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The Law-Making Process

As a critical analysis of the law-making process, this book has no equal. For more than two decades it has filled a gap in the requirements of law students and others taking introductory courses on the legal system. It deals with every aspect of the law-making process: the preparation of legislation; its passage through Parliament; statutory interpretation; binding precedent; how precedent works; law reporting; the nature of the judicial role; European Union law; and the process of law reform. It presents a large number of original texts from a variety of sources – cases, official reports, articles, books, speeches and empirical research studies – laced with the author's informed commentary and reflections on the subject. This book is a mine of information dealing with both the broad sweep of the subject and with all its detailed ramifications.

Michael Zander QC is Emeritus Professor of Law at the London School of Economics. He is the author of *Lawyers and the Public Interest*; *Legal Services for the Community*; *Cases and Materials on the English Legal System* (a companion volume in the Law in Context series); *A Bill of Rights?*; *The Police and Criminal Evidence Act 1984*; and *The State of Justice*. He has conducted many empirical studies, is a regular journalist, a frequent broadcaster on radio and television, and is an acknowledged authority on the working of the legal system.

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The Law-Making Process

Sixth Edition

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Preface to the Sixth Edition

There are no major changes since the last edition but some 60 pages of new material have been added. A high proportion of the new material brings the text up to date. But there are a considerable number of topics that cover entirely new or significantly strengthened material. They include: the constitutional changes involving the abolition of the Lord Chancellor; the proposed move of the House of Lords to a Supreme Court and the establishment of a Judicial Appointments Commission; the composition of the House of Lords; the work of the Joint Human Rights Committee of the Lords and Commons; devolution; parliamentary reform including programming and the carry-over of legislation; the parliamentary scrutiny of delegated legislation; the new Court of Appeal practice of delivering composite judgments; developments regarding intervention in litigation by third parties; and the new EU constitution agreed in June 2004. Important new empirical research, especially by Professor Edward Page informs the revision and strengthening of both Chapter 1 and 2.

One of the most important developments since the last edition is the accessibility of a wealth of material (case law, legislation, statutory instruments, parliamentary debates, official committee and governmental reports) online. Web references are given throughout and the index collects references to the website addresses given in the book.

The manuscript was revised up to July 2004.

Michael Zander

Preface to the First Edition

The chief purpose of this book is to improve the understanding of the law-making process. For many years I have taught the English Legal System course at the London School of Economics and an equivalent course taken by non-law students. Experience has suggested to me that there is a great gap in the existing literature which this book attempts to fill. It is something between a book of cases and materials, on the one hand, and a textbook on the other. It presents a large number of original texts from a variety of sources – cases, official reports, articles, books, speeches and surveys. It also, however, contains a good deal of the author's own reflections on the subject-matter. The book deals only with the official forms of law-making on a national scale and therefore says nothing about 'private' law-making by lawyers for their clients or by organisations such as trade unions, clubs or companies for their members or shareholders. The book is intended as a companion to the author's *Cases and Materials on the English Legal System* [9th edn, 2004]. There is no overlap between the two books. They are intended to complement each other and together to provide the basic reading required for a university or equivalent course on the legal system. It is hoped that the book will also be of value to anyone concerned to understand how the law-making process actually operates.

January 1980

Michael Zander

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