

Fundamentals of Anglo-American and Polish Legal Systems – Constitutional Law

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Position of parliament

- Separation of powers (USA/PL)



Legislative power



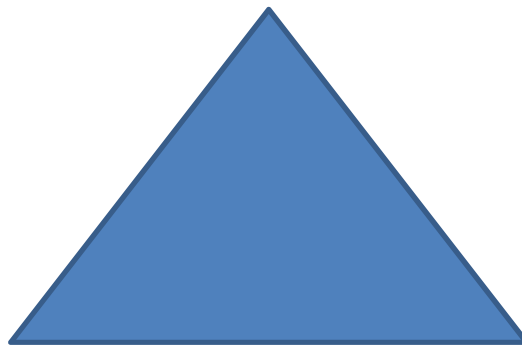
Executive power



Judicial power

- Supremacy / Sovereignty of parliament (UK)

Legislative power



Executive power

Judicial power

NEW BILL

Legislative procedure



Lower House



Upper House



Head of State



Courts

BILL
BECOMES
LAW

LAW BECOMES
NULL AND VOID

The Parliamentary sovereignty



- Parliament can make laws concerning anything.
- No Parliament can bind a future parliament.
- A valid Act of Parliament cannot be questioned by the court. Parliament is the supreme lawmaker.

British Parliament

- the Monarch (one 😊)
- the [House of Commons](#)
 - 650 MP elected in single-member constituencies with first past the post system
- the [House of Lords](#)
 - several hundred lords appointed by the Queen
 - limited functions



Orderrrrrrrrr!!!!!!!

www.youtube.com/watch?v=EY7EIZl4raY



Separation of powers in Poland

- Article 10
- The system of government of the Republic of Poland shall be based on the separation of and balance between the legislative, executive and judicial powers.
- Legislative power shall be vested in the Sejm and the Senate, executive power shall be vested in the President of the Republic of Poland and the Council of Ministers, and judicial power shall be vested in courts and tribunals.

The United States Constitution

- Preamble
- Article 1 - The Legislative Branch
- Article 2 - The Executive Branch
- Article 3 - The Judicial Branch
- Article 4 - The States
- Article 5 - Amendment
- Article 6 - Debts, Supremacy, Oaths
- Article 7 - Ratification
- Amendments (27)

Article 1 - The Legislative Branch

- [Section 1 - The Legislature](#)
- [Section 2 - The House](#)
- [Section 3 - The Senate](#)
- [Section 4 - Elections, Meetings](#)
- [Section 5 - Membership, Rules, Journals, Adjournment](#)
- [Section 6 - Compensation](#)
- [Section 7 - Revenue Bills, Legislative Process, Presidential Veto](#)
- [Section 8 - Powers of Congress](#)
- [Section 9 - Limits on Congress](#)
- [Section 10 - Powers Prohibited of States](#)

Article I - The Legislative Branch

Section 1 - The Legislature

- All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section 7 - Revenue Bills, Legislative Process, Presidential Veto

- All bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.



Section 7 - Revenue Bills, Legislative Process, Presidential Veto

- Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States; If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it.

Section 7 - Revenue Bills, Legislative Process, Presidential Veto

- If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law.

Section 7 - Revenue Bills, Legislative Process, Presidential Veto

- If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

<<< [pocket veto]

Section 8 - Powers of Congress

- The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;
- To borrow money on the credit of the United States;

Section 8 - Powers of Congress

- To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;
- To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;
- To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

Section 8 - Powers of Congress

- To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;
- To establish Post Offices and Post Roads;

Section 8 - Powers of Congress

- To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;
- To constitute Tribunals inferior to the supreme Court;
- To define and punish Piracies and Felonies committed on the high Seas, and Offenses against the Law of Nations;

Section 8 - Powers of Congress

To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;



Section 8 - Powers of Congress

- To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;
- To provide and maintain a Navy;
- To make Rules for the Government and Regulation of the land and naval Forces;

Section 8 - Powers of Congress

- To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;
- To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

Section 8 - Powers of Congress

- To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings; And
- To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

Bill of Rights

- **Amendment 10 - Powers of the States and People. Ratified 12/15/1791.**
- The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

The limits of legislative powers

- Versus state legislation.
- Agencies legislation.

Commerce clause / Necessary and Proper Clause

- Wickard v. Filburn (1942)



Elections

- Members of the House and Senate are elected by first-past-the-post voting in every state except Louisiana, California and Washington, which have runoffs.

