



Office of the Leader
of the House of Commons

Our Ref:
4 September 2015

Thank you for your letter of 21 July 2015 regarding the Government's proposals on English Votes for English Laws.

I am happy to provide an initial response to the points you raised in the House on 7 July and set out in your letter.

With regard to the drafting of Government bills departments will, as now, consider carefully the territorial extent and application of legislation when preparing it, and will continue to work closely with the Devolved Administrations when doing so, in line with existing guidance.

Following a review under the Good Law Initiative, led by the Office of Parliamentary Counsel, all Explanatory Notes to bills this session now include clear information on the territorial extent and application of each clause and schedule. Subject to the views of the Speaker and your Committee we are considering the value of adding to this an indication of whether a matter is devolved. This would provide information and a Government view to assist the Speaker in certifying legislation under the new Standing Orders. Existing guidance notes and templates will need to be revised to reflect the changes to the legislative process once the House agrees to them. No revised guidance has been issued specifically on the drafting of government bills but the Office of Parliamentary Counsel continually refines its approach to drafting and will keep under review the effect of the changes to the legislative process.

The Government will continue to programme legislation on a case by case basis, taking account of the nature of the bills and the views of the House. The amount of any additional time required under the new rules will depend upon the nature of a bill's consideration as well as other business requirements in the House. The new process is designed to be consistent with existing practices and preserves flexibility for Government business to be programmed efficiently.

In implementing the Conservative manifesto commitments on English Votes for English Laws I have sought to clarify them as far as possible. Making specific provision for cross-border effects would complicate the certification test and create additional uncertainty and complexity. The effects of legislation will be taken into account by the Speaker when making his decision, and where he judges a matter relates exclusively to England, or England and Wales, the MPs who represent constituencies in those parts of the UK will be given an additional voice where the

power to legislate on the issue in devolved elsewhere. All MPs will be able to debate and vote on all provisions.

With regard to consideration of "minor or consequential" effects for the purposes of certifying legislation, as you note it will be for the Speaker to make a decision looking at each case. However I am considering the information the Government provides on the territorial application and effects of legislation in the light of the new approach and look forward to discussing the issue with the Committee.

As you highlight in your letter, the Speaker is already required to make similar judgements in relation to bills relating exclusively to Scotland. The difference between the wording of Standing Order No. 97(1)(a) and the proposed wording of the new Standing Orders reflect their different purposes. The former relates to amendments made by bills to existing legislation whilst the latter relates to the actual effects of the legislation on other parts of the UK, regardless of any amendments to existing legislation. Under the Government's proposals on English votes, the Speaker is required to consider whether the legislation applies exclusively to England or to England and Wales, disregarding any minor or consequential effects.

I hope this is helpful to the Committee in advance of its oral evidence sessions, when I look forward to discussing these issues further.

W.C.L. but wish
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Rt Hon Chris Grayling MP
LEADER OF THE HOUSE OF COMMONS

Charles Walker MP
Chair of Procedure Committee