House of Lords
London SW1A 0PW

The Rt Hon. the Baroness Kramer
Minister of State for Transport
Department for Transport
Great Minster House
33 Horseferry Road
London SW1P 4DR

25 June 2014

Dear Lady Kramer,

I am writing on behalf of the House of Lords Constitution Committee about the Infrastructure Bill [HL.], which the committee considered today.

The committee had no constitutional point to make about the substance of the bill as it stands. However, the committee was concerned about your statement during the second reading debate about the possibility of government amendments being tabled on access to shale and geothermal sites, and North Sea resources, and the construction of zero-carbon homes (HL Deb, 18 June 2014, col 841). These matters are not currently in the bill yet clearly are significant and give rise to much interest.

The Constitution Committee has on a number of occasions drawn attention to the constitutional principle of full and effective parliamentary scrutiny. For this reason we have been concerned about the late tabling of government amendments. We note that the Government’s provisional schedule for the bill would involve amendments on the above issues being considered in Grand Committee after the summer adjournment. However, the fact that the provisions have not been in the bill from introduction (and therefore have not been subject to scrutiny and debate on the bill so far) represents a departure from the principle of effective parliamentary scrutiny. Departures from constitutional principle should be contemplated only where full justification is provided. We think it better for government policy to be drawn up and then a bill introduced, not the other way round. Therefore we would be grateful for an explanation for the departure from principle on this bill.

Yours sincerely,

The Rt Hon. the Lord Lang of Monkton, DL
Chairman of the Constitution Committee