



Constitution Committee Reports on the Legislative Process Debate on 12 June 2019

This briefing identifies relevant reports and useful documents, including recent parliamentary materials and press articles, which may be of assistance to Members in preparing for the debate on the following motions, due to be taken together:

Baroness Taylor of Bolton to move that this House takes note of the Report from the Constitution Committee *The Legislative Process: Preparing Legislation for Parliament* (4th Report, HL Paper 27).

Baroness Taylor of Bolton to move that this House takes note of the Report from the Constitution Committee *The Legislative Process: The Delegation of Powers* (16th Report, HL Paper 225).

Copies of the materials are available for collection from the Library.

Key Information

- House of Lords Constitution Committee, [The Legislative Process: Call for Evidence on the Passage of Legislation through Parliament](#), February 2018

Call for evidence for the Committee's report on the passage of legislation through parliament. This explains that the Committee began its inquiry on the legislative process in October 2016 and that it consisted of four parts: preparing legislation for introduction in Parliament; the passage of legislation through Parliament; the delegation of powers; and the period after Royal Assent. The committee's inquiry on the legislative process builds on an inquiry on the same topic which the committee undertook in 2004.

- House of Lords Constitution Committee, [The Legislative Process: The Delegation of Powers](#), 20 November 2018, HL Paper 225 of session 2017–19, pp 2–3, 5–6 and 32–4; and [Government Response](#), 25 January 2019

Summary, introduction and summary of conclusions and recommendations from the committee's report on the delegation of powers. Amongst its findings, the committee recognised that delegated powers were a "necessary part of the legislative process" but it argued that decisions on what powers to delegate, and the level of parliamentary scrutiny applied, had proved "increasingly contentious". Also included is the Government's response.

- House of Lords Constitution Committee, [The Legislative Process: Preparing Legislation for Parliament](#), 25 October 2017, HL Paper 27 of session 2017–19, pp 2–4, 5–6, 52–6; and [Government Response](#), 26 January 2018

Summary, introduction and summary of conclusions and recommendations from the committee’s report on preparing legislation for parliament. This was the first report in the committee’s inquiry on the legislative process. In it, the committee argued that the development of legislation before introduction to parliament was “key” to ensuring the quality of laws on the statute book, given the capacity of parliament to scrutinise legislation was “limited”. Also included is the Government’s response.

- Cabinet Office, [Guide to Making Legislation](#), July 2017, pp 8–46 and 138–44

Sections of the Guide to Making Legislation on: ‘The Government’s Legislative Programme and the Work of the Parliamentary Business and Legislation (PBL) Committee’; ‘Summary of Stages in the Legislative Process’; ‘Key Players in Making Legislation’; ‘Securing a Slot in the Legislative Programme’; ‘The Bill and Bill Team Management’; ‘Collective Agreement’; and on ‘Delegated Powers’. The Guide was prepared by the Parliamentary Business and Legislation Secretariat (PBLs). This is part of the Economic and Domestic Affairs Secretariat of the Cabinet Office. PBLs was advised by Parliamentary Counsel and the Offices of the Commons Chief Whip, Lords Chief Whip, Leader of the House of Commons, Leader of the House of Lords and the Public Bill Offices of both Houses. The Guide is aimed at departmental bill teams and policy officials.

- Institute for Government, [Parliamentary Monitor 2018](#), September 2018, pp 44–57

Section on secondary legislation from the Institute for Government’s report on the work of parliament in 2018. The included section looks at the volume of secondary legislation, the number of pieces of secondary legislation by government department and discusses parliamentary scrutiny procedures.

Parliamentary Debate, Statements and Questions

- House of Lords, [‘Written Question: Bills: Parliamentary Scrutiny’](#), 18 December 2018, HL11959

Press Articles and Comment

- Mark Elliot and Stephen Tierney, [‘House of Lords Constitution Committee Reports on Delegated Powers’](#), UK Constitutional Law Association Blog, 20 November 2018

Further Information

- House of Lords Constitution Committee, [‘Legislative Process Inquiry’](#), accessed 3 June 2019
- House of Lords Constitution Committee, [Parliament and the Legislative Process](#), 29 October 2004, HL Paper 173-I of session 2003–04; and [Government Response](#), 20 April 2005

- [QSD on 'Parliamentary Proceedings: Statistics'](#), HL *Hansard*, 18 January 2017, cols 283–97
- National Archives, [Statutory Instrument Practice: A Guide to Help You Prepare and Publish Statutory Instruments and Understand the Parliamentary Procedures Relating to Them](#), November 2017

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