



HOUSE OF LORDS

Introduction to public bills

Chris Clarke, Clerk of Select Committees

Who makes the law?

What is an Act?

What is a bill?



Types

Public

- Government
- Private Members'

Draft

Private (seminar 9)

Hybrid



Sources

Government bills

- Green / White paper
- Manifesto / Queen's Speech
- Other, eg EU Directive

Bill teams and Parliamentary Counsel

Private Members

- Both Houses
- Handout



Sovereign Parliament?

Factortame

Human Rights Act

“The powers of the House to legislate on devolved matters are unaffected by the devolution legislation.”

... but ...

“It is recognised that the Parliament of the United Kingdom will not normally legislate with regard to devolved matters without the consent of the Scottish Parliament” (Scotland Act 2016, formerly Sewel Convention)



Structure

Short / Long Title

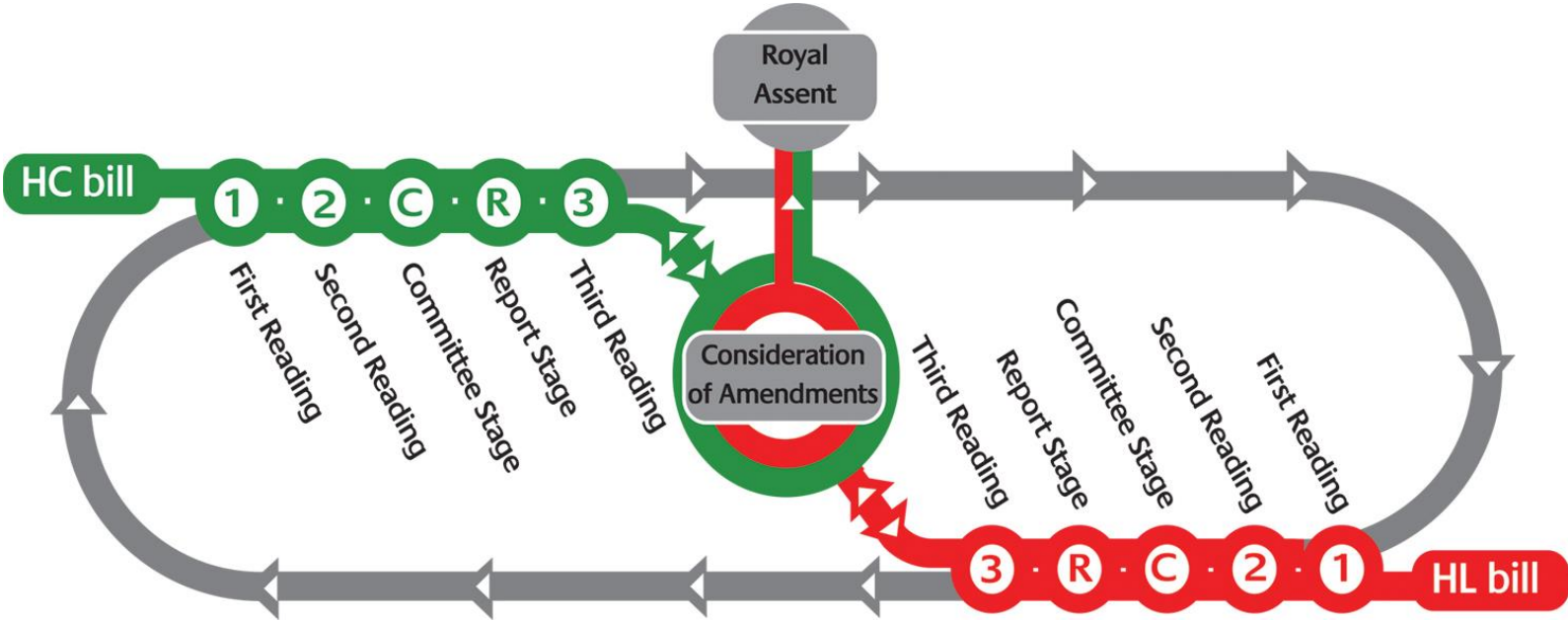
Clauses (become Sections)

Schedules

HR statement, Explanatory Notes



Stages



Lords powers

Introduce

Scrutinise – Constitution, Delegated Powers, pre- and post-leg

Amend

Delay

Make the Commons think again

Reject

Limits (seminar 8)



Lords stages

First reading

Second reading

Committee

Report

Third Reading

“Ping-pong” (next seminar)



Minimum intervals

2 weekends between first and second reading

14 days between second reading and committee stage

On “bills of considerable length and complexity”, 14 days between committee stage and report stage

3 clear sitting days between report stage and third reading

“Reasonable notice whenever possible” for consideration of Commons amendments



Amendments

Any member, any number, all called

Relevance

Restrictions

Daily sheets, Marshalled Lists

Groupings

Outcomes



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Committee

Any Member can take part

Free procedure

Whole House or Grand?

- Grand Committee: no votes
- Whole House: voting rare

Clauses “stand part”



Report

“Amendments identical (or of identical effect) to amendments pressed to a vote by the mover and defeated in committee may not be retabled on report.”

Rules of debate



Third Reading

“The practice of the House is normally to resolve major points of difference by the end of report stage, and to use third reading for tidying up the bill.

“The principal purposes of amendments on third reading are:

- to clarify any remaining uncertainties;
- to improve the drafting; and
- to enable the government to fulfil undertakings given at earlier stages of the bill.

“An issue which has been fully debated and voted on or negatived at a previous stage of a bill may not be reopened by an amendment on third reading.”



Lords / Commons procedures

No formal programming

Committee stage open to all members. No evidence taking

No selection of amendments

Third Reading on a separate day

Financial privilege

English Votes for English Laws



Role of the Legislation Office: public bills

Pre-introduction correspondence

Scope, Titles, Consent, hybridity

Draft PMBs

Bills

Ex Notes

Amendments – admissibility, drafting, marshalling

Briefs

“Ping pong”

Acts



Good system?

Yes

- Iterative
- On the record
- Clear outcomes

No

- Repetitive
- Very textual / legal
- Very binary



Information

www.parliament.uk

- Bill pages, LAW
- Lords Business, Hansard

www.lordswhips.org.uk

- Today's list (speakers, groupings), FB

www.legislation.gov.uk, LexisNexis

