The Constitution Committee considered the criticisms of Part 2 of the Energy Bill made by the Delegated Powers and Regulatory Reform Committee (DPRRC) in its 6th report and by several members of the House of Lords in Grand Committee (notably on 23 July 2013). We believe those criticisms to be well-founded. We have several times pointed out in our reports that effective parliamentary scrutiny is a constitutional principle of the first importance, and inappropriate delegations of power are a matter of constitutional concern. This is especially, but not only, the case with Henry VIII powers (as in, for example, clause 32 of the Energy Bill). The DPRRC reported to the House that several aspects of part 2 of the Energy Bill could not be properly understood, as so much is left to secondary legislation which the House has not been able to see in draft. We have not formally reported our constitutional concerns about part 2 of the bill because the matter has been fully dealt with by the DPRRC, but we wish to underscore our view that the matter is one of constitutional importance. We trust that the Government will respond fully to the concerns raised by the DPRRC and by others before the bill commences its remaining stages in the House.

The Rt Hon. the Baroness Jay of Paddington
Chairman, Constitution Committee