



**LORD PRESIDENT OF THE COUNCIL
LEADER OF THE HOUSE OF COMMONS
THE RT. HON. JACOB REES-MOGG M.P.**



The Rt. Hon. the Lord Blencathra,
Chairman, Delegated Powers and Regulatory Reform Committee
House of Lords
Westminster
SW1A 0PW

The Rt. Hon. the Lord Hodgson of Astley Abbotts CBE.,
Chairman, Secondary Legislation Scrutiny Committee
House of Lords
Westminster
SW1A 0PW

The Rt. Hon. the Baroness Taylor of Bolton,
Chairman, Constitution Committee
House of Lords
Westminster
SW1A 0PW

My Lords,

Our Ref:JRM/NMP566
19 October 2020

Parliamentary Scrutiny of Bills and Delegated Powers

Thank you for your letter, which raises important matters, and for our discussion last week which I found useful. I agree absolutely that the work of the legislature is essential to making good legislation. The Government welcomes the work undertaken by both Houses to scrutinise the Government's policy and legislative programme and I recognise that your committees play an essential role in this.

I appreciate your acknowledgement that we have been living in exceptional times. As you note, the current pandemic and leaving the European Union have meant that some government legislation has had to be delivered swiftly, either in response to an emergency situation or to external events, such as negotiations with the EU. This has meant that some Bills have had to provide for significant secondary powers. I am grateful to members of both Houses for their support and engagement during this time, however I acknowledge that, as these are exceptional times, they do not necessarily provide a model example of how Parliament would like to see legislation brought forward.

I agree that Bills with substantial powers, though sometimes essential, should not be a tool to cover imperfect policy development. As a Government, we must have a clear direction and be able to explain to both Parliament and our constituents how we are fulfilling the promises of our manifesto. I can see that extensive use of delegated powers can hinder rather than help us in that. Therefore, I am happy to consider issuing communications to Secretaries of State on this matter, encouraging them to minimise the use of delegated powers where possible and to ensure sufficient time is allowed at the outset for the development of policy. I will take account of the guidance points you recommend in your letter for these communications.

I must add, however, that there will be times when the Government will still need to rely heavily on delegated powers, particularly if legislation is needed urgently, but I am clear that at all times the Government must fully justify the appropriateness of these powers to both Houses and to your Committee.

I am copying this letter to the Chancellor of the Duchy of Lancaster, the Leader of the House of Lords, the Cabinet Secretary and First Parliamentary Counsel.

With every good wish,

I have the honor to be Sir,

Janet Lee. GJ.