



House of Commons  
Political and Constitutional  
Reform Committee

---

**The impact of Queen's  
and Prince's Consent  
on the legislative  
process: Government  
Response to the  
Committee's Eleventh  
Report of Session  
2013–14**

---

**First Special Report of  
Session 2014–15**

*Ordered by the House of Commons  
to be printed 12 June 2014*

**HC 224**  
Published on 16 June 2014  
by authority of the House of Commons  
London: The Stationery Office Limited  
£0.00

## The Political and Constitutional Reform Committee

The Political and Constitutional Reform Committee is appointed by the House of Commons to consider political and constitutional reform.

### Current membership

[Mr Graham Allen MP](#) (*Labour, Nottingham North*) (*Chair*)

[Mr Jeremy Browne MP](#) (*Liberal Democrat, Taunton Deane*)

[Mr Christopher Chope MP](#) (*Conservative, Christchurch*)

[Tracey Crouch MP](#) (*Conservative, Chatham and Aylesford*)

[Mark Durkan MP](#) (*Social Democratic & Labour Party, Foyle*)

[Paul Flynn MP](#) (*Labour, Newport West*)

[Fabian Hamilton MP](#) (*Labour, Leeds North East*)

[David Morris MP](#) (*Conservative, Morecambe and Lunesdale*)

[Rober Neill MP](#) (*Conservative, Bromley and Chislehurst*)

[Chris Ruane MP](#) (*Labour, Vale of Clwyd*)

[Mr Andrew Turner MP](#) (*Conservative, Isle of Wight*)

The following Members was also members of the Committee during the Parliament:

[Sheila Gilmore MP](#) (*Labour, Edinburgh East*)

[Andrew Griffiths MP](#) (*Conservative, Burton*)

[Simon Hart MP](#) (*Conservative, Carmarthen West and South Pembrokeshire*)

[Tristram Hunt MP](#) (*Labour, Stoke on Trent Central*)

[Mrs Eleanor Laing MP](#) (*Conservative, Epping Forest*)

[Stephen Williams MP](#) (*Liberal Democrat, Bristol West*)

[Yasmin Qureshi MP](#) (*Labour, Bolton South East*)

## Special Report

---

The Political and Constitutional Reform Committee published its Eleventh Report of Session 2013-14, the impact of Queens's and Prince's consent on the legislative process, on 26 March 2014, as House of Commons Paper HC 784. The Government Response to this Report was received on 14 May 2014 and is published below.

## Appendix: Government Response

---

### Introduction

1. The Government notes the Political and Constitutional Reform Committee's inquiry and recent report on [the impact of the Queen's and the Prince's Consent on the legislative process](#). The report helpfully sheds a light on what is sometimes regarded as a complex and obscure parliamentary process.
2. The Government recognises that the Queen's and Prince's Consent is a longstanding parliamentary requirement for certain Bills and is therefore a matter for Parliament to decide upon. The Government will continue to actively cooperate with Parliament and its requirements in relation to the legislative process.
3. To this end, and in order to help clarify the process further, the Cabinet Office has taken steps to update its Guide to Making Legislation, which now provides clearer guidance to Departments on the issue of Consent ([https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/210917/Guide\\_to\\_Making\\_Legislation\\_July\\_2013.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/210917/Guide_to_Making_Legislation_July_2013.pdf)).
4. Whilst noting that the issue of Consent remains a matter for Parliament, this is the Government's response to each of the Committee's recommendations.

### *Responses to Conclusions and Recommendations*

#### The process

5. **We recommend that the Office of the Parliamentary Counsel continue proactively to publish its internal documents that could be of interest to the wider public, unless there is a strong reason not to do so. (Paragraph 3)**
6. The Government recognises that access to information can help to improve public confidence and trust in our work, which is why the Government aims to be as open as possible. In the spirit of transparency, the Government is committed to publishing further drafting guidance in the future and will continue to publish other internal documents where it is appropriate to do so. However, in line with established policy, the Government will protect certain categories of information, such as legally privileged information and communications with the Royal Household.

## Should Consent continue to be part of the legislative process?

**7. We recommend that, if the House authorities decide that Consent is needed for a Private Member's Bill, the Government should as a matter of course seek Consent. This would remove any suggestion that the Government is using the Consent process as a form of veto on Bills it does not support. Members should, in turn, make sure that they publish the text of their Bill in time for Consent to be sought. (Paragraph 27)**

8. It is not the Government's policy or practice to refuse to seek the Queen's or the Prince's Consent to a Private Member's Bill in order to block it. The Government will generally seek Consent for Private Member's Bills upon request, even where it opposes the Bill, on the basis that Parliament should not be prevented from debating a matter on account of Consent not having been sought. However, the Government will not generally seek Consent if it is clear from the parliamentary timetable that a Bill has no real prospect of making progress or the text of the Bill has been submitted without enough time to seek Consent.

9. The Government agrees that Members should make sure that they publish the text of their Bills in good time for Consent to be obtained.

**10. We entirely accept that correspondence between the Government and the Royal Household is not normally published. However, given that the correspondence in this instance is a matter of routine, we recommend that, when Consent is being sought for a Private Member's Bill, the letter from the Department to the Royal Household should be copied to the Member concerned if the Member requests this. This would increase transparency and remove any perception of undue Government influence. (Paragraph 29)**

11. As the Committee recognises, the Government does not normally publish correspondence between it and the Royal Household, although any request for information will be considered on its merits and in light of the relevant statutory provisions. We agree that it would be helpful for Members, who request it, to be informed when Consent has been received for their Bills and we will commit to writing separately to Members to advise them when this happens.

**12. We recommend that if a Bill is re-introduced in a subsequent session the precedent of not seeking resignification of Consent be followed. (Paragraph 42)**

13. The Government supports this recommendation if a Bill is reintroduced in the session immediately following its first introduction in the same Parliament. However, as a requirement relating to the legislative process, whether Consent needs to be resignified is ultimately a matter for Parliament to decide upon. It is also for Parliament to decide whether a Bill is identical.

**14. We recommend that Consent should no longer need to be signified personally by a Privy Counsellor. Consent should instead be indicated on the Order Paper. This would prevent a situation in which the absence of a Privy Counsellor meant that Consent**

**could not be signified, and the debate could not take place, thus delaying progress on the Bill. (Paragraph 43)**

15. It remains a matter for Parliament to decide upon its legislative procedures and to agree any changes to its rules.

**16. To improve transparency, we recommend that, if Consent is required for a Bill, the requirement be published as soon as the Bill is printed. (Paragraph 44)**

17. Parliamentary processes are for Parliament to agree upon and the timing of the publication of the requirement to obtain Consent remains a matter for the parliamentary authorities to decide.

**18. Currently, in some instances Consent is signified at Second Reading and in others at Third Reading. We recommend that Consent be signified at Third Reading in both Houses, in all instances. (Paragraph 45)**

19. The timing of the signifying of Consent is a parliamentary requirement and it remains an issue for Parliament to decide upon. However, given that Consent is sought for certain Bills to be debated, it seems to follow that Consent should be signified in the early legislative stages of those Bills. The Government agrees that a consistent approach to signifying Consent in both Houses would be desirable.

## **Conclusion**

20. The Government is grateful to the Committee for its consideration of this topic. Whilst we recognise that the issue of Consent is ultimately a matter for Parliament to decide upon, the Government remains committed to working with Parliament and cooperating with its legislative requirements.