Birmingham Commonwealth Games Bill [HL]
Select Committee on the Constitution
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Membership
The Members of the Constitution Committee are:

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<th>Lord Beith</th>
<th>Lord Faulks</th>
<th>Lord Pannick</th>
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<td>Baroness Corston</td>
<td>Baroness Fookes</td>
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<td>Lord Hennessy of Nympsfield</td>
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<td>Lord Dunlop</td>
<td>Lord Howarth of Newport</td>
<td>Lord Wallace of Tankerness</td>
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Declarations of interests
A full list of Members’ interests can be found in the Register of Lords’ Interests:

Publications
All publications of the committee are available at:
http://www.parliament.uk/hlconstitution

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Live coverage of debates and public sessions of the committee’s meetings are available at:
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Committee staff
The current staff of the committee are Matt Korris (Clerk), Matt Byatt (Policy Analyst) and Alasdair Johnston (Committee Assistant). Professor Stephen Tierney and Professor Mark Elliott are the legal advisers to the Committee.

Contact details
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Birmingham Commonwealth Games Bill [HL]

1. The Birmingham Commonwealth Games Bill was introduced to the House of Lords on 5 June 2019. Second reading took place on 25 June and committee stage is scheduled for 9 July.

2. The Bill provides support for the delivery of the 2022 Commonwealth Games to be held in Birmingham, making provision for various operational measures relating to the organisation and delivery of the Games. It does so by giving powers to both ministers and the Games’ Organising Committee in relation to the funding of the Organising Committee, ticket touting, advertising and trading and transport.

3. The Delegated Powers and Regulatory Reform Committee (DPRRC) reported on the Bill and concluded that one of the powers (clause 24, relating to directing the preparation of a Games transport plan) had not been sufficiently justified. The DPRRC recommended that three other powers should be subject to the affirmative procedure except when the Secretary of State certified that for reason of urgency the negative procedure should apply, in line with the comparable powers used to deliver previous Games.¹ We agree with the DPRRC’s conclusions.

4. The Bill is notable in constitutional terms for the number and range of the delegated powers that it contains, including some that relate to (but do not permit the creation of) criminal offences. The Government justifies these by reference to similar powers put in place for the 2012 London Olympics and the 2014 Glasgow Commonwealth Games, and says there is the pressure of time since Birmingham was given the Games on a timeline of four and a half years “rather than the typical seven years to deliver the Games.”² Some of the powers are subject to strict time limits—their usage permitted only shortly before, during, and after the Games. The delegated powers in the Bill are significant and, had automatic sunset provisions not been included, we would regard them as potentially raising constitutional concerns.

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¹ Delegated Powers and Regulatory Reform Committee, 58th Report (Session 2017–19, HL Paper 391)
² Explanatory Notes to the Birmingham Commonwealth Games Bill [HL], 5 June 2019, para 4