

HOUSE OF LORDS

Select Committee on the Constitution

9th Report of Session 2024–25

Fast-track legislation and the Steel Industry (Special Measures) Act 2025

Ordered to be printed 7 May 2025 and published 8 May 2025

Published by the Authority of the House of Lords

Select Committee on the Constitution

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Declaration of interests

Information about interests of Committee Members can be found in the Appendix to this report.

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Committee staff

The current staff of the committee are Kate Wallis (Clerk), Tom Pitt (Second Clerk), Alice Edmonston (Policy Analyst) and Samuel Smith (Committee Operations Officer).

Professor Stephen Tierney and Professor Roger Masterman are the legal advisers to the Committee.

Contact details

All correspondence should be addressed to the Constitution Committee, Committee Office, House of Lords, London SW1A 0PW. Telephone 020 7219 5960. Email constitution@parliament.uk

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Ninth Report

FAST-TRACK LEGISLATION AND THE STEEL INDUSTRY (SPECIAL MEASURES) ACT 2025

Introduction

1. The draft Bill for the Steel Industry (Special Measures) Act 2025 was published by the Government on the morning of 12 April, and Parliament was recalled to consider the legislation. Later that morning, the Bill was introduced in the House of Commons, then passed through all of its stages in Parliament and received Royal Assent the same day. No amendments were made to the Bill during its passage.
2. Due to the speed at which the Bill passed through Parliament and the emergency recall it was not possible for us to conduct our normal legislative scrutiny.
3. Because the Act has already been passed, we have chosen not to scrutinise its provisions as we would normally. Instead, this report focuses on the standards that ought to be adhered to during the passage of fast-track legislation. This is intended both to inform post-legislative scrutiny of this Act, and serve as a reminder of the importance of including appropriate safeguards in Bills undergoing the fast-track procedure.

The Steel Industry (Special Measures) Act 2025

Sunset clauses

4. In our report on fast-track legislation, we concluded that there “should be a presumption in favour of the use of a sunset clause”, and if one is not included, it should be incumbent on the Government “to make the case for their exclusion”. A sunset clause means that a provision “would expire after a certain date, unless Parliament chooses either to renew it or to replace it”, thereby ensuring proper ongoing parliamentary scrutiny.¹
5. The Bill did not include a sunset clause or renewal procedure but no justification for their absence was provided in the Explanatory Notes.²
6. **We are concerned by the Government’s failure to justify the lack of a sunset clause or renewal procedure in the Explanatory Notes to the Bill.**
7. During debate in the Lords, the Minister, Baroness Jones of Whitchurch, argued that a sunset clause “was neither necessary nor appropriate” because one “would cause an unacceptable amount of uncertainty if a solution to the issue at hand became protracted.”³ However, the Secretary of State for Business and Trade, the Rt Hon Jonathan Reynolds MP, told the Commons: “I want this to be a temporary position—I do not want these

1 Constitution Committee, *Fast-track Legislation: Constitutional Implications and Safeguards* (15th Report, Session 2008–09, HL Paper 116-I), para 198

2 *Explanatory Notes to the Steel Industry (Special Measures) Bill* [Bill 221 (2024–2025)-EN], para 11

3 HL Deb, 12 April 2025, [col 533](#)

powers a minute longer than is necessary—but I need the powers to rectify and save the situation.”⁴

8. Sunset clauses are not the only legislative approach that can be used to grant time-limited powers. In other circumstances, where ongoing uncertainty has led to concern about setting a fixed deadline, a renewal procedure has been used to ensure appropriate parliamentary scrutiny. For example, section 98 of the Coronavirus Act 2020 required a six-month parliamentary review of the time-limited provisions of the Act, at which point the House of Commons could agree a motion to extend those provisions.⁵
9. **We therefore do not find the justifications advanced by the Government for a lack of a sunset clause or renewal procedure to be convincing.**
10. *The Government should set out why it did not consider a renewal procedure for the powers to be appropriate. We also recommend that a renewal procedure be included in future fast-track legislation where a sunset clause is considered inappropriate due to ongoing uncertainty.*
11. *Furthermore, given the Government’s intention for the provisions in this Act to be temporary, it should set out the circumstances in which the powers in the Act will be reviewed or repealed, and the process it intends to put in place for this. At future debates on the operation of the Act, the House may wish to satisfy itself that these proposals are appropriate.*

Post-legislative scrutiny

12. In our report on fast-track legislation, we concluded that “post-legislative review is vital” and that the Government should “make the prompt review of fast-track legislation a priority”. For example, post-legislative scrutiny can examine the effectiveness of the legislation, and consider whether further legislation and parliamentary oversight would be appropriate.⁶
13. The Explanatory Notes for the Steel Industry (Special Measures) Bill stated: “The Government concluded that specific measures for post-legislative scrutiny and review were not needed for this Bill.”⁷ However, during debate in the Lords, the Minister committed to updating Parliament “every four weeks on the use of these powers” granted to the Secretary of State in the Act. The Government further committed to updating the Business and Trade Committee in the Commons, and the Industry and Regulators Committee in the Lords on the use of said powers.⁸ The Government also committed to having “a fuller debate on the Floor of the House on the operation of ... the Act. This will take place within six months”.⁹
14. **We are pleased that the Government has committed to further parliamentary scrutiny of this Act and welcome the speed at which**

4 HC Deb, 12 April 2025, [col 841](#)

5 Coronavirus Act 2020, [section 98](#)

6 *Fast-track Legislation: Constitutional Implications and Safeguards*, paras 199–209

7 [Explanatory Notes to the Steel Industry \(Special Measures\) Bill](#) [Bill 221 (2024–2025)-EN], para 12

8 HL Deb, 12 April 2025, [col 525](#)

9 HL Deb, 12 April 2025, [col 534](#)

updates to the House have been arranged.¹⁰ However, given these plans, it is unclear why they were not formally included in the Explanatory Notes or on the face of the Bill.

15. *The Government should ensure that any relevant information shared with parliamentary committees is also made available to the House as a whole in a timely manner.*

¹⁰ The first update in the House of Lords on the operation of the Act took place on 24 April. See HL Deb, 24 April 2025, [cols 807–817](#)

APPENDIX 1: INTERESTS

Committee Members' registered interests may be examined in the online Register of Lords' Interests at <https://members.parliament.uk/members/lords/interests/register-of-lords-interests>. The Register may also be inspected in the Parliamentary Archives.

For the Fast-track legislation and the Steel Industry (Special Measures) Act 2025 report, Members and Legal Advisers declared no interests.