



HOUSE OF LORDS

Procedure Committee

1st Report of Session 2007–08

Law Commission Bills

Ordered to be printed 25 February 2008

Published by the Authority of the House of Lords

London: The Stationery Office Limited
£price

HL Paper 63

The Procedure Committee

The Select Committee on Procedure of the House is appointed each session to consider any proposals for alterations in the procedure of the House that may arise from time to time, and whether the standing orders require to be amended.

Current Membership

The members of the Procedure Committee are:

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General Information

General information about the House of Lords and its Committees is on the Internet at <http://www.parliament.uk/lords/index.cfm>.

Contacts for the Procedure Committee

All correspondence should be addressed to the Clerk to the Procedure Committee, House of Lords, London, SW1A 0PW
The telephone number for enquiries regarding the Committee's work is 020 7219 8796.

FIRST REPORT OF SESSION 2007-08 FROM THE PROCEDURE COMMITTEE

Law Commission Bills

Introduction

1. The Leader of the House has made proposals for new procedures for Law Commission bills. In bringing forward these proposals she fulfilled a commitment made in 2006, during the passage of the Legislative and Regulatory Reform Bill.
2. We accordingly recommend the adoption of the procedures described in this report. If agreed by the House, the procedures will be adopted initially for a trial period, and in respect of not more than two bills. They will then be reviewed by this Committee, which will report back to the House with final recommendations on whether or not the procedures should be made permanent.

Background

3. The Law Commission has been existence since 1965. Its aim is to ensure that the statute law is “as fair, modern, simple and cost-effective as possible”. When the Commission examines a particular area of law, it first establishes the scope of its work in conjunction with the relevant Government Department. It then consults on the existing law and on proposals for change. It makes a report to the Lord Chancellor and Minister of Justice, with recommendations and reasons; this report may include a draft bill giving effect to the Commission’s recommendations. These draft bills are referred to as “Law Commission bills”.
4. Since 1991 some 54 Law Commission reports with bills have been published. Most have been implemented, normally by incorporating them into relevant Government bills, as and when opportunities arise within the Government’s legislative programme. However, such opportunities are limited, and as a result the rate of implementation has not kept pace with the production of reports. Eight reports, which have been accepted by Government, are still awaiting implementation; Government responses to another 12 reports are pending. It is hoped that these new procedures will help clear the backlog and reduce delays in future.

Safeguards

5. We emphasise that the procedures described below are intended only for Law Commission bills that are generally agreed to be uncontroversial. Before introduction of any bill, there will be full consultation within the usual channels to determine whether or not it is suitable for these procedures. If in the course of proceedings on the bill it becomes clear, for example during debate on second reading, that it does after all contain controversial provisions, the new procedures will be halted and it will then be for the Government business managers to decide whether or not to proceed with the bill under the normal procedures applying to any other public bill.

The procedure

6. On introduction, the Bill would be identified as a Law Commission bill in House of Lords Business. This would be done by means of an italic note.
7. Following first reading, a motion would be tabled, with at least three sitting days' notice, to refer the Bill to a "Second Reading Committee". This would be an innovation for the Lords. It would function like a Grand Committee, with unlimited membership, and would take place in the Moses Room. Any Member could speak and there would be no time limit on the debate. However, as in Grand Committee, there would be no provision for divisions.
8. The Second Reading Committee would only debate the bill; it would not itself decide on the motion for second reading. As for affirmative instruments which have been debated in Grand Committee, and which still have to be approved formally by the House, the Second Reading Committee would simply report that it had considered the bill, and the motion for second reading would be taken formally in the House at a later date. It would of course be possible, in the event of serious opposition to the bill, for a vote to take place at this stage, as for any other public bill.
9. Assuming the bill had been given a second reading, the next stage would be a motion to commit the bill. The *Companion to the Standing Orders*¹ describes Special Public Bill Committees as being particularly suited to Law Commission bills, and we recommend that this existing procedure should become the norm for the committee stage for Law Commission bills.
10. Special Public Bill Committees are empowered to take written and oral evidence within a 28-day period following their appointment. Having taken evidence, they then consider the bill clause by clause and consider amendments in the usual way.
11. Special Public Bill Committees are appointed by the House on the basis of a recommendation by the Committee of Selection, and normally have a membership of nine or ten, including the relevant minister and spokesmen of opposition parties. Members of the House who are not appointed to the Committee are free to attend public meetings, speak and move amendments, but may not vote in the event of a division.
12. Once the Special Public Bill Committee has completed its work the bill is reprinted as amended. Written and oral evidence, and a verbatim report of proceedings, are also published.
13. The remaining stages, Report and Third Reading, would follow in the usual way, on the floor of the House and on separate days. Subsequent proceedings (for instance consideration of Commons amendments) would also be exactly as for any other public bill.

¹ See paragraphs 7.109-7.113.