



Housing, Communities and Local Government Committee

House of Commons, London SW1A 0AA

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The Rt Hon. the Lord Blencathra
Chair of the Delegated Powers and Regulatory Reform Committee
House of Lords
London
SW1A 0PW

28 September 2020

Dear Lord Blencathra,

Pre-legislative Scrutiny of the draft Building Safety Bill

The Housing, Communities and Local Government Committee in the House of Commons has been asked by the Government to conduct pre-legislative scrutiny of the draft Building Safety Bill. We are currently holding oral evidence sessions and expect to report by the end of November.

In the normal course of things, your Committee will consider the Bill when it is introduced into the House of Lords. We anticipate that the Government will seek to introduce the Bill next year. However, this Committee was keen to alert you to our early concerns about the delegated powers contained within the draft Bill and, although not seeking full consideration of the draft Bill by the DPRRC, request that you assist our scrutiny with any general observations you may have based on your experience in this area.

We calculate that the draft Bill contains at least 128 delegated powers. Whilst building control generally relies heavily on delegated legislation some of the powers go to the heart of the Bill, for example, the meaning of 'higher-risk building' which sets the criteria for inclusion in the more stringent regime set out in the Bill. There are also some powers enabling amendment or revocation of primary legislation ('Henry VIII' powers). The Government has set out in the Explanatory Notes background to its expected use of the delegate powers, but no draft regulations are available for consideration at this stage.

The Committee would be grateful for any assistance you feel able to provide.

I am copying this letter to Christine Salmon Percival, Clerk of the DPRRC.

Clive Betts MP
Chair, Housing, Communities and Local Government Committee