

HOUSE OF LORDS

Delegated Powers and Regulatory Reform Committee

4th Report of Session 2023–24

Artificial Intelligence (Regulation) Bill [HL]

**Asylum Application (Entry to the United
Kingdom) Bill [HL]**

Status of Workers Bill [HL]

**House of Lords (Hereditary Peers) (Abolition of
By-Elections) Bill [HL]**

**Disestablishment of the Church of England Bill
[HL]**

Still-Birth (Definition) Bill [HL]

**Abortion (Gestational Time Limit Reduction)
Bill [HL]**

Public Service (Integrity and Ethics) Bill [HL]

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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.

Members

[Baroness Bakewell of Hardington](#)

[Lord Carlile of Berriew](#)

[Lord Cunningham of Felling](#)

[Lord Goodlad](#)

[Lord Hendy](#)

[Baroness Humphreys](#)

[Lord Janvrin](#)

[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.

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 hlddelegatedpowers@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.

Fourth Report

PRIVATE MEMBERS' BILLS: INTRODUCTORY NOTE

1. This report sets out the Committee's observations in relation to two private members' Bills. 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.

ARTIFICIAL INTELLIGENCE (REGULATION) BILL [HL]

2. The Artificial Intelligence (Regulation) Bill is a private member's Bill sponsored by Lord Holmes of Richmond and introduced in the House of Lords on 22 November. The Bill requires the Government to create an AI Authority to have oversight of "relevant regulators" (a term undefined in the Bill). It is a framework bill that leaves much of the detail to be included in regulations made by Ministers.
3. Clause 1(1) and (2) requires ministers to set up the AI Authority with 11 specific functions. But clause 1(3) allows ministers to rewrite these functions in regulations, and to dissolve the AI Authority.
4. Clause 2(1) sets out 14 specific regulatory principles to which the AI Authority must have regard. But clause 2(2) allows ministers to rewrite these regulatory principles.
5. Clause 3 requires the AI Authority to collaborate with relevant regulators to construct "regulatory sandboxes" for AI. This term is given an elaborate definition in clause 3(2). But regulations under clause 3(3) can rewrite the definition.
6. **We accordingly draw the attention of the House to the fact that Ministers are given wide powers to rewrite significant parts of the Bill.**¹

ASYLUM APPLICATION (ENTRY TO THE UNITED KINGDOM) BILL [HL]

7. The Asylum Application (Entry to the United Kingdom) Bill is a private member's Bill sponsored by the Lord Bishop of Chelmsford and introduced in the House of Lords on 29 November. The Bill seeks to give rights to "relevant persons" to enter the United Kingdom on an Asylum Travel Visa to bring certain claims under the Nationality, Immigration and Asylum Act 2002. A "relevant person" is defined in clause 1(3) to mean a citizen or national of a country designated for the purposes of the Bill by the Secretary of State.

1 See DPRRC, *Democracy Denied? The urgent need to rebalance power between Parliament and the Executive*, (12th Report, Session 2021–22, HL Paper 106), paras 76ff.

8. The designation of countries by the Secretary of State will be of considerable importance for applicants because, if an applicant's country is not so designated, the applicant will not be eligible for an Asylum Travel Visa. The designation of countries will have a significant impact on the operation of the Bill. However, the power to designate countries will be performed administratively by the Secretary of State, without any associated parliamentary procedure.² **We recommend that the designation of countries under clause 1(3) should be done by regulations contained in a statutory instrument, with the negative procedure being appropriate.**

STATUS OF WORKERS BILL [HL]

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

HOUSE OF LORDS (HEREDITARY PEERS) (ABOLITION OF BY-ELECTIONS) BILL [HL]

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

DISESTABLISHMENT OF THE CHURCH OF ENGLAND BILL [HL]

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

STILL-BIRTH (DEFINITION) BILL [HL]

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

ABORTION (GESTATIONAL TIME LIMIT REDUCTION) BILL [HL]

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

PUBLIC SERVICE (INTEGRITY AND ETHICS) BILL [HL]

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

2 See DPRRC, *Democracy Denied? The urgent need to rebalance power between Parliament and the Executive*, (12th Report, Session 2021–22, HL Paper 106), para 89.

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 13 December 2023, Members declared no interests.

Attendance

The meeting was attended by Lord McLoughlin, Baroness Bakewell of Mandeville, Lord Hendy, Lord Janvrin, The Earl of Lindsay, Lord Rooker and Lord Carlile of Berriew.