

# Delegated powers in the 'Great Repeal Bill' inquiry launched

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The Procedure Committee of the House of Commons is launching an inquiry into the delegated powers likely to be claimed by the Government in its proposed Great Repeal Bill.

- [Inquiry: Delegated powers in the 'Great Repeal Bill'](#)
- [Procedure Committee](#)

The bill, announced to the House in October 2016, is to be introduced in the 2017–18 Session. It is to repeal the European Communities Act 1972 and convert the existing body of EU law to domestic law. The Government states that this approach is to "preserve the rights and obligations that already exist in the UK under EU law and provide a secure basis for future changes to our domestic law."

The Committee proposes also to examine the scrutiny mechanism necessary for the House of Commons to exercise effective oversight of the use of the powers it has delegated.

Chair of the Procedure Committee, Charles Walker OBE MP, said:

*"The Great Repeal Bill will be one of the most significant pieces of legislation that MPs will have had to deal with in recent years. Incorporating the vast number of EU regulations and decisions into our domestic law will be a mammoth task.*

*It is vital, however, that the government does not use the bill as an excuse to give itself unfettered delegated powers. Therefore my Committee will be working to ensure that the House of Commons is properly able to scrutinise not only the conversion process but also any future changes to former EU law the Government may wish to make under these powers."*

## Call for evidence

As part of the inquiry, the Procedure Committee invites written evidence on any or all of the following issues:

- The adequacy of the present procedure for scrutiny of secondary legislation, and potential approaches for sifting the potential volume of legislation to be incorporated
- The changes (if any) desirable to Commons procedures related to the delegation of powers or secondary legislation to address the likely scale and volume of 'Great Repeal Bill' legislation
- The powers likely to be necessary or justified in primary legislation to incorporate the existing body of EU legislation (the *acquis communautaire* or *acquis*) into domestic law upon repeal of the European Communities Act 1972 (ECA), including (but not necessarily limited to):
  - powers to ensure the continuation in UK law of the legal order in force upon repeal of the ECA, with only such amendments as are necessary to ensure that the law applicable in the UK continues with the same effect);
  - powers to amend domestic primary and secondary legislation implementing EU obligations in line with Government policy objectives, following the cessation of those obligations and the repeal of the ECA);
  - powers to amend, in line with Government policy objectives, provisions of EU law presently given direct effect in UK law by operation of the ECA, following the incorporation of those provisions into UK law

- Whether so-called "Henry VIII" powers are likely to be necessary or justified in this respect; whether alternative drafting techniques may produce the same effect; and whether there are any areas of the acquis or existing domestic legislation which should be off limits to such powers
- Whether a time limit should be set upon the availability of any powers delegated for these purposes

Following this initial phase of the Committee's work, it is anticipated that the Committee will go on to examine the provisions of the Bill as introduced in the 2017–18 Session.

## **Deadline**

Written evidence to the initial stage of the Committee's inquiry will be accepted, via the Committee's inquiry page, up to **Friday 24 February 2017**.