



HOUSE OF LORDS

Delegated Powers and Regulatory Reform
Committee

26th Report of Session 2019–21

United Kingdom Internal Market Bill

High Speed Rail (West Midlands – Crewe) Bill

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The Delegated Powers and Regulatory Reform Committee

The Committee is appointed by the House of Lords each session 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.

Membership

The members of the Delegated Powers and Regulatory Reform Committee who agreed this report are:

[Baroness Andrews](#)

[Lord Blencathra](#) (Chair)

[Baroness Browning](#)

[Lord Goddard of Stockport](#)

[Lord Haselhurst](#)

[Lord Haskel](#)

[Baroness Meacher](#)

[Lord Rowlands](#)

[Lord Thurlow](#)

[Lord Tope](#)

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/hldprcpublications.

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 of Delegated Legislation, Legislation Office, House of Lords, London, SW1A 0PW. The telephone number is 020 7219 3103. The Committee's email address is hldellegatedpowers@parliament.uk.

Historical Note

In February 1992, the Select Committee on the Committee work of the House, under the chairmanship of Earl Jellicoe, noted that "in recent years there has been considerable disquiet over the problem of wide and sometimes ill-defined order-making powers which give Ministers unlimited discretion" (Session 1991–92, HL Paper 35-I, paragraph 133). The Committee recommended the establishment of a delegated powers scrutiny committee which would, it suggested, "be well suited to the revising function of the House". As a result, the Select Committee on the Scrutiny of Delegated Powers was appointed experimentally in the following session. It was established as a sessional committee from the beginning of Session 1994–95. The Committee also has responsibility for scrutinising legislative reform orders under the Legislative and Regulatory Reform Act 2006 and certain instruments made under other Acts specified in the Committee's terms of reference.

Twenty Sixth Report

UNITED KINGDOM INTERNAL MARKET BILL

1. The United Kingdom Internal Market Bill was introduced into the House of Commons on 9 September 2020. All stages were concluded by 29 September and the Bill was introduced into the House of Lords on 30 September. Given the significant delegation of powers in the Bill, and as has been our practice in relation to other significant Brexit-related bills, we reported on the Bill during its committee stage in the House of Commons. Our 24th Report was published on 17 September.¹
2. With regard to the delegation of powers, the Bill remains largely unchanged from the version introduced into the House of Commons. Amendments made in the House of Commons, however, have altered the clause numbers. For this reason, this report simply identifies how our previous report impacts on the current version of the Bill. The Department for Business, Energy and Industrial Strategy has provided a revised delegated powers memorandum.² **It is disappointing that the department has largely replicated the original Memorandum provided to the House of Commons and did not take the opportunity to address the points which we raised in our 24th Report.**
3. We made recommendations in relation to the following clauses in the version of the Bill introduced into the House of Commons: clauses 3(7), 6(5), 8(7) and 19(7), 10(2), 16(2), 41(5), 42(1) and 43(1). **We now make the same recommendations in relation to the version of Bill, as introduced into the House of Lords: clauses 3(8), 6(5), 8(7) and 20(7), 10(2), 17(2), 43(8), 44(1) and 45(1). We anticipate that the Minister will wish to address the Committee's comments during the second reading debate on the Bill.**
4. A link to the Committee's earlier report can be found at the following webpage: <https://committees.parliament.uk/publications/2628/documents/26219/default/>.

¹ [24th Report](#), Session 2019-21 (HL Paper 130).

² Department for Business, Energy and Industrial Strategy, Delegated Powers Memorandum: <https://publications.parliament.uk/pa/bills/lbill/58-01/135/5801135-DPM.pdf>

HIGH SPEED RAIL (WEST MIDLANDS – CREWE) BILL

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

APPENDIX 1: MEMBERS' 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.

For the business taken at the meeting on 14 October 2020 Members declared no interests.

Attendance

The meeting was attended by Baroness Andrews, Lord Blencathra, Baroness Browning, Lord Haskel, Lord Goddard of Stockport, Baroness Meacher, Lord Rowlands and Lord Tope.