

THE LANGUAGE OF CONTRACT LAW

WHERE DOES CONTRACT LAW COME FROM?

Exercise 1

Jack Winter and Shelley Hirst are first-year law students at the University of Chatsworth. Their studies will begin with contract law. The head of the law faculty has asked first-year students to read a book called 'An Introduction to English Contract Law' before they come to their first lecture. The first section of the book that Jack and Shelley have to read is about the sources of English law. This page is on the subject of statute. Fill the gaps in the text with a word or phrase from the box below.

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|--------------|-------------|---------------|------------|------------------|
| ● amendments | ● drafted | ● into force | ● rejects | ● administrative |
| ● MP | ● formality | ● legislation | ● approves | ● elected |

An Introduction to English Contract Law

Chapter 1: Sources of English law

In England there is no civil code. English contract law is therefore not codified. Instead we derive our law from two main sources, which are statute (law made by Parliament) and case law (law made by judges).

Statute

A statute is also called an Act of Parliament. In England, statutes have been the most common source of new contract law since the 17th century. A new statute passes through three stages:

Stage 1: A proposal is made for a new law. A proposal can come from either a government department or an individual (a) _____. This stands for 'Member of Parliament'. If the proposal comes from a government department, then it will usually be (b) _____ by a lawyer in the Civil Service. The Civil Service is the organisation which manages the government's (c) _____ affairs. This proposal for a new Act of Parliament has to be drafted, sometimes called 'drawn up', so that it accurately states the government's intentions and it must be as unambiguous as possible in the language that it uses. Instructions as to what is to be included in the proposal are given to the Civil Service by the government department responsible for it. When the proposal is drafted and published, it is then referred to as 'a Bill'. A private member's Bill is a Bill put forward for consideration by an individual MP. Relatively few private members' Bills become law as compared to those introduced by the government. A Bill is debated in the House of Commons. If the House of Commons (d) _____ a Bill, which it does by taking a vote, then it is passed on to the next stage.

Stage 2: The House of Lords now debates the Bill. The members of the House of Lords can suggest (e) _____ to the Bill, and if they do so, it will go back to the Commons for its consideration of the proposed changes. The power of the House of Lords is limited and a Bill can become law even if the House of Lords (f) _____ it. This is because the role of the House of Lords is to advise and to make suggestions about the law, rather than to formulate it. The process reflects the fact that the House of Commons is a democratically (g) _____ body and the House of Lords is not. When a Bill has passed through the House of Lords it goes on to the final stage.

Stage 3: The monarch (the King or the Queen) gives the royal approval to the Bill. This is called Royal Assent. This is actually only a (h) _____, as the monarch does not even see the full text of the Bill. Once Royal Assent is given to a Bill, the new Act of Parliament will come (i) _____ on the date stated in the Act itself, or at midnight on the day that Royal Assent is received. All of the statutes created by Parliament are known collectively as (j) _____.