contents of this book follow the syllabus sequence, with each section the subject of a separate topic:

1 English legal system
2 Criminal law
3 Law of contract
4 Law of tort.

AS students are only required to study sections 1 and 2; students taking the full A Level need to study all four sections.

Given the subject matter of some of the cases, teachers are advised to use their discretion when discussing with students.

Features of this book

A number of features appear after this introduction, to help students navigate through the book:

- A **table of cases** lists all the cases covered in this book and states where they can be found.
- A **table of Acts of Parliament** lists all the Acts covered in this book and states where they can be found.
- A **study skills** feature provides tips for preparing for your examinations.

Throughout the chapters, you will encounter a variety of features to support your learning journey:

- **Introductions** provide an overview of each chapter.

Introduction

Law affects many aspects of our lives, yet most people have little understanding of the legal system or their rights. For many, their main awareness comes from media headlines – newspapers, television, radio, internet reports and social-media posts. When the word 'law' is mentioned, many people think only of criminal law and the personnel and courts that deal with this type of case. In reality, law covers an enormous range of situations in everyday life, and the legal system in England and Wales has a variety of courts, personnel and methods for dealing with different types of cases.

- **Activities** test knowledge and understanding.

ACTIVITY

Review the cases on blackmail that you have studied in this chapter.

1 List examples of menaces and unwarranted demands from those cases.
2 Do you know of any recent blackmail cases? What were the menaces and unwarranted demands?

- **Key facts** provide concise overviews of areas of law.

Key facts	
Type of justice	**Description**
Procedural justice	Making and implementing decisions according to fair processes
Corrective justice	Sometimes known as restorative justice; when the law restores the imbalance that has occurred between two individuals, or between an individual and the state
Substantive justice	Where the content of the law itself must be just

- **Case examples** go more deeply into cases relevant to areas of law.

CASE EXAMPLE

***R v Inglis* (2010)**

The defendant killed her son because she believed she was acting in his best interests and did not want him to suffer any further. She was found guilty of murder. The trial judge imposed a nine-year tariff period, reduced on appeal to five years.

Lord Judge said:

> 'Mercy killing is murder. Until Parliament decides otherwise, the law recognises a distinction between the withdrawal of treatment supporting life, which may be lawful, and the active termination of life, which is unlawful.'

» **Comment boxes** provide further information and opinion on areas of law.

COMMENT

Evaluation of the law relating to blackmail

A number of criticisms emerge from the law on blackmail. There is no requirement to show that a demand had been made expressly. If a demand is implied, this may be enough to prove blackmail, although such proof could be difficult.

» **Internet research boxes** provide opportunities to delve further into topics and to check for the latest information. Please note third-party websites and resources referred to in this publication have not been endorsed by Cambridge Assessment International Education.

Internet research

Look up the Constitutional Reform Act 2005 on **www.legislation.gov.uk**

What other constitutional changes were introduced by this Act?

» **Exam-style questions** are included for practice. Please note that there are both exam-style questions written by the authors as well as past paper questions. Those from past exam papers are clearly identified with a reference to the paper from which they have been taken.

EXAM-STYLE QUESTION

Ahad has no money but wants to buy a present for Dewi. He knows his mother's credit card details, as he has been permitted to make a few purchases online in the past. Without his mother's consent, Ahad uses the details online to try to buy a present for Dewi. The transaction is declined because the card is already over its credit limit.

Discuss the liability of Ahad for offences under the Fraud Act 2006.

» **Test yourself boxes** test how well you can recall information provided in the book.

TEST YOURSELF

1 Describe the difference between an adversarial and an inquisitorial legal system.
2 Assess the relationship between law and morals.
3 Assess whether justice is always achieved through use of criminal law.

» **Stretch and challenge boxes** offer a chance to consider key issues in more depth and extend your knowledge and understanding of the law.

STRETCH AND CHALLENGE

Consider whether it is possible to balance the interests of both parties in a nuisance claim.

» **Target skills boxes** will help to hone the skills you need in your study of Law, in line with the syllabus.

TARGET SKILLS

1 Identify the three factors in *Caparo Industries plc v Dickman* (1990) that are used to decide if a duty of care exists.
2 Assess whether policy considerations provide justice for both parties.
3 Consider whether the police should have blanket immunity.

Key concepts

An important part of the syllabus is the use of key concepts. These are essential ideas, theories, principles or mental tools that help learners develop a deep understanding of their subject and make links between different topics. The following icons appear where key concepts relate to activities.

1 Rights, duties and responsibilities, and freedoms
This is about how the law safeguards rights and freedoms, and imposes obligations on how citizens behave.

2 Liability
This concerns legal responsibility for actions or omissions.

3 Justice, fairness and morality
This is the broad notion of the purpose of law to bring about a state of fairness. This includes how and why laws are enacted and enforced, and how far the civil and criminal law achieve justice through the use of remedies and sentences. This also relates to how morality and the law interlink, and whether changing morality within society is reflected in the law.

4 Power and its limits
This is about who has power within society and how this power is regulated. It is also related to power within the legal system.

5 Effectiveness and certainty
This is about the aims of law and whether systems and provisions can meet these aims. It also relates to how citizens are aware of their rights and responsibilities to each other and to the state, and what distinguishes certainty in law.

The key concepts and explanations above are reproduced from the syllabus, which can be found on the Cambridge International website.

1 The English legal system and its context

Introduction

Law affects many aspects of our lives, yet most people have little understanding of the legal system or their rights. For many, their main awareness comes from media headlines – newspapers, television, radio, internet reports and social-media posts. When the word 'law' is mentioned, many people think only of criminal law and the personnel and courts that deal with this type of case. In reality, law covers an enormous range of situations in everyday life, and the legal system in England and Wales has a variety of courts, personnel and methods for dealing with different types of cases. This chapter links to the key concept of power and its limits.

1.1 Legal systems around the world

1.1.1 Codified civil legal system

A codified legal system is where the laws of a country are written down in a code or codes. The code contains all the law in an area, for example tax law. They are arranged to avoid any inconsistency, and contain only legislative enactments. Judges have to strictly apply the code to cases that appear before them – they have little or no discretion in making their decision and there is little or no precedent in the law. The code is known to every citizen or lawyer in the country, so a judge's final decision can be predicted at an early stage.

Many European countries have codified legal systems, including France, Germany, Holland, Spain and Portugal, and they are also found in former colonies of these countries, for example in Central and Southern America. It is more difficult to change the law in a code, as it often requires a large majority of the legislature (for example 75 per cent) to agree to a change. As a result, the law is generally more prescriptive than in a common law system, which leaves the law more open to interpretation.

A country with a codified system will generally have a written constitution and a constitutional court as the highest appeal court. Its role is to interpret the constitution and code, not to make new law.

In contract law, for example, a code will imply various terms into a contract, so there will be less need to set out all the terms as any inadequacies or ambiguities will be settled by operation of law.

1.1.2 Common law

In Anglo-Saxon times, there were local courts which decided disputes, but it was not until after the Norman Conquest in 1066 that a more organised system of courts emerged. This was because the Norman kings realised that rule of the country would be easier if they controlled, among other things, the legal system. The first Norman king, William the Conqueror, set up the Curia Regis (the King's Court) and appointed his own judges. The nobles who had a dispute were encouraged to apply to have the king (or his judges) decide the matter.

As well as this central court, judges were sent to major towns to decide cases and to dispense justice in the king's name. During the reign of Henry II (1154–89), these tours became more regular, and the country was divided into 'circuits' or areas for the judges to visit. Initially, the judges would use local customs or the old Anglo-Saxon laws to decide cases, but over a period of time it is believed that the judges on their return to Westminster in London would discuss with each other the laws or customs they had used, and the decisions they had made. Gradually, the judges selected the best customs and these were then used by all the judges throughout the country. This had the effect of making the law more uniform or 'common' across the whole country, and it is from here that the phrase 'common law' seems to have developed.

Common law is the basis of English law today: it is unwritten law that developed from customs and judicial decisions. The phrase 'common law' is still used to distinguish laws that have been developed by judicial decisions from laws that have been created by statute. For example, murder is a common law crime, while theft is a statutory crime. This means that murder has never been defined in any Act of Parliament, but theft is defined by the Theft Act 1968.

Judges can still create new law today. However, they can only do this when a relevant case comes before them, and even then, they can only rule on the point in that case. This then becomes the law for future cases. Judicial decisions cannot make wide-ranging changes to the law or set penalties. This can only be done by statute law.

1.1.3 Customary law

A custom is a rule of behaviour which develops in a community without being deliberately invented. Historically, customs are believed to have been important, in that they effectively formed the basis of English common law. As mentioned above, it is thought that following the Norman Conquest, judges were appointed by the king to travel around the land making decisions in the king's name, and they based some of their decisions on common customs existing at the time. This caused Lord Justice Coke in the seventeenth century to describe these customs as being 'one of the main triangles of the laws of England'. However, custom in England is a historical source and unlikely to create new law today.

It is unusual for a new custom to be considered by the courts today, and even rarer for the courts to decide it will be recognised as a valid custom, but there have been some such cases. In *Egerton v Harding* (1974), the court decided that there was a customary duty to fence land against cattle straying from the common. In *New Windsor Corporation v Mellor* (1974), a local authority was prevented from building on land because the local people proved there was a custom giving them the right to use the land for lawful sports.

1.1.4 Religious law

Religious laws come from the sacred texts of a religion and cover most parts of personal and contract law. They are generally based on Sharia or Judaic law. They can apply in countries that have another legal system in place, such as a codified or common law system.

Because they are based on religious texts, religious laws are seen to be eternal and unchanging. They govern a person's behaviours and beliefs, and issues and disputes are settled by a priest or other religious official. By comparison, non-religious laws can be changed by a legislature, they deal with a person's actions towards another, and disputes are resolved by an independent judiciary.

Following Sharia law is an important part of the Muslim faith, and it is considered to be the infallible law of God. It deals with topics such as crime, politics, family, trade and economics, as well as covering personal issues such as hygiene, diet, prayer and everyday etiquette.

1.1.5 Mixed legal systems

Most legal systems are based on civil code, common law, statute law, religious law or a combination of these. However, some countries, such as South Africa and Cyprus, are said to have a mixed legal system because:

- they have a mix of common law and civil-code rules
- the contributions of common law and civil code to the whole law of the country are substantial and recognisable, and
- private law is likely to be dominated by civil-code elements, and public law by common law elements.

Private law covers personal matters of tort and contract, whereas public law covers criminal law. Many countries with mixed legal systems were originally colonies of European countries such as France and Spain but then taken over by Britain, which imposed its common law system on top of the code. For example:

- Malta's laws were initially based on Roman law, but they developed into the French Napoleonic Code with influences from Italian civil law and English common law (especially in public law).
- The Channel Island of Jersey has a mixture of Norman customary law, English common law and modern French civil law.

1.2 Adversarial and inquisitorial systems

1.2.1 Adversarial system

The adversarial system is used in countries with common law jurisdictions. In court, advocates for both sides represent their parties' case or interest. Each party builds a case by producing evidence and witnesses and attempts to discredit the opposition. The case is presented to an impartial judge or jury to decide the outcome, after hearing both sides.

It could be argued that this system protects the right of individuals and the presumption of innocence of the accused in a criminal case. The accused has the right to remain silent, obtain a lawyer in serious cases and remain innocent until proved guilty. Before a criminal trial, the investigation is run by the police, who have to follow certain procedural rules (see Chapter 9 on police powers).

The system is not necessarily designed to arrive at 'the truth' in a case. In civil cases, it allows both parties to consider the strength of each other's case and to come to a pretrial settlement, or indeed to use other methods of dispute resolution.

On the other hand, critics of the system argue that it leads to a contest between the parties, with an

objective to win at all costs. As a result, there may be injustice if, for example:

- there is a procedural issue which leads to the freedom of an accused against whom there is strong evidence of guilt, or
- an innocent defendant is handicapped by an unskilled lawyer or unable to afford a lawyer to defend them.

1.2.2 Inquisitorial system

The inquisitorial system often applies in countries with a codified system of law. An initial investigation is often led by an examining magistrate, whose report is presented to a trial court. The judge acts as a fact finder, and the officers of court – the advocates – help the judge to decide the truth, rather than to take one side over the other. The judge takes a more active role and questions witnesses.

This system emphasises impartiality and truth-finding over 'winning' in court. It reduces the advantage of wealth of one of the parties in a dispute and reduces emotion and possible bias. It makes sure that no one receives special treatment and everyone is asked the same questions by the court.

On the other hand, due to the need for a thorough investigation, the case may be lengthy and it is often impossible for unrepresented, or untrained, defendants to defend themselves, and there is generally no right to remain silent. It may not be fully independent, as the minds of the judge and advocates may be predetermined before the hearing and the outcome could be decided by just one person – the judge.

1.3 The rule of law and its application

1.3.1 The rule of law

The 'rule of law' is a symbolic idea. It is difficult to give a precise meaning to the concept, and academic writers have defined it in different ways. However, the main principle is that all people are subject to and accountable to law that is fairly applied and enforced. Also, the process by which the laws of the country are enacted, administered and enforced must be fair.

The rule of law is a safeguard against dictatorship. It supports democracy. This is because the government and its officials are accountable under the law. Also, authority is distributed in a manner that ensures that no single organ of government can exercise power in an unchecked way.

One example is the police power of arrest, set out in more detail in Chapter 9. The police may only arrest a suspect if they have authority to do so by a statutory rule, such as the Police and Criminal Evidence Act 1984, or common law, such as the ability of an ordinary member of the public to arrest a person they know has committed an offence.

Tony Honoré, an academic lawyer, points out that the rule of law exists when a government's powers are limited by law and citizens have a core of rights that the government is bound to uphold. These rights include:

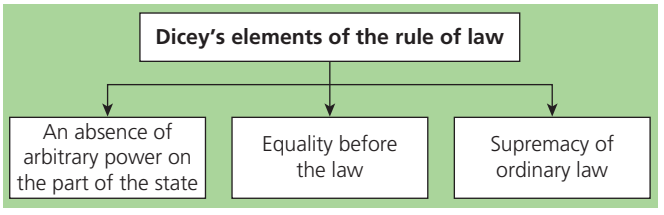
- no person shall be sanctioned except in accordance with the law (this is relevant to both civil and criminal matters)
- there is equality before the law and there must be no discrimination on any grounds
- there must be fairness and clarity of the law.

Professor Dicey's views on the rule of law

The best-known explanation of the rule of law was given by Professor A.V. Dicey in the nineteenth century, but many other academics have written differing views on the topic.

Dicey thought that the rule of law was an important feature that distinguished English law from law in other countries in Europe. He held that there were three elements that created the rule of law:

- An absence of arbitrary power on the part of the state: the state's power must be controlled by the law, i.e. the law must set limits on what the state can or cannot do. An example of this branch of the theory is the successful court challenge on Prime Minister Teresa May's decision not to hold a parliamentary vote on the decision to leave the EU.
- Equality before the law: no person is above the law. It does not matter how rich or powerful a person is, the law must deal with them in the same way as it would anyone else.
- The supremacy of ordinary law: this is particularly true in the law of England and Wales in the time of Dicey, as many of the main developments up to that time were through judicial decisions rather than being created by Parliament.



▲ **Figure 1.1** Dicey's elements of the rule of law

Problems with Dicey's views

A major problem with Dicey's view of the rule of law is that it conflicts with another fundamental principle, that of parliamentary supremacy. This concept holds that an Act of Parliament can overrule any other law, and that no other body has the right to override or set aside an Act of Parliament.

So, under the rule of law there should be no arbitrary power on the part of the state, yet under parliamentary supremacy, Parliament has the right to make any law it wishes and this can include granting arbitrary powers to government ministers.

Also, laws passed by Parliament cannot be challenged through judicial review. This is different from some other countries where the legislative body is subject to the rule of law, so that laws passed by them can be challenged in the courts.

Another problem is that equality before the law in Dicey's theory refers to formal equality. It disregards the differences between people in terms of wealth, power and connections. Real equality can only be achieved if there are mechanisms in place to address these differences. For example, the cost of taking a case to court is very high. In order to allow the poorest in society to be able to enforce their rights, and so be equal under the law, it is necessary to have some form of state help in financing their case.

Dicey's view of the rule of law is based on abstract ideas, which makes it difficult to apply in real-life situations.

Other academic views on the rule of law

F.A. von Hayek, a twentieth-century academic economist, agreed with Dicey that the key component of the rule of law is the absence of any arbitrary power on the part of the state. However, von Hayek thought that the rule of law had become weaker, because provided actions of the state were authorised by legislation, then any act in accordance with this legislation was lawful. He also pointed out that the modern state is directly involved in regulating economic activity and this is in conflict with the rule of law.

Another twentieth-century academic, Joseph Raz, recognised that the rule of law was a way of controlling discretion rather than preventing it completely. He saw the rule of law as of negative value, acting to minimise the danger of the use of discretionary power in an arbitrary way. He thought that the key point which emerged from the rule of law was that the law must be capable of guiding the individual's behaviour.

He set out a number of principles which come from this wider idea, for example:

- There should be clear rules and procedures for making laws.
- The independence of the judiciary must be guaranteed.
- The principles of natural justice should be observed; these require an open and fair hearing, with all parties being given the opportunity to put their case.
- The courts should have the power to review the way in which the other principles are implemented, to ensure that they are being operated as demanded by the rule of law.

▼ **Figure 1.2** Comparison of views of the rule of law

Key facts	
Dicey	• Absence of arbitrary power on the part of the state • Equality before the law • Supremacy of ordinary law
von Hayek	• Absence of arbitrary power on the part of the state • Rule of law weakened by an increasingly interventionist state • Modern state is directly involved in regulating economic activity in conflict with the rule of law
Raz	• Clear rules and procedures for making laws • Judicial independence must be guaranteed • Principles of natural justice should be observed • Courts should have the power to review the way in which the other principles are implemented

There have been changes in the twenty-first century which support these principles. A major example is the Constitutional Reform Act 2005, which recognised the rule of law and the importance of the independence of the judiciary. Section 1 of the Act states:

> 'This Act does not adversely affect –
>
> (a) the existing constitutional principle of the rule of law; or
>
> (b) the Lord Chancellor's existing constitutional role in relation to that principle'

Section 3(1) states:

> 'The Lord Chancellor, other Ministers of the Crown and all with responsibility for matters relating to the judiciary or otherwise to the administration of justice must uphold the continued independence of the judiciary.'

These safeguards show the importance that is attached to the rule of law.

Internet research

Look up the Constitutional Reform Act 2005 on **www.legislation.gov.uk**

What other constitutional changes were introduced by this Act?

1.3.2 The rule of law and law making

The rule of law is important when it comes to law making. The process by which laws are made must be open and fair.

Acts of Parliament have to be passed by both Houses of Parliament. In practice, the government of the day usually has a majority in the House of Commons, so most laws proposed by the government will be passed by the House of Commons, although there can be debate on any contentious issues which can then lead to changes being made.

The House of Lords exercises a check on the law-making process, as all new laws also have to be agreed by it. One area where the House of Lords has consistently voted against change in the law has been in relation to allowing serious criminal trials without a jury.

Government ministers can make laws by statutory instruments. As these regulations do not always have to be considered by Parliament before they come into force, there are several checks on this method of law making. First, Parliament must have previously passed an Act granting power to a minister to make statutory instruments. Parliament also has power to scrutinise and check the instrument. Finally, the statutory instrument can be challenged in the courts through judicial review, to make sure that the minister has not gone beyond the powers granted by Parliament.

1.3.3 The rule of law and the legal system

The rule of law also covers the way in which the legal system works. One of the most important points is that every defendant in a criminal case must have a fair trial. Trial by jury is seen as an important factor in maintaining fairness and protecting citizens' rights.

Another important point is that no person can be imprisoned without a trial. In countries where the rule of law is disregarded, opponents of the government can be detained without a trial.

The rule of law is also important in the civil justice system, where ordinary people need to be able to resolve their disputes effectively. This means that the system should be free from discrimination, free from corruption and not improperly influenced by public officials. The UK system is trusted and recognised for being impartial.

The civil justice system should be accessible and affordable. This point is open to debate, as there have been major cuts to public funding of cases over the past 20 or so years. At the same time, the cost of taking a civil case to court has increased. People of modest means are unlikely to be able to afford to take a case to court. However, there has been an increase in alternative ways of resolving civil disputes, which are much cheaper to use.

1.3.4 The rule of law and substantive law

Substantive law means different areas of law as set out below. In every area of substantive law, it is important that the rules recognise that people have key rights and that the laws are not oppressive.

Substantive criminal law

Substantive criminal law sets out the definitions of criminal offences. Criminal laws serve several purposes:

- to protect people, for example laws concerning murder, manslaughter and non-fatal offences against the person
- to protect people's property, for example laws concerning theft, burglary and criminal damage
- to prevent disruptive behaviour and protect public order.

There are also regulatory offences, aimed at issues such as preventing pollution and ensuring food sold in shops is fit for human consumption, and a wide range of driving offences aimed at safety on the roads.

For all offences, the law has to be clear and the prosecution has to prove that the defendant has committed the offence. All offences also have a stated maximum penalty and the courts cannot impose a higher penalty.

Substantive civil law of tort

Substantive civil law of tort sets out the rights and responsibilities people owe to each other in everyday life. Many torts are aimed at protecting people and their property and give the right to claim compensation for damage caused by breaches of the law. Unlike criminal law, where the prosecution is nearly always brought by the state, it is the person affected by the tort who claims. For example, if there is an accident caused by one driver's negligence, any other driver or pedestrian who has suffered injury or damage has the right to claim compensation for the damage or injuries.

A considerable problem is that public funding for making a claim in tort through the courts is no longer available. This means that although everyone has, in theory, the right to claim, financial issues can, in practice, make it difficult to pursue a claim. Conditional fee agreements (explained in Chapter 7) can be used to fund such cases, but there are still problems, such as showing at an early stage that there is a good chance of success.

Substantive law of contract

Substantive law of contract lays down rules on:

- when a contract is formed
- what events may make that contract void or voidable
- what can amount to a breach of contract.

Contract law recognises that, in most cases, people are free to make what agreements they wish. However,

it also recognises that consumers may have very little choice when making contracts with businesses, and that there is not really equality between the parties. In order to bring about a greater equality, some rights are given to consumers.

COMMENT

Evaluation of the substantive law of contract

The Consumer Rights Act 2015 applies to contracts between a consumer and a trader for the supply of goods, digital content or services. The Act sets out the statutory rights of a consumer, including that goods must be of satisfactory quality and fit for purpose. In this way, contract law supports real equality in the law.

Another example is the Consumer Protection Act 1987, which gives consumers much wider rights where they are injured or their property is damaged by faulty goods. The Act allows any consumer to claim, not just the buyer of the goods. So, where an item is bought as a present for another person, that person can claim if there is a fault in the goods which causes them injury.

Substantive law of human rights

Human rights law supports the rule of law in many ways. For example, all rights must be applied without discrimination. The European Convention on Human Rights (ECHR), which is incorporated into UK law by the Human Rights Act 1998 (HRA), sets out the right to liberty. This right should only be taken away where it is in accordance with the law, such as imprisoning someone who has been found guilty of murder. The Convention also states that there is a right to a fair trial.

1.4 The difference between civil and criminal law

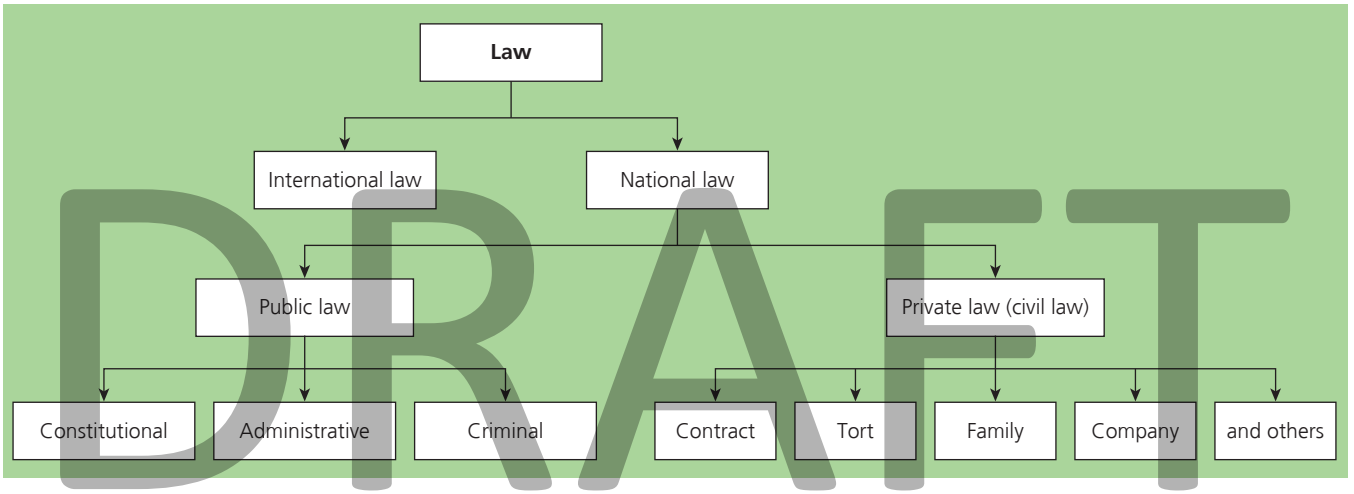
Civil law is very different from criminal law:

- Civil law is called private law, because the issues it deals with are generally between two individuals, though it could be between an individual and a business or between two businesses.
- Criminal law is part of public law, because crime is regarded as an action against the state and society as a whole.

Some of the differences between the two types of law are shown in Figure 1.3.

▼ **Figure 1.3** Distinctions between civil and criminal law

	Civil law	Criminal law
Purpose	To uphold the rights of individuals	To maintain law and order; to protect society
Person starting the case	The individual whose rights have been affected	Usually the state through the Crown Prosecution Service
Legal name for person starting the case	Claimant	Prosecutor
Courts	County Court or High Court	Magistrates' Court or Crown Court
Standard of proof	The balance of probability	Beyond reasonable doubt
Person/s making the decision	Judge	Magistrates or jury
Decision	Liable or not liable	Guilty or not guilty
Powers of the court	Usually an award of damages, also possible: injunction, specific performance of a contract, rescission or rectification	Prison, fine, community order, discharge etc.



▲ **Figure 1.4** The different categories of law

1.5 The relationship between law and morality

'Morality' is defined in the Oxford English Dictionary as 'a particular system of values and principles of conduct, especially one held by a specified person or society'.

Morality can be a personal morality or a collective morality of society as a whole. It is 'normative' or prescriptive; that is, it specifies what ought to be done and delineates acceptable and unacceptable behaviour. In our society and in many others, morality has been influenced to a large extent by religious beliefs. The Bible provides a moral code for Christian communities, both in the very basic and strict rules of the Ten Commandments, and in the more advanced, socially aware teachings of Jesus. In Islam, the Koran provides an extensive moral code for Muslims.

Morality is the ethical code that touches virtually every area of our lives – behaviour towards fellow human beings, money and property, and sexuality. There are 'core' moral beliefs, such as issues surrounding birth, death and families.

Although morality is concerned with issues of 'right' and 'wrong', it is not at all black and white. Mary Warnock, an academic who has been predominantly concerned with moral issues, said:

> *'I do not believe that there is a neat way of marking off moral issues from all others; some people, at some time, may regard things as matters of moral right and moral wrong, which at another time or in another place are thought to be matters of taste, or of no importance at all.'*

Moral attitudes change over time. This can be seen in attitudes to issues such as abortion, homosexuality, drugs and drink-driving. Morality was easy to see as a common morality when societies were insular, structured and not exposed to different beliefs and values. The customs of society formed the basis of a code of conduct that reflected that society, and members of the society accepted these customs in large measure. It was therefore part of the morality of that age. However, UK society is considered multicultural, where there is a wide range of views.

Sociologist Emile Durkheim identified a range of factors as potentially contributing to the breakdown of a common morality, including:

- increasing specialisation of labour
- growing ethnic diversity within society
- fading influence of religious belief.

All of these factors are increasingly apparent in pluralist societies today. Under Durkheim's analysis, we should not be surprised to discover a parallel growth in the diversity of moral outlook and in norms of behaviour in modern Britain. There is, therefore, a more obvious difference between an individual's moral code and that of society as a whole.

The essential core of society is based on a shared morality; without a shared morality, society disintegrates. Law aims to prevent the disintegration of society, and so will reflect morality.

Throughout the study of law we can see the overlapping of law and morality. All of the criminal law set out in this book classifies behaviour as criminal that is also immoral. Every society believes theft is wrong. Thieves are always punished in the writings of religions. Equally, the use of violence to engage in theft is seen as an even worse offence.

There is also morality in the law of civil wrongs (torts), such as negligence where the sanctions aim to compensate and follow the idea that there should be no unjust enrichment. Whether this is reflected by exemplary damages is debateable.

Contract law is based on the moral idea that you should abide by your agreement. Where there is unequal bargaining power, the law steps in to try to redress the balance, as in consumer legislation.

The difficulty is that law does not reflect the morality of the time, as public morality may well lead the law and vice versa. Moral issues arise rapidly to the public forefront in times of crisis. In a pandemic, if there is a shortage of medicine, who should go without? Sometimes the law has to be amended quickly to protect the most vulnerable. The 2020 COVID-19 pandemic has shown different nations taking different solutions to the problem of protecting society and dealing with the sick. For example, Australia and New Zealand quickly shut their borders and issued isolation orders for the whole or part of their populations while South Korea continued their existing track and trace system developed to combat a previous virus.

1.6 Law and justice

Justice is a concept that can be described simply by a synonym, such as fairness, equality or even-handedness. We have a sense of justice from a very young age. The idea includes treating like cases in a like manner, showing impartiality and acting in good faith. However, the term 'justice' has occupied the minds of some of the greatest thinkers across the ages. As a result, there is a wide range of theories available to explain its meaning and application.

To consider the extent to which the law (civil and criminal) achieves justice, we need to consider procedural justice and corrective justice, as well as substantive justice.

A distinction is often made between procedural law and substantive law. Professor Hart referred to justice 'according to law' and justice 'of the law'. The former term relates to how laws are made and how the legal system operates, the latter to the laws themselves. It is a useful distinction upon which to base this topic.

▼ **Figure 1.5** Types of justice

Key facts	
Type of justice	**Description**
Procedural justice	Making and implementing decisions according to fair processes
Corrective justice	Sometimes known as restorative justice; when the law restores the imbalance that has occurred between two individuals, or between an individual and the state
Substantive justice	Where the content of the law itself must be just

1.6.1 Procedural justice

This can be considered from the aspect of the availability of legal aid. Legal aid is an important part of social justice. Everyone has a right to access justice, to receive a fair hearing and to understand their legal rights and obligations. Many people need help to access and use these rights, and legal aid should do this. In 2010, when introducing the government's legal-aid reforms, the then Justice Secretary Ken Clarke said, 'I genuinely believe access to justice is the hallmark of a civilised society'.

Originally, 80 per cent of the population qualified for legal aid. That proportion declined as means testing became progressively tougher. By the early 1990s, the percentage who were eligible was estimated to be about 45 per cent. It was estimated that as few as 20 per cent of people were entitled to legal aid at the start of 2019.

The effects of changes made by the Legal Aid Sentencing and Punishment of Offenders Act (LASPO) 2012 reduced the availability of legal aid. The sections that were removed included 'social welfare law' – advice on welfare benefits, employment, housing (except homeless cases), immigration (except asylum) and family (except in cases of domestic violence).

Internet research

Read this article to track the history of legal aid:

www.theguardian.com/law/2018/dec/26/legal-aid-how-has-it-changed-in-70-years

Legal aid is important because a person who cannot afford legal representation can be said to have no right to a fair trial. This right is protected under Article 6 ECHR, enshrined in HRA 1998. The right of access to a court must be meaningful and practical, not theoretical.

With respect to legal aid in criminal proceedings, anyone arrested and taken to a police station is entitled to free legal advice, whatever their means. After being charged or issued with a summons, a person's eligibility for further legal assistance becomes means-tested. This covers the work that a solicitor needs to do to prepare the case and representation at the Magistrates' Court and the Crown Court. It must also be established that it is in the interests of justice for a person to be granted legal aid. If a person is found guilty, they may be required to repay their legal costs. The rules are constantly changing, and it is important to take advice from a solicitor who specialises in criminal law.

Legal aid deserts have therefore appeared, as firms can no longer afford to offer these services. Many firms have given up their criminal legal aid practices, raising serious concerns about increased risks of miscarriages of justice. This is alarming, as many of those most in need of legal aid are those who are most vulnerable and least well able to represent themselves. Many are terrified of the whole process of the law, even with help from a lawyer.

Justice requires access to the law. This is, arguably, achieved, as no one in the UK is specifically denied access to the law. *Effective* access to the law is a different matter, as those who are less able to act for themselves or to pay for someone to act for them may be denied justice.

1.6.2 Corrective justice – sanctions and damages

When judges or magistrates pass sentence on an offender, they take into consideration a number of factors. These include the aim of the sentence: this may simply be to punish the offender for breaking the rules or to deter others from committing the same offence. Balanced against these may be the desire to rehabilitate the offender. The court will also consider aggravating and mitigating factors relating to the offence and to the offender and will have to follow sentencing guidelines.

Civil law

In negligence, the aim of compensation is to restore the claimant to their pre-tort position, in so far as money can achieve this. To balance this, any contributory negligence on the part of the claimant will reduce their award.

For example, in *Jebson v Ministry of Defence* (2000), 75 per cent of the claimant's award was deducted for his contributory negligence. This reduction is just because it is proportionate: it reflects that the claimant was largely responsible for his own harm.

Contract law

The basis of assessment of damages is loss of bargain: the claimant is placed in the position they would have been in had the contract been performed. However, only losses that are reasonably within the contemplation of the parties may be recovered. This can be seen in *Victoria Laundry Ltd v Newman Industries Ltd* (1949).

The judgments in the two cases above reflect the 'concept of proportionality', in that damages are awarded according to the merits of the claim, and not automatically in relation to the harm suffered. Under these tests, the awards of damages are just.

Criminal law

Trial by jury enables jury members to use their view of justice, rather than adhering strictly to the rules of law and the evidence presented to them. In *R v Ponting* (1985), a civil servant was charged under the Official Secrets Act for releasing secret information about the sinking of the Argentinian warship General Belgrano. The judge told the jury that any public interest in the information did not provide a defence but the jury acquitted him. The rules of evidence adopted in criminal trials seek to balance the interests of the parties to the action.

For this reason, evidence of previous convictions is not generally admissible unless the facts are strikingly similar to those in the instant case.

On the other hand, even illegally obtained evidence may be admissible. In *Jeffrey v Black* (1978), the police arrested a student for the theft of a sandwich, and then conducted an illegal search of his flat, where they discovered drugs. The magistrates threw out the case after ruling the evidence inadmissible. However, the Divisional Court ruled that the illegality of the search did not justify excluding the evidence it had exposed. This may at first seem to be unjust.

However, consider a situation where the police had discovered plans and materials to commit a terrorist attack. They would surely be justified in relying upon the material found in the 'illegal' search in court. To assist this aim, the Counter-Terrorism and Border Security Act 2019 has strengthened the powers of the police, including the use of stop and search.

Injustices arise where people serve prison sentences for crimes they are not guilty of. Famous cases include the Birmingham Six and the Guildford Four. The publicity of these and other similar cases led to the establishment in 1997 of the Criminal Cases Review Commission (CCRC), whose role is to review the cases of those it feels have been wrongly convicted of criminal offences, or unfairly sentenced.

ACTIVITY

In 1952, police officers discovered Derek Bentley and Christopher Craig attempting to burgle a factory. Bentley was aged 19 and suffered from mild learning difficulties. He did not have a gun and quickly gave himself up to the police. Craig did have a gun and he fired it, killing one of the policemen. Before the shooting, a police officer shouted to Craig to hand over the gun and Bentley shouted 'Let him have it, Chris'. The prosecution case relied on Bentley's shouted words. The prosecution alleged that they amounted to an incitement, or encouragement, to Craig to shoot the officer. The defence argued that Bentley meant 'hand over the gun' and he was trying to satisfy the police orders.

Bentley was convicted of the murder of the policeman, despite neither possessing, nor firing, a gun. He was sentenced to death. Craig, was, at 16 years of age, too young to be executed and served ten years in prison. Bentley was one of the last men in Britain to be executed. His conviction was eventually quashed in 1998, after years of campaigning by his family.

Questions

1. Was it just that Bentley should be found guilty of murder and executed? Justify your views.
2. Explain the meaning of the phrase 'quashing a conviction'.
3. Who makes a decision to quash a conviction?
4. Do you think that justice was eventually achieved by the quashing of the conviction?

1.6.3 Justice and substantive law

Criminal law

The principle of proportionality generally governs the sentencing practice of judges and magistrates. This satisfies our expectations that the more serious the offence, the harsher the sanction that will be imposed.

Those convicted of murder are subject to a mandatory life sentence. The sentencing judge will then impose a tariff, this being the minimum term the murderer has to serve.

Many agree that imposing a life sentence on a killer is just. Public-opinion polls regularly show strong support for the return of the death penalty, to provide a degree of retributive justice.

Some murderers are viewed as worse than others: the setting of a tariff does not allow for proportionality, and so may lead to harsh decisions. In *R v Cocker* (1989), the defendant suffocated his wife, at her insistence, with a pillow; she had been terminally ill and in much pain. The trial judge denied the defendant any partial defence that would reduce murder to manslaughter. Here, a life sentence may seem a disproportionate punishment.

However, the judge may be inclined to provide a measure of justice by imposing a reduced tariff period; this was shown in *R v Inglis* (2010).

CASE EXAMPLE

***R v Inglis* (2010)**

The defendant killed her son because she believed she was acting in his best interests and did not want him to suffer any further. She was found guilty of murder. The trial judge imposed a nine-year tariff period, reduced on appeal to five years.

Lord Judge said:

> 'Mercy killing is murder. Until Parliament decides otherwise, the law recognises a distinction between the withdrawal of treatment supporting life, which may be lawful, and the active termination of life, which is unlawful.'

However, the law is gradually moving in line with society's general view on the issue, as can be seen in the Mavis Eccleston case (see Internet research below). Cases such as this show that, perhaps, justice is better served by allowing judges and magistrates to pass the sentence they feel to be most appropriate, rather than have a mandatory fixed sentence.

Internet research

Research the Mavis Eccleston case by visiting this webpage:

www.bbc.co.uk/news/uk-england-stoke-staffordshire-49743727

Contract law

Formation of contract

In *Reveille Independent LLC v Anotech International (UK) Ltd* (2016), the court had to consider if a contract had come into existence between commercial parties when they were apparently still in negotiation. In examining the rules on offer and acceptance by conduct, the court was keen to preserve certainty and give due attention to what it considered to be the reasonable expectations of honest, sensible business people. This was stressed in order to achieve justice in these business situations.

Exclusion clauses

Parties to a contract may try to limit their liability by relying upon exclusion clauses. The traditional rule of *caveat emptor* (let the buyer beware) can work against the interests of the weaker bargaining party or where there is a pre-printed standard form of contract. The courts try to achieve a more just result.

CASE EXAMPLES

***Olley v Marlborough Court Hotel* (1949)**

An exclusion clause was invalid as it had not been brought to Mrs Olley's attention when she booked in at reception.

***Spurling (J) Ltd v Bradshaw* (1956)**

Lord Denning observed that some exclusion clauses were written in 'regrettably small print', and stated that the more harsh or unusual the term was, the more it needed to be brought to the attention of the person signing it, for example by being 'printed in red ink, with a red hand pointing to it'.

The Unfair Contract Terms Act 1977 restricts the use of exclusion clauses. A person cannot exclude liability for death or personal injury resulting from their negligence, and other exclusion clauses are subjected to the test of reasonableness. This Act aims to prevent those with strong bargaining power from taking unfair advantage

of weaker parties and provide a fairer balance between the bargaining parties.

Further protection is given to consumers by legislation, such as the Consumer Rights Act 2015 which sets out both rights and remedies in consumer transactions.

Penalty clauses

The justice of penalty clauses depends on the view of how far a person can force someone else to comply with what they have promised. European and international law allow a court to modify an excessive penalty in a contract term. Under UK law, the penalty clause is either valid or invalid. In *Cavendish Square Holding BV v Talal El Makdessi* (2015) and *ParkingEye Ltd v Beavis* (2015), the Supreme Court decision widened the previously applied tests in relation to the enforceability of penalty clauses. Lord Hodge stated that:

> 'The correct test for a penalty is whether the sum or remedy stipulated as a consequence of a breach of contract is exorbitant or unconscionable when regard is had to the innocent party's interest in the performance of the contract.'

This suggests an idea of justice being applied.

Sometimes, Parliament intervenes to amend the law where the judiciary cannot. In the past, a person could not sue unless they were a party to the contract. However, in *Jackson v Horizon Holidays* (1975), the claimant succeeded in seeking damages for himself and for members of his family after a package holiday failed to match the advertised description, even though only he, and not his family members, had made the contract. This was not too surprising given the law of agency and the doctrine of the undisclosed principal.

In 1999, Parliament passed the Contract (Rights of Third Parties) Act, allowing third parties to make a claim where the contract expressly provided for this, or where the contract purported to confer a benefit on them. These provisions were designed to avoid the obvious injustices caused in cases such as *Tweddle v Atkinson* (1861), and the subterfuges that were necessary to obtain a just result which occurred in *Beswick v Beswick* (1967).

1.7 The role of law in society

The rule of law cannot exist without a transparent legal system. Law attempts to control society through regulation. This requires:

- a clear set of laws that are freely and easily accessible to all
- strong enforcement structures, and
- an independent judiciary, to protect citizens against the arbitrary use of power by the state, individuals or any other organisation.

In 2010, Lord Bingham published *The Rule of Law*, in which he identified the core principle of the rule of law:

> '…all persons and authorities within the state, whether public or private, should be bound by and entitled to the benefit of laws publicly and prospectively promulgated and publicly administered in the courts.'

He set out the rule of law through eight principles, which society, the state and the judiciary must embrace:

1. The state must abide by both domestic and international law. This means no government has the ability to act at whim.
2. People should only be punished for crimes set out by law.
3. Questions on the infringement of rights should be subject to the application of law, not discretion.
4. The law should be accessible, clear, precise and open to public scrutiny.
5. All people should be treated equally.
6. There must be respect for human rights.
7. Courts must be accessible and affordable, and cases should be heard without excessive delay.
8. The means must be provided for resolving, without prohibitive cost or inordinate delay, *bona fide* disputes which the parties themselves are unable to resolve.

These principles result in certain roles for law in society:

- To protect people from harm – typically by the mechanisms of the criminal law with respect to harm by other people or by dangerous things such as unsafe machinery or pollution
- To ensure a common good – by providing facilities for all, such as education and healthcare
- To settle arguments and disputes – this is the idea of a civil justice system.

These roles result in regulating and controlling society and make a balance between competing interests within society. Much of the balance between different sectors of society is aimed at achieving social control, which may be either informal or formal. Informal social control occurs through:

- the family
- peer groups
- local communities,
- societal groups.

Formal social control occurs through specific social agencies which have the role of maintaining order in society. This is the criminal justice system, and includes:

- the police force
- the judiciary
- the probation and prison services
- law makers, i.e.:
  - Parliament, through Acts of Parliament and through delegating its powers to local law makers such as local councils, and
  - the judiciary, in its interpretation and application of the law.

The civil justice system also does this, so that disputes can be settled through formal mechanisms trusted by society.

Social control is important, because without it there would be the likelihood of anarchy. It should protect those less able to protect themselves, such as children, disabled people or those who are ill.

TARGET SKILLS

1. Define the meaning of an adversarial legal system.
2. Identify Dicey's three elements of the rule of law.
3. Assess whether the law provides justice.
4. Discuss the relationship between law and morality.

1.8 The importance of fault in civil and criminal law

The principle of causation is relevant in both civil and criminal law. It holds that for there to be liability, the defendant must have caused the loss, damage or injury that is the subject of a claim in law. This will be discussed further in the material on criminal law and negligence later in this book.

While civil law is concerned with weighing the interests of the two parties to an action and providing the most suitable remedy where appropriate, one part, the law of tort, is concerned with civil wrongs. In most areas of tort, liability will only be imposed where a party is at fault.

The award of damages in negligence is compensatory and intended to restore the claimant to their pre-accident position, so far as money can do this. The defendant's fault is linked to the extent of harm that has been caused. However, where the claimant contributes to their own harm or injury, the rules of contributory negligence apply, as this splits fault between the two parties.

Occasionally exemplary damages may be awarded. Here, the fault is considered so extreme as to go beyond what would normally be awarded, thus showing the importance of fault. In *Treadaway v Chief Constable of West Midlands* (1994), the claimant had been tortured by the police into making a confession to a crime, and subsequently sentenced to 15 years' imprisonment. Exemplary damages of £50 000 were awarded against the police, as they had shown total disregard for the law.

Interestingly, the decision not to prosecute the police for any offence of assault against Treadaway was reviewed, but the police remained protected and there was no proper reflection of the fault of the parties.

However, the principle of vicarious liability can occur without any fault, in both civil and criminal law. In the criminal case of *Harrow London Borough Council v Shah* (1999), it can be argued that the guilty shop owner had no fault, merely responsibility. In civil law, the principle of vicarious liability has a potentially similar effect.

CASE EXAMPLE

Harrow London Borough Council v Shah (1999)

A shop sold an age-restricted item to an underage child. The shop owner did not personally sell the item, but one of his staff did. This was enough to make the defendant shop owner guilty. His arguments that he did not himself sell the item, and that he had given all necessary staff training, were irrelevant. He was strictly liable for the actions of his staff and was therefore convicted.

In contract law, the Consumer Rights Act 2015 includes a fairness test with respect to the enforceability of terms and to consumer notices in contracts. The Act defines 'unfair' terms as those which put consumers at a disadvantage, by limiting their rights or disproportionately increasing their obligations in comparison with a trader's rights and obligations. This balance is made without reference to fault and seems to be made on the basis of shifting liability, arguably to excess, onto the trader to the benefit of the consumer. However, it can be argued that if, for example, goods sold are defective, then the supplier is at fault and should not be permitted to exclude that liability.

STRETCH AND CHALLENGE

'It is permissible to break the law when you passionately believe in a cause.'

Write points for and against this motion.

TEST YOURSELF

1 Describe the difference between an adversarial and an inquisitorial legal system.
2 Describe the meaning of 'the rule of law'.
3 Describe the meaning of justice.
4 Assess the relationship between law and morals.
5 Assess whether justice is always achieved through use of criminal law.

EXAM-STYLE QUESTIONS

1 Describe Dicey's concept of the rule of law.
2 Discuss whether law provides justice.

2 Parliamentary law making

Introduction

The main legislative (i.e. law-making) body in the UK is Parliament, which meets in the Palace of Westminster. In a democracy, the view is that laws should only be made by the elected representatives of society, and as such MPs are elected to the UK House of Commons.

Laws passed by Parliament are known as Acts of Parliament or statutes, and this source of law is usually referred to as statute law. About 60 to 70 Acts are passed each year. In addition to Parliament making law, power can be delegated to government ministers and their departments to make detailed rules and regulations, which supplement Acts of Parliament. These regulations are delegated legislation (see Chapter 3) and are called statutory instruments. This chapter relates to the key concept of power and its limits.

2.1 The legislative process

▲ **Figure 2.1** The Houses of Parliament at Westminster

UK Parliament consists of the House of Commons, the House of Lords and the Queen, all acting together:

- Members of the House of Commons are elected.
- Members of the House of Lords are either hereditary peers or appointed life peers.
- The Queen has to give her assent before a law can become an Act of Parliament.

Members of Parliament (MPs) sit in the House of Commons and represent a political party. They are elected by the public, with the country being divided into constituencies and each of these returning one MP. Under the Fixed-Term Parliaments Act 2011, there must be a general election every five years.

The government of the day is formed by the political party that has a majority of MPs in the House of Commons.

In 2020, the House of Lords consisted of:

- a maximum of 92 hereditary peers (a title which could be passed down through their family)
- about 660 life peers (nominated by the prime minister, mostly former politicians who have retired from the House of Commons), who could either support one of the political parties or be an independent 'cross-bencher', and
- the 26 most senior bishops in the Church of England.

2.1.1 The pre-legislative process: Green Papers and White Papers

If the government is unsure what law to introduce on a topic, it may issue a Green Paper by the minister with responsibility for that matter. This is a consultative document in which the government's view is put forward with proposals for law reform. Interested parties are then invited to send comments to the relevant government department, in order to:

- consider fully the views of all stakeholders
- suggest any necessary changes to the government's proposals.

Following this, the government may publish a White Paper with its firm proposals for new law, taking into account the views received during the Green Paper consultation.

If the government has firm views on a topic, it may go straight to issuing a White Paper, so that advance notice of future legislation is given.

Consultation is valuable before any new law is framed, as it allows time for mature consideration. From time to time, governments are criticised for responding in a 'knee-jerk' fashion to incidents or situations and, as a result, rushing through law that has subsequently proved to be unworkable. This occurred with the Dangerous Dogs Act 1991 (see the activity on page 22).

Internet research

Find an example of a recent Green Paper and a recent White Paper issued by the UK government.

Have either of these resulted in legislation being passed?

2.1.2 Bills

The majority of Acts of Parliament are introduced by the government. They are initially drafted by lawyers in the civil service, known as Parliamentary Counsel to the Treasury, and are referred to as Bills. Instructions on what is to be included, and the effect the proposed law is intended to have, are provided by the government department responsible for it.

The Bill has to be drafted so that it represents the government's wishes, while at the same time using correct legal wording so that there will not be any future difficulties in applying it. It must be unambiguous, precise and comprehensive. Achieving all of these is not easy, and there may be unforeseen problems with the language used, as discussed in Chapter 4 on statutory interpretation.

A Bill only becomes an Act of Parliament if it successfully completes all the necessary stages in Parliament. The government sets out a timetable for when it wishes to introduce the draft Bill into Parliament, and these Bills take priority.

Private Members' Bills

Private Members' Bills can also be sponsored by individual MPs. The parliamentary process allows for a ballot during each parliamentary session, in which twenty private members are selected who can take their turn in presenting a Bill to Parliament. The time for debate of Private Members' Bills is limited, so that only the first six or seven members in the ballot have a realistic chance of introducing a Bill on their chosen topic. Relatively few Private Members' Bills become law, but there have been some important laws passed in this way, such as:

- the Abortion Act 1967, which legalised abortion in the UK
- the Marriage Act 1994, which allowed people to marry in any registered place, not only in register offices or religious buildings
- the Household Waste Recycling Act 2003, which places local authorities under a duty to recycle waste.

Internet research

Using **www.legislation.gov.uk**, try to find a recent example of a Private Members' Bill which has become law.

Ten-minute rule

Backbenchers (MPs who do not have any official position in the government) can also try to introduce a Bill through the 'ten-minute rule', under which any MP can make a speech of up to ten minutes supporting the introduction of new legislation. This method is rarely successful, unless there is no opposition to the Bill, but some Acts of Parliament have been introduced in this way. An example is the Bail (Amendment) Act 1993, which gave the prosecution the right to appeal against the granting of bail to a defendant. Members of the House of Lords can also introduce Private Members' Bills.

Public and private Bills

A public Bill involves matters of public policy that affect either the whole country or a large section of it. Most government Bills are in this category, for example those which led to the Constitutional Reform Act 2005, the Legal Services Act 2007, the Legal Aid, Sentencing and Punishment of Offenders Act 2012 and the Criminal Justice and Courts Act 2015. Not all Bills are aimed at changing the law for the entire country – some may affect just one, or more, of the devolved countries – Scotland, Wales and Northern Ireland.

Further, some Bills are designed to pass a law that will affect only individual people or corporations. These are called private Bills. An example of a private Bill was the University College London Act 1996, which was passed in order to combine the Royal Free Hospital School of Medicine, the Institute of Neurology and the Institute of Child Health with University College.

▼ **Figure 2.2** Key facts about Bills

Key facts	
Type of Bill	**Description**
Government Bills	These are introduced by the government. They are likely to become law, as government business takes priority in Parliament.
Private Members' Bills	These are introduced by individual members of either the House of Commons or the House of Lords. They rarely become law.
Public Bills	These affect every person and every business in the country.
Private Bills	These only affect individual persons or companies.