



**The Rt Hon Baroness Jacqui Smith  
Minister for Skills**

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Baroness Drake CBE  
Chair  
Constitution Committee  
House of Lords  
SW1A 0PW

7 November 2024

Dear Baroness Drake CBE,

**INSTITUTE FOR APPRENTICESHIPS AND TECHNICAL EDUCATION  
(TRANSFER OF FUNCTIONS ETC) BILL**

Thank you for your letter of 30 October 2024. We welcome the opportunity to further explain the Department's approach to clause 9 of the Bill.

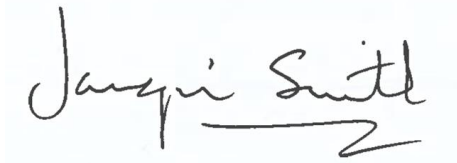
In relation to your first point, clause 9 has been drafted to allow amendment or repeal of provisions of an Act passed before the end of the Parliamentary session in which the Bill is passed. This is to ensure that the Government is able to address any consequential effects that this Bill may have on other Bills before Parliament. The Government has made every effort to ensure so far as possible that other bills in the same session as this Bill take account of the Institute for Apprenticeships and Technical Education (Transfer of Functions etc) Bill's provisions, but this clause would provide an important failsafe if anything is missed or if it is not feasible to amend those other Bills due to Parliamentary timetabling.

In relation to your second point, we acknowledge your concern about our use of the term "standard" in relation to the Henry VIII power in the Delegated Powers Memorandum. We recognise that any Henry VIII powers should only be sought where there is clear justification for doing so. We think that such justification exists in this case. The clause is inherently narrow in scope as it is limited to making amendments that are genuinely consequential on the provisions in the Bill. As above, the Government has made, and will continue to make, every effort to capture all of the consequential amendments that are necessary on the face of the Bill, but it is always possible that further changes will need to be made. We anticipate that any further amendments would be of a similar nature to those already included in Schedules 1 and 3 to the Bill. Further, any amendments to primary legislation will be subject to the affirmative procedure.

For these reasons, we consider it is appropriate for clause 9 to remain as currently drafted.

We would like to thank you and the Constitution Committee for your close consideration of the Bill. If you have any further questions, please do not hesitate to contact me.

Yours sincerely,

A handwritten signature in black ink, reading "Jacqui Smith", with a horizontal line underneath the name.

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Minister for Skills**