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Providing for the unification and incorporation of European Community law in the UK's national law, the European Communities Act 1972 is known as an Act of the Parliament of the United Kingdom. The prominence of the European Community Act 1972 is that it allows the ministers of the government to put regulations before Parliament in order to implement necessary changes to UK law.

The section 2(4) of the law provides that the entire legislation in the United Kingdom will have an effect, which is dependent on pertinent EC Law directly. The UK's legislation includes the Acts of Parliament as well. As noted the Factortame case, the House of Lords in the United Kingdom has construed this rule as deliberately adding an implicit clause into all UK laws. Thus, UK will not apply the same when they find it conflicting with European law.

As made by the House of Lords in the UK, an international law community as a blatant exit took this interpretation from the English constitutional policy stressing the need of the parliamentary sovereignty in the region. The abolishment of the Act will end in making EU law ineffectual or invalid in the United Kingdom. In January 1973, the United Kingdom decided to associate herself formally with the European Community, which is now known as the European Union.

The European Community was formed in 1957 when six Member States signed the Treaty of Rome. Those states included Germany, Belgium, France, Luxembourg, Italy, Netherlands, and Belgium. In a grand ceremony held in Brussels, the United Kingdom finally signed the Treaty of Rome in 1972. The United Kingdom then incorporated European law in its own through the European Communities Act 1972, where the sections 2 and 3 of the Act set out the most significant provisions.

As per the Section 2(1) of the European Communities Act 1972: “All such rights, powers, liabilities, obligations and restrictions from time to time created or arising under the Treaties, and all such remedies and procedures from time to time provided for by or under the Treaties, as in accordance with the Treaties are without further enactment to be given legal effect or used in the United Kingdom shall be recognized and available in law, and be enforced, allowed and followed accordingly; and the expression 'enforceable Community right' and similar expressions shall be read as referring to one to which this subsection applies”.

The effect of section 2 is quite distinct and noteworthy, as it, sets out that European law must be taken as valid and efficient as legislation in the United Nations too.

As per the Section 2(4) of the European Communities Act 1972: “The provision that may be made under subsection (2) above includes, subject to Schedule 2 to this Act, any such provision (to any such extent) as might be made by Act of Parliament, and any enactment passed or to be passed, other than one contained in this part of this Act, shall be construed and have effect subject to the foregoing provisions of this section”. (Giussani, 2008)

Where European law exists on a particular subject (at least if set out in the Treaties or Regulations), it can override any inconsistent UK law - including Acts of Parliament. In this manner, the doctrine of parliamentary sovereignty is compromised and affected by the implementation of EC law. Afterward the acknowledgment, in this case, that UK law had violated EC law, and that the latter must prevail, UK law was officially reformed by statute. Acting upon this, the Merchant Shipping Act had made a few of the specific amendments, particularly in the fishing regulations by this time.

References

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