

SOURCES OF COMMUNITY LAW**Primary legislation***Community Treaties*

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Secondary legislation*Regulations, Decisions, Directives*

Community law has a higher legal status than domestic law. In *Factortame Ltd v Secretary of State for Transport (No. 2)* (1991), the House of Lords considered the relationship between UK and Community law. It confirmed that the effect of the [European Communities Act 1972](#) was that Community law has supremacy over all UK law (in this case, the [Merchant Shipping Act 1988](#)), even in the face of Parliament's express intention to contradict Community law. This case has significant constitutional importance, since it suggests that the Parliament of 1972 was able to bind the Parliament of 1988, going against traditional notions of parliamentary sovereignty. Parliament, though, still retains the right to repeal the [1972 Act](#) and, therefore, to leave the jurisdiction of the European Union.

► **R v SECRETARY OF STATE FOR TRANSPORT, EX PARTE FACTORTAME (No.2) [1991] 1 All ER 70**

The [Merchant Shipping Act 1988](#) made certain provisions about registration of British fishing vessels: in order to register, the company owning the ship had to be at least 75% owned by British nationals. This then allowed them a valuable share in the UK's fishing quota.

The applicant companies were owned largely by Spanish nationals, who did not qualify. They argued that the MSA 1988 contravened EU law. The House of Lords (after a ruling from the ECJ) issued an interim injunction which prevented the government from applying that provision of the Act. This made constitutional history.

EUROPEAN CONVENTION ON HUMAN RIGHTS 1950

The Convention for the Protection of Human Rights and Fundamental Freedoms protects the fundamental civil and political rights and freedoms of all members of the signatory States.