



# HOUSE OF LORDS

Select Committee on the Constitution

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Lord Hanson of Flint  
Home Office  
2 Marsham Street  
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By email

14 January 2024

Dear Lord Hanson of Flint,

## **Terrorism (Protection of Premises) Bill**

I write on behalf of the Constitution Committee to express our views about the Terrorism (Protection of Premises) Bill.

Firstly, we commend the Government on the approach taken with regards to the preparation and pre-legislative scrutiny of this Bill. This Bill was preceded by consultation, engagement with stakeholders including with police and victim's groups, and – in 2023 – pre-legislative scrutiny of a draft Bill by the Home Affairs Committee. These various stages conform to a number of recommendations for good practice contained in our 2017 report on *The Legislative Process: Preparing Legislation for Parliament*, and we hope that such good practice will continue.<sup>1</sup>

Secondly, we wish to raise concerns regarding the Henry VIII powers at Clause 5(4) and Clause 6(4) of the Bill.<sup>2</sup> These clauses respectively permit the amendment, by regulations, of the lists of “public protection procedures” and “public protection measures” that qualifying premises and qualifying events would be obliged to put in place “so far as is reasonably practicable”. These powers provide a means by which the policy framework could be, potentially significantly, reshaped through the addition of further obligations on businesses. We have long held the constitutional standard that delegated powers are not an appropriate route for policy change and would appreciate further explanation of how the clauses safeguard against the excessive dilution and/or expansion of the Bill's policy aims by regulation?

Yours sincerely,

Baroness Drake CBE  
Chair of the Constitution Committee

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<sup>1</sup> Constitution Committee, [The Legislative Process: Preparing Legislation for Parliament](#) (4<sup>th</sup> Report, Session 2017-19, HL Paper 27)

<sup>2</sup> Terrorism (Protection of Premises) Bill, *clause 5 and clause 6* [HL Bill 53 2024-25]