



BRIEFING PAPER

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Pre-legislative scrutiny under the Coalition Government: 2010-2015

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Summary

The Library Standard Note on [Pre-legislative scrutiny](#) (SN/PC/2822) provides a brief 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 analysis of pre-legislative scrutiny that has taken place.

This Briefing Paper takes as its starting point the formation of the Coalition Government in May 2010 and reviews both the commitments it gave on pre-legislative scrutiny and the draft bills it published. However, it also includes a table from the previous note, which gives details of the number of draft bills published each session, since 1997-98.

In total, 35 draft bills or substantial sets of clauses (excluding draft Finance Bills) were published by the Government in the 2010 Parliament. In the three Parliaments between 1997 and 2010, 75 draft bills or substantial sets of clauses were published: 17 in the 1997 Parliament; 33 in the 2001 Parliament; and 25 in the 2005 Parliament.

This Briefing Paper provides summary details of the draft bills announced or published between May 2010 and March 2015, when the 2010 Parliament was dissolved.

1. Coalition announcements on draft legislation

The Coalition Agreement gave no commitments on pre-legislative scrutiny.

In July 2010, the Leader of the House was asked if he would “introduce arrangements for pre-legislative scrutiny of all proposed Government legislation”. David Heath, the Deputy Leader of the House, provided the following reply:

Mr Heath: The Government aim to publish legislation in draft whenever it is appropriate to do so. However, it will not be possible to do so in all cases.¹

Speaking in the House of Lords in January 2011, Lord McNally, the Minister of State in the Ministry of Justice, echoed that comment, saying:

... the Government are committed to simplifying and improving the quality of legislation. We will improve quality by publishing in draft for pre-legislative scrutiny where possible ...²

However, the Government argued that:

... it is clear that, with a new Government and a new House of Commons, there will be new Bills that cannot go through that procedure.³

In August 2010, the Liaison Committee published a response from the Coalition Government to a report from its predecessor committee on the work of select committees in 2008-09.⁴ In its report, the Liaison Committee had made two recommendations relating to pre-legislative scrutiny:

3. (Recommendation 3) We are pleased that the Leader of the House has embraced a more transparent system for the allocation of draft bills to committees for scrutiny. The Government did not publish enough draft bills in the last session to test properly the efficacy of the new system so we will continue to monitor progress into the current session and next Parliament. (Paragraph 32)

4. (Recommendation 4) If the Government is serious about the role that pre-legislative scrutiny can play in making better legislation, it needs to ensure that the committees tasked with conducting that scrutiny are given a reasonable amount of time in which to do it. We reiterate our view that this means, at a bare minimum, twelve weeks. If the Government is unable to ensure that the appointment of joint committees takes place more quickly than has been the case in the past two sessions it needs to publish draft bills earlier, to allow sufficient time for the committees to do their work. (Paragraph 36)

¹ HC Deb 26 July 2010 c670W

² HL Deb 17 January 2011 cc2-3

³ HC Deb 26 July 2010 c712

⁴ Liaison Committee, [The Work of Committees in 2008-09: Government Response to the Committee's Second Report of 2009-10](#), 2 August 2010, HC 415, Government Response

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In its response, the new Government said that it had announced three draft bills and that “Consideration is being given to further draft bills which might be published for consideration in the current Session”. It also confirmed that although it would consult on the best route for pre-legislative scrutiny of each draft bill, it considered that joint committees would scrutinise draft bills of major constitutional importance:

The Government is committed to consulting interested parties in both Houses about the best route for pre-legislative scrutiny of each draft Bill. However, scrutiny by a joint committee is likely to be more appropriate than scrutiny by a select committee of the Commons for bills of major constitutional importance.

The Government also said that it remained committed to a three-month minimum period for pre-legislative scrutiny.⁵

The Government was criticised in both Houses for introducing the *Fixed-term Parliaments Bill* and the *Parliamentary Voting System and Constituencies Bill* without first subjecting them to pre-legislative scrutiny.⁶

In September 2012 and in February 2014, the Leader of the House of Commons, Andrew Lansley confirmed that “The Government are committed, wherever possible, to publishing legislation in draft with a view to pre-legislative scrutiny”.⁷

⁵ *Ibid*

⁶ Political and Constitutional Reform Committee, *Fixed-term Parliaments Bill*, 16 September 2010, HC 436 2010-11, para 5; Political and Constitutional Reform Committee, *Parliamentary Voting System and Constituencies Bill*, 11 October 2010, HC 437 2010-11, para 7; Constitution Committee [HL], *Parliamentary Voting System and Constituencies Bill*, 12 November 2010, HL 58 2010-11, para 11; and Constitution Committee [HL], *Fixed-term Parliaments Bill*, 16 December 2010, HL 69 2010-11, para 71

⁷ [HC Deb 13 September 2012 c422](#); [HC Deb 6 February 2014 c419](#)

2. Draft bills published by the Conservative/Lib Dem Government

In the 2010 Parliament (Sessions 2010-12 to 2014-15) a total of 35 draft bills or substantial sets of clauses of draft bills were published. Table 1 reports the statistics for each session. Brief details of the draft bills are given in the subsequent sections. Information on the committees that scrutinised them and their subsequent progress are given in the Appendix.

Table 1 – Publication and Scrutiny of Draft Bills by Session 2010-12 to 2014-15

	Number of draft bills published	Number of draft bills scrutinised by a committee
2010-12	11*	8
2012-13	15**	17***
2013-14	5	4
2014-15	4	2

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

** the draft Children and Families Bill is counted as one draft bill, although it was not published in a single document: draft clauses on particular issues were published as stand alone documents

*** 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 2012-13

Table 1 excludes draft Finance Bills (see section 2.5).

2.1 Draft bills in 2010-12

The Queen's Speech of 25 May 2010 announced that a draft bill on **parliamentary privilege** would be published in the new session.⁸ However, during the course of the 2010-12 session, a number of other draft measures were introduced. The subjects covered were as follows:

- Civil aviation
- Counter terrorism measures (see below)
- Defamation
- Electoral administration (two sets of clauses)
- Financial services
- Groceries Code Adjudicator
- House of Lords reform
- Individual electoral registration

⁸ HC Deb 25 May 2010 c32; HC Deb 26 May 2010 cc4WS-5WS

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- Parliamentary privilege (draft clauses published)
- Recall of MPs

Details of the draft bills published in session 2010-12, and the committees appointed to scrutinise them, are set out in the Appendix.

It should be noted that a number of draft bills were published in the field of counter terrorism. In one case, the Detention of Terrorist Suspects (Temporary Extensions), two draft bills were published together. The Joint Committee established to scrutinise these bills explained that:

The two draft bills are drafted differently because one is intended to be used while the order-making provisions in section 25 of the Terrorism Act 2006 are still in force and the other once those provisions have been repealed (the Protection of Freedoms Bill would, if passed in its current form, repeal the relevant provisions of the 2006 Act). The draft bills are *potential* pieces of emergency legislation, published by the Government with the hope that neither draft bill, nor anything similar to them, would ever need to be brought before Parliament.⁹

A third draft bill in this area, the *Draft Enhanced Terrorism Prevention and Investigation Measures Bill*, was published in September 2011. This was in response to a Government commitment to prepare draft emergency legislation, incorporating additional restrictive measures to those provided for in the *Terrorism Prevention and Investigation Measures Bill*, which might be introduced should certain exceptional circumstances arise.¹⁰ This draft Bill was considered in Session 2012-13. In its response to the Joint Committee that considered the draft Bill, the Government confirmed that “the ETPIM Bill would only be introduced in exceptional and unanticipated circumstances”.¹¹

2.2 Draft bills in 2012-13

The Queen’s Speech on 9 May 2012 gave the following commitments concerning the publication of draft bills or clauses:

- A draft bill will be published to reform the **water industry** in England and Wales...
- A draft Bill will be published setting out measures to close the Audit Commission and establish new arrangements for the **audit of local public bodies**...
- A draft Bill will be published to modernise **adult care and support** in England...
- My Government intends to bring forward measures to maintain the ability of the law enforcement and intelligence agencies to access vital **communications data** under strict

⁹ Joint Committee on the Draft Detention of Terrorist Suspects (Temporary Extension) Bills, *Draft Detention of Terrorist Suspects (Temporary Extension) Bills*, 23 June 2011, HC 893 2010-12, para

¹⁰ See introduction to: Home Office, *Draft Enhanced Terrorism Prevention and Investigation Measures Bill*, Cm 8166, September 2011

¹¹ Home Office, *The Government Response to the Report from the Joint Committee on the Draft Enhanced Terrorism Prevention and Investigation Measures Bill, Session 2012-13 HL Paper 70, HC Paper 495 – Draft Enhanced Terrorism Prevention and Investigation Measures Bill*, Cm 8536, January 2013, para 2

safeguards to protect the public, subject to scrutiny of draft clauses.¹²

All four of the draft bills promised in the Queen's Speech were subsequently published as command papers. The Draft **Communications Data** Bill, was published by the Home Secretary on 14 June 2012.¹³ On 6 July, the Draft **Local Audit** Bill was published by the Secretary of State for Communities and Local Government.¹⁴ Publication of the Draft **Water** Bill was announced by the Secretary of State for the Environment, Food and Rural Affairs on 10 July.¹⁵ The Draft **Care and Support** Bill was published by the Health Secretary on 11 July.¹⁶

The Government had also promised a **Children and Families** Bill¹⁷ having given the following commitments in the Queen's Speech:

My Government will propose measures to improve provision for disabled children and children with special educational needs. New arrangements will be proposed to support children involved in family law cases, reform court processes for children in care and strengthen the role of the Children's Commissioner.

Measures will be proposed to make parental leave more flexible so both parents may share parenting responsibilities and balance work and family commitments.¹⁸

Various sets of draft clauses relating to this Bill were published for pre-legislative scrutiny. On 9 July 2012 Sarah Teather, then Minister of State at the Department for Education, announced publication of draft legislation concerning the Children's Commissioner.¹⁹ On 3 September Ms Teather announced publication of two sets of draft measures: (1) Family Justice;²⁰ and (2) Reform of provision for children and young people with special educational needs.²¹ In November, clauses on shared parenting were published on the DFE website.²² On 7 November a DFE Minister, Edward Timpson, announced publication of draft legislation on adoption.²³

A number of other draft bills were published by Ministers during the course of the 2012-13 Session. These were:

¹² See HC Deb 9 May 2012 cc3-

¹³ Home Office, [Draft Communications Data Bill](#), Cm 8359, June 2012

¹⁴ Department for Communities and Local Government, [Draft Local Audit Bill](#), Cm 8393, July 2012

¹⁵ HM Government and Welsh Government, [Draft Water Bill](#), Cm 8375, July 2012

¹⁶ Department of Health, [Draft Care and Support Bill](#), Cm 8386, July 2012

¹⁷ See: Department for Education press notice, [Children and Families Bill to give families support when they need it most](#), 9 May 2012

¹⁸ HC Deb 9 May 2012 c3

¹⁹ Department for Education, [Reform of the Office of the Children's Commissioner: draft legislation](#), Cm 8390, July 2012

²⁰ Department for Education, [Draft legislation on family justice](#), Cm 8437, September 2012

²¹ Department for Education, [Draft legislation on reform of provision for children and young people with special educational needs](#), Cm 8438, September 2012

²² [Family justice reform – shared parenting](#), DFE article, 6 November 2012

²³ Department for Education, [Draft legislation on adoption: Early permanence through 'Fostering for adoption' and 'Matching for adoption'](#), Cm 8473, November 2012

- On 22 May 2012 the Secretary of State for Energy and Climate Change, Edward Davey, announced by written statement publication of a Draft **Energy** Bill.²⁴
- On 12 October the Treasury published a paper containing the Draft **Financial Services (Banking Reform)** Bill.²⁵
- On 22 November the Justice Secretary announced publication of the **Voting Eligibility (Prisoners)** Draft Bill.²⁶
- The Draft **Anti-Social Behaviour** Bill was published on 13 December 2012.²⁷ This was reported by written ministerial statement.
- In December 2012, the Government published the **Gambling (Licensing and Advertising)** Draft Bill was published.²⁸
- On 18 January 2013 Steve Webb, Minister of State at the Department for Work & Pensions, issued a written ministerial statement on publication of a Draft **Pensions** Bill.²⁹
- A **Northern Ireland (Miscellaneous Provisions)** Draft Bill was published on 11 February 2013.³⁰
- Publication of a Draft **Inheritance and Trustees' Powers** Bill was announced by Lord McNally, Minister of State at the Ministry of Justice, in a written statement on 21 March 2013.³¹
- On 16 April 2013 David Heath, DEFRA Minister of State, issued a written statement concerning publication of a Draft **Wild Animals in Circuses** Bill.³²
- A further written statement from David Heath on 16 April noted that a Draft **Dangerous Dogs (Amendment)** Bill had been published on 9 April.³³

As already noted, the Draft **Enhanced Terrorism Prevention and Investigation Measures** Bill was published in Session 2010-12 but was considered in 2012-13.

A further draft measure, on **lobbying**, was expected but not published in the 2012-13 Session. On 22 May 2012, a parliamentary answer from Mark Harper, Cabinet Office Minister, referred to forthcoming draft legislation on lobbying.³⁴ The Government's response to consultation on a statutory register of lobbyists, published in July 2012, stated that a White Paper and draft Bill would be published during the 2012-13 Session of Parliament.³⁵ Provisions on lobbying were not published in draft but were included in the *Transparency of Lobbying, Non-party*

²⁴ HM Government, [Draft Energy Bill](#), Cm 8362, May 2012

²⁵ HM Treasury, [Sound banking: delivering reform](#), Cm 8453, October 2012

²⁶ Ministry of Justice, [Voting Eligibility \(Prisoners\) Draft Bill](#), Cm 8499, November 2012

²⁷ Home Office, [Draft Anti-Social Behaviour Bill](#), Cm 8495, December 2012

²⁸ Department for culture, Media and Sport, [Draft Gambling \(Licensing & Advertising\) Bill](#), Cm 8497, December 2012

²⁹ Department for Work and Pensions, [Draft Pensions Bill](#), Cm 8529, January 2013

³⁰ Northern Ireland Office, [Publication of Draft Legislation Northern Ireland \(Miscellaneous Provisions\)](#), Cm 8563, February 2013

³¹ Ministry of Justice, [Draft Inheritance and Trustees' Powers Bill](#), 21 March 2013, CPD6/2013. Following a review of the legislation in this area, the Law Commission published [Intestacy and Family Provision Claims on Death](#) (Law Com 331) in December 2011, which included the draft Inheritance and Trustees' Powers Bill

³² HM Government, [Wild animals in circuses](#), Cm 8538, April 2013

³³ HM Government, [Draft Dangerous Dogs \(Amendment\) Bill](#), Cm 8601, April 2013

³⁴ HC Deb 22 May 2012 c971

³⁵ Cabinet Office, [A summary of responses to the Cabinet Office's consultation document "Introducing a statutory register of lobbyists"](#), Cm 8412, p28

Campaigning and Trade Union Administration Bill 2013-14, which received Royal Assent in January 2014.

At Business Questions on 25 April 2013, Andrew Lansley, the Leader of the House, confirmed that the Government had published 15 bills in draft in the 2012-13 Session:

In this Session, we published 15 Bills in draft, which is more than in any previous Session, including the two-year Session that preceded this one. To that extent I hope, we have continued a process established in this Parliament by my predecessor of ensuring that the House, the public and stakeholders have the greatest possible opportunity for input and contribution to the passage of legislation.³⁶

2.3 Draft bills in 2013-14

In his written statement on the Government's legislative programme, issued the day after the Queen's Speech, Andrew Lansley announced five bills that would be published in draft and that he anticipated others:

The following Bills will be published in draft:

Consumer Rights Bill

Deregulation Bill

National Insurance Contributions Bill

A draft Bill concerning National Assembly For Wales

A draft Bill concerning changes to the Riot Damages Act 1886

Further measures are expected to be published in draft later in the Session.³⁷

Five bills were published in draft: four of those announced and a draft Modern Slavery Bill:

- The Draft Consumer Rights Bill was published on 12 June 2013.³⁸
- The Draft Deregulation Bill was published on 1 July 2013.³⁹
- The Draft National Insurance Contributions Bill was published on 12 June 2013.⁴⁰
- The Draft Wales Bill was published on 18 December 2013.⁴¹
- The Draft Modern Slavery Bill was published on 16 December 2013.⁴²

No draft legislation relating to the *Riot Damages Act 1886* was published. However, draft legislation was announced again at the beginning of the 2014-15 Session and published at the end of the Session.

³⁶ [HC Deb 25 April 2013 c1013](#)

³⁷ [HC Deb 9 May 2013 c9WS](#)

³⁸ Department for Business, Innovation and Skills, [Draft Consumer Rights Bill](#), Cm 8796

³⁹ HM Government, [Draft Deregulation Bill](#), Cm 8642, July 2013

⁴⁰ HM Revenue and Customs, [Draft National Insurance Contributions Bill](#)

⁴¹ Wales Office, [Draft Wales Bill](#), Cm 8773, December 2013

⁴² Home Office, [Draft Modern Slavery Bill](#), Cm 8770, December 2013

2.4 Draft Bills in 2014-15

The Government's Background Brief to the Queen's Speech of 4 June 2014 announced that three draft bills would be published in 2014-15:

- Draft Governance of National Parks (England) and the Broads Bill
- Draft Riot (Damages) Act Bill
- Draft Protection of Charities Bill⁴³

In total, four draft bills or substantial sets of clauses were published by the Government in 2014-15, two of the draft bills announced were published.

The draft Riot (Damages) Act Bill was published as the draft Riot Compensation Bill on 12 March 2015.⁴⁴

The draft Protection of Charities Bill was published on 22 October 2014.⁴⁵

A draft Taxation of Pensions Bill was published by HM Revenue and Customs for consultation on 6 August 2014.⁴⁶ No pre-legislative scrutiny was undertaken. The *Taxation of Pensions Bill 2014-15* was introduced on 14 October 2014. It received Royal Assent on 17 December 2014.

"Draft Scotland Clauses 2015" were published within the Government's white paper, *Scotland in the United Kingdom: An enduring approach*, which set out how the Government planned to implement the Smith Commission's proposals.⁴⁷

2.5 Draft Finance Bills

In its first Budget in June 2010, the Coalition Government published a paper on the making of tax policy, with a number of proposals, including publishing much more of the annual Finance Bill in draft several months before the Budget, in order to improve the quality of tax legislation.⁴⁸ The Government also established the Office of Tax Simplification (OTS), an independent advisory body to provide recommendations for reducing complexities in the tax system for both businesses and individuals. In December 2010 the Treasury published a majority of the clauses to form the subsequent *Finance Bill* in draft, and in March 2011 the OTS published its first work, which looked at tax reliefs and the taxation of small business.⁴⁹ The Treasury Committee welcomed these developments and signalled it would take a more

⁴³ HM Government, [The Queen's Speech 2014](#), 4 June 2014

⁴⁴ [HC Deb 12 March 2015 c39WS](#); Home Office, [Draft Riot Compensation Bill](#), Cm 9036, March 2015

⁴⁵ Cabinet Office, [Draft Protection of Charities Bill](#), Cm 8954, October 2014

⁴⁶ [\(Draft\) Taxation of Pensions Bill](#), see also Gov.uk, [Draft legislation: the Taxation of Pensions Bill](#)

⁴⁷ HM Government, [Scotland in the United Kingdom: An enduring approach](#), Cm 8990, January 2015

⁴⁸ HM Treasury, [Tax policy making: a new approach](#), June 2010

⁴⁹ Details of the OTS's work are collated on the Gov.uk [site](#)

active role in pre-legislative scrutiny.⁵⁰ The same approach to publishing much of the Bill in draft for consultation has been followed since then.⁵¹

⁵⁰ Treasury Committee, *Principles of tax policy*, 15 March 2011, HC 573 2010-12 paras 79-80

⁵¹ [HC Deb 6 December 2011 cc11-12WS](#); [HC Deb 11 December 2012 cc16-17WS](#); see also, [HC Deb 23 April 2012 cc601-2W](#); [HC Deb 17 October 2013 c63WS](#); and [WS 83, 10 December 2014](#)

3. Liaison Committee's comments on pre-legislative scrutiny

3.1 Review of select committee effectiveness, resources and powers (November 2012)

In its report on *Select committee effectiveness, resources and powers*, published on 8 November 2012, the Liaison Committee reported that 18 draft bills had been published so far in the 2010 Parliament.⁵²

As in previous reviews of pre-legislative scrutiny, it expressed concerns about the time allowed for scrutiny of draft bills.⁵³ It also expressed regret that on some occasions joint committees were established to scrutinise draft bills, despite departmental select committees wishing to do so:

38. We regret that more bills have not been published in draft, though the numbers are often low in the first session of a Parliament, and that the Government has not been able to provide us with more notice of their publication. On occasions — as with the draft Energy Bill and the draft Civil Aviation Bill — the time available for pre-legislative scrutiny has been unreasonably short. In another case — the draft Grocery Code Adjudicator Bill — the committee altered its programme of work to carry out swift scrutiny to fit the Government's timetable, only for the Bill's introduction to be delayed to the following Session.

39. We also regret that the Government has on occasion sought to establish a joint committee even when the relevant departmental select committee wished to scrutinise the draft bill. We appreciate that the House of Lords may also have a legitimate interest in pre-legislative scrutiny, and that members of that House may bring valuable expertise to this work; but — as we have made clear in correspondence with the Leader of the House of Commons — we feel strongly that there should be no departure from the principle that Commons select committees should have a first right of refusal. We have no doubt that it sometimes suits the Government for draft bills to be scrutinised by a joint committee which is nominated by the party whips, rather than by a departmental select committee whose members and chair are elected. If a joint committee is established to scrutinise a draft bill, we think it is important that the relevant departmental select committee should have the opportunity to nominate some of its own members to serve on the joint committee.⁵⁴

In its response, the Government said that it had increased the “number of bills published in draft from the average each session in the last Parliament”. It commented that although it was not always possible to publish bills in draft there were other opportunities for select committees to engage in the scrutiny of legislation, although primary responsibility should remain with public bill committees. However, the

⁵² Liaison Committee, [Select committee effectiveness, resources and powers](#), 8 November 2012, HC 697 2012-13, para 37

⁵³ For similar criticism in the past, see House of Commons Library Standard Note, [Pre-legislative scrutiny](#), SN/PC/2822

⁵⁴ Liaison Committee, [Select committee effectiveness, resources and powers](#), 8 November 2012, HC 697 2012-13, paras 38-39

expertise of members of relevant select committee “should be utilised”. The Government trusted that “members of committees will continue to volunteer to serve on relevant public bill committees and joint committees conducting pre-legislative scrutiny via the political parties”.⁵⁵

3.2 Legacy report (March 2015)

At the end of the Parliament a number of committees, including the Liaison Committee published legacy reports. The Liaison Committee drew on the observations of other committees in its report. It highlighted instances of pre-legislative scrutiny by select committees having an effect on legislation:

- “The Political and Constitutional Reform Committee’s pre-legislative scrutiny of the Recall of MPs Bill, and the Government’s acceptance of almost every recommendation made by the Committee, resulted in a substantially improved Bill being introduced to Parliament”;
- The Environment, Food and Rural Affairs Committee’s pre-legislative scrutiny of the Draft Water Bill during 2012–13 resulted in changes to what became the *Water Act 2014*;
- The Energy and Climate Change Committee’s pre-legislative scrutiny work on the Energy Bill “pushed the Government to revert to a single counterparty model for electricity contracts which has helped to make these contracts more robust. The Committee also helped to secure important clauses in the Bill that allowed government intervention to ensure independent generators have better access to the market”.⁵⁶

The Liaison Committee echoed comments from the Political and Constitutional Reform Committee when it said that it considered pre-legislative scrutiny to be “one of the best ways of improving legislation”. The Committee also noted that “More draft legislation has been published by the Government this Parliament than in any preceding Parliament”.⁵⁷ However, it observed that “it is still only a minority of legislative proposals that are published in draft”. The Committee believed that:

... there is scope to go further and that the benefits of pre-legislative scrutiny in terms of improving the quality of legislation which reaches the statute book and in easing the passage or controversial, technical and complex bills through their parliamentary stages warrant the inevitable increase in resources required if committees are to scrutinise more draft legislation.⁵⁸

The Committee again expressed some concerns about the Government’s approach to publishing legislation in draft, in particular cases but noted “healthy developments” in committees’ approaches to pre-legislative scrutiny:

⁵⁵ Liaison Committee, [Select committee effectiveness, resources and powers: responses to the Committee’s Second Report of Session 2012-13](#), 24 January 2013, HC 911 2012-13, pp11-12

⁵⁶ Liaison Committee, [Legacy Report](#), 24 March 2015, HC 954 2014-15, para 24

⁵⁷ Liaison Committee, [Legacy Report](#), 24 March 2015, HC 954 2014-15, para 65

⁵⁸ Liaison Committee, [Legacy Report](#), 24 March 2015, HC 954 2014-15, para 66

67. Despite raising concerns over the notice given of publication of draft legislation and the time afforded to committees to conduct pre-legislative scrutiny in our 2013 Report on *Select committee effectiveness, resources and powers*, it has remained a matter for concern in the latter part of the Parliament. The Treasury Committee had been expecting to scrutinise a draft Bill on National Insurance Contributions in the autumn of 2013 only to be told shortly before the House rose for the summer recess that no draft Bill would be published and that the Bill itself would be introduced in the autumn. We accept that, by its nature, draft legislation is prone to some uncertainty, but we urge the Government to make better efforts to provide the House with timely information on its plans for draft legislation; for example, the draft Northern Ireland (Miscellaneous Provisions) Bill was published on 11 February 2013, and the Northern Ireland Affairs Committee was asked to report its recommendations to the House by 25 March—a period which included the February recess.

68. One healthy development in the practice of pre-legislative scrutiny is the extent to which committees have been able to collaborate, work co-operatively and share expertise when examining draft legislation. The temporary select committee appointed to examine the draft Local Audit Bill was in practice a joint endeavour between members of the Communities and Local Government Committee and the Committee of Public Accounts; different aspects of the draft Children and Families Bill were examined respectively by the Justice and Education Committees without undue duplication of effort and to good effect; and, as we reflect on the Parliament, the Political and Constitutional Reform Committee, the Scottish Affairs Committee and the Treasury Committee are considering, to various degrees and in various ways, aspects of the recently published draft clauses to give effect to the Smith Agreement on devolution.⁵⁹

⁵⁹ Liaison Committee, [Legacy Report](#), 24 March 2015, HC 954 2014-15, paras67-68

4. Draft bills in sessions 1997-98 to 2009-10

In the sessions 1997-98 to 2009-10 a total of 75 draft bills or substantial sets of clauses of draft bills were published. Table 2 reports the statistics for each session. In the three Parliaments between 1997 and 2010, 75 draft bills or substantial sets of clauses were published: 17 in the 1997 Parliament; 33 in the 2001 Parliament; and 25 in the 2005 Parliament.

Table 2 – Publication and Scrutiny of Draft Bills by Session*

	Number of draft bills published	Number of draft bills scrutinised by a committee
1997-98	3	2
1998-99	6	5
1999-2000	6	3
2000-01	2	1
2001-02	7	6
2002-03	9 **	10 ***
2003-04	12 ****	10
2004-05	5 #	2
2005-06	4	3
2006-07	4	3
2007-08	9	7
2008-09	4 ##	2
2009-10	4	2

* Session refers to the Session in which the draft bill was published.

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

*** the draft Companies Bill was published in 2001-02 and reported on in 2002-03.

**** some clauses of the draft Gambling Bill were published in Session 2002-03.

includes draft clauses of the Company Law Reform Bill, further clauses were published in Session 2005-06

The draft Antarctic Bill and the draft Immigration Bill were both published in the week of prorogation

A full list of the draft bills published from 1997-98 to 2009-10 is given in the Appendices of the Library Standard Note on *Pre-legislative scrutiny*.⁶⁰ The lists chart the scrutiny the draft bills received and their

⁶⁰ House of Commons Library Standard Note, [Pre-legislative scrutiny](#), SN/PC/2822

subsequent progress. Fuller details of draft bills published in the 1997 and 2001 Parliaments are provided in two further Library standard notes: SN/PC/2908, *Draft Bills 1997-2001* and SN/PC/2914, *Draft Bills 2001-2005*.⁶¹ Links to draft bills published in the current session, and sessions since 2002-03, are available on the Parliamentary website.⁶²

⁶¹ House of Commons Library Standard Note, *Draft Bills 1997-2001*, SN/PC/2908; House of Commons Library Standard Note, *Draft Bills 2001-2005*, SN/PC/2914

⁶² See: <http://www.parliament.uk/business/bills-and-legislation/draft-bills/>

Appendix: Draft Bills Announced and Published by Session: Scrutiny and Subsequent Progress

Draft Bills announced early in the Session	Draft Bills Published	Scrutiny performed by DSC or HL Cttee	Joint Cttee or Ad hoc Cttee	Subsequent progress
2010-12				
Parliamentary Privilege (1)	Draft clauses in Cm 8318		JC on Parliamentary Privilege (2)	
House of Lords Reform (3)	House of Lords Reform		JC on Draft House of Lords Reform Bill	Introduced and withdrawn in 2012-13
Defamation (4)	Defamation		JC on Draft Defamation Bill	Defamation Act 2013
Individual Electoral Registration (5)	Individual Electoral Registration	PCR Committee		Electoral Registration & Administration Act 2013
Recall Elections (6)	Recall of MPs	PCR Committee (2)		Recall of MPs Act 2015
	Detention of Terrorist Suspects (Temporary Extensions) Bills (7)		JC on Detention of Terrorist Suspects (Temporary Extensions) Bills	
	Groceries Code Adjudicator	BIS Committee (EFRA Committee [8])		Groceries Code Adjudicator Act 2013
	Financial Services		JC on Financial Services Bill	Financial Services Act 2012
	Electoral Administration [Provisions]	PCR Committee		Electoral Registration & Administration Act 2013
	Enhanced Terrorism Prevention & Investigation Measures			see 2012-13
	Civil Aviation	Transport Committee		Civil Aviation Act 2012

Notes

(1) announced in the Queen's Speech, HC Deb 25 May 2010 c32; HC Deb 26 May 2010 cc4WS-5WS

(2) published in 2012-13

(3) HC Deb 7 June 2010 c48

(4) HL Deb 9 July 2010 c477

(5) HC Deb 15 September 2010 c885

(6) HC Deb 17 January 2011 c525W

(7) Two draft bills (see section 2)

(8) The EFRA Committee took evidence on the draft bill and wrote to the BIS Committee

BIS - Business, Innovation and Skills

PCR - Political and Constitutional Reform

19 Pre-legislative scrutiny under the Coalition Government: 2010-2015

Draft Bills announced	Draft Bills Published	Scrutiny performed by DSC or <i>HL Cttee</i>	Joint Cttee or <i>Ad hoc Cttee</i>	Subsequent progress
2012-13				
<u>Water (1)</u>	<u>Water</u>	<u>EFRA Committee</u>		<u>Water Act 2014</u>
<u>Audit of local bodies (1)</u>	<u>Local Audit</u>		<u>Draft Local Audit Bill Ad-hoc Committee</u>	<u>Local Audit and Accountability Act 2014</u>
<u>Children and Families Bill (1)</u>	<u>Draft clauses on:</u> - <u>Childrens Commissioner</u> - <u>Family Justice</u> - <u>Special Educational Needs</u> - <u>Shared parenting</u> - <u>Adoption</u>	<u>Justice Committee</u> <u>Education Committee</u> <u>Justice Committee</u> <u>Lords Select Cttee on Adoption</u>	<u>JC on Human Rights</u>	<u>Children and Families Act 2014</u>
<u>Adult care and support (1)</u>	<u>Care and Support</u>		<u>JC on Draft Care & Support Bill</u>	<u>Care Act 2014</u> "we will all have to consider how we move forward, probably in the first Session of the next Parliament" (2)
<u>Communications data (1)</u>	<u>Communications Data</u> <u>Energy</u>	<u>ECC Committee</u>	<u>JC on Draft Communications Data Bill</u>	<u>Energy Act 2014</u> <u>Anti-social Behaviour, Crime and Policing Act 2014</u> <u>Transparency of Lobbying, Non-party Campaigning and Trade Union Administration Act 2014</u> "the ETPIM Bill would only be introduced in exceptional and unanticipated circumstances" (3)
<u>Anti-social behaviour</u>	<u>Anti-social Behaviour</u>	<u>Home Affairs Committee</u>		
<u>Lobbying</u>			<u>JC on Draft Enhanced Terrorism Prevention & Investigation Measures Bill</u>	
<u>Enhanced Terrorism Prevention & Investigation Measures</u>	<u>Published in 2010-12</u>			
<u>Circuses (wild animals)</u>	<u>Wild Animals in Circuses</u>	<u>EFRA Committee</u>		
	<u>Financial Services (Banking Reform)</u>		<u>Parliamentary Commission on Banking Standards</u>	<u>Financial Services (Banking Reform) Act 2013</u>
	<u>Voting Eligibility (Prisoners)</u>		<u>JC on Draft Voting Eligibility (Prisoners) Bill</u>	
	<u>Gambling (Licensing & Advertising)</u>	<u>CMS Committee</u>		<u>Gambling (Licensing & Advertising) Act 2014</u>
	<u>Pensions</u>	<u>Work & Pensions Cttee</u>		<u>Pensions Act 2014</u>

Draft Bills announced	Draft Bills Published	Scrutiny performed by DSC or HL Cttee	Joint Cttee or Ad hoc Cttee	Subsequent progress
2012-13 (continued)				
	Northern Ireland (Miscellaneous Provisions) Inheritance and Trustees' Powers	NIA Committee		Northern Ireland (Miscellaneous Provisions) Act 2014 Inheritance and Trustees' Powers Act 2014 Included in Anti-social Behaviour, Crime and Policing Act 2014
	Dangerous Dogs (Amendment)	EFRA Committee		

Notes

(1) announced in the Queen's Speech, HC Deb 9 May 2012 cc3-4

(2) HL Deb 4 March 2014 c1220

(3) Government response to the Joint Committee, Cm 8536, January 2013

CMS - Culture, Media and Sport

ECC - Energy & Climate Change

EFRA - Environment, Food and Rural Affairs

NIA - Northern Ireland Affairs

Draft Bills announced	Draft Bills Published	Scrutiny performed by DSC or HL Cttee	Joint Cttee or Ad hoc Cttee	Subsequent progress
2013-14				
Consumer Rights (1)	Consumer Rights	BIS Committee		Consumer Rights Act 2015
Deregulation (1)	Deregulation		JC on Draft Deregulation Bill	Deregulation Act 2015
National Insurance Contributions (1)	National Insurance Contributions			National Insurance Contributions Act 2014
concerning National Assembly for Wales (1)	Wales Bill	Welsh Affairs Committee		Wales Act 201
concerning Riot Damages Act 1886 (1)	(see 2014-15) Modern Slavery Bill		JC on Draft Modern Slavery Bill	Modern Slavery Act 2015

Notes

(1) announced in the Queen's Speech, HC Deb 9 May 2013 c9WS

BIS - Business, Innovation and Skills

21 Pre-legislative scrutiny under the Coalition Government: 2010-2015

Draft Bills announced	Draft Bills Published	Scrutiny performed by DSC or <i>HL Cttee</i>	Joint Cttee or <i>Ad hoc Cttee</i>	Subsequent progress
2014-15				
Governance of National Parks (England) and the Broads (1)				
Riot (Damages) Act (1)	Riot Compensation			
Protection of Charities (1)	Protection of Charities		JC on Draft Protection of Charities Bill	
	Taxation of Pensions			Taxation of Pensions Act 2014
	Scotland (clauses)	Scottish Affairs Committee (2) PCR Committee		

Notes

(1) Announced in the Queen's Speech (see section 2.4)

(2) see Scottish Affairs Committee, The Implementation of the Smith Agreement, 10 March 2015, HC 835 2014-15

PCR - Political and Constitutional Reform

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