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The principle of Separation of

powers

Executive Power

(1) Parliamentary Regime

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(1) : I " المملكة المتحدة لبريطانيا العظمى وإيرلندا الشمالية " United Kingdom of Great Britain and Northern Ireland
" المملكة المتحدة " : England Scotland Wales (2) " المملكة المتحدة " United Kingdom
" London " " UK

The World Factbook 2007 ; prepared by the Central Intelligence Agency for the use of US Government officials (Washington D.C; US Government Printing Office, 2007).
Available Online at : <https://www.cia.gov/library/publications/download>

(1)

) Force of Law

Subordinate (or ()

Delegated Legislation

Primary Legislation

Secondary) Legislation

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أ- رئيس الدولة Chief of State : الملكة إليزابيث الثانية Queen ELIZABETH II (6 /)
 الأمير تشارلز Prince CHARLES () (14 /) (1952)
 (1948)

ب- رئيس الحكومة Head of Government : غوردن براون Gordon Prime Minister
 BROWN (27 /) (2007)

The World Factbook 2007; Ibid.

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40 1999 1980

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(1953) 85
Anson, William R; *The Law and Custom of the constitution, Volume. I, Parliament "by Maurice L. Gwyer "* (London :Oxford, Fifth Edition, 1922), p.253, et seq.

.621 (1999)

| Parliamentary) | (⁽¹⁾ | Draft law | Bill |
|-----------------|------------------|-------------------|---|
| | | (| (⁽¹⁾ |
| | | | أولاً - بالنسبة لمجلس العموم : |
| | |) First Reading | 1 |
| | |) Second Reading | 2 |
| | |) Committee Stage | 3 |
| | | 50 18 | |
| Whole House | (|) Report Stage | 4 |
| | |) Third Reading | 5 |
| | | | ثانياً - بالنسبة لمجلس اللوردات : |
| | | | (|
| | | | ثالثاً - دراسة مجلس العموم للتعديلات المقترحة من جانب مجلس اللوردات : |

. Non-controversial Bills

رابعاً - الموافقة الملكية Royal Assent :

.Acts of Parliament

- : - Bromhead, Peter; *Britain's Developing Constitution* (London: George Allen & Unwin Ltd., First Published in 1974), pp.134-137.
- Kingdom, John; *Government and Politics in Britain*, (Cambridge, Polity Press, First & Third Editions 1991, 2003), pp.287- 289.
- U.K Parliament: *Parliament Explained 4; Making a Law* (London, Parliamentary Copyright 2002), pp.1-9.
- U.K Parliament; *Discover Parliament* (London; Parliamentary Copyright: 2004), pp.11, 12.
- U.K. House of Commons; *Parliamentary Stages of a Government Bill* (London; House of Commons Information Office, Legislation Series: Factsheet L1, Parliamentary Copyright: 2003), pp.3, 6.
- *UK 2005 - The Official Yearbook of the United Kingdom of Great Britain and Northern Ireland* (United Kingdom: London; Office for National Statistics, edition 2005), pp.49,50

Bills

Public Bills

/46/

/138/ 2003 2002

(1)

Acts of Parliament

Government Bills

Explanatory Notes

(2)

The Government's legislative

(3)

programme

UK 2005 - The Official Yearbook of the United Kingdom, op.cit., p.48. : (1)

UK 2005 - The Official Yearbook of the United Kingdom, op.cit., pp.48,49. : (2)

Queen's Speech : (3)

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(2006 2005)

2005 17

/ 45 /

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(1)

(2)

Public Bills

Parliamentary Session

2003/2002

(3)

(1)

U.K parliament, Session 2005-2006, House of Lords Debates - Tuesday 17 May 2005, Hansard Volume No.672, Part No.3, Column 5 - 8 (The Queen's Speech 17 May 2005).

(2)

.109 (1970)

UK 2005 - The Official Yearbook of the United Kingdom, op.cit., p.49.

(3)

:

Private Member's Bill

Abortion

Homosexuality

:

) Private Bill

Public Bills

"

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Hybrid Bills "

) Backbenchers or Backbench MPs

Front benches

(

1994

Channel Tunnel Rail Link Bill

. (1)1996

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(1)

U.K Parliament; *Hybrid Bills* (London; House of Commons Information Office, Legislation Series: Factsheet L5, Parliamentary Copyright: 2005), pp.1,6.

Granting Royal Assent :

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⁽¹⁾1949 1911

" 1911 / 18

(1)

1949

1949

16

Revising legislations

- Kelly, Richard & Pond, Chris; *The Parliament Acts* (House of Commons, Library, Standard Note: SN/PC/675, 10 September 2004), pp.5 - 24.
- Dicey; *Introduction to the Study of the law of the Constitution*, (London, Macmillan and co., Limited, Eighth Edition, 1915), pp.557-560.
- Carroll, Alex; *Constitutional and Administrative Law* (London: Longman, Second Edition, 2002), p.166.

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12

Queen Victoria

1854 / (3)

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UK 2005 - *The Official Yearbook of the United Kingdom of Great Britain and Northern Ireland*, op.cit., pp.49, 50. (1)

(2)

The Gentleman

The

Usher of the Black Rod

Clerk of the Crown

The Clerk of the

(

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Parliaments

- Bond; *La Reyne le Veult: The making and keeping of Acts* ..., op.cit., pp.2,3.

- Anson; *The Law and Custom of the constitution*, Vol.1, op.cit., pp.334, 339.

- Bond; *La Reyne le Veult: The making and keeping of Acts* ..., op.cit., p.3.

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)Act of attainder

Great Seal

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Anson; *The Law and Custom of the constitution*, Vol.1, op.cit., p.335.

Bond; *La Reyne le Veult: The making and keeping of Acts* ..., op.cit., p.3.

1960

1965

Royal

1967

.Assent Act 1967

(1)

1850

)

(

Private Bills

Petitions

Norman French

" The Queen (The King)

"La Reyne (Le Roy) le veult" :

Soit fait comme il "

(

) wills it "

:) " So be it as it is desired "

"est désiré

Personal

(

(1)

) Bills

(

Tax (or Supply) Bill

" La Reyne (Le Roy) remercie ses bons sujets, accepte leur benevolence, et

" The Queen (The King) thanks her good ainsi le veult "

) subjects, accepts their benevolence, and also wills it "

(⁽¹⁾ ()

Withholding Royal Assent :

Suspensive veto

" "

Absolute veto

(⁽²⁾

Scottish militia Bill

Anne

(⁽¹⁾ : Anson; *The Law and Custom of the constitution*, Vol.1, op.cit., pp.337, 338.

- Bond; *La Reyne le Veult: The making and keeping of Acts...*, op.cit., pp.2,3.

- Hayter, Paul; *Companion to the Standing Orders and guide to the Proceedings of the House of Lords*, (The United Kingdom Parliament, House of Lords Publications, 20th edition, 2005), pp.166, et seq.

(⁽²⁾ "La Reyne (or Le Roy) s'avisera" :

() King) will consider it "

"La Reyne (or Le Roy) ⁽¹⁾1708 11
 (2) s'avisera"
 (3) Fallen into desuetude

Unionist Party
 Home Rule Bill 1914 /1913
 (4)

Ulster

1912

Anne

(1)

1707

1708

(2)

- Bagehot, Walter; *The English Constitution "Second Edition 1873"* (London; Oxford University Press, World's Classics, 1928), p.75.

- Anson; *The Law and Custom of the constitution*, Vol.1, op.cit., p.337.

- Finer; *The Theory and Practice of Modern Government " In Two Volumes "*(London; Methuen & CO. LTD, First Published in 1932), Vol.2, pp.1115, 1116.

- Bond; *La Reyne le Veult: The making and keeping of Acts at Westminster*, op.cit., p.2.

(2)

- Wilson, Geoffrey; *Cases and Materials on Constitutional and Administrative Law* (London; Cambridge University Press, 1966), p.30.

- Dicey; *Introduction to the Study of the law of the Constitution*, op.cit., p.xxiii (At Introduction, In footnote No.1).

"veto" of the King

/25/

Finer; *The Theory and Practice of Modern Government*, op.cit., pp.1116, 1117 (3)

1914.

1911

"

1912⁽¹⁾ /

" Bonar Law "

Herbert Henry "

1913

Anne

"

(Liberal Party

) Asquith

» :⁽²⁾

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» :

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Lord Halsbury

1913

» :

Wilson; *Cases and Materials on Constitutional... Law, op.cit., pp.27, et seq.* : (1)

Ibid., pp.32,33. : (2)

«⁽¹⁾

Lord Esher

» :

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«⁽²⁾

1914 18

Government of

) Home Rule Act, 1914

«⁽³⁾ Ireland Act

(1) : *Finer; The Theory and Practice of Modern Government, op.cit., p.1116.*

(2) « Lord Esher..... informed George V : "The King would have to sign his own death-warrant, if it was presented to him for signature by a minister commanding a majority in Parliament. If there is any tampering with this fundamental principle, the end of the monarchy is in sight ».
Laski, Harold J; *Parliamentary Government in England "A Commentary"* (London; :

George Allen & Unwin Ltd, Fourth Impression, 1950), p.429.

(3) : *Dicey; Introduction to the Study of , op.cit., p.xxiii (At Introduction).*

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De Lolme "

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The sovereignty of Parliament "

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Fundamental or Constitutional laws

.Ordinary laws

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2

Legislative Assembly

Constituent Assembly

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(3)

(1) « It is a fundamental principle with English lawyers, that Parliament can do everything but make a woman a man, and a man a woman. ».

Dicey; *Introduction to the Study of the law of the Constitution*, op.cit., p.41

Dicey; *Ibid.*, pp.84-87.

(2)

(3)

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.105 88 87 (2005 2004

:

"Glorious Revolution"

James II

1688

Bill of Rights

1689

William of Orange

)

(Proclamations

Orders

(1)

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(3)

Anson; The Law and Custom of the constitution, Vol.1, op.cit., p.37, et.seq. : (1)

.226 225 : (2)

Report of the Donoughmore Committee on Ministers' Powers, 1932, p.4 : (3)

1929)

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« There is no such thing as the absolute separation of legislative, executive, and judicial powers; in practice it is inevitable that they should overlap. ... Attempts (in USA and France) to keep them apart have been made but have proved unsuccessful ».

(1) Statutory Instruments

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Poor Law Amendment Act "

Poor Law Commissioners

1834

(2)

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: Statutory Instruments

(1)

Force of Law

Fees

Rules

Orders

Regulations

Orders in Council

التشريع المفوض

Subordinate التشريع الفرعي

Secondary Legislation التشريع الثانوي

Delegated Legislation

Primary Legislation

Legislation

UK Parliament; Glossary - Parliamentary Jargon Explained.

Available at: <http://www.parliament.uk/glossary/glossary.cfm>

.258 257 226

(2)

Report of the Donoughmore Committee on Ministers' Powers, 1932, p.5.

(3)

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.295 294 286 (1988

...

(1)

1929

Lord Hewart

.The New Despotism "

Rule of Law

Sovereignty of Parliament

(2)

1929

» Earl of Donoughmore

(3)«

Donoughmore Committee

(4)

1932

.227

.228

*Wilson; Cases and Materials on Constitutional... Law, op.cit., pp.208, et seq.**Report of the Donoughmore Committee on Ministers' Powers, 1932, p.14.*

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: Justifications of delegated legislation

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The pressure of parliamentary time : **1**

...

« We do not agree with those critics who think that the practice is wholly bad. We see definite advantages, provided that the statutory powers are exercised and the statutory functions are performed in the right way ».

.296 295 ... : (1)

(2)

Statutory Instrument / 3500 /

- U.K Parliament; *Statutory Instruments* (House of Commons Information Office, Procedure Series, Factsheet L 7, Parliamentary Copyright: 2005), pp.1-10.

- UK 2005 - *The Official Yearbook of the United Kingdom*, op.cit., p.51.

(3)

- Bradley & Ewing; *Constitutional and Administrative Law*, op.cit., pp.625,626.

- Carroll, Alex; *Constitutional and Administrative Law*, op.cit., pp.128,129.

Complexity & technicality of subject-matter : 2

Speed : 3

The Food Protection () 1986
() Order 1986

The need for flexibility : 4

Times of emergency : 5

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(1)

⁽¹⁾« The system of delegated legislation is both legitimate and constitutionally desirable for certain purposes within certain limits, and under certain safeguards ».

Report of the Donoughmore Committee on Ministers' Powers, 1932, p.58.

(1)

: Consultation of interests

1

Enabling Acts

Sir William Graham-Harrison

":

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: Publication or Publicity

2

Statutory "

()

S 2(1)

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1996

1946

Instruments Act

Orders in Council

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S 3(2)

Criminal Offence

(1)

- Bradley & Ewing; *Constitutional and Administrative Law*, op.cit., pp.630-637.
 - Carroll, Alex; *Constitutional and Administrative Law*, op.cit., pp.132-135.

1946

: Parliamentary Scrutiny

3

Votes and Proceedings

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Office of the Clerk of the Parliaments

Office

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:Negative Resolution

% 70

.Statutory instruments

" " " S 5 "

:Affirmative Resolution

Matter of

Principle

Emergency Powers Act 1920

1974

.Northern Ireland Act

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Joint Committee on Statutory Instruments

(1)

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Standing Orders of the House of Commons - Public Business 2007 (United Kingdom: London; The Stationery Office, March /2007), pp.144-147.

(1)

: Dangers of delegated legislation

(2)

: Government by decree

1

Matters of principle

: Imposition of Taxation

2

... () " : 1689

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(1)

Carroll, Alex; *Constitutional and Administrative Law, op.cit., pp.129-131.*

(2)

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|------------------------------------|-------------|
| Indirect Taxation | . |
| Value Added Tax | . |
| : Alteration of Acts of Parliament | 3 |
| Subordinate law- | |
| maker | |
| " Henry VIII clause " | |
|) | |
| .(| |
| Matters of | |
| Details | |
| Matters of Substance | |
| : Retrospective Effect | 4 |
| War Damage Act | |
| . | 1965 |
| Close Parliamentary Scrutiny | |

: Exclusion of judicial review 5

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Enabling

legislation

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.92 : (1)
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.217 216 203
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.235 233 1981

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.197 158 (1996

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) " " (1996)
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) (1970)
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 1999 1980 ")
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 1981) : .
) (2005 2004)
) : .
) (1999)

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- 1- **Anson, William R;** The Law and Custom of the constitution, Volume. I, Parliament "by Maurice L. Gwyer " (London; Oxford, Fifth Edition, 1922).
- 2- **Bagehot, Walter;** The English Constitution "Second Edition 1873" (London; Oxford University Press, World's Classics, 1928).
- 3- **Bond, M. F;** La Reyne le Veult: The making and keeping of Acts at Westminster, Reprinted from History Today: Vol. VI, pp.765-773 (1956), House of Lords Record Office Additional Memorandum (1958).
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- Departmental Select Committees (London: House of Commons: Information Office, Procedure Series, Factsheet P2, Parliamentary Copyright 2003).

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 - Parliamentary Stages of a Government Bill (London; House of Commons Information Office, Legislation Series: Factsheet L1, Parliamentary Copyright: 2003).
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 - Statutory Instruments (House of Commons Information Office, Procedure Series, Factsheet L 7, Parliamentary Copyright: 2005).
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- Discover Parliament (London; Parliamentary Copyright: 2004).
 - Parliament Explained 4; Making a Law (London; Parliamentary Copyright 2002).
- 17- Wilson, Geoffrey;** Cases and Materials on Constitutional and Administrative Law (London; Cambridge University Press, 1966).
- 18- Yardley, D. C. M.;** Introduction to British Constitutional law (London; Butterworths, Sixth Edition, 1984).'