



## BRIEFING PAPER

Number 07757, 8 November 2018

# Pre-legislative scrutiny under the 2015 and 2017 Conservative Governments

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## Summary

This Briefing Paper provides a brief summary of the background to the development of pre-legislative scrutiny and an overview of the relevant parliamentary procedure in Section 1.

Section 2 looks at draft bills announced or published in the 2015 and 2017 Parliaments and their subsequent scrutiny. Also included are draft bills announced in the 2014-15 session subject to pre-legislative scrutiny in the subsequent 2015 Parliament.

Tax legislation is regularly published in draft for technical consultation and is not noted here.

### **2015 Parliament**

Seven proposals for draft legislation were announced during the 2015 Parliament and five were published; four draft bills and a set of draft clauses. These were scrutinised by the relevant departmental select committee and one (the Investigatory Powers Bill) by three committees.

The Government published four reports in response to the select committees' reports and subsequently introduced three bills in the House of Commons and one in the House of Lords. Two of the bills were presented in the 2017 Parliament.

### **Current 2017 Parliament**

Eleven proposals for draft legislation have been announced in the current Parliament, including one draft clause. Nine of these have been published of which six have been considered by the relevant departmental select committee and one allocated to an ad-hoc committee, the Joint Committee of the Draft Health Service Safety Investigations Bill. The Government has published four responses to the select committees' reports and has introduced three bills in the House of Commons and two in the House of Lords, including the Investigatory Powers Bill which was subject to pre-legislative scrutiny in the 2015 Parliament.

### **Statistics and documentation on draft bills**

Table 1 in the Appendix notes the number of draft bills published in each session since 1997-98 and Tables 2 and 3 detail all draft bills announced or published and their subsequent progress in the 2015 and the 2017 Parliaments to date

All the references and papers in Tables 1 and 2 can be accessed via the embedded hyperlinks.

Links to [draft bills before Parliament](#) and associated documents are available on the Parliamentary website.

# 1. Background

The Conservative administrations of the late 1980s and early 1990s experimented with publishing legislation in draft form. In 1997 the Labour Government established a Modernisation Committee which, among other things, “recommended a more regular and systematic use of draft bills.”<sup>1</sup>

Regular parliamentary scrutiny of draft legislation was established under the Labour administrations between 1997 and 2010 with 75 draft bills or substantial sets of clauses published in the three Parliaments. The Commons Library briefing, [Pre legislative scrutiny](#),<sup>2</sup> provides background to the development of pre-legislative scrutiny under the Labour Governments and looks at some of the early analysis and commentary on pre-legislative scrutiny.

## 1.1 Draft legislation in the 2010 Parliament

Following the 2010 General Election, the Coalition Agreement gave no commitments on pre-legislative scrutiny. In July 2010 David Heath, the Deputy Leader of the House, said that the Government aimed “to publish legislation in draft whenever it is appropriate to do so. However, it will not be possible to do so in all cases”.<sup>3</sup>

The 2010 Parliament saw 35 draft bills or draft clauses published. The Commons Library briefing [Pre-legislative scrutiny under the Coalition Government: 2010 – 2015](#) reviews both the commitments on pre-legislative scrutiny and draft bills published and considers the Liaison Committee’s comments on pre-legislative scrutiny in 2012.<sup>4</sup>

## 1.2 Draft legislation 1997-2010

The Commons Library briefing, [Pre-legislative scrutiny](#), looks at the background to the development of pre-legislative scrutiny under the 1997-2010 Labour Governments. It also reviews the procedures followed in allocating draft bills to committees and by the committees in examining draft bills. It provides summary details of the draft bills published between 1997 and 2010 and their subsequent progress. It also reviews some of the academic analysis of pre-legislative scrutiny that has taken place.

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<sup>1</sup> Select Committee on Modernisation of the House of Commons, *The legislative process*, 23 Jul 1997, HC 190 1997-98, para 20

<sup>2</sup> Commons Library briefing SN02822, [Pre-legislative scrutiny](#), 9 Apr 2010

<sup>3</sup> HC Deb 26 Jul 2010 c670W

<sup>4</sup> Liaison Committee, [Select committee effectiveness, resources and powers](#), 8 Nov 2012, HC 697 2012-13

## 1.3 Procedure

The [Cabinet Office guide to making legislation](#), aimed at departmental officials and policy advisors, provides detail on the Government's processes around the publication and scrutiny of draft bills.<sup>5</sup>

The guidance states that the Government is committed to increasing the number of bills that are published in draft for pre-legislative scrutiny:

22.1 The default position should be that bills will be published in draft prior to formal introduction. There should be a good reason not to publish the bill in draft. The Government is committed to publishing more of its bills in draft before they are formally introduced to Parliament, and to submitting them to a parliamentary committee for parliamentary pre-legislative scrutiny where possible.<sup>6</sup>

The Government decides whether to publish a bill in draft form and considers what type of committee should scrutinise the draft bill. Often the Committee is a pre-existing Commons or Lords departmental select committee or a joint committee of members of both Houses may be established to consider the draft bill.

The Cabinet Office guidance explains that:

Pre-legislative scrutiny is normally carried out by the relevant Commons departmental select committee, or an ad-hoc joint committee of both Houses. This will be **subject to negotiation with the usual channels** but agreement in principle should be obtained before seeking final PBL (Parliamentary Business and Legislation) Committee approval to publish the bill in draft.<sup>7</sup>

More than one committee can consider a draft bill as in the case of the Draft Investigatory Powers Bill which was scrutinised by three committees in the 2015-16 session.

The Government aims to publish draft bills in time to allow the Committee carrying out the scrutiny at least three to four months to conduct its work and report in the time for the department to make any changes before the bill is introduced.<sup>8</sup> Draft clauses may also be published for scrutiny.

The procedure for pre-legislative scrutiny of a draft bill is the same as for any other select committee inquiry. The allocated committee takes evidence and produces a report containing recommendations to the Government. The Government may conduct a simultaneous public consultation on the proposals. The Government's guidance on public consultations has been updated in light of comments from the Secondary Legislation Scrutiny Committee and a revised version published in March 2018.<sup>9</sup>

The committee's recommendations and consultation responses are considered by the Government who respond, often in the form of a Command Paper and/or a ministerial statement. If the Government

### Usual channels

The 'usual channels' describes the working relationship of the whips from the different parties and the leaderships of the Government and opposition parties.

<sup>5</sup> Cabinet Office, [Guide to Making Legislation](#), Jul 2017

<sup>6</sup> Cabinet Office, [Guide to Making Legislation](#), Jul 2017, p163

<sup>7</sup> Cabinet Office, [Guide to Making Legislation](#), Jul 2017, p162

<sup>8</sup> Cabinet Office, [Guide to Making Legislation](#), Jul 2017, p162

<sup>9</sup> Cabinet Office, [Consultation principles: guidance](#), 19 Mar 2018

decides to proceed with the measures set out in the draft bill, a bill is published and goes through its normal stages in both Houses of Parliament.

See Table 2 in the Appendix for summary of draft bills published, the committees that scrutinised them and links to the committees' reports and government responses.

## 1.4 Support for pre-legislative scrutiny

In 2000 the Commons Liaison Committee developed proposals by the Procedure Committee for a unit to both:

- assist select committees in their scrutiny of the Estimates;
- and to support committees in their consideration of draft bills.

The [House of Commons Scrutiny Unit](#) was established in November 2003. For more information, see the Commons Library briefing on [pre-legislative scrutiny](#).<sup>10</sup>

Successive reports by the Liaison Committee have highlighted concerns about the scrutiny process for draft bills.

The Committee's annual report for 2004 noted that committees that had undertaken pre-legislative scrutiny identified a number of problems which needed to be addressed before the system of pre-legislative scrutiny could be said to be working properly.<sup>11</sup>

In 2008 the Committee's report on the work of the committees in 2007 also reported concerns expressed by committees and recommended that: "there should be a presumption in favour of draft bills going to departmental select committees for pre-legislative scrutiny".<sup>12</sup>

The Liaison Committee's legacy report published in 2015 highlighted instances of pre-legislative scrutiny by select committees having an effect on legislation but observed that "it is still only a minority of legislative proposals that are published in draft."<sup>13</sup>

### Joint Committee on Human Rights

One of the roles of the Joint Committee on Human Rights (JCHR) is to scrutinise government bills and draft bills for their compatibility with human rights including:

- The rights under the European Convention on Human Rights (ECHR) protected in UK law by the *Human Rights Act 1998*
- Common law fundamental rights and liberties
- The human rights contained in other international obligations of the UK

#### Commons Scrutiny Unit

- Supports departmental select committees in scrutinising draft bills.
- Provides administrative support and legal and procedural advice to ad hoc joint committees set up to consider draft bills.

<sup>10</sup> Commons Library Briefing SN02822, [Pre-legislative scrutiny](#), 9 Apr 2010

<sup>11</sup> Liaison Committee, *Annual Report for 2004*, 15 Mar 2005, HC 419 2004-05, para 20

<sup>12</sup> Liaison Committee, *The work of committees in 2007*, 4 Apr 2008, HC 427 2007-08, para 25

<sup>13</sup> Liaison Committee, [Legacy Report](#), 24 Mar 2015, HC 954 2014-15, para 66

- Consideration of whether the Bill presents an opportunity to enhance human rights in the UK.<sup>14</sup>
- The Joint Committee has been asked by the committee conducting pre-legislative scrutiny to comment on human rights matters in draft bills.

### 2015 Parliament

In November 2015 the chair of the Joint Committee on the Draft Investigatory Powers Bill invited the Joint Committee on Human Rights to consider the draft Human Rights Memorandum accompanying the draft bill.<sup>15</sup> The Committee published its report on the Legislative Scrutiny of the Investigatory Powers Bill in Jun 2016.<sup>16</sup>

### 2017 Parliament

In the 2017-19 session the JCHR identified two draft bills likely to raise significant human rights issues, the *Draft Domestic Violence and Abuse Bill* and the *Draft Health Service Safety Investigations Bill*, and invited submissions from interested groups and individuals.<sup>17</sup>

## 1.5 Post-legislative scrutiny

Formal post-legislative scrutiny was introduced in 2008 with government departments required to prepare and publish a memorandum assessing whether an Act has met its key objectives. This must be done within three to five years of the Act gaining Royal Assent.

This followed recommendations by the Constitution Committee in 2004 for greater post-legislative scrutiny<sup>18</sup> after which the Government asked the Law Commission to conduct an inquiry into post-legislative scrutiny. The Law Commission consulted<sup>19</sup> and published its report in 2006.<sup>20</sup>

In March 2008, the Government published, *Post-legislative scrutiny – The Government’s Approach*, the Government’s response to the Law Commission’s report.<sup>21</sup>

The background to this is examined in the [Commons Library briefing on Post-legislative scrutiny](#) that looks at the major reports into post-legislative scrutiny in the United Kingdom since 2004<sup>22</sup>.

The different approaches to post-legislative scrutiny carried out by both Houses of Parliament is examined in [A tale of two Houses](#) published in a PSA Parliaments Group blog in 2017.<sup>23</sup>

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<sup>14</sup> [Joint Committee on Human Rights - Role](#)

<sup>15</sup> [Letter from the Chair of the Joint Committee on the Draft Investigatory Powers Bill](#)

<sup>16</sup> Joint Committee on Human Rights, [Legislative Scrutiny: Investigatory Powers Bill](#), 2 Jun 2016, HC104/HL 6 2016-17

<sup>17</sup> [Joint Committee on Human Rights – Priority bills](#)

<sup>18</sup> Constitution Committee, [Parliament and the Legislative Process](#), 29 Oct 2004, HL 173-I 2003-04, Ch 5

<sup>19</sup> Law Commission, [Post-legislative scrutiny consultation](#), Jan 2006, Paper no. 178

<sup>20</sup> Law Commission, [Post Legislative Scrutiny](#), 25 Oct 2006, Cm 6945

<sup>21</sup> Office of the Leader of the House of Commons, [Post-legislative Scrutiny – The Government’s Approach](#), Cm 7320, Mar 2008

<sup>22</sup> Commons Library briefing SN05232, [Post-legislative scrutiny](#), 23 May 2013

<sup>23</sup> PSA Parliaments Group, A tale of two Houses? [Post-legislative Scrutiny in the House of Commons and House of Lords](#), Tom Caygill 6 Sep 2017

## 2. Draft legislation announced or published by the 2015 Conservative Government

### 2.1 Draft legislation in 2015-16

#### Bill of Rights: proposals

In the 2015 Queen's Speech, the Government announced proposals for a British Bill of Rights.<sup>24</sup> The background briefing notes to the Queen's Speech added that:

This would reform and modernise our human rights legal framework and restore common sense to the application of human rights laws. It would also protect existing rights, which are an essential part of a modern, democratic society, and better protect against abuse of the system and misuse of human rights laws to replace the Human Rights Act.<sup>25</sup>

No proposals were published in the 2015-16 parliamentary session. The 2016 Queen's Speech reiterated the Government's intention to bring forward proposals for a British Bill of Rights<sup>26</sup>. The background notes to the speech stated that the bill would "deliver on the Government's manifesto pledge to introduce a British Bill of Rights and reform human rights law".<sup>27</sup>

Sir Oliver Heald, the Minister for Courts and Justice, confirmed in November 2016 that the Government would set out their proposals for a Bill of Rights in due course.<sup>28</sup>

The Commons Library briefing, [A British Bill of Rights](#), looks at moves towards a Bill of Rights and developments since May 2015.<sup>29</sup>

#### Energy

Publication of a package of draft legislation on energy was announced on 21 January 2016 in a letter by Amber Rudd, the Secretary of State for Energy and Climate Change, to the Chair of the Energy and Climate Change Select Committee. Her letter stated that she would "value the Committee's views on this draft legislation" and "I hope the Energy and Climate Change Committee has the capacity to scrutinise [it] this session."<sup>30</sup>

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<sup>24</sup> [HC Deb 27 May 2015 c31-3](#)

<sup>25</sup> [The Queen's Speech 2015: background briefing notes](#), p75, 27 May 2015

<sup>26</sup> [HC Deb 18 May 2016 c5](#)

<sup>27</sup> [The Queen's Speech 2016: background briefing notes](#), p48, 18 May 2016

<sup>28</sup> [HC Deb 1 Nov 2016, c765](#)

<sup>29</sup> Commons Library Briefing, [A British Bill of Rights](#), 19 May 2015.

<sup>30</sup> [Letter from Amber Rudd, Secretary of State, DECC to Angus MacNeil MP](#), 21 Jan 2016



The draft bill was published the same day and contained fifteen clauses; 1-10 relating to smart meters and 10-15 concerning supply and switching.<sup>31</sup>

The Energy and Climate Change Committee invited responses from all interested parties by 11 February 2016. The Committee reported in May 2016<sup>32</sup> and the Government published its response in July 2016.<sup>33</sup>

The Smart Meter Bill 2017-19 was introduced in the Commons in the 2017 Parliament on 18 October 2017.<sup>34</sup> Information on the provisions of the bill and its passage through the House of Commons can be found in the [Commons Library briefing on the Smart Meter Bill 2017-19](#).

## Investigatory Powers

The Prime Minister announced plans to introduce legislation relating to the Security, Intelligence and Law Enforcement Agencies' use of investigatory powers in June 2015<sup>35</sup> and the *Draft Investigatory Powers bill* was published in November 2015.<sup>36</sup> The draft bill was subject to scrutiny by three parliamentary committees:

- Joint Committee on the Investigatory Powers Bill
- Intelligence and Security Committee of Parliament (statutory joint committee)
- Commons Science and Technology Committee (technology issues)

Following the publication of the reports by the Select Committees, the Government published its response to all three committees' reports and introduced the *Investigatory Powers Bill 2015-16* in the House of Commons on 1 March 2016.<sup>37</sup> The Bill was carried over to the 2016-17 session and received Royal Assent on 29 November 2016.

## Public Service Ombudsman

The background briefing notes to the 2015 Queen's Speech contained proposals for a draft Public Service Ombudsman bill.<sup>38</sup>

The draft bill was published on 5 December 2016 and contained proposals to create a single Public Service Ombudsman for UK reserved matters and for public services delivered solely in England, absorbing the existing remits and responsibilities of the Parliamentary Ombudsman, the Health Service Ombudsman and the Local Government

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<sup>31</sup> [Draft Legislation on Energy](#), Cm 9180, 21 Jan 2016

<sup>32</sup> Energy and Climate Change Committee, [Pre-legislative scrutiny of the Government's draft legislation on energy](#), HC 776 2016-16

<sup>33</sup> [Government response to the Committee's Sixth Report of Session 2015-16](#), HC 581 2015-16

<sup>34</sup> Written Statement: [Government's Legislative Programme 2017-19](#) [HCWS2]

<sup>35</sup> [The Report of the Investigatory Powers Review](#), HC WS27, 11 Jun 2015

<sup>36</sup> [Draft Investigatory Powers Bill](#), Cm 9152, 4 Nov 2015.

<sup>37</sup> [Investigatory Powers Bill](#), Bill 143 2015-16 and [Government Response](#), 1 March, Cm 9219

<sup>38</sup> [The Queens' Speech 2015. background briefing notes](#), pp102-3, 27 May 2015

Ombudsman. The [Commons Library briefing on the draft Public Service Ombudsman Bill](#) looks what the proposals in the draft bill would do.<sup>39</sup>

The Housing, Communities and Local Government Select Committee held a one-off evidence session on the bill in March 2017 taking evidence from the Local Government Ombudsman and the Housing Ombudsman.<sup>40</sup>

In December 2017 the Minister for the Constitution, Chris Skidmore, stated that the final bill would be introduced “as and when a legislative opportunity arises”.<sup>41</sup>

## Wales

The Secretary of State for Wales announced the publication of the *Draft Wales Bill*<sup>42</sup> on 20 October 2015. In his statement, Stephen Crabb said that the draft bill:

[...] sets out the Government’s plans for a stronger, clearer and fairer devolution settlement for Wales that will stand the test of time. It implements the commitments made in the St David’s Day Agreement and set out in the Command Paper.

He added that the Welsh Affairs Committee would undertake the pre-legislative scrutiny and that the Government would continue discussions with the Welsh Assembly on the detail of the reserved powers model at the same time.<sup>43</sup>

The Welsh Affairs Committee published their report in February 2016<sup>44</sup> and at the same time called for the Government to pause its proposed timetable for the new Wales Bill.<sup>45</sup>

The Constitutional and Legislative Affairs Committee of the National Assembly for Wales also reported on the draft bill.<sup>46</sup>

Welsh Members expressed concerns over the extent of devolution and the proposed pace of change not allowing sufficient time for scrutiny when they debated the draft bill on 3 February 2016.<sup>47</sup>

Following the Committee’s report, the Welsh Secretary announced that the bill would be delayed until summer to allow time for changes.<sup>48</sup>

The Wales Bill was introduced in the Commons on 7 June 2016. The [Commons Library briefing on the Wales Bill 2016-17](#) provides

<sup>39</sup> Commons Library Briefing CBP-07864, [Draft Public Service Ombudsman Bill](#), 13 Jan 2017

<sup>40</sup> Housing, Communities and Local Government Committee – [Draft Public Service Ombudsman inquiry](#)

<sup>41</sup> 14 Dec 2017 [[Public Service Ombudsman](#)] PQ 119693

<sup>42</sup> [Draft Wales Bill](#), Cm 9144, 20 Oct 2015

<sup>43</sup> [Draft Wales Bill: Written statement](#), HC WS254

<sup>44</sup> Welsh Affairs Committee, [Pre-legislative scrutiny of the draft Wales Bill](#), HC 449 2015-16 28 Feb 2016

<sup>45</sup> Welsh Affairs Committee, [Call to pause introduction of Wales Bill](#)

<sup>46</sup> NAW, Constitutional and Legislative Affairs Committee, [Report on the UK Government’s Draft Wales Bill](#), Dec 2015

<sup>47</sup> [Welsh Grand Committee debates, 3 Feb 2016](#)

<sup>48</sup> BBC News, [Wales Bill needs significant changes, Stephen Crabb says](#), 29 Feb 2016

background to the introduction of the bill and detail on the constitutional arrangements and new powers devolved to Wales.

## 2.2 Draft legislation in 2016-17

### Law of property

Following the Queen's Speech in 2016, the Government announced that they would bring forward proposals<sup>49</sup> to respond to the recommendations of the Law Commission's report, *Making Land Work*, to simplify the law around land ownership.<sup>50</sup>

In a Housing White Paper, published on 7 February 2017, the Government stated that:

The Government also intends to simplify the current restrictive covenant regime by implementing the Law Commission's recommendations for reform and will publish a draft Bill for consultation as announced in the Queen's Speech.<sup>51</sup>

The consultation on the white papers closed on 7 February 2017. A summary of consultation responses together with the Government's view on the way forward was published in March 2018.<sup>52</sup>

### Public Service Ombudsman

The Draft Public Service Ombudsman Bill announced in the previous session was published on 5 December 2016 and a one-off evidence session was held by the [Communities and Local Government Committee](#) in March 2017.<sup>53</sup>

In May 2018 the Minister for the Cabinet Office was asked about plans to bring forward the Public Service Ombudsman Bill, Chloe Smith responded that the draft bill would be "progressed as and when a legislative opportunity arises."<sup>54</sup>

### Spaceflight

The Secretary of State for Transport, Chris Grayling, announced forthcoming legislation on spaceflight in a written statement on 9 February 2017.<sup>55</sup>

The *Draft Spaceflight Bill 2017-19* was published on 21 February prompting the Commons Science and Technology Committee to call for

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<sup>49</sup> [The Queen's Speech 2016: background briefing notes](#), p61, 18 May 2016

<sup>50</sup> The Law Commission, *Making land work: easements, covenants and profits à prendre*, 20 May 2011

<sup>51</sup> Department for Communities and Local Government, *Fixing our broken housing market*, p 77, Cm 9352, Feb 2017

<sup>52</sup> Ministry of Housing, Communities and Local Government, *Government response to the housing White Paper consultation: Fixing our broken housing market*, March 2018

<sup>53</sup> Communities and Local Government Committee: [Oral evidence: Draft Ombudsman Bill, HC 1052](#) 6 March 2017

<sup>54</sup> PQ 141686 [\[Public Service Ombudsman Bill \(Draft\)\]](#) 15 May 2018

<sup>55</sup> [Commercial Spaceflight: Written statement - HCWS471](#)

written evidence.<sup>56</sup> The Committee reported on the *Draft Spaceflight Bill* in April 2017<sup>57</sup> with the Government responding in June 2017.<sup>58</sup>

The *Space Industry Bill* was introduced in the House of Lords on 27 June 2017 in the 2017-19 session and gained Royal Assent on 15 March 2018.<sup>59</sup>

A [Commons Library briefing on outer space](#) provides background on the Government's National Space Policy and information on the draft bill.<sup>60</sup>

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<sup>56</sup> Commons Science and Technology Committee: [Draft Spaceflight Bill inquiry launched](#)

<sup>57</sup> Commons Science and Technology Committee, [The Draft Spaceflight Bill](#) [HC 1070 2016-17] 29 Apr 2017

<sup>58</sup> [Government Response to the Science and Technology Committee Report: The draft Spaceflight Bill](#), [Cm 9565] 22 Jun 2017

<sup>59</sup> [Parliament Bill Pages: Space Industry Bill](#)

<sup>60</sup> Commons Library briefing, [Outer space](#), CBP07464, 9 Mar 2017

## 3. Draft legislation announced or published by the 2017 Conservative Government

### 3.1 Draft legislation in 2017-19

#### Animal welfare (sentencing and recognition of sentience)

In December 2017 the Environment Secretary announced the publication of a draft bill to strengthen animal welfare which would increase the maximum prison sentence for animal cruelty from six months to five years.<sup>61</sup>

The Government also announced a consultation on the draft bill which ran from 12 December 2017 to 31 January 2018.<sup>62</sup>

The Environment, Food and Rural Affairs Select Committee scrutinised the draft bill and reported on 31 January 2018.<sup>63</sup> The Government's response was published on 18 April 2018.<sup>64</sup>

#### Drones

In November 2017 Baroness Sugg, the Parliamentary Under-Secretary of State for Transport, announced proposals for a draft bill that would look at police powers to address the illegal and unsafe use of drones.<sup>65</sup> This followed a consultation on the safe use of drones in the UK.<sup>66</sup>

In a debate on Civil Aviation on 24 October 2018 Baroness Sugg reiterated the Government's intention to bring forward a draft bill.<sup>67</sup>

#### Domestic violence and abuse

Draft Legislation to protect the victims of domestic violence and abuse was announced in the Queen's Speech in June 2017.

A government consultation, [Transforming the Response to Domestic Abuse](#), was announced by the Home Secretary, Rt Hon Amber Rudd, and the Secretary of State for Justice, Rt Hon David Gauke, on 8 March 2018 and ran till 31 May 2018.

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<sup>61</sup> DEFRA, [Draft Animal Welfare \(Sentencing and Recognition of Sentience\) Bill 2017](#), 12 Dec 2017

<sup>62</sup> DEFRA, [Consultation on the draft Animal Welfare \(Sentencing and Recognition of Sentience\) Bill](#), 12 Dec 2018

<sup>63</sup> Environment, Food and Rural Affairs Committee, [Pre-Legislative Scrutiny of the draft Animal Welfare \(Sentencing and Recognition of Sentience\) Bill 2017](#), 1 Feb 2018, HC 709

<sup>64</sup> [Pre-Legislative Scrutiny of the draft Animal Welfare \(Sentencing and Recognition of Sentience\) Bill 2017: Government Response to the Committee's Second Report](#), HC 984 2017-19

<sup>65</sup> HL WS268 [\[Drones Update\]](#) 27 November 2017

<sup>66</sup> DfT, [Unlocking the UK's high tech economy: consultation on the safe use of drones in the UK](#), 21 Dec 2017

<sup>67</sup> [HC Deb 25 Oct 2018 c58GC](#)

## Energy price cap

The Department for Business, Energy and Industrial Strategy announced the publication of a draft bill for an energy price cap on 12 October 2017.<sup>68</sup> The Commons Business, Energy and Industrial Strategy Committee conducted the pre-legislative scrutiny, calling for evidence on 25 October 2017. The closing date for submissions was 29 November 2017.<sup>69</sup>

The Committee published their report on [Pre-legislative scrutiny of the Draft Gas and Electricity \(Tariff Cap\) Bill](#), on 13 February 2018 and the [Government's response to the Committee's report](#) was published on 28 February 2018.<sup>70</sup>

The *Domestic Gas and Electricity (Tariff Cap) Bill 2017-19* was introduced in the House of Commons on 26 February 2018.

Information on the bill and its passage through Parliament is provided in the [Commons Library briefing on the Domestic Gas and Electricity \(Tariff Cap\) Bill 2017-18](#).

## Health services safety investigations (patient safety)

The draft patient safety bill was published as the *Draft Health Service Safety Investigations Bill* on 14 September 2017.<sup>71</sup>

On 17 April 2018 the House of Commons agreed a motion to appoint a joint committee of Commons and Lords to consider the draft bill.<sup>72</sup> The report of the Joint Committee on the Draft and Health Service Safety Investigations Bill was published on 2 August 2018.<sup>73</sup>

## Non-domestic rating (property in common occupation)

Following a commitment by the Chancellor in the November 2017 budget to address the so-called staircase tax,<sup>74</sup> the Government published a consultation on the [Draft Non-Domestic Rating \(Property in Common Occupation\) Bill](#) on 9 December 2017.<sup>75</sup>

The Housing, Communities and Local Government Select Committee undertook the pre-legislative scrutiny of the draft bill and published their report on 18 April 2018. The Government's response was published in June 2018.<sup>76</sup>

<sup>68</sup> BEIS: [Statement](#), and [Draft Domestic Gas and Electricity \(Tariff Cap\) Bill](#), 12 Oct 2017

<sup>69</sup> Commons Business, Energy and Industrial Strategy Committee: [Committee scrutinises Government's Draft Energy Price Cap Bill](#), 25 Oct 2017

<sup>70</sup> Commons Business, Energy and Industrial Strategy Committee: [Pre-legislative scrutiny of the draft Domestic Gas and Electricity \(Tariff Cap\) Bill inquiry](#)

<sup>71</sup> Department of Health, [Health Service Safety Investigations Bill](#), 14 Sep 2017

<sup>72</sup> [HC Deb 17 Apr cc291-2](#)

<sup>73</sup> Joint Committee on the Draft Health Service Safety Investigations Bill, [Draft Health Service Safety Investigations Bill: A new capability for investigating patient safety incidents](#), 2 Aug 2018, HL 189/HC 1064 2017-19

<sup>74</sup> Gov.uk: [Autumn Budget 2017, 22 November 2018, Section 4.8](#)

<sup>75</sup> Gov.uk: [Business rates in multi-occupied properties. Consultation and draft bill](#)

<sup>76</sup> Housing, Communities and Local Government Committee: [Pre-legislative scrutiny of the draft Non-Domestic Rating \(Property in Common Occupation\) Bill inquiry](#)

The *Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Bill 2017-19* was introduced in the House of Commons on 28 March 2018.<sup>77</sup>

For information on the provisions of the bill, see the [Commons Library briefing on Rating \(Property in Common Occupation\) and Council Tax \(Empty Dwellings\) Bill 2017-19](#).

## Northern Ireland (Stormont House Agreement)

On 11 May 2018 the Northern Ireland Office launched a public consultation: [Addressing the legacy of Northern Ireland's Past](#). The consultation takes forward the proposals for four new legacy institutions as set out in the Stormont House Agreement. The consultation ran from 11 May 2018 till 5 October 2018.

As part of the consultation the Government also published the *Draft Northern Ireland (Stormont House Agreement) Bill*, which would establish the four new legacy institutions.<sup>78</sup>

The Northern Ireland Affairs Committee is conducting an inquiry on the consultation on Stormont House Agreement.<sup>79</sup>

## Parliamentary buildings (restoration and renewal)

The Leader of the House announced on 19 July 2018 that a draft bill would be published to establish the statutory bodies that will be responsible for the restoration and renewal works within the parliamentary estate.<sup>80</sup> The *Draft Parliamentary Buildings (Restoration and Renewal) Bill* was published in October 2018.<sup>81</sup>

A motion to appoint a joint committee to consider the bill was agreed by the House of Lords on 23 October 2018<sup>82</sup> and a motion to appoint the Commons members of the committee is scheduled to be considered on 12 November 2018.<sup>83</sup>

## Personal injury discount rate

A draft clause on the personal injury discount rate was published in September 2017<sup>84</sup> and the Commons Justice Select Committee was invited to undertake pre-legislative scrutiny.<sup>85</sup> The Justice Committee reported in November 2017<sup>86</sup> and the Government's response was published in April 2018.<sup>87</sup>

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<sup>77</sup> Parliament Bill Pages: [Rating \(Property in Common Occupation\) and Council Tax \(Empty Dwellings\) Bill 2017-19](#)

<sup>78</sup> Northern Ireland Office, [Draft Northern Ireland \(Stormont House Agreement\) Bill](#)

<sup>79</sup> Northern Ireland Affairs Committee, [Consultation on Stormont House inquiry](#)

<sup>80</sup> [HC Deb 19 Jul 2018 c599](#)

<sup>81</sup> Office of the Leader of the House, [Parliamentary Buildings \(Restoration and Renewal\) Bill and explanatory notes](#), Cm 9710, 18 Oct 2018

<sup>82</sup> [HC Deb 23 Oct 2018 c772](#)

<sup>83</sup> [Commons Business, 12 Nov 2018](#)

<sup>84</sup> Ministry of Justice, [The Personal Injury Discount Rate: How it should be set in future](#), Cm 9500, 7 Sep 2017

<sup>85</sup> Commons Justice Committee: [Pre-legislative scrutiny: draft personal injury discount rate legislation inquiry](#)

<sup>86</sup> Commons Justice Committee, [Pre-legislative scrutiny: draft personal injury discount rate clause](#), 30 Nov 2017, HC 374 2017-19

<sup>87</sup> [Government Response to the Committee's Third Report Pre-legislative scrutiny: draft personal injury discount rate clause](#), 20 Apr 2018, Cm 9567

This clause was incorporated into the Civil Liability Bill (a bill to make provision about whiplash claims and the personal injury discount rate) and introduced in the House of Lords on 20 March 2018.<sup>88</sup>

## Registration of overseas entities

The Draft Registration of Overseas Entities Bill was published in July 2018 following a Government commitment at the 2016 Anti-Corruption Summit to establish a new beneficial ownership register of overseas entities that own UK property. The Government opened a public consultation on the draft bill at the same time, inviting comments from interested parties. The consultation ran from 23 July to 17 September 2018.<sup>89</sup>

A Lords motion to establish a joint committee to consider the draft bill was agreed on 23 October 2018.<sup>90</sup>

The [Commons Library briefing on registers of beneficial ownership](#) looks at the development of beneficial ownership registers in the UK and around the world.

## Tenant fees

The 2017 Queen's Speech announced a draft bill to ban letting agents charging fees to tenants. The draft bill was published on 1 November 2017 and the Housing, Communities and Local Government launched their inquiry on 16 November 2017<sup>91</sup> and published their report in March 2018.<sup>92</sup> The Government's response was published in May 2018.<sup>93</sup>

The *Tenant Fees Bill 2017-19* was introduced in the House of Commons on 2 May 2018.<sup>94</sup>

The [Commons Library analysis for the Report Stage of the Tenant Fees Bill 2017-19](#) provides background to the bill and explains the bill's provisions.

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<sup>88</sup> Parliament Bill Pages: [Civil Liability Bill 2017-19](#)

<sup>89</sup> Department for Business, Energy and Industrial Strategy, [Draft Registration of Overseas Entities Bill and open consultation](#), 23 Jul 2018.

<sup>90</sup> [HL Deb 23 Oct 2018 c772](#)

<sup>91</sup> Housing, Communities and Local Government Committee: [Draft Tenant Fees Bill inquiry](#)

<sup>92</sup> Housing, Communities and Local Government Committee, [Pre-legislative scrutiny of the draft Tenant Fees Bill](#), 29 March 2018

<sup>93</sup> [Government response to the Housing, Communities and Local Government Select Committee Report Pre-legislative scrutiny of the draft Tenant Fees Bill](#), Cm 9610 May 2018

<sup>94</sup> Parliament Bill Pages: [Tenant Fees Bill 2017-19](#)



## 4. Appendix

Table 1. Draft bills published by session since 1997\*

Parliament	Session	Number of draft bills published	Number of draft bills scrutinised by committee
<b>1997</b>	1997-98	3	2
	1998-99	6	5
	1999-2000	6	3
	2000-01	2	1
<b>2001</b>	2001-02	7	6
	2002-03	9 <sup>1</sup>	10 <sup>2</sup>
	2003-04	12 <sup>3</sup>	10
	2004-05	5 <sup>4</sup>	2
<b>2005</b>	2005-06	4	3
	2006-07	4	3
	2007-08	9	7
	2008-09	4 <sup>5</sup>	2
<b>2010</b>	2009-10	4	2
	2010-12	11 <sup>6</sup>	8
	2012-13	15 <sup>7</sup>	17 <sup>8</sup>
	2013-14	5	4
<b>2015</b>	2014-15	4 <sup>9</sup>	2
	2015-16	2 <sup>10</sup>	2
	2016-17	3	3
<b>2017</b>	2017-19 <sup>12</sup>	9 <sup>11</sup>	7

### Notes

\* Session refers to the session in which the draft bill was published

Table excludes draft Finance Bills

1. Includes draft clauses of the *Police (Northern Ireland) Bill*

2. The *Draft Companies Bill* was published in 2001-02 and reported on in 2

3. Some clauses of the *Draft Gambling Bill* were published in Session 2002

4. Includes draft clauses of the *Company Law Reform Bill*, further clauses

5. The *Draft Antarctic Bill* and the *Draft Immigration Bill* were both

6. The *Draft Detention of Terrorist Suspects (Temporary Extensions) Bills*, which were published together, are counted as one draft bill

7. The *Draft Children and Families Bill* is counted as one draft bill, although it was not published in

8. The *Draft Enhanced Terrorism Prevention and Investigation Measures Bill*, the *Draft Recall of MPs Bill* and draft clauses on parliamentary privilege were published in 2010-12 but reported on in

9. Includes draft clauses of the *Scotland Bill*

10. Includes draft set of clauses on Energy

11. Includes draft clause on the personal injury discount rate

12. As at 8 November 2018

**Table 2. Draft legislation published in the 2015 Parliament: Scrutiny and subsequent progress**

Session	Title of draft leg	Draft bill announced	Draft bill published	Scrutiny performed by: Select Cttee, Joint Cttee or Ad-hoc Cttee	Cttee Reports	Govt response	Subsequent progress
<b>2015-16</b>	<b>Bill of Rights (proposals)</b>	Queens Speech, 27 May 2015					
<b>2015-16</b>	<b>Energy</b>	DECC SoS letter, 21 Jan 2016	21 Jan 2016 [Cm 9180]	Energy and Climate Change Committee	Report, 4 May 2016 [HC 776 2016-16]	Government response, 19 Jul 2016 [HC 581 2015-16]	Smart Meters Bill introduced 18 Oct 2018
<b>2015-16</b>	<b>Investigatory Powers</b>		Nov 2015 [Cm 9152]	JC on Investigatory Powers Bill	Report, 11 Feb 2016 [HC 651 2015-16]	WMS Theresa May, 1 Mar 2016	Investigatory Powers Bill introduced 1 Mar 2016
			9 Feb 2016, ISC Media Statement	Intelligence and Security Committee	Report, 9 Feb [HC 795 2015-16]	Government response, Mar 2016 [Cm 9219]	
				Science and Technology Select Committee (technology issues)	Report, 30 Jan 2016 [HC 573 2015-16]		
<b>2015-16</b>	<b>Wales</b>	Written statement 20 Oct 2015 [HC WS254]	20 Oct 2015 [Cm 9144]	Welsh Affairs Select Committee	Report, 26 Feb 2016 [HC 449 2014-15]	Government response [HC 280]	Wales Bill introduced 7 Jun 2016
<b>2016-17</b>	<b>Law of Property</b>	Queen's speech: background briefing notes, 18 May 2016					
<b>2016-17</b>	<b>Public Services Ombudsman</b>	Queen's speech: background briefing notes, 27 May 2015	5 Dec 2016 [Cm 9374]	Communities and Local Government Committee	One off evidence session, 9 Mar 2017 [HC 1052 2016-17]		
<b>2016-17</b>	<b>Spaceflight</b>	Written statement 9 Feb 2017 [HC WS471]	21 Feb 2017 [Cm 9421]	Science and Technology Committee	Report, 29 Apr 2017 [HC 1070 2016-17]	Government response [Cm 9465]	Space Industry Bill 2017-19 introduced 27 Jun 2017

**Notes**

Draft Finance bills are not included.

The Northern Ireland (Welfare Reform) Bill was published in draft the day before completing all its stages in the Commons and Lords on 23 Nov 2015, therefore no pre-leg scrutiny.

**Key:**

Cm	
Cttee	Committee
DECC	Department of Energy and Climate Change
Govt	Government
HC	House of Commons
HL	House of Lords
ISC	Intelligence and Security Committee
JC	Joint Committee
Leg	Legislation
SoS	Secretary of State

**Table 3. Draft legislation published in the 2017 Parliament: Scrutiny and subsequent progress**

Session	Title of draft leg	Draft bill announced	Draft bill published	Scrutiny performed by: Select Cttee, Joint Cttee or Ad-hoc Cttee	Cttee Reports	Govt response	Subsequent progress
2017-19	<b>Tenant Fees</b>	Queen's speech: background briefing notes, 21 Jun 2017	1 Nov 2017 [Cm 9529]	Communities and Local Government Committee	3rd Report, 26 Mar 2018 [HC 583 2017-19]	May 2018 [Cm 9610]	Tenant Fees Bill introduced 2 May 2018
2017-19	<b>Domestic Violence and Abuse</b>	Queen's speech: background briefing notes, 21 Jun 2017					
2017-19	<b>Health Service Safety Investigations (Patient Safety)</b>	Queen's speech: background briefing notes, 21 Jun 2017	14 Sep 2017 [Cm 9497]	JC on the Draft Health Service Safty Investigations Bill	2 Aug 2018 [HL 189/ HC 1064 2017-19]		
2017-19	<b>Energy Price Cap</b>	BEIS statement on draft bill, 12 Oct 2017	12 Oct 2017 [Cm 9516]	Business, Energy and Industrial Strategy Committee	4th Report, 13 Feb 2018 [HC 517 2017-19]	28 Feb 2018 [Cm 9567 2017-19]	Domestic Gas and Electricity (Tariff Cap) Bill introduced 26 Feb 2018
2017-19	<b>Personal injury discount rate (draft clause)</b>	Written Statement, 27 Feb 2017	7 Sep 2017 [Cm 9500]	Justice Committee	3rd Report, 30 Nov 2017 [HC 374 2017-19]		Civil liability bill introduced 20 Mar 2018
2017-19	<b>Drones (unsafe or criminal use)</b>	Written statement, 27 Nov 2011					
2017-19	<b>Animal Welfare (Sentencing and Recognition of Sentience) Bill</b>	DEFRA Press release, 12 Dec 2017	12 Dec 2017 [Cm 9554]	Environment Food and Rural Affairs Committee	2nd Report, 31 Jan 2018 [HC 709 2017-19]	18 Apr 2018 [HC 984 2017-19]	
2017-19	<b>Non-Domestic Rating (Property in Common Occupation)</b>	2017 Autumn Budget	29 Dec 2017, Consultation document	Housing, Communities and Local Government	6th Report, 17 Apr 2018 [HC 943 2017-19]	23 Apr 2018, 7th Special Report [HC 984 2017-19]	Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Bill introduced 28 Mar 2018
2017-19	<b>Northern Ireland(Stormont House Agreement)</b>	Consultation, 11 May 2018	11 May 2018 [Draft Bill]	Northern Ireland Affairs			

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<b>2017-19 Parliamentary Buildings (Restoration and Renewal)</b>	Business Statement, 19 Jul 2018	18 Oct 2018 [Cm 9710]
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<b>2017-19 Registration of Overseas Entities</b>	Written Statement, 23 Jul 2018	23 Jul 2018 [Cm 9635]
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**Note:**

Draft Finance bills are not included.

**Key:**

**BEIS**

**Cm** Command Paper

**Cttee** Committee

**DEFRA**

**Govt** Government

**HC** House of Commons

**HL** House of Lords

**ISC** Intelligence and Security Committee

**JC** Joint Committee

**Leg** Legislation

**SoS** Secretary of State

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