



HOUSE OF LORDS

Constitution Committee inquiry: European Union (Withdrawal) Bill

Call for Evidence

The Constitution Committee is conducting an inquiry on the European Union (Withdrawal) Bill.¹ This follows its report on *The ‘Great Repeal Bill’ and delegated powers*² and its follow-up *European Union (Withdrawal) Bill: interim report*.³

The ‘Great Repeal Bill’ and delegated powers report examined the constitutional issues that were likely to arise as a result of legislation repealing the European Communities Act 1972. The Committee noted that the Government faced “a unique challenge in converting the current body of EU law into UK law,” that was “complicated not only by the scale and complexity of the task, but also by the fact that in many areas the final shape of that law will depend on the outcome of the UK’s negotiations with the EU.” The Committee made recommendations about how this task should be approached, particularly in relation to the broad delegated powers the Government was likely to seek and the safeguards and scrutiny processes they should be subject to.

The Committee published an interim report in September 2017 examining the Bill by reference to its earlier conclusions and recommendations. The report concluded that “the Bill is highly complex and convoluted in its drafting and structure,” rendering “scrutiny very difficult” and leaving “multiple and fundamental constitutional questions...unanswered.”

The Committee is now seeking evidence on the detailed provisions of the European Union (Withdrawal) Bill and their legal and policy effect. The inquiry will examine the constitutional implications of the Bill across the following three broad themes:

1. The relationship between Parliament and the executive

- The delegated powers in the Bill and the Henry VIII clauses
- The scrutiny of the delegated legislation that will flow from the Bill
- Sunset clauses for the powers

2. The rule of law and legal certainty

- The status of retained EU law and the relationship to domestic law
- The proposals for the interpretation of judgments made by the Court of Justice of the European Union post-exit

¹ <http://services.parliament.uk/bills/2017-19/europeanunionwithdrawal.html>

² <https://publications.parliament.uk/pa/ld201617/ldselect/ldconst/123/12302.htm>

³ <https://publications.parliament.uk/pa/ld201719/ldselect/ldconst/19/1902.htm>

- The legal and practical challenges of producing a copy of retained EU law post-exit

3. The consequences for the UK's territorial constitution

- The proposed boundaries between reserved and devolved competence
- The implications of the Bill for the balance of powers within the Union
- The consequences for the future of the devolution arrangements

The Committee would welcome written submissions on any aspect of these topics and from all interested individuals and organisations.

Written evidence should be submitted online via the Committee's website, <http://www.parliament.uk/hlconstitution-eu-withdrawal-bill-submission-form>.

The deadline for submissions is 5pm on Thursday 12 October 2017.

ANNEX: GUIDANCE FOR SUBMISSIONS

Written evidence must be submitted online via the Committee's inquiry page <http://www.parliament.uk/hlconstitution-eu-withdrawal-bill-submission-form>. Please do not submit PDFs (if you do not have access to Microsoft Word you may submit in another editable electronic form). If you cannot submit evidence online, please contact the Committee staff.

The deadline for written evidence is 5pm on Thursday 12 October 2017.

Concise submissions are preferred. A submission longer than six pages should include a one-page summary. Paragraphs should be numbered. Submissions should be dated, with a note of the author's name, and of whether the author is making the submission on an individual or a corporate basis. All submissions submitted online will be acknowledged automatically.

Personal contact details supplied to the Committee will be removed from submissions before publication but will be retained by the committee staff for specific purposes relating to the committee's work, such as seeking additional information.

Submissions become the property of the Committee which will decide whether to accept them as evidence. Evidence may be published by the Committee at any stage. It will appear on the Committee's website and be deposited in the Parliamentary Archives. Once you have received acknowledgement that your submission has been accepted as evidence you may publicise or publish it yourself, but in doing so you must indicate that it was prepared for the Committee. If you publish your evidence separately you should be aware that you will be legally responsible for its content.

You should not comment on individual cases currently before a court of law, or matters in respect of which court proceedings are imminent. If you anticipate such issues arising, you should discuss with the clerk of the Committee how this might affect your submission.

Certain individuals and organisations may be invited to appear in person before the Committee to give oral evidence. Oral evidence is usually given in public at Westminster and broadcast in audio and online. Persons invited to give oral evidence will be notified separately of the procedure to be followed and the topics likely to be discussed.

Substantive communications to the Committee about the inquiry should be addressed through the clerk or the chairman of the Committee, whether or not they are intended to constitute formal evidence to the Committee.

This is a public call for evidence. Please bring it to the attention of other groups and individuals who may not have received a copy directly.

You may follow the progress of the inquiry at <http://www.parliament.uk/hlconstitution-eu-withdrawal-bill>.

To contact the staff of the Committee, please email constitution@parliament.uk.