

Research Briefing

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Budget Responsibility Bill



Summary

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Summary

[The Budget Responsibility Bill](#) was introduced to Parliament on 18 July 2024. The bill is due to have its second reading on 30 July.

The bill, together with its explanatory notes and delegated powers memorandum, are available on the Parliament website: [Budget Responsibility Bill](#). Related draft text to be [included in a revised Charter for Budget Responsibility](#) has also been published.

The government is introducing the bill with the aim of ensuring that when they announce ‘fiscally significant’ measures, they are subject to an independent assessment by the Office for Budget Responsibility (OBR). [The government calls this a ‘fiscal lock’](#).

The bill applies to England, Wales, Scotland and Northern Ireland.

The bill is expected to be certified as a money bill. The Speaker can certify bills as money bills if their only purpose is to impose or alter taxes or spending, or if they are about connected matters. Money bills cannot be amended by the House of Lords.

This briefing explains the background to the bill and what the bill would do.

What does the bill do?

The bill would fulfil the [2024 Labour manifesto](#) commitment to make significant changes to taxation or spending subject to a forecast from the Office for Budget Responsibility.

It contains two clauses:

- Clause 1 amends the Budget Responsibility and National Audit Act 2011 to establish the fiscal lock. It would require the government to request a forecast from the OBR before it makes fiscally significant announcements. It would require the OBR to produce an assessment of the impacts of fiscally significant measures if the government failed to request a forecast. The fiscal lock would not apply to measures that are temporary in response to an emergency.
- Clause 2 provides the bill's short title, territorial extent and commencement.

The bill says that further details about the fiscal lock can be included in the [Charter for Budget Responsibility \(the Charter\)](#). The Charter would say what

constitutes fiscally significant measures and how temporary measures and an emergency would be defined.

What is the Office for Budget Responsibility?

The Office for Budget Responsibility (OBR) provides independent analysis of the UK's public finances. It is often described as the UK's public finances watchdog.

The OBR was established within days of the Coalition Government coming to power in May 2010, with the aim of improving the credibility of forecasts and public finance (fiscal) policy. It was established under [the Budget Responsibility and National Audit Act 2011](#) (BRNAA).

The OBR's role includes:

- producing the economic and public finances forecasts used by the Chancellor
- scrutinising government cost estimates of new fiscal measures

What is the Charter for Budget Responsibility?

The government sets out how it will manage several aspects of the public finances in the [Charter for Budget Responsibility \(the Charter\)](#). The Charter includes details about the OBR's role and how it carries it out. The Treasury is required to publish the Charter under the Budget Responsibility and National Audit Act 2011.

The Charter also includes the government's objective for managing the public finances and its targets for meeting the objective. The targets are often referred to as the fiscal targets or fiscal rules.

The government proposes that [an updated Charter](#) would define fiscally significant measures. The government has published a draft that defines these as measures costing the equivalent of at least 1% of GDP during any financial year in the five-year forecast period. The Charter would say a measure is temporary if it is intended to end within two years. The Treasury would have to explain why a situation is an emergency and the OBR can trigger the fiscal lock if it "reasonably disagrees".

Why is the bill being introduced?

Labour originally proposed introducing something like the fiscal lock following the Truss Government's [‘mini budget’](#) in September 2022.

In the mini budget, the then Chancellor, Kwasi Kwarteng, announced permanent tax changes which would have [reduced Treasury revenues by over 1% of GDP](#). He didn't ask the OBR to produce a forecast or to scrutinise the measures.

Financial markets reacted negatively to the mini budget. One of the reasons given for the adverse market reaction was the lack of OBR forecasts, which [contributed to a lack of investor confidence in the plans](#).

The government says [the measures in the bill are intended to:](#)

preserve market stability and public trust in announcements on fiscally significant measures, by ensuring there is independent and transparent scrutiny of the Government's fiscal plans.

What is being said about the bill?

The Chair of the OBR, Richard Hughes, says the bill upholds the principle that major spending and tax decisions should be based on an up-to-date view of the economy and public finances. He says the bill would address a gap in the 2011 Budget Responsibility and National Audit Act and would [“serve to strengthen the legal foundations for fiscal management.”](#)

Leading economic think-tanks have welcomed the commitment to transparency but say that, ultimately, the change is relatively small.

1 Policy background

1.1 What is the Office for Budget Responsibility?

The [Office for Budget Responsibility](#) (OBR) provides independent analysis of the UK's public finances.

The OBR was established within days of the Coalition Government coming to power in May 2010, with the aim of improving the credibility of forecasts and public finance (fiscal) policy.

The OBR was established under the [Budget Responsibility and National Audit Act 2011](#) (BRNAA).

The Charter for Budget Responsibility, which the Treasury is required to publish under the BRNAA, sets out further details about the OBR's role, how it performs its duties and the required content of its key publications.

What is the OBR's role?

The OBR:

- produces the forecasts used by the Chancellor in the Budget, Autumn Statement and other similar fiscal events. It is required to produce at least two forecasts each financial year
- scrutinises government estimates of costs of new tax and spending measures in fiscal events
- assesses, in its forecasts, whether the government's policies have a better than 50:50 chance of meeting the Chancellor's targets for the public finances
- examines the long-term sustainability of the public finances, risks surrounding the public finances, spending on welfare and devolved taxes.

The Library briefing [The Office for Budget Responsibility](#) has further information about the OBR, its role and reviews of its performance.

The Library briefing [The UK's fiscal targets](#) has further information about the UK's targets for the public finances. The targets are often referred to as the 'fiscal rules'.

1.2

What is the Charter for Budget Responsibility?

[The Charter for Budget Responsibility \(the Charter\)](#) sets out how the government manages the public finances. It includes details about OBR's remit and how it performs its duties.¹ The Treasury is required to publish the Charter under the [Budget Responsibility and National Audit Act 2011](#).

Among other things, the Charter sets out:

- the government's approach and objective for fiscal policy and its targets for meeting the objective. The targets are often referred to as the fiscal targets
- the frequency of Budget reports, their broad contents and how they will be made available to Parliament for scrutiny
- the OBR's role of providing official economic and fiscal forecasts for the Budget report
- the OBR's remit, how it should perform its duties, the required content of its key publications and the arrangements to determine the timing of its forecasts and other key publications
- the government's objective for managing government debt
- how government debt is managed in the UK

How is the Charter changed?

When the Treasury wishes to modify the Charter, it lays a revised Charter before Parliament. The Charter comes into force once it has been approved with a vote of the House of Commons.²

An additional step is required to modify the Charter's guidance for the OBR. When the Treasury wishes to modify the Charter's guidance for the OBR, it publishes a draft of the revised guidance at least 28 days before it lays the revised Charter before Parliament.³

As of yet, the government hasn't published a revised Charter to reflect the proposed 'fiscal lock'. However, it has [published draft text on the fiscal lock](#) for a future revised Charter.⁴

¹ OBR. [Charter for Budget Responsibility](#), 26 January 2024

² [Budget Responsibility and National Audit Act 2011, section 1](#)

³ [Budget Responsibility and National Audit Act 2011, section 6](#)

⁴ HM Treasury, [Draft Charter for Budget Responsibility text on the fiscal lock](#), 18 July 2024

1.3

Why is the government legislating?

Labour’s General Election 2024 manifesto says it will ensure that “[e]very fiscal event making significant changes to taxation or spending will be subject to an independent OBR forecast.”⁵ The bill would fulfil this commitment.

Labour originally proposed the change in response to issues arising from the Truss Government’s ‘mini budget’ of September 2022.⁶

In the mini budget, the then Chancellor, Kwasi Kwarteng, announced permanent tax changes which would have reduced Treasury revenues by around £45 billion in 2026/27, which was equivalent to over 1.5% of forecast GDP at the time.⁷ He did so without asking the OBR to produce a forecast. The OBR could have produced one if it had been requested.⁸

Financial markets reacted negatively to the mini budget. One of the reasons given for the adverse market reaction was the lack of OBR forecasts, which contributed to a lack of investor confidence in the plans.⁹

The government says the measures in the bill are intended to:

preserve market stability and public trust in announcements on fiscally significant measures, by ensuring there is independent and transparent scrutiny of the Government’s fiscal plans.¹⁰

What’s the current process?

Since the OBR’s introduction, it has largely scrutinised significant fiscal announcements in its forecast. However, there is no requirement for the Treasury to ask the OBR to scrutinise its policies whenever it makes significant announcements.

Currently, the normal procedure is that:¹¹

- the Chancellor commissions the OBR to produce a forecast usually 10 weeks’ before the required date of publication. The forecast is usually published alongside a fiscal event, such as the Budget

⁵ [Labour Party Manifesto 2024](#)

⁶ Officially, the Chancellor was presenting [The Growth Plan 2022](#) but the event is widely known as the “mini-budget”.

⁷ HM Treasury. The Growth Plan 2022, [Table 4.2](#); OBR. [Public finances databank – August 2022](#)

⁸ OBR. [Letter from Richard Hughes to Mel Stride MP on the potential Emergency Budget](#), 26 August 2022

⁹ For more, see: section 1 of the Library briefing [Background to Autumn Statement 2022](#); National Institute of Economic and Social Research, [The Truss/Kwarteng Mini Budget: One Year On](#), 25 September 2023; BBC. [New law aimed to prevent repeat of Truss mini-budget](#), 18 July 2024

¹⁰ [Explanatory Notes to The Budget Responsibility Bill, Bill 1 of 2024-25](#), para 5

¹¹ OBR. [Forecast process and papers](#) (accessed on 19 July 2024)

- the forecast is produced using an iterative process over several rounds. The OBR presents several draft forecasts to the Chancellor in confidence adding in policy measures in the later forecasts
- government departments produce estimated costs for the Chancellor’s policy measures. The OBR scrutinises these estimates until it is happy to endorse them as ‘reasonable and central’. On the relatively rare occasions when the OBR can’t endorse the government’s estimates it will explain what alternatives are used in its forecast.

This process hasn’t always been followed. The mini budget of September 2022, discussed above, is one such occasion. Also, in September 2021, the Johnson Government announced the Health and Social Care Levy without requesting an assessment from the OBR. The government published estimates of how much the levy might raise but the OBR scrutinised the policy later in its forecasts published alongside October’s Autumn 2021 Budget.¹² The levy, which was subsequently cancelled,¹³ is unlikely to have met the threshold for being ‘fiscally significant’ as set out in the draft Charter text published by the government.

On some occasions the normal process hasn’t been followed because measures needed to be introduced quickly to deal with an emergency, such as the Covid-19 pandemic. The bill wouldn’t apply to such emergency measures, so long as they are temporary.

Emergency measures were eventually scrutinised by the OBR, just not at the time they were announced. For example, the Conservative government announced Covid-19 support for households and businesses, including the furlough scheme, in March 2020. These significant measures weren’t accompanied by an OBR assessment, but they were scrutinised in the OBR’s next official forecast, in November 2020.¹⁴

What changes does the bill make to the process?

The bill would require the government to request a forecast from the OBR when it is proposing to make “fiscally significant” measures that aren’t temporary emergency measures. In practice, this has been the typical approach since the OBR’s introduction, as we discussed above. The Chancellor usually announces measures at a fiscal event, with the measures scrutinised in the OBR’s accompanying forecast.

The bill would require the OBR to produce an assessment of fiscally significant measures as soon as reasonably practicable if:

- the government announces a fiscally significant measure to the House of Commons but doesn’t ask the OBR to produce a forecast; and,

¹² OBR. [Economic and fiscal outlook – October 2021](#)

¹³ The Library’s briefing [Health and Social Care Levy \(Repeal\) Bill 2022-23](#) has further information.

¹⁴ OBR. [Economic and fiscal outlook – November 2020](#)

- the OBR is of the opinion that the measure, or package of measures, are fiscally significant and not temporarily dealing with an emergency

The OBR would alert the Treasury Committee if it planned to publish an assessment which wasn't requested by the Treasury.

The government describes this as a fiscal lock. It aims to make any major future tax and spending announcements subject to an independent assessment from the OBR. It gives the OBR the power to produce a forecast or assessment of fiscal measures without necessarily requiring the Treasury to request it.

1 Labour 2024 manifesto: updating the fiscal rules

Since the 1990s UK governments have adopted targets to constrain its management of the public finances. The public finance targets (or fiscal targets) have changed regularly but they have generally focused on government borrowing and government debt.

The latest iteration of the targets came into force in February 2023 under the Conservative government. The targets are included in the Charter for Budget Responsibility. The 2024 Labour manifesto commits to changing the existing fiscal targets.

At some point, the government will publish a revised Charter to include details about the fiscal lock. We expect that the revised Charter will also include Labour's fiscal targets.

As the Library briefing [The UK's fiscal targets](#) explains, the 2024 Labour manifesto proposes the following targets:

- Balancing the current budget, so that day-to-day costs are met by revenues.
- Debt must be falling as a share of the economy by the fifth year of the forecast.

Labour's debt rule appears to be the same as the existing debt rule, which currently places the biggest constraint on the Treasury. So changing the rule relating to the budget shouldn't have much effect on Labour's choices in the 2024 Autumn Budget.

2 The bill

The [Budget Responsibility Bill 2024, Bill 1 of 2024-25](#), was first introduced into the House of Commons on 18 July 2024. The bill, with its explanatory notes and delegated powers memorandum, is published on the [bill's page on parliament.uk](#).

The bill applies to England, Wales, Scotland and Northern Ireland.

As explained in Section 3, the Budget Responsibility Bill is expected to be certified as a money bill. Money bills cannot be amended by the House of Lords.

2.1 The contents of the bill

The bill's long title is as follows:

A bill to impose duties on the Treasury and the Office for Budget Responsibility in respect of the announcement of fiscally significant measures.

As introduced, the bill contains two clauses.

Clause 1: introducing the fiscal lock

Clause 1 would establish the 'fiscal lock' and how it operates. The clause includes exceptions to the lock and sets out the Charter for Budget Responsibility's role in setting out further detail, definition or explanations to clarify the fiscal lock.

The fiscal lock

Clause 1 introduces the fiscal lock, which seeks to ensure that 'fiscally significant' announcements are subject to an assessment by the OBR.¹⁵

Clause 1 amends the Budget Responsibility and National Audit Act 2011 (BRNAA) to:

- require the government to request a forecast from the OBR if it is proposing to announce fiscally significant measures to the House of Commons,

¹⁵ [Explanatory Notes to The Budget Responsibility Bill, Bill 1 of 2024-25, para 1](#)

- require the OBR to produce a report estimating the cost of the proposed measures when the government hasn't requested a forecast for what the OBR deem to be fiscally significant measures. The OBR must alert the Treasury Committee if it is going to produce such a report.

Measuring fiscally significant

Whether a measure, or combination of measures, is deemed to be fiscally significant will be determined by comparing the cost of the measure(s) with the size of the UK economy, as measured by gross domestic product. For judging this, it doesn't matter whether a combination of measures are announced at the same time or different times.

The actual threshold over which measures will be deemed fiscally significant and the period over which the assessment of this is made would be set out in the Charter for Budget Responsibility (the Charter).

A revised Charter hasn't been published yet but the government's draft text relating to the fiscal lock says that a measure or combination of measures will be significant if their cost is at least equivalent to 1% of GDP in any financial year during the five-year forecast.¹⁶

The draft Charter text says more about assessing whether measures are fiscally significant:¹⁷

- The costing of a measure is the direct impact of a policy decision on the public finances.
- In the case of a combination of measures, the total cost or saving is to be calculated in gross terms. This means measures where the policy raises revenue or reduces spending should be summed separately from measures where the policy costing reduces revenue or raises spending.
- Measures that were included in the previous OBR forecast should not be included in the calculation.

Departments are allocated budgets in spending reviews. The draft Charter text says only spending measures that change departments' total budgets should be included in the fiscally significant calculation. Spending measures that are funded through moving existing budgets are not included.¹⁸

Emergency and temporary measures

The fiscal lock would not apply when the government announces measures that are temporary and in response to an emergency. The bill doesn't define temporary and emergency, this would be done in the Charter.

¹⁶ HM Treasury. [Draft Charter for Budget Responsibility text on the fiscal lock](#), 18 July 2024

¹⁷ HM Treasury. [Draft Charter for Budget Responsibility text on the fiscal lock](#), 18 July 2024

¹⁸ HM Treasury. [Draft Charter for Budget Responsibility text on the fiscal lock](#), 18 July 2024

The government's draft Charter text says that a temporary measure would be intended to end within two years. The Treasury would need to explain why it considers the situation to be an emergency if it announces temporary measures. If the OBR "reasonably disagrees" that the situation is an emergency it can trigger the fiscal lock and prepare a report.

Temporary emergency measures would be included in the next forecast commissioned by the Chancellor, rather than being published following their announcement.¹⁹

The Charter: its role and amending

Clause 1 says the Charter can include further detail, definition or explanations to clarify the fiscal lock.

If the government wishes to modify any parts of the Charter relating to the fiscal lock it must publish a draft of its proposals at least 28 days before the modified Charter is laid before Parliament. This is the same process required for making changes to the OBR's role in the Charter.

The bill's [delegated powers memorandum](#) explains why the government are proposing this process for changes.

Clause 2: devolution, commencement and short title

Clause 2 specifies the bill's short title and says the bill extends to the whole of the UK. The bill relates to reserved matters rather than those that are devolved to Scotland or Wales, and excepted matters rather than those transferred to Northern Ireland.²⁰

If the act is passed, the Treasury may commence the fiscal lock (clause 1) by regulations. Clause 1 can come into force over different days for different purposes. The government says this allows the OBR time to prepare for its additional duties.²¹

Clause 2 would come into force on Royal Assent.

¹⁹ HM Treasury. [Draft Charter for Budget Responsibility text on the fiscal lock](#), 18 July 2024

²⁰ [Explanatory Notes to The Budget Responsibility Bill, Bill 1 of 2024-25, para 35](#)

²¹ [Memorandum from His Majesty's Treasury to the Delegated Powers and Regulatory Reform Committee on the Budget Responsibility Bill, para 17](#)

2.2

Comment on the bill

Economic think tanks and the Financial Times

Broadly speaking, leading economic think-tanks welcome the bill's commitment to transparency but say that, ultimately, the change is relatively small.

Ben Zaranko, Senior Research Economist at the Institute for Fiscal Studies says the fiscal lock is “broadly sensible but largely performative” and will “modestly increase the powers of the OBR vis-à-vis the Treasury”.²² Mr Zaranko argues that the Chancellor doesn't need to introduce legislation to ensure they request the OBR to assess fiscally significant announcements and future Chancellors could “almost certainly find a way to get around it” if they were determined to.

Cara Pacitti, Senior Economist at the Resolution Foundation, says the government is committing to only announce policy alongside an independent assessment from the OBR, which is “a welcome bolstering of fiscal credibility (albeit a relatively small one)”.²³

Ms Pacitti's analysis suggests that the 1% of GDP threshold is a high bar. Looking at fiscal events outside of budgets, only the mini budget of September 2022 would have triggered the lock. Government's Covid-19 support was significantly above 1% of GDP but was temporary and for an emergency.

Ms Pacitti also points out that announcements that would have large indirect fiscal effects because of their impact on the economy, but small upfront costs to the government, wouldn't trigger the fiscal lock. Changes to the migration system is given as an example. Such a policy would have little upfront cost for the government but could have relatively large impacts on the economy and public finances.

The Financial Times agrees that the “threshold being set for action is a high one”. Responding, a Treasury official said the threshold is meant to prevent large scale fiscal events and the threshold has been picked to meet that objective.²⁴

Chair of the OBR

The Chancellor wrote to the Chair of the OBR, Richard Hughes, to say that the Budget Responsibility Bill would be introduced to Parliament.

²² IFS. [IFS response to new government's 'fiscal lock'](#), 18 July 2024

²³ Resolution Foundation (@carapacitti), [X \(Twitter\)](#), 18 July 2024 [Accessed 19 July 2024]

²⁴ [“Rachel Reeves to outline law aimed at preventing another Liz Truss-style Budget”](#), FT, 18 July 2024

In his reply, Mr Hughes recalled that he previously told the Treasury Committee that “it is a good principle of fiscal policymaking that major fiscal decisions should be based upon, and presented alongside, an up-to-date view of the economic and fiscal outlook”. He believes the bill upholds this principle and would address a gap in the 2011 Budget Responsibility and National Audit Act and would “serve to strengthen the legal foundations for fiscal management.”²⁵

²⁵ [Letter from Richard Hughes to the Chancellor of the Exchequer on the Budget Responsibility Bill](#)

3 How bills go through Parliament

3.1 Stages of a bill

Bills can be introduced in either the House of Commons or the House of Lords. In both Houses, bills go through the same stages although there are slight differences in the practices of the two Houses.

Commons stages

A bill, like this one, that is introduced in the House of Commons will go through the following stages:

- First reading sees the formal introduction of a bill. There is no debate at this stage. Government bills are usually published immediately after their introduction. The Budget Responsibility Bill had its first reading on 18 July 2024.
- Second reading is the first time MPs debate a bill. They discuss the purpose of the bill. Debates are usually scheduled to take a full day (five to six hours). The Budget Responsibility Bill is expected to have its second reading on 30 July.

At the end of the second reading debate, MPs decide whether it should pass to the next stage. Sometimes a ‘reasoned amendment’, which sets out the reasons to reject a bill, is tabled. If this is agreed to, or if the bill is simply voted down, the bill cannot make any further progress.

No amendments are made to the Bill itself at this stage.

- Committee stage is usually conducted by a group of MPs (usually 17) in a public bill committee, although sometimes bills can be considered in detail by all MPs in a committee of the whole House. The committee debates and decides whether amendments should be made to the bill and whether each clause and schedule should be included.
- Report stage takes place in the Commons Chamber and involves MPs considering the bill as agreed at committee stage. MPs can also propose further amendments which can be voted on.

Amendments at committee and report stage can leave out words, substitute words and add words, including whole clauses and schedules. They can be proposed by backbench and frontbench MPs. The Speaker or the chair of the committee selects and groups amendments to debate.

- Third reading, usually on the same day as report stage, is the final chance for MPs to debate the contents of a bill before it goes to the House of Lords. It's usually a short debate and changes cannot be made at this stage in the Commons. But at the end of the debate, the House decides whether to approve the bill and therefore pass the bill onto the House of Lords.

Lords stages

Once a bill that starts in the Commons finishes its Commons stages, it goes to the Lords and follows a similar process there.

The House of Lords respects the Commons' primacy on financial matters and does not usually amend money bills or Finance Bills (those that implement the Budget).

The Budget Responsibility Bill is expected to be certified as a money bill.²⁶ The Speaker can certify bills as money bills if their only purpose is to impose or alter taxes, or if the bill relates to taxes or spending. This means that, under the Parliament Act 1911, the bill can be passed without the agreement of the House of Lords as long as certain conditions are met. Money bills cannot be amended by the House of Lords.

Royal Assent

Once the House of Commons and House of Lords have reached agreement on a bill, the bill receives Royal Assent, becomes law and becomes an act.

3.2

Further information on bill procedure

The [MPs' Guide to Procedure](#) has a [section on bills](#).

MPs who have questions about the procedure for bills or want advice on how to amend them should contact the [Public Bill Office](#).

The Library can provide information on the background and potential impact of a bill and of amendments, but cannot help MPs with drafting amendments.

²⁶ [Order Paper for Monday 22 July 2024](#)

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