



BRIEFING PAPER

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Fast-track legislation

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Summary

The Constitution Committee of the House of Lords undertook an inquiry into fast-track legislation in the 2008-09 Session. The Committee [described](#) it as an inquiry into “constitutional issues that may arise when there is resort to emergency legislation”, and in particular, “situations where bills receive an expedited passage through Parliament”. In its inquiry, it used the following definition of fast-track legislation: “bills ... which the Government of the day represents to Parliament must be enacted swiftly ... and then uses its power of legislative initiative and control of Parliamentary time to secure their passage”.

It identified eleven problems and issues that arose as a result of fast-tracking legislation; and considered some of them in more detail through case studies of particular pieces of legislation. It also reviewed the reasons why Northern Ireland legislation was fast-tracked; and briefly considered the subject of delegated legislation.

The Committee recommended that an oral ministerial statement should be made and its details set out in the explanatory notes of a bill to justify the fast-tracking of any primary legislation. The Committee also recommended that there should be a presumption in favour of sunset clauses appearing in fast-tracked legislation to ensure that it is subject to parliamentary review; and that there should be a presumption in favour of early post-legislative review of fast-tracked legislation.

In its [response](#) to the Committee, the Government simply said that “Ministers remain prepared to justify the need for any expedition to the House”. It argued that the use of sunset clauses should be approached on a case-by-case basis. On post-legislative scrutiny it re-affirmed its commitment to review within three to five years.

The House of Lords [debated](#) the report on 10 November 2009.

On 15 December 2009, when the *Video Recordings Bill 2009-10*, the first bill to be fast-tracked since the report, was published, the Government announced in a [written ministerial statement](#) that a full explanation of the reasons for the expedition of the Bill, in line with the Committee’s recommendation would be given in the [Explanatory Notes](#).

An explanation of the reasons for fast-tracking legislation has been offered in the Explanatory Notes of most subsequent fast-track legislation. In 2019, the Constitution Committee [welcomed](#) this:

We welcome the fact that the Cabinet Office’s Guide to Making Legislation now requires the justification for fast-tracking to be included in a bill’s explanatory notes. We note that the Government has observed it in respect of most recent bills that have been fast-tracked.

1. Background

The Constitution Committee of the House of Lords undertook an inquiry into fast-track legislation in the 2008-09 Session, as part of its longstanding interest in the legislative process. The Committee described its work as an inquiry into “constitutional issues that may arise when there is resort to emergency legislation”, and in particular, “situations where bills receive an expedited passage through Parliament”.¹

In its inquiry, it used a definition of fast-track legislation based on the evidence provided by the Clerk of the House of Commons: “bills ... which the Government of the day represents to Parliament must be enacted swiftly ... and then uses its power of legislative initiative and control of Parliamentary time to secure their passage”.²

After defining what it meant by fast-track legislation, the Committee considered whether there were circumstances in which it was constitutionally acceptable to fast-track legislation. It then considered how legislation was fast-tracked and whether the process could be improved.

The Committee identified five constitutional principles that it believed should underpin the consideration of fast-track legislation:

16. We have identified five constitutional principles which we believe should underpin the consideration of fast-track legislation:

- The need to ensure that effective parliamentary scrutiny is maintained in all situations. Can effective scrutiny still be undertaken when the progress of bills is fast-tracked, even to the extent of taking multiple stages in one day?
- The need to maintain “good law”—i.e. to ensure that the technical quality of all legislation is maintained and improved. Is there any evidence that the fast-tracking of legislation has led to “bad law”?
- The importance of providing interested bodies and affected organisations with the opportunity to influence the legislative process. Is Parliament able to take account of the work of campaigners in its scrutiny work when a bill completes its parliamentary passage so quickly?
- The need to ensure that legislation is a proportionate, justified and appropriate response to the matter in hand and that fundamental constitutional rights and principles are not jeopardised.
- The need to maintain transparency. To what extent are the transparency of the policy-making process within government and the parliamentary legislative process compromised when bills are fast-tracked?³

¹ Select Committee on the Constitution, *Fast-track Legislation: Constitutional Implications and Safeguards*, 7 July 2009, HL 116-I 2008-09, para 3

² *Ibid*, para 27

³ *Ibid*, para 16

2. Issues arising from fast-tracking legislation

2.1 Problems with fast-tracked legislation

The Committee identified eleven problems and issues that arose as a result of fast-tracking legislation:

- Constrained parliamentary scrutiny
- The degree to which legislation is fast-tracked
- Does fast-tracking of legislation lead to bad legislation?
- Pressure on the procedural process
- Pressure on campaigners and interested organisations
- The “something must be done” syndrome
- Exaggerating the case for fast-tracking
- Including non-urgent matters in a fast-tracked bill
- “Act in haste and repent at leisure”
- Executive dominance of the fast-track process
- Differences between the Commons and the Lords.⁴

The Committee considered some of these issues in more detail through case studies of particular pieces of legislation. After its case studies, the Committee commented that “the fact that each one of these cases has prompted debate, even in those examples where the argument in favour of fast-tracking was generally accepted, makes a strong case for considering how the fast-track procedure can be improved and better scrutinised”.⁵

2.2 Late tabling of amendments

The Committee reported the Clerk of the Parliaments’ statement that “the late tabling of significant Government amendments to non-emergency bills ... may, in effect, amount to emergency legislation, particularly if tabled in the second House”.⁶ Although the Committee only “touched on the issue”, and it noted that the Government had said that it disliked tabling amendments at a late stage, the Committee said that the Government “should redouble their efforts to minimise the number of late amendments they table”.⁷

2.3 Northern Ireland

The Constitution Committee also reviewed the reasons why Northern Ireland legislation was fast-tracked. It accepted that it had been necessary to fast-track Northern Ireland legislation in the past,

⁴ *Ibid*, paras 32-63

⁵ *Ibid*, para 97

⁶ *Ibid*, para 98

⁷ *Ibid*, para 106

particularly recently (in the 2005 Parliament), “to maintain the momentum of the peace process”. However, the Committee argued that fast-tracking should not be “the norm” for future Northern Ireland legislation.⁸ The *Northern Ireland Assembly Members Bill*, which was introduced in the House of Lords on 19 November 2009 was not fast-tracked. However, it was caught up in the wash-up before the 2010 general election.⁹

2.4 Delegated legislation

The Committee briefly considered the subject of delegated legislation. It examined powers in the *Civil Contingencies Act 2004* and the *Health and Social Care Act 2008* that allowed delegated legislation to be introduced quickly. The Committee accepted that there were occasionally grounds to fast-track parliamentary procedure of draft affirmative instruments, but it reminded the Government of the importance of executive self-restraint.¹⁰

⁸ *Ibid*, para 128

⁹ Committee Stage and Third Reading in the Commons took place on 7 April 2010

¹⁰ Select Committee on the Constitution, [Fast-track Legislation: Constitutional Implications and Safeguards](#), 7 July 2009, HL 116-I 2008-09,, para 139

3. Improving the process

3.1 Justification for fast-tracking

When a bill was fast-tracked, the Committee recommended that, in the House of Lords, an oral ministerial statement should be made and its details set out in the explanatory notes of a bill to justify the fast-tracking of any primary legislation.

...we agree with the Leader of the House of Lords that it would be valuable for the Government to provide more information as to why a piece of legislation should be fast-tracked. The process by which the Government makes the case for fast-tracking is at present rather ad hoc. This process needs to be formalised and strengthened.

185. As such, we recommend that the Minister responsible for the bill should be required to make an oral statement to the House of Lords outlining the case for fast-tracking. This should take place when the bill is introduced to the House in order to allow a debate, as early as possible on the justification for fast-tracking the bill, which does not detract from the Second Reading debate. The details contained in the oral statement should also be set out in a written memorandum included in the Explanatory Notes. The parliamentary time allocated for the statement should not in any way impinge upon the time available for consideration of the bill.

186. In the light of the evidence we have received about the potential problems and issues pertaining to the use of fast-track legislation, we recommend that the Ministerial Statement should be required to address the following principles:

- (a) Why is fast-tracking necessary?
- (b) What is the justification for fast-tracking each element of the bill?
- (c) What efforts have been made to ensure the amount of time made available for parliamentary scrutiny has been maximised?
- (d) To what extent have interested parties and outside groups been given an opportunity to influence the policy proposal?
- (e) Does the bill include a sunset clause (as well as any appropriate renewal procedure)? If not, why do the Government judge that their inclusion is not appropriate?
- (f) Are mechanisms for effective post-legislative scrutiny and review in place? If not, why do the Government judge that their inclusion is not appropriate?
- (g) Has an assessment been made as to whether existing legislation is sufficient to deal with any or all of the issues in question?
- (h) Have relevant parliamentary committees been given the opportunity to scrutinise the legislation?

187. We recommend that in its consideration of whether to allow a bill to be fast-tracked through its legislative stages, the House should bear in mind whether the Government's Ministerial Statement justifying fast-tracking has adequately addressed these

principles. We will do this in the course of our scrutiny of any bill that it is proposed should be fast-tracked.¹¹

The Committee also reminded the House of Lords that in order to take two stages of a bill in a single day, the Government has to ask the House to approve a motion to suspend Standing Order 47, which is entitled “No two stages of a Bill to be taken on one day”.¹² The Committee continued that:

...it is open to any member who is not content with the Government’s justification for the fast-tracking of a bill to seek the opinion of the House when the motion to suspend Standing Order 47 is moved.¹³

3.2 Pre-legislative scrutiny

The Committee re-affirmed its “strong support for pre-legislative scrutiny and our desire to see it used more routinely”. However, it acknowledged that the opportunities for pre-legislative scrutiny of fast-track legislation would inevitably be constrained by the timescale. But it did not believe that “such constraints make pre-legislative scrutiny impossible”. It cited the example of the opportunity given to some interested parties to consider the *Criminal Evidence (Witness Anonymity) Bill* in 2008.

The Committee was concerned that any such pre-legislative scrutiny had taken place on an *ad hoc* basis. It therefore urged “the Government to put mechanisms in place to ensure that relevant parliamentary committees and stakeholders are consulted about and given the opportunity to respond to proposed fast-track legislation ahead of Second Reading in the House in which the bill is introduced”; and commented that “this should be possible in all but the most extreme circumstances”.¹⁴

3.3 Sunset clauses

The Committee also recommended that there should be a presumption in favour of sunset clauses appearing in fast-tracked legislation to ensure that it is subject to parliamentary review:

Whilst we acknowledge that there may be cases when the use of sunset clauses or renewal procedures is inappropriate, we do not believe that the Government’s position of judging each case on its merits provides a sufficient safeguard. Where fast-track bills are

¹¹ *Ibid*, paras 184-187

¹² Since publication of Standing Orders in 2010, this is now Standing Order 46. It states:
No Bill shall be read twice the same day; no Committee of the Whole House shall proceed on any Bill the same day as the Bill has been read the Second time; no report shall be received from any Committee of the Whole House the same day such Committee goes through the Bill, when any amendments are made to such Bill; and no Bill shall be read the Third time the same day that the Bill is reported from the Committee, or the order of commitment is discharged.
House of Lords, [Standing Orders of the House of Lord relating to Public Business](#), April 2010, HL 116 2009-10

¹³ Select Committee on the Constitution, [Fast-track Legislation: Constitutional Implications and Safeguards](#), 7 July 2009, HL 116-I 2008-09, para 189

¹⁴ *Ibid*, para 163

used, there needs to be an additional safeguard. We therefore recommend that, in such cases, there should instead be a presumption in favour of the use of a sunset clause. By this process, a piece of legislation would expire after a certain date, unless Parliament chooses either to renew it or to replace it with a further piece of legislation subject to the normal legislative process. The Government should set out the proposed terms of the sunset clause in the Ministerial Statement. In cases where the Government judge that the use of sunset clauses or renewal procedures is inappropriate, it should be incumbent upon them to make the case for their exclusion in the Ministerial Statement.¹⁵

3.4 Post-legislative scrutiny of fast-tracked legislation

The Committee argued that there should be a presumption in favour of early post-legislative review of fast-tracked legislation:

208. We believe that post-legislative scrutiny has an important role to play in relation to all legislation, and take note of the Government's 2008 proposals for post-legislative scrutiny. In relation to fast-track legislation, post-legislative review is vital, and we believe that additional safeguards need to be introduced. We therefore recommend that, in co-ordination with parliamentary committees, the Government should make the prompt review of fast-track legislation a priority.

209. Whilst we acknowledge that it may not always be appropriate to review a piece of legislation quickly, we believe that there should be a presumption in favour of the early review of fast-track legislation. We therefore recommend that any legislation subject to a fast-track parliamentary passage should be subject to post-legislative review, ideally within one year, and at most within two years. The Government should set out the arrangements for review and the case for either a one- or two-year review period in the Ministerial Statement. In cases where the Government judge that such an early review would be inappropriate, it should be incumbent upon the Government to make their case in the Ministerial Statement.¹⁶

¹⁵ *Ibid*, para 198

¹⁶ *Ibid*, paras 208-209

4. Government response

The House of Lords debated the report on 10 November 2009. In that debate, Lord Goodlad, the Chairman of the Constitution Committee, outlined the Committee's principal recommendations:

Our principal recommendations are contained in Chapter 6 of the report and are as follows. First, where fast-tracking is proposed, a Minister should make an Oral Statement to your Lordships' House outlining the reasons for the proposed fast-tracking and the reasons should be included in the written Explanatory Notes to the Bill. The reasons given for fast-tracking should be distinct from those for the policy pursued in the Bill. The Statement, which should be debated by your Lordships' House, should explain the Government's reason for proposing fast-tracking, what efforts have been made to allow the maximum time for parliamentary scrutiny, how stakeholders have been given the opportunity to influence the policies proposed, whether the Bill includes a sunset clause, whether post-legislative scrutiny is guaranteed, whether an assessment has been made of whether existing legislation covers the issues addressed by the Bill, and whether the relevant parliamentary committees in both Houses have been given the opportunity to scrutinise the legislation.¹⁷

He noted that the Committee had received a response from the Government but at the time of the debate, had not had the opportunity to consider it.¹⁸ The Committee published the Government's response on 7 December 2009.¹⁹

During the debate, other members of the Committee reviewed its principal recommendations.

Baroness Royall of Blaisdon, the Chancellor of the Duchy of Lancaster and the Leader of the House of Lords, responded to the debate for the Government. In its written response, the Government made the following commitment on providing information on the need to expedite legislation:

The Government firmly believes that all members of both Houses are entitled to a full explanation of why a piece of legislation is being proposed for fast tracking; and we would expect to be held account for its timetabling. Ministers remain prepared to justify the need for any expedition to the House, including covering those issues set out in the Committee's Report.²⁰

In the debate, Baroness Royall went a little further:

The committee reminded us that the Minister responsible for the Bill should be required to make an Oral Statement to your Lordships when the Bill is introduced, making the case for fast-tracking—a key part of the debate today. The committee also set out a detailed list of issues that such a Statement should cover. The Government fully agree with the principle of the committee's recommendation, and the issues on which the House can expect

¹⁷ [HL Deb 10 November 2009 cc725-726](#)

¹⁸ [HL Deb 10 November 2009 c724](#)

¹⁹ Select Committee on the Constitution, *Government Response to Fast-track Legislation: Constitutional Implications and Safeguards*, 7 December 2009, HL 11 2009-10

²⁰ *Ibid*

an explanation. We welcome the greater openness and transparency that adherence to the principle should bring. We will ensure that Ministers make their case on each occasion that fast-tracking is proposed. The list of points set out in paragraph 186 of the committee's report offers an excellent template for how such explanations should be formulated. The procedure by which the Government put their case for fast-tracking before the House is something that deserves further consideration. I would like to discuss this further with the noble Lord, Lord Goodlad, as well as the usual channels.

I well understand the importance that my noble friend Lord Rowlands and others attach to an Oral Statement, but I want to ensure that whatever is agreed really meets the demands of the committee. Simply requesting an Oral Statement would not in every case meet those needs. I very much agree that the Explanatory Memorandum to the Bill could—perhaps should—include a statement about the need for fast-tracking. I will certainly pursue this further. I also note the suggestion of the noble Lord, Lord Norton of Louth, about the suspension of standing orders when we need to condense stages. I will take that back and reflect further.²¹

In its response to the Committee, the Government argued that the use of a sunset clause would be approached on a case-by-case basis. On post-legislative scrutiny it re-affirmed the commitment it had given in *Post-legislative scrutiny – The Government's Approach* to review within three to five years.²²

In the debate, Baroness Royall reiterated the Government's response on sunset clauses and on post-legislative scrutiny. In its formal response to the Committee, the Government had said:

The Government agrees with the Committee that there are cases where the use of sunset clauses is inappropriate. Whilst on occasion a sunset or renewal clause is deemed necessary, the Government believes this must be approached on a case-by-case basis. The uniform inclusion of a sunset clause also has the potential to force Parliament to legislate to a timescale that may not be appropriate to the issues involved. The Government would expect to explain whether a sunset clause is appropriate, alongside the justification for fast-tracking a Bill, in line with the list of principles set out in the Committee's Report.

[...]

The Government agrees with the committee that post-legislative scrutiny has an important role to play in legislation, as set out in our 2008 proposals. The issue of timing is crucial: there is no point trying to conduct post-legislative scrutiny until the impact of an Act can be well understood. In many cases the full implications of an Act will not be understood one year after Royal Assent. For example, the Independent Parliamentary Standards Authority (IPSA), will only have been fully operational for 3 months at the first anniversary of the Parliamentary Standards Act 2009 receiving Royal Assent.

²¹ [HC Deb 10 November 2009 c748](#)

²² Office of the Leader of the House of Commons, *Post-legislative scrutiny – The Government's Approach*, March 2008, Cm 7320, para 24; [17 HC Deb 20 March 2008 c74WS](#)

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However, the Government would like to re-affirm its commitment to post-legislative scrutiny and in as many cases as possible conduct post legislative scrutiny as early as possible in the current 3-5 year window.²³

²³ Select Committee on the Constitution, *Government Response to Fast-track Legislation: Constitutional Implications and Safeguards*, 7 December 2009, HL 11 2009-10

5. Proceedings relating to the Video Recordings Bill

The *Video Recordings Bill 2009-10* was published on 15 December 2009. It was the first bill to be fast-tracked since the Constitution Committee's report. On the same day, the Government announced in a written ministerial statement that a full explanation of the reasons for the expedition of the Bill, in line with the Committee's recommendation, would be given in the Explanatory Notes:

The Chancellor of the Duchy of Lancaster (Baroness Royall of Blaisdon): On 7 July the House of Lords Select Committee on the Constitution published its report on *Fast-track Legislation: Constitutional Implications and Safeguards* (HL 116, 2008-09). The Government response was published on 7 December (HL 11, 2009-10).

The report recommended that where the Government were proposing expedited legislation they should provide an explanation of why the legislation should be fast-tracked. The Government accept in principle the committee's recommendation that, for all Bills which are to be passed with unusual expedition, an explanation of the reasons for using a fast-track procedure should be provided.

I am therefore informing the House that any future legislation which will be subject to expedited procedures will contain a full explanation in the accompanying Explanatory Notes to the legislation. The explanation will address the questions set out in paragraph 186 of the committee's report:

[...]

The Video Recordings Bill which has been introduced in this House today is the first Bill to be fast-tracked since the committee published its report. The Explanatory Notes to this Bill reflect the new approach.²⁴

The same written ministerial statement was made in the House of Commons, by the Leader of the House, Harriet Harman.²⁵

The Explanatory Notes to the *Video Recordings Bill 2009-10*, as introduced are available on the parliamentary internet.²⁶ The explanation for the necessity of fast-track legislation was given in paragraphs 11-20.

²⁴ [HL Deb 15 December 2009 cWS238](#)

²⁵ [HC Deb 15 December 2009 cc117WS-118WS](#)

²⁶ [Video Recordings Bill \[Bill 14 of 2009-10\] – Explanatory Notes](#), 15 December 2009

6. Fast-tracked bills

The Coalition Government and subsequent Conservative administrations have continued the practice of explaining why bills have been expedited in the Explanatory Notes and on occasion by making an oral statement in the House of Lords:

- The *Loans to Ireland Bill 2010-12* was fast-tracked. The Explanatory Notes to the Bill outlined the reasons for fast-tracking the Bill.²⁷ Lord Sassoon, the Commercial Secretary to the Treasury, made a statement to the House of Lords on the reasons for fast-tracking but he noted that the Bill had been certified a money bill, and that after second reading its passage through the Lords would be purely formal:

At the completion of stages in another place yesterday, the Bill was certified as a money Bill by Mr Speaker because its sole purpose is to authorise financial expenditure. The usual channels have agreed that the Second Reading of the Bill will be taken next Tuesday, 21 December, before Committee stage of the Public Bodies Bill resumes, and that remaining stages will be taken formally immediately after Second Reading, as is usual practice for money Bills.²⁸

- The *Police (Detention and Bail) Bill 2010-12* was fast-tracked. The Explanatory Notes to the Bill outlined its reasons for fast-tracking the Bill.²⁹ Baroness Anelay of St Johns, the Government Lords Chief Whip, made a statement to the House of Lords on the reasons for fast-tracking.³⁰
- The *Sunday Trading (London Olympic Games and Paralympic Games) Bill 2010-12 [HL]* was fast-tracked. During the second reading debate in the House of Lords, Lord Sassoon, the Commercial Secretary to the Treasury, commented that:
I recognise that the use of the fast-track procedure for this Bill is not ideal. However, I believe that exceptional use of this procedure is justified given the imminence of the Games. We do not want hundreds of thousands of visitors to be welcomed to the UK with closed signs across our shopping centres, and not just here in London.³¹
- The *Mental Health (Approval Functions) Bill 2012-13* was fast-tracked.³²

There are also examples of bills that have been expedited that have not been classified as fast-track bills:

- The *Sovereign Grant Bill 2010-12* had an expedited passage, but was not classified as fast-track. All Commons stages of the Bill,

²⁷ [Loans to Ireland Bill \[Bill 125 of 2010-12\] – Explanatory Notes](#), 9 December 2010, paras 7-15

²⁸ [HL Deb 16 December 2010 cc730-731](#)

²⁹ [Police \(Detention and Bail\) Bill 2010-12 \[Bill 216 of 2010-12\] – Explanatory Notes](#), paras 6-15

³⁰ [HL Deb 5 July 2011 c131](#)

³¹ [HL Deb 24 April 2012 c1752](#)

³² [Mental Health \(Approval Functions\) Bill 2012-13 \[Bill 83 of 2012-13\] – Explanatory Notes](#), 30 October 2012, paras 8-15; [HC Deb 30 October 2012 cc177-209](#); [HL Deb 31 October 2012 cc628-642](#)

after first reading, were on the same day, 14 July 2011. Before this though the House of Commons had debated a motion to bring in the Bill.³³ The Lords undertook to agree to the Bill as a financial bill and debated it only at second reading on 3 October 2011.

The Explanatory Notes to the *Infrastructure (Financial Assistance) Bill* envisaged it being fast-tracked,³⁴ but it was not. The Second Reading debate in the House of Commons took place on 17 September 2012; Committee Stage and Third Reading were taken on 15 October 2012. The Bill was certified a Money bill so after second reading in the House of Lords on 23 October 2012, all remaining stages were taken formally.

Following the collapse of the Northern Ireland Assembly in January 2017, a number of bills relating to Northern Ireland were fast-tracked

A Commons Library Briefing Paper provides details of expedited legislation, including fast-tracked legislation:

- *Expedited legislation: Public bills receiving their Second and Third Reading on the same day in the House of Commons.*³⁵

³³ [HC Deb 30 June 2011 cc1144-1178](#)

³⁴ [Infrastructure \(Financial Assistance\) Bill 2012-13 \[Bill 66 of 2012-13\] – Explanatory Notes](#), 6 September 2012, paras 6-16

³⁵ House of Commons Library Briefing Paper, [Expedited legislation: Public bills receiving their Second and Third Reading on the same day in the House of Commons](#), SN04974

7. Constitution Committee review

In the 2017 Parliament, the Constitution Committee began a review of the legislative process and published a series of reports. It touched upon the fast-tracking of legislation when it considered the minimum intervals between the stages of a bill in its report, *The Legislative Process: The Passage of Bills through Parliament*.³⁶

The Constitution Committee referred back to conclusions it had drawn in 2008-09, noting that “legislation should be fast-tracked only when it was ‘a proportionate, justified and appropriate response to the matter in hand’ and that ‘Fundamental constitutional rights and principles’ should not be jeopardised”. It also noted its recommendation that the reasons for fast-tracking should be explained. The Committee considered that its recommendations had been followed:

We welcome the fact that the Cabinet Office’s Guide to Making Legislation now requires the justification for fast-tracking to be included in a bill’s explanatory notes. We note that the Government has observed it in respect of most recent bills that have been fast-tracked.³⁷

But it again expressed concern about the preponderance of Northern Ireland legislation among fast-track bills:

39. We observed in our 2009 report that “An analysis of fast-tracked primary legislation in recent years reveals one outstanding trend—the statistical preponderance of legislation relating to Northern Ireland.” This trend has continued and, since the start of this part of our inquiry in early 2018, seven bills relating to Northern Ireland have passed through both Houses in an expedited process. **We regret that legislation relating to Northern Ireland has regularly been fast-tracked. This has become common not just for bills which might be required to address urgent or unforeseen problems, but for routine and predictable matters such as budgetary measures. The political stalemate in Northern Ireland has led to an absence of a functioning Executive and a democratic deficit. Fast-tracking bills relating to Northern Ireland reduces further the scrutiny these measures should receive. Routinely fast-tracking in this way is unacceptable, unsustainable and should only be used for urgent matters.**³⁸

In its report on the *Coronavirus Bill 2019-21*, the Constitution Committee noted that the Bill met its criteria for fast-tracking, which it had previously said was acceptable “only in exceptional circumstances and with the agreement of the usual channels”.³⁹

In its analysis of the *Coronavirus Bill 2019-21*, the Committee also commented on the inclusion of a sunset provision. It argued that sunset provisions were “essential” in fast-tracked legislation but that two years

³⁶ Constitution Committee, *The Legislative Process: The Passage of Bills through Parliament*, 8 July 2019, HL Paper 393 2017-19

³⁷ Ibid, para 38

³⁸ Ibid, para 39

³⁹ Constitution Committee, *Coronavirus Bill*, 24 March 2020, HL Paper 44 2019-21, para 6; citing *The Legislative Process: The Passage of Bills through Parliament*, 8 July 2019, HL Paper 393 2017-19, para 37

would have been “too long for these powers to have operated without reapproval by Parliament”. It therefore welcomed a cross-party amendment in the House of Commons to introduce a review after six months. It also called on the Government to be prepared to consider amendments to the legislation before the House of Commons was asked to renew the legislation, “rather than seeking only to perpetuate the existing provisions”.⁴⁰

⁴⁰ Constitution Committee, [Coronavirus Bill](#), 24 March 2020, HL Paper 44 2019-21, paras 7-9

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