

1: European company law in the making - The / directive - Legalmondo

BOOK REVIEWS Law in the Making. By Carleton Kemp Allen. New York, Oxford University Press, pp. xxiv, This book contains seven chapters discussing the following as possible.

This Topic Page concerns Laws - or, more specifically, how a bill becomes a law. The general process is described in the Constitution in Article 1, Section 7. This page is a concise overview of the entire process and though it does go into some detail, there are many it leaves out. The general process for making a bill into a law is described in the Constitution. As with many things, however, the Constitution leaves most of the details to the people of the day, dictating just the overall picture. Before we delve into those details, however, a look at the general process is useful. First, a bill must pass both houses of Congress by a majority vote. After it has passed out of Congress, it is sent along to the President. If the President signs the bill, it becomes law. The President might not sign the bill, however. If he specifically rejects the bill, called a veto, the bill returns to Congress. This is called "overriding a veto," and is difficult to do because of the two-thirds majority requirement. Alternately, the President can sit on the bill, taking no action on it at all. However, if the Congress has adjourned before the ten days passes and without a Presidential signature, the bill fails. This is known as a pocket veto. The process laid out in the Constitution is relatively complicated when it comes to vetoes, but pretty simple when it comes to approving a bill. But in reality, there is a lot more to law making than these steps spelled out in a clause of the Constitution. Submitting a Bill Bills originate from several different sources, but primarily from individual members of Congress. In addition, bills might be brought to a member by a constituent or by a group of constituents; a bill can be submitted to a member of Congress by one or more state legislatures; or the President or his administration might suggest a bill. However it is brought to the attention of a member, it must be submitted for consideration by the member. In the House, Representatives need merely drop a copy of a bill into a bin specifically placed to receive new bills. Bills can be introduced in either house, though as noted above, a bill must eventually pass both houses to become law. The exception to this is that bills for raising revenue must originate in the House, and never in the Senate. Committees Both houses of Congress, the House and the Senate, are divided into large groups called Committees, with most committees divided yet again into Subcommittees. Subcommittees are even more specialized, with one on, for example, Military Nuclear Weapons, and another on Military Pay. Bills typically concern a specific topic, like raising the pay of soldiers. There is a Subcommittee on Pay, Promotion, and Retirement that would consider the pay bill. Once a bill is introduced, it is assigned to a committee. A bill is scheduled to have hearings, at which time witnesses may be called to testify as to why a bill is needed, and sub-committee members ask questions of the witnesses to determine the need or validity of the bill. Once the hearings are held, the members of the subcommittee will then vote on the bill to see if it should proceed further, on to the full committee. If the vote fails, then the bill dies. Some bills are broad enough to warrant direct consideration by the full committee itself. These types of bills, and bills that are referred to the full committee by a subcommittee, are debated in the committee, which might call witnesses, too. Finally, a vote on the bill is taken at the committee level. If the bill is defeated in the committee vote, it dies. If it passes, a committee report is attached to the bill and it is sent to the full house. House Procedure In the House, a bill approved by a committee is referred to the whole House. Most are then referred to the so-called Committee of the Whole, which consists of all members of the House, but with a much lower quorum requirement. Once in the Committee of the Whole, it is read and debated upon. During this general debate, time is allotted for debate, with equal amounts of that time given to the two main parties in the House. When the time for debate is up, a second reading is done. After the second reading, amendments to the bill may be offered, debated upon, and voted upon. Once the Committee of the Whole is done with the bill, it is referred back to the full House. Note that a bill cannot be killed in the Committee of the Whole, although amendments may be placed on the bill that make it undesirable. This is often known as a "poison pill. Once in the hands of the full House, the amendments placed on the bill by the Committee of the Whole are voted upon - they can be voted upon en masse or one at a time. After that, one of two votes can happen - either a vote to recommit which can send the

bill back to committee if approved, or a vote on the bill, as amended. If a recommit vote fails, a full vote is taken. If a bill passes, it is organized and published. The House uses blue paper for approved bills.

Senate Procedure After a Senate committee refers a bill to the full Senate, it can take one of two main roads. In some cases, with emergency or other non-controversial bills, a simple voice vote is taken of the Senate, and the bill either passes or fails. Amendment is possible even when the simple voice vote can be used. If consent for a voice vote is not available, the bill is placed on the calendar for review by the entire Senate at a later date. If no objection is noted, each Senator has five minutes to speak on the bill. During this time, amendments may be offered. If objection was offered, then each Senator has the opportunity to speak on the bill for as long as he or she wishes. From time to time, a Senator may "filibuster" by speaking about a bill for an extended period of time, never yielding the floor to another Senator. This is usually, at most, a delaying tactic, since a single member cannot speak for an indefinite amount of time. By combining forces with other Senators, however, it can be an effective tool for stopping action on an item, or for forcing compromise on an item. After all amendments are offered and voted upon, and all Senators who wish to talk have had a chance to, the bill is put forth for a vote.

Conference Once a bill leaves the House and the Senate, it must be checked. If anything in the two versions of the bill differ, in any way even in something as minor as punctuation, the bill must be reconciled. The house in which the bill originated is given a copy of the bill with its differences. For example, if the House originated a bill, then sent it along to the Senate for consideration, and the Senate made changes, the bill is sent back to the House. If the changes are minor, they might be accepted by the originating house with no debate. If changes are of a more substantial nature, however, a conference is called for. In a conference, a number of Representatives and a number of Senators meet to work out the differences in the two versions of the bill. The people in the conference committee are known as managers. The number of managers from each house of Congress is of little concern, because the managers from each house vote separately. So, for example, a conference committee might have ten Representatives and seven Senators. Managers are not allowed to substantially change the bill. They may add an amendment from one bill into the other, or take out an amendment added but not in the other. But they cannot add new amendments to both versions of the bill. When there is disagreement, new text, which might be a compromise between two versions, can be proposed. But the changes must be consistent with the bill itself. Following negotiations, the managers make reports back to their houses, that they were able to agree on the bill, able to agree only on some parts of the bill, or were unable to agree at all on the bill. If the first case, the bill is revoted upon in both houses. If the latter two cases, the bill may go back to a new conference committee, referred back to the committees in the two houses, or it may just die because the differences are too vast to bridge.

On to the President Regardless of how it leaves the Congress, once it does, it goes to the President for his signature. Note that the legislative process does not operate in a vacuum, and the President, or his staff, has been tracking bills that pass the Congress. In all likelihood, the President has commented on the bill, indicating his likelihood of signing it, perhaps indicating that he will veto it unless certain provisions are in the bill, and so on. By the time the President officially sees the bill, it is either in accordance with his wishes, or in defiance of them. Officially, all bills that pass both houses are signed by the Speaker of the House and the President or President Pro Tem of the Senate before being presented to the President. This process does not usually include any politicized delays, but it could delay a bill a day or two. Then, the bill is delivered to the President and the day clock starts to tick. The President may sign the bill at any time after its deliverance. If it sits unsigned for more than the day period, it becomes law regardless of his signature or not. The exception to this day period is commonly called a pocket veto. In a pocket veto, the President can kill a bill if it goes unsigned and Congress adjourns prior to the day time limit. The term "pocket veto" comes from the fact that if the President knows an adjournment is coming, he can place the bill in his pocket and forget about it. Note that the general interpretation of the adjournment needed for a pocket veto does not include short-term adjournments; only when the Congress adjourns "sine die," or, basically, for good. This might be when a Congress ends before the next begins, or during an extended adjournment during a seasonal break. If the President vetoes the bill, a veto message is sent back to Congress. The two houses of Congress may decide to revoice on the issue right away. Normally, it is known if enough members will vote to override the bill two-thirds is needed. If such a majority exists, the revoice is

almost guaranteed. If no immediate revote is taken, the bill can be tabled for later vote or sent back to the committee to have further work done. If a vote is taken to override, and the vote fails, the bill dies.

2: Law-making Process | SabinetLaw

Yesterday I was fortunate to speak about the complexities of trade dress laws at INTA's 3D printing conference, and how unlikely it is that an average user could be expected to know whether they are violating them when they create and.

The person or persons who introduce a bill are the sponsors; any member of the same body House or Senate can add his or her name as a cosponsor after the day of introduction. When a bill is introduced, it is given a number: The bill is then referred to a committee with jurisdiction over the primary issue of the legislation. Sometimes a bill will be referred to multiple committees. And sometimes the bill is referred to a subcommittee first. Hearings and Markup The chair of the relevant committee determines whether there will be a hearing on the bill which is an opportunity for witnesses to provide testimony and then whether there will be markup, which refers to the process by which the proposed bill is debated, amended, and rewritten. Usually, a subcommittee holds the hearing, and then the bill can be marked up, first in subcommittee and then in full committee although action can be taken only at the full committee level. After amendments are adopted or rejected, the chair can move to vote the bill favorably out of committee. The members of the minority, including the Ranking Member, the most senior committee member from the minority party, may file dissenting views as a group or individually. A copy of the bill as marked up is usually printed in the Committee Report. Floor Debate and Votes The Speaker of the House and the Majority Leader of the Senate determine if and when a bill comes before the full body of the House and the Senate, respectively, for debate and amendment and then final passage. There are very different rules of procedure governing debate in the House and debate in the Senate. In the House, a representative may offer an amendment to a bill only if he or she has obtained permission from the Rules Committee. In the Senate, a senator may offer an amendment without warning, as long as the amendment is germane to the bill. Referral to the Other Chamber When the House or the Senate passes a bill, the bill is referred to the other chamber, where it usually follows the same route through committee and floor action. That chamber may approve the bill as received, reject it, ignore it, or amend it before passing it. Conference on a Bill If only minor changes are made to a bill by the other chamber, the legislation usually goes back to the originating chamber for a concurring vote. If the conferees are unable to reach agreement, the legislation dies. Both the House and the Senate must approve the conference report. If either chamber rejects the conference report, the bill dies. Action by the President After the conference report has been approved by both the House and the Senate, the final bill is sent to the President. If the President approves the legislation, he signs it and it becomes law. If the President does not take action for 10 days while Congress is in session, the bill automatically becomes law. If the President opposes the bill, he can veto it; or if the President takes no action and Congress adjourns its session, it is a "pocket veto" and the legislation dies. Overriding a Veto If the President vetoes a bill, Congress may decide to attempt to override the veto.

3: Constitutional Topic: How a Bill Becomes a Law - The U.S. Constitution Online - www.enganchecubano.com

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But apart from that everything is fine. Sincerely, A student MrPolitic99 Post 4 I always find it funny that people will often blame the sitting president for the passing of legislation or a specific bill. The truth is that while the president has the final action to put the bill into law by his or her signature, there are many things that happen first and there must be an actual author of the bill that is a member of congress. The president can sponsor legislation but in the end, a senator or congressmen must be capable of actually writing the words of the bill. Our process can seem very convoluted at times but i think it is important to remember that we have come a long way from the days of answering to a king and not having any say in the laws that we are subject to. No doubt that politically, times are better then the past. GraniteChief Post 3 The part of the legislative process that never made sense to me is the way that the two houses of congress are capable of conforming the laws they pass into a single piece of legislation that can be signed by the president. What committees or groups within these houses actually make the compromises that are sometimes necessary to continue the push of the bill into a law? Obviously there are differences that happen when the two parts of congress try to come together but it obviously works sometimes because we do have laws that have been passed and continue to do so. Perhaps this is one of the reasons that we are having issues getting timely legislation pushed through in a timely manner. I am not sure if this advantage of going slow to watch for error is the best method when we are in emergency circumstances. We need be able to act quickly as a nation, not just as a slow monolithic beast. Realizing that even after a bill becomes a law, the scrutiny that it faces never ends and that is a good thing. Even after our legislature and president have passed and signed a law, the judicial branch will continue to examine the law and hear appeals and law suits brought in the name of the law and can even be considered at the highest level of the supreme court to validate the legislation. This massive and often slow system may seem like a waste of resources and a bureaucracy that has no means of over coming but it is because of this slow and steady movement that we are able to ensure that the laws being passed are quality and legal within the limitations of our constitution. While lawyers will always be lawyers, there is some good that they do when they try cases on very critical and human rights significant laws. It always makes me think about just how uneducated people really are about this kind of process that is at the very fundamental base of our democracy. It is very disturbing that while many people actually have been taught how our law process works in elementary school history lessons, this seems to be forgotten very easily. Only when we treat this subject with great importance will the general public start to accept it as universal and needed knowledge. Hopefully at some point we as a society will gain an advantage as being one of the most educated people on the planet. Unfortunately, we are far from it right now as surveys all over the world have continually confirmed.

4: The Basics of the Regulatory Process | Laws & Regulations | US EPA

How Our Laws Are Made. This is a web-friendly presentation of the PDF "How Our Laws Are Made" (House Document); revised and updated by John V. Sullivan, Parliamentarian, United States House of Representatives, July

First page of the edition of the Napoleonic Code. Civil law is the legal system used in most countries around the world today. In civil law the sources recognised as authoritative are, primarily, legislation—especially codifications in constitutions or statutes passed by government—and custom. Modern civil law systems essentially derive from the legal practice of the 6th-century Eastern Roman Empire whose texts were rediscovered by late medieval Western Europe. Roman law in the days of the Roman Republic and Empire was heavily procedural, and lacked a professional legal class. Decisions were not published in any systematic way, so any case law that developed was disguised and almost unrecognised. From 529 AD the Byzantine Emperor Justinian I codified and consolidated Roman law up until that point, so that what remained was one-twentieth of the mass of legal texts from before. As one legal historian wrote, "Justinian consciously looked back to the golden age of Roman law and aimed to restore it to the peak it had reached three centuries before. Western Europe, meanwhile, relied on a mix of the Theodosian Code and Germanic customary law until the Justinian Code was rediscovered in the 11th century, and scholars at the University of Bologna used it to interpret their own laws. Both these codes influenced heavily not only the law systems of the countries in continental Europe e. Greece , but also the Japanese and Korean legal traditions. Common law and equity[edit] Main article: Common law King John of England signs Magna Carta In common law legal systems , decisions by courts are explicitly acknowledged as "law" on equal footing with statutes adopted through the legislative process and with regulations issued by the executive branch. The "doctrine of precedent", or stare decisis Latin for "to stand by decisions" means that decisions by higher courts bind lower courts, and future decisions of the same court, to assure that similar cases reach similar results. In contrast , in " civil law " systems, legislative statutes are typically more detailed, and judicial decisions are shorter and less detailed, because the judge or barrister is only writing to decide the single case, rather than to set out reasoning that will guide future courts. Common law originated from England and has been inherited by almost every country once tied to the British Empire except Malta, Scotland , the U. In medieval England, the Norman conquest the law varied-shire-to-shire, based on disparate tribal customs. The concept of a "common law" developed during the reign of Henry II during the late 12th century, when Henry appointed judges that had authority to create an institutionalized and unified system of law "common" to the country. The next major step in the evolution of the common law came when King John was forced by his barons to sign a document limiting his authority to pass laws. In , for instance, while the highest court in France had fifty-one judges, the English Court of Common Pleas had five. From the time of Sir Thomas More , the first lawyer to be appointed as Lord Chancellor, a systematic body of equity grew up alongside the rigid common law, and developed its own Court of Chancery. In developing the common law, academic writings have always played an important part, both to collect overarching principles from dispersed case law, and to argue for change. William Blackstone , from around 1760, was the first scholar to collect, describe, and teach the common law. Religious law Religious law is explicitly based on religious precepts. Examples include the Jewish Halakha and Islamic Sharia —both of which translate as the "path to follow"—while Christian canon law also survives in some church communities. Often the implication of religion for law is unalterability, because the word of God cannot be amended or legislated against by judges or governments. For instance, the Quran has some law, and it acts as a source of further law through interpretation, [88] Qiyas reasoning by analogy , Ijma consensus and precedent. This is mainly contained in a body of law and jurisprudence known as Sharia and Fiqh respectively. This contains the basic code of Jewish law, which some Israeli communities choose to use. Nevertheless, Israeli law allows litigants to use religious laws only if they choose. A trial in the Ottoman Empire, , when religious law applied under the Mecelle Main article: Since the mids, efforts have been made, in country after country, to bring Sharia law more into line with modern conditions and conceptions. The constitutions of certain Muslim states, such as Egypt and Afghanistan, recognise Islam as the religion of the state, obliging legislature

to adhere to Sharia. I authorise and give up my right of governing myself to this man, or to this assembly of men, on this condition; that thou givest up, thy right to him, and authorise all his actions in like manner. Thomas Hobbes, *Leviathan*, XVII The main institutions of law in industrialised countries are independent courts, representative parliaments, an accountable executive, the military and police, bureaucratic organisation, the legal profession and civil society itself. John Locke, in his *Two Treatises of Government*, and Baron de Montesquieu in *The Spirit of the Laws*, advocated for a separation of powers between the political, legislature and executive bodies. Judiciary A judiciary is a number of judges mediating disputes to determine outcome. Most countries have systems of appeal courts, answering up to a supreme legal authority. The European Court of Human Rights in Strasbourg allows citizens of the Council of Europe member states to bring cases relating to human rights issues before it. For example, in *Brown v. Board of Education*, the United States Supreme Court nullified many state statutes that had established racially segregated schools, finding such statutes to be incompatible with the Fourteenth Amendment to the United States Constitution. In most countries judges may only interpret the constitution and all other laws. But in common law countries, where matters are not constitutional, the judiciary may also create law under the doctrine of precedent. The UK, Finland and New Zealand assert the ideal of parliamentary sovereignty, whereby the unelected judiciary may not overturn law passed by a democratic legislature. By the principle of representative government people vote for politicians to carry out their wishes. Although countries like Israel, Greece, Sweden and China are unicameral, most countries are bicameral, meaning they have two separately appointed legislative houses. In the UK the upper house is appointed by the government as a house of review. One criticism of bicameral systems with two elected chambers is that the upper and lower houses may simply mirror one another. The traditional justification of bicameralism is that an upper chamber acts as a house of review. This can minimise arbitrariness and injustice in governmental action. Normally there will be several readings and amendments proposed by the different political factions. If a country has an entrenched constitution, a special majority for changes to the constitution may be required, making changes to the law more difficult. A government usually leads the process, which can be formed from Members of Parliament e. However, in a presidential system, the government is usually formed by an executive and his or her appointed cabinet officials e. The executive in a legal system serves as the centre of political authority of the State. In a parliamentary system, as with Britain, Italy, Germany, India, and Japan, the executive is known as the cabinet, and composed of members of the legislature. The executive is led by the head of government, whose office holds power under the confidence of the legislature. Because popular elections appoint political parties to govern, the leader of a party can change in between elections. Examples include the President of Germany appointed by members of federal and state legislatures, the Queen of the United Kingdom an hereditary office, and the President of Austria elected by popular vote. The other important model is the presidential system, found in the United States and in Brazil. In presidential systems, the executive acts as both head of state and head of government, and has power to appoint an unelected cabinet. Under a presidential system, the executive branch is separate from the legislature to which it is not accountable. In presidential systems, the executive often has the power to veto legislation. Most executives in both systems are responsible for foreign relations, the military and police, and the bureaucracy. Military and police[edit] U. Customs and Border Protection officers While military organisations have existed as long as government itself, the idea of a standing police force is a relatively modern concept.

5: California Department of Business Oversight

The president may sign the act of Congress into law, or he may veto it. Congress can then override the president's veto by a two-thirds vote of both the House and Senate thereby making the vetoed act a law.

The European Parliament and the Council intend to create the conditions to effectively promote the fulfillment of the freedom of establishment and of the freedom to conduct business as set out by the Treaty on the Functioning of the European Union TFEU and the Charter of Nice. The Directive operates in two directions: The Annex IV includes a correlation table linking the articles of the consolidated Directives with the new one. New rules are directed in particular to coordinate safeguards and guarantees that must be provided " as well as the information that must be disclosed " to shareholders and third parties in order to make them equivalent throughout the Union. As matter of fact, the recitals of the Directive emphasise the need for specific harmonised safeguards to be in place, especially with respect to limited liability companies, notably because of their frequent cross-border business and their predominant feature in the economy of the Member States, more dynamic over last decades. To date, due to the lack of a uniform discipline, there are indeed 28 different national company laws, which address domestic companies as well as foreign entities operating in another Member State to the detriment " indirectly of course " of freedom of establishment for companies, which, according to art. The Directive consists of articles, four Annexes and three titles that encompass different themes: In more detail, the main innovations introduced by the Directive concern: The incorporation of public limited companies, where the articles of incorporation and the articles of association shall be drawn up and certified in due legal form in all Member States whose laws do not provide for pre-emptive administrative or judicial control at the time the company is actually incorporated. The implementation of a central companies register " resulting from the interconnection of the existing national registers " that enables users to access from a single web portal. Capital requirements for public limited liability companies, which shall be not less than euro 25, These branches will be subject to disclose information to the national register which, in the meantime, will have become interconnected Europe-wide in order to offer the public reliable and certain corporate information and data. In particular branches shall disclose information relating to the activity they carry out; the name and legal form of the company and the name of the branch, whenever they differ with one another; the relevant accounting documents along with the identity of the subjects authorized to represent the company in legal proceedings and deal with third parties it will also be necessary to specify whether they have to operate jointly or not. The same rule shall apply in the event the national laws required that the merger project is approved by the general shareholders meeting of the company. In the end, if the Directive will have a partial impact on the development a uniform European company law, it is worth noticing that this consolidation project has excluded the harmonization of several further EU Directives concerning the Company Law. As it does not introduce any new provision, there is no date for the Member States to transpose it at a national level, however, the Annex III remarks the time limit to incorporate the abolished Directives into the domestic legal systems. Surely, the leading aim of the Directive is to improve the certainty of the disclosure and the cross-border access to company and its branches information, this purpose is very challenging considering the national system of the company registers which are quite fragmented at a local level. You should not rely on it as legal advice. We do not accept any liability to any person who does rely on the content of this website. No part of this publication may be reproduced, distributed, or transmitted in any form or by any means, including photocopying, recording, or other electronic or mechanical methods, without the prior written permission of the publisher or the author. Altri articoli di Milena Prisco.

6: Law - Wikipedia

If this is the first time you use this feature, you will be asked to authorise Cambridge Core to connect with your account. Find out more about sending content to Google Drive. Law in the Making.

These are the steps in the law-making process. A bill may begin in either the House or the Senate except for money bills, which must be introduced in the House. Members of Congress, the Executive Branch, and even outside groups can draft write or draw up bills. Representative introduces the bill in the House. Only members can introduce bills. The Speaker of the House sends the bill to a committee. Most bills die here. The committee may pigeonhole, table, amend, or vote on the bill. If bill passes, it goes to Rules Committee. It decides the rules for debate, and when the bill will come up for debate. House debates the bill, and may add amendments. If a majority votes in favor of the bill, it goes to the Senate. A Senator introduces the bill, which is sent to a committee. Same procedure as in the House. If the committee majority votes for the bill, it goes to the whole Senate. Majority floor leader decides when the whole Senate will consider the bill. The Bill is debated, and amendments may be added. If a majority votes in favor of the bill, it is returned to the House. If the House rejects any of the changes, the bill goes to a conference committee of members from both houses. It works out a compromise. Both houses must approve changes made by the conference committee. If approved, the bill goes to the president. The president may sign approve the bill or veto reject it. If approved, it becomes law. If the president vetoes the bill, it can still become law if two thirds of both houses vote to override the veto. Adapted from Junior Scholastic.

7: Disaster Management in Nepal –“ Laws in the Making | International IDEA

Steps in making a law: A bill can be introduced in either chamber of Congress by a Senator or Representative who sponsors it. Once a bill is introduced, it is assigned to a committee whose members will research, discuss, and make changes to the bill.

A guide to the law-making process in Parliament 1 General The Constitution dictates, among other things, how the legislatures Parliament, provincial legislatures and municipal councils should conduct their legislative processes. In addition there are the relevant Rules of Parliament and the conventions of the other legislatures that have a bearing on lawmaking. Schedules 4 and 5 to the Constitution provide a list of functional areas in which Parliament and the provincial legislatures are competent to make laws. Schedule 4 lists those areas in which the two bodies jointly have powers to make laws for example relating to agriculture, consumer protection, health, housing, public transport, and regional planning and development. Schedule 5 lists the functional areas in which the provincial legislatures make laws e. The draft legislation, first called a Draft Bill and later a Bill, must formally be submitted to Parliament before it can consider making it a law. Most Bills are prepared by government departments under the direction of their minister. The preparation of a Bill involves a number of steps, for example the investigation and evaluation of the legislative proposals and consultation with interested parties. It is published for comment and ideas. A submission date is usually given for input from civil society. This document forms the basis for a Draft Bill or, if the government feels its necessary, for a White Paper which is a broad statement of government policy. Comment may again be invited from interested parties. These are usually in the form of a Draft Bill and an explanatory memorandum. The minister will submit these documents to Cabinet in order to obtain approval for the introduction of the Bill in Parliament. However, before the submission is formal, the state law advisers must be approached to certify the Draft Bill. The role of the advisers is to ensure that the proposed legislation is in line with existing law and the provisions of the Constitution. The Bill is then ready to be formally submitted to Parliament. All Bills may be introduced only after prior notice of the tabling has been given in the Government Gazette. This notice must be accompanied by an explanatory summary of the Bill. If the Bill itself instead of a summary is published, the notice must contain an invitation to interested persons to submit written representations to the secretary of Parliament. The Constitution distinguishes between four categories of Bills –“ Section 75 Bills are ordinary Bills not affecting the provinces; Section 76 Bills are ordinary Bills affecting the provinces; Section 77 Bills are money Bills that deal with appropriations, taxes, levies and duties; and Section 74 Bills that amend the Constitution. The Constitution also prescribes the parliamentary process through which each of these categories of Bills must go before they can be passed by Parliament and become law. This term comes from the early days of the English Parliament when members could not read and had to hear about legislation. In September the NA introduced first reading debates for legislation that enjoys great public interest. The sponsor and a maximum of 15 other members are allowed to speak in a debate lasting not longer than 60 minutes. In the NA these committees are called portfolio committees. If there is public interest in a Bill, the committee may organise public hearings to allow interested parties to submit written comments and sometimes make oral representations on the provisions of the Bill. The members of the committee are then tasked with considering and debating the Bill in order to determine whether they are satisfied. If they are not, they amend the Bill. The procedure followed will now depend on the tagging. With Bills that follow Section 75 procedure not affecting provinces , the Council members vote as parties and when there has to be a Section 76 procedure provinces affected , the members vote as provinces, each province having one vote. These committees function in the same way as those of the NA. Once a Bill has been debated by a committee, it is submitted to the Council for a vote. When a Section 76 Bill is referred to the NCOP committee, the committee may be briefed by the relevant government department before it is sent to the provinces and discussed in each provincial legislature, first in committee and then in a plenary. It then goes back to the NCOP for the second reading and vote. If the versions still differ, there are mediation mechanisms. However, should these mechanisms fail, the NA can send a Section 76 Bill to the President if it obtained a two-thirds majority. If it does not get two-thirds of the

vote, it falls away. If the versions on a Bill that follows Section 75 differ, the NA can discuss it once more and send it to the President. If the amendments affect the provinces or amend the bill of rights, then the Bill must also get a two-thirds majority in the NCOP. The Constitution requires that the President must assent and sign a Bill. There are various options, including a referral to the Constitutional Court, if the President has reservations about the legislation. A Bill that has been assented to and signed becomes an Act of Parliament and must be shortly thereafter published in the Gazette. An Act becomes binding on everyone when it is published or on a date determined in the legislation. They have to be approved by the executive councils before they are published in the Provincial Gazettes for public comment. Bills introduced in a provincial legislature by the Speaker, are referred to a standing committee of the council. Public hearings and written submissions may or may not be invited by the committee who, after consultation, reports to the provincial legislature. In the legislature there is a vote after debate. The legislation is passed by majority vote. The premier of a province has to sign a Bill into law. The provincial Act also has to be published and takes effect either then or on a date determined in terms of the new law. By-laws are approved by a majority of the votes cast in a municipal council. It may not be passed unless all members of the council were given reasonable notice and the proposed by-law had been published for public comment. A by-law may be enforced only after it has been published in the official gazette of the relevant province. The by-laws must be made accessible to the public.

8: In the United States, How does a Bill Become a Law?

About 25, bills are introduced in each term of Congress, but only 10 percent become law. These are the steps in the law-making process. A bill may begin in either the House or the Senate except for money bills, which must be introduced in the House. 1. Bill is Drafted: Members of Congress, the

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Home / The Federal Legislative Process, or How a Bill Becomes a Law In the United States, the federal legislative powersâ€”the ability to consider bills and enact lawsâ€”reside with Congress, which is made up of the US Senate and the House of Representatives.

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