



## JOINT COMMITTEE ON THE DRAFT DEREGULATION BILL



### Call for Written Evidence

The draft Deregulation Bill contains a broad range of measures which are intended to reduce the burden of regulation on business, civil society, other organisations (including public sector bodies) and individuals.

Many of the provisions of the draft Bill are concerned with specific areas of activity such as health and safety, rights of way, reduction in the qualifying period for the right to buy council housing, household waste, education and the administration of justice. There may be consequent implications for employment law, company law, insolvency law, human rights, the environment and community wellbeing. Some of the measures may have an impact in the devolved areas.

The draft Bill also includes a general provision for the repeal or revocation of legislation which a Minister considers to be “no longer of practical use”,

In addition, the draft Bill introduces a duty on persons exercising certain regulatory functions to “have regard” to the desirability of “promoting economic growth”. The draft Bill gives a Minister the power to specify the regulatory functions of particular bodies to which the new duty would apply and to issue guidance on related matters including on the meaning of “economic growth”.

The Joint Committee on the draft Deregulation Bill, chaired by Lord Rooker, was appointed by both Houses of Parliament on 17 July 2013 to conduct pre-legislative scrutiny into the draft Deregulation Bill and the policies underpinning it. The Joint Committee comprises six MPs and six Peers. It will take written and oral evidence and make recommendations in a report to both Houses. The Joint Committee is required to make its report by 16 December 2013.

The Joint Committee invites interested organisations and individuals to submit written evidence as part of the inquiry. Below are some questions about the draft Bill. The Joint Committee would appreciate written submissions on any of these questions on which you have evidence to contribute, or on any other matters relevant to the draft Bill. It is not necessary to address every question. The deadline for submissions is **Monday 16 September**.

This first Call for Evidence focuses principally on the generic provision and general questions about the draft Bill. This is an open Call for Evidence on any issues about the draft Bill you wish to raise. Questions are provided below on the issues the Committee has initially identified as interesting but further, more specific, Calls for Evidence may be published later as other lines of enquiry emerge. Updates will be published on our webpage:

<http://www.parliament.uk/business/committees/committees-a-z/joint-select/draft-deregulation-bill/>

## Questions

### General

1. The draft Bill covers a broad range of specific activities and a large amount of legislative provision is amended by it. Could the same result have been achieved using existing secondary legislative procedures?
2. What are the advantages and disadvantages of including specific deregulatory provisions amending existing legislation and providing additional or amended order making powers within primary legislation rather than considering them through existing deregulatory mechanisms?
3. Are the changes proposed in the draft Bill evidence-based and have any risks associated with the changes been taken adequately into account?
4. Does the draft Bill achieve its purpose of reducing the regulatory burden on business, organisations and individuals effectively and fairly?
5. Will the draft Bill generally benefit businesses by offsetting other regulatory burdens? Are there indirect impacts on other businesses from reducing regulation in specific sectors?
6. To what extent does the draft Bill benefit consumers as well as businesses?
7. How does the provision in the draft Bill affect:
  - i. protections afforded to individuals under human rights and equalities legislation?
  - ii. employment law, skills and the labour market?
  - iii. the environment, particularly in the management of waste?
  - iv. the provision of education?
  - v. the effective administration of justice?
  - vi. social, wellbeing or health inequalities?
8. Have the measures set out in the draft Bill been subject to adequate cost-benefit analysis on the basis of consultation with those affected?
9. Will any or all of the proposals have any significant economic or financial impact? Do you have any evidence of the impact that will aid the Committee in their scrutiny?

### ***Power to disapply legislation no longer of practical use***

10. Is a new “power to disapply legislation no longer of practical use” necessary or are there existing procedures which could be used to achieve the same effect?” (Clause 51)?
11. Is the meaning of the phrase “no longer of practical use” clear? In this context, what is meant by “practical”? Should it be defined and, if so, how? Will removing any of the provision proposed in Schedule 16 of the draft Bill have implications for any other areas of regulation?

12. Are the safeguards regarding the use of the “no longer of practical use” power (set out in Clauses 54 to 56) adequate and appropriate?
13. Other deregulatory mechanisms such as Legislative Reform Orders or Public Bodies Orders have specific tests set out in the parent Act - should there be similar tests set out in the draft Bill? What should they be?
14. Are the mechanisms set out for parliamentary oversight (Clauses 55 and 56) of deregulation orders adequate and appropriate?
15. Are there other changes to deregulatory powers, procedures and parliamentary oversight which you think should have been included in the Bill and, if so, why?
16. What are the risks associated with the proposed new power to disapply legislation that is “no longer of practical use”?

***A duty to have regard to the desirability of promoting economic growth***

17. To what extent do the Government’s existing powers of direction over regulators already provide the ability to guide regulators towards the importance of promoting economic growth? Is this legislation necessary?
18. Will the introduction of a duty to have regard to “promoting economic growth” compromise the independence of regulators? What additional safeguards are required to ensure that the introduction of such a duty will not compromise the independence of a regulator?
19. How is a duty to have regard to the desirability of economic growth likely to affect those regulators to which it is applied?
20. Where is the introduction of such a duty likely to have beneficial effect? Where might there be adverse consequences?
21. How might the extent to which a regulator has fulfilled, or breached, the duty be ascertained?
22. How can the likely financial and economic impact of the proposed duty be assessed?

***Devolution***

23. What are the consequences of the draft Bill for the devolved administrations?