



HOUSE OF LORDS

Constitution Committee inquiry: The Legislative Process

Call for Evidence

The Constitution Committee is beginning a large-scale inquiry into the legislative process. This follows its major 2004 report on *Parliament and the Legislative Process*.¹ The Committee is interested in how bills are prepared by Government and scrutinised in Parliament; whether and how outside organisations and the public are involved in the process; and how the legislative process is, or could be, affected by new technology and by the UK's withdrawal from the EU.

The inquiry will take place over the next year and will be broken down into four distinct parts, each addressing a stage or significant factor in the legislative process. These are:

1. Preparing legislation for introduction in Parliament;
2. The passage of legislation through Parliament;
3. The delegation of powers; and,
4. The period after Royal Assent.

For each of these stages, the Committee will be looking at the issues and questions set out below. We will issue separate calls for evidence for each stage so as to enable those wishing to engage with the inquiry to do so in relation to each stage in turn, or only in relation to those stages about which they are best able to comment. Each call for evidence will address the same overarching issues in relation to the legislative process.

Stage I: Preparing legislation for introduction in Parliament

We are now seeking evidence relating to the first stage of the legislative process: 'Preparing legislation for introduction in Parliament'. This stage includes policy development and consultation, legislative drafting and pre-legislative scrutiny. At this stage, the Committee is focusing on primary, rather than delegated, legislation.

The Committee would welcome written submissions on any aspect of this topic, and particularly on the issues and questions set out below.

We welcome contributions from all interested individuals and organisations. For this stage of the inquiry, we are particularly interested in hearing from people and groups who have engaged with either Government consultations or parliamentary pre-legislative scrutiny investigations.

Written evidence should be submitted online via the committee's website, <http://www.parliament.uk/legislative-process-written-submission-form>. The deadline for submissions is Sunday 16 October 2016.

¹ Constitution Committee – Parliament and the Legislative Process:
<http://www.publications.parliament.uk/pa/ld200304/ldselect/ldconst/173/17302.htm>

Questions

Creating good law

The Office of the Parliamentary Counsel describe “good law” as “law that is: necessary; clear; coherent; effective; [and] accessible.”²

1. How effective are current practices in Government and Parliament at delivering clear, coherent, effective and accessible draft legislation for introduction in Parliament?
2. Are there mechanisms, processes and practices at this stage of the legislative process that hinder the development of ‘good law’?
3. Are there improvements that could be made at this stage of the process that would result in law that is more easily understandable by users and the public?

Brexit

Following the UK’s withdrawal from the EU, Parliament will have to legislate across a range of areas previously legislated for at an EU level.

4. What impact will the UK’s withdrawal from the EU have on the volume and type of legislation and how will that affect this stage of the legislative process?
5. Will there be changes required to how the Government and Parliament deal with legislation following Brexit?

Technology

New technologies—and particularly developments in information technology—have changed the way that people access information and share their opinions, experiences and insights.

6. How effectively do Parliament and the Government make use of technology at this stage of the legislative process?
7. How could new or existing technologies be used to support the development and scrutiny of legislation?

Public involvement and engagement

Engagement with those affected by new legislation, or those with expertise that can assist the development and scrutiny of legislation, is an important factor in ensuring that legislation is effective in meeting its policy objectives.

8. To what extent, and how effectively, are the public and stakeholders involved in this stage of the legislative process?
9. What factors inhibit effective engagement?
10. What mechanisms could be used to increase or improve engagement with the public and stakeholders?

² Cabinet Office: Guidance – Good Law: <https://www.gov.uk/guidance/good-law>

Information provision

Informing the public, stakeholders and parliamentarians about potential legislation is an important part of effective law-making.

11. How effectively is information about potential legislation disseminated at this stage in the process?
12. How useful is the information that is disseminated and how could it be improved?

Parliamentary involvement

Parliament is central to the legislative process, but its involvement varies across the different stages of the legislative process.

13. To what extent is Parliament, or are parliamentarians, involved in the development of legislation before it is introduced into Parliament?
14. Is there scope for Parliament or parliamentarians to be more involved at this stage of the legislation process?

ANNEX: GUIDANCE FOR SUBMISSIONS

Written evidence must be submitted online via the committee's inquiry page <http://www.parliament.uk/legislative-process-written-submission-form>. Please do not submit PDFs (if you do not have access to Microsoft Word you may submit in another editable electronic form). If you cannot submit evidence online, please contact the committee staff.

The deadline for written evidence is 5pm on Sunday 16 October.

Concise submissions are preferred. A submission longer than six pages should include a one-page summary. Paragraphs should be numbered. Submissions should be dated, with a note of the author's name, and of whether the author is making the submission on an individual or a corporate basis. All submissions submitted online will be acknowledged automatically.

Personal contact details supplied to the committee will be removed from submissions before publication but will be retained by the committee staff for specific purposes relating to the committee's work, such as seeking additional information.

Submissions become the property of the committee which will decide whether to accept them as evidence. Evidence may be published by the committee at any stage. It will appear on the committee's website and be deposited in the Parliamentary Archives. Once you have received acknowledgement that your submission has been accepted as evidence you may publicise or publish it yourself, but in doing so you must indicate that it was prepared for the committee. If you publish your evidence separately you should be aware that you will be legally responsible for its content.

You should not comment on individual cases currently before a court of law, or matters in respect of which court proceedings are imminent. If you anticipate such issues arising, you should discuss with the clerk of the committee how this might affect your submission.

Certain individuals and organisations may be invited to appear in person before the committee to give oral evidence. Oral evidence is usually given in public at Westminster and broadcast in audio and online. Persons invited to give oral evidence will be notified separately of the procedure to be followed and the topics likely to be discussed.

Substantive communications to the committee about the inquiry should be addressed through the clerk or the chairman of the committee, whether or not they are intended to constitute formal evidence to the committee.

This is a public call for evidence. Please bring it to the attention of other groups and individuals who may not have received a copy directly.

You may follow the progress of the inquiry at <http://www.parliament.uk/legislative-process-inquiry>.

To contact the staff of the committee, please email constitution@parliament.uk.