

# HOUSE OF LORDS

## Delegated Powers and Regulatory Reform Committee

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1st Report of Session 2024–25

**Lithium-ion Battery Safety Bill [HL]**

**Arbitration Bill [HL]**

**Bank Resolution (Recapitalisation) Bill [HL]**

**Budget Responsibility Bill**

**Commonwealth Parliamentary Association  
and International Committee of the Red Cross  
(Status) Bill [HL]**

**Crown Estate Bill [HL]**

**Holocaust Memorial Bill**

**Lords Spiritual (Women) Act 2015 (Extension)  
Bill [HL]**

**Support for Infants and Parents etc  
(Information) Bill [HL]**

**Education (Values of British Citizenship) Bill  
[HL]**

**Statutory Instruments (Amendment) Bill [HL]**

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Ordered to be printed 4 September 2024 and published 5 September 2024

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Published by the Authority of the House of Lords

### *The Delegated Powers and Regulatory Reform Committee*

The Committee is appointed by the House of Lords each session, most recently on 29 July 2024, and has the following terms of reference:

- (i) To report whether the provisions of any bill inappropriately delegate legislative power, or whether they subject the exercise of legislative power to an inappropriate degree of parliamentary scrutiny;
- (ii) To report on documents and draft orders laid before Parliament under or by virtue of:
  - (a) sections 14 and 18 of the Legislative and Regulatory Reform Act 2006,
  - (b) section 7(2) or section 19 of the Localism Act 2011, or
  - (c) section 5E(2) of the Fire and Rescue Services Act 2004;

and to perform, in respect of such draft orders, and in respect of subordinate provisions orders made or proposed to be made under the Regulatory Reform Act 2001, the functions performed in respect of other instruments and draft instruments by the Joint Committee on Statutory Instruments; and

- (iii) To report on documents and draft orders laid before Parliament under or by virtue of:
  - (a) section 85 of the Northern Ireland Act 1998,
  - (b) section 17 of the Local Government Act 1999,
  - (c) section 9 of the Local Government Act 2000,
  - (d) section 98 of the Local Government Act 2003, or
  - (e) section 102 of the Local Transport Act 2008.

### *Members*

[Baroness Bakewell of Hardington Mandeville](#)

[Lord Carlile of Berriew](#)

[Baroness Chakrabarti](#)

[Lord Cunningham of Felling](#)

[Baroness Finlay of Llandaff](#)

[Lord Goodman of Wycombe](#)

[Baroness Humphreys](#)

[The Earl of Lindsay](#)

[Lord McLoughlin](#) (Chair)

[Lord Rooker](#)

### *Registered Interests*

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

### *Publications*

The Committee's reports are published by Order of the House in hard copy and on the internet at [www.parliament.uk/hldprrcpublications](http://www.parliament.uk/hldprrcpublications).

### *Committee Staff*

The staff of the Committee are Jen Mills (Clerk) and Kiran Kaur (Committee Operations Officer).

### *General Information*

General information about the House of Lords and its Committees, including guidance to witnesses, details of current inquiries and forthcoming meetings is on the internet at <http://www.parliament.uk/business/lords/>.

### *Contacts for the Delegated Powers and Regulatory Reform Committee*

Any query about the Committee or its work should be directed to the Clerk to the Delegated Powers and Regulatory Reform Committee, Legislation Office, House of Lords, London, SW1A 0PW. The telephone number is 020 7219 3103. The Committee's email address is [hldelegatedpowers@parliament.uk](mailto:hldelegatedpowers@parliament.uk).

# First Report

## PRIVATE MEMBERS' BILLS: INTRODUCTORY NOTE

1. This report sets out the Committee's observations in relation to a private member's Bill. It has long been, and remains, the Committee's approach to apply the same exacting standards of scrutiny to all bills, whether a government bill or a private member's bill. We acknowledge however that those members of the House who sponsor private members' bills, unlike ministers, do not have the support of departmental officials and Parliamentary Counsel in the preparation of their bills. Our comments on private members' bills are framed in the light of that understanding.

## LITHIUM-ION BATTERY SAFETY BILL [HL]

2. This private member's Bill is intended to make provision for the safe storage, use and disposal of lithium-ion batteries. It is due to have its second reading on 6 September. There is no delegated powers memorandum as the Bill has not been produced with the help of the Government.
3. The Bill contains five regulation making powers each of which would appear to allow for the creation of criminal offences:
  - Two of the regulation making powers are explicit in conferring powers to create offences. In those cases, there is also a power to provide for the imposition of civil sanctions (clauses 3 and 4).
  - In one case the power to create an offence appears to be a necessary consequence of the power being conferred (clause 2).
  - In the other two cases, the nature of the regulation making power requires an enforcement mechanism, but without making it explicit what the nature of the enforcement mechanism is. Such a mechanism would have to be the creation of offences or the imposition of civil sanctions (clauses 5 and 6).
4. All of the powers in the Bill are subject to the negative resolution procedure. In our guidance to Departments<sup>1</sup>, we make it clear that the use of subordinate legislation to create criminal offences should be treated as exceptional and that it should only be done where there is a compelling justification. We also consider that, where subordinate legislation is used to create criminal offences (or where it is used to impose civil sanctions), it should be subject to the affirmative resolution procedure.
5. **In the circumstances, we consider that the Bill should be amended so that the regulation making powers conferred by it are all made subject to the affirmative resolution procedure.**
6. Clause 5 requires the Secretary of State to make regulations regarding the safety standards for conversion kits for use with micromobility vehicles that run on lithium-ion batteries, and relating to the use of charging systems for electric-powered micromobility vehicles. Clause 6 requires the Secretary of

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<sup>1</sup> Paragraph 12 of the [Guidance for Departments](#), December 2023.

State to make regulations with respect to the disposal of lithium-ion batteries. In both cases, although any requirements imposed by the regulations would need to be enforced in order to be effective, nothing is said on the face of the Bill as to what provision may be made in the regulations for the enforcement of their requirements. As noted above, it seems to us that the only possible enforcement mechanisms would be either the creation of criminal offences or the imposition of civil sanctions.

7. **We consider that clauses 5 and 6 are defective in failing to specify the provision which is to be made in the regulations to enforce the requirements imposed by them. We consider that the failure to specify the enforcement mechanisms is particularly objectionable if the intention is that they should include the creation of criminal offences, given the constitutional significance of using subordinate legislation in this way.**

#### **ARBITRATION BILL [HL]**

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8. There is nothing in this Bill which we would wish to draw to the attention of the House.

#### **BANK RESOLUTION (RECAPITALISATION) BILL [HL]**

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9. There is nothing in this Bill which we would wish to draw to the attention of the House.

#### **BUDGET RESPONSIBILITY BILL**

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10. There is nothing in this Money Bill which we would wish to draw to the attention of the House.

#### **COMMONWEALTH PARLIAMENTARY ASSOCIATION AND INTERNATIONAL COMMITTEE OF THE RED CROSS (STATUS) BILL [HL]**

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11. There is nothing in this Bill which we would wish to draw to the attention of the House.

#### **CROWN ESTATE BILL [HL]**

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12. This Bill contains no delegations of legislative power.

#### **HOLOCAUST MEMORIAL BILL**

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13. This Bill contains no delegations of legislative power.

#### **LORDS SPIRITUAL (WOMEN) ACT 2015 (EXTENSION) BILL [HL]**

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14. This Bill contains no delegations of legislative power.

#### **SUPPORT FOR INFANTS AND PARENTS ETC (INFORMATION)**

**BILL [HL]**

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15. There is nothing in this private member's Bill which we would wish to draw to the attention of the House.

**EDUCATION (VALUES OF BRITISH CITIZENSHIP) BILL [HL]**

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16. This private member's Bill contains no delegations of legislative power.

**STATUTORY INSTRUMENTS (AMENDMENT) BILL [HL]**

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17. This private member's Bill contains no delegations of legislative power.

## APPENDIX 1: MEMBER'S INTERESTS

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

For the business taken at the meeting on 4 September 2024, Members declared no interests.

### **Attendance**

The meeting was attended by Lord Rooker, The Earl of Lindsay, Baroness Humphreys, Lord Goodman of Wycombe, Baroness Chakrabarti, Lord Carlile of Berriew, Baroness Bakewell of Hardington of Mandeville.