



HANSARD  
SOCIETY

# HANSARD SOCIETY BRIEFING PAPER

## ISSUES IN LAW MAKING

6 : Post-Legislative Scrutiny

May 2005

**1 Introduction:** In 2003-04, the Hansard Society undertook a review of *Making The Law*, the 1992 report of the Commission on the Legislative Process.<sup>1</sup> The aim of the review was to highlight critical issues, stimulate debate and identify options for change. The Society published five 'Briefing Papers' on Private Members' Bills, Standing Committees, Delegated Legislation, Programming of Legislation and Pre-legislative Scrutiny. In December 2004 a final publication, *Parliament, Politics and Law Making: Issues and Developments in the Legislative Process*, drew together these papers alongside additional essays on subjects such as law making in Scotland and Wales, the impact of European and human rights legislation on the UK legislative process and a discussion of law in practice.<sup>2</sup>

The fifth paper in the series examined pre-legislative scrutiny, which it considered to be 'one of the most significant and positive developments in legislative reform in recent years'.<sup>3</sup> The paper noted that 'pre-legislative scrutiny can allow for more measured consideration of a Bill's principles, questioning of new policy initiatives contained within it and consideration of any practical and technical issues which might arise from the proposed provisions'. This sixth paper looks at the other end of the legislative equation, namely post-legislative scrutiny, which allows Parliament to review and evaluate the effects and consequences of an Act following its implementation. Although there has been welcome progress on pre-legislative scrutiny, post-legislative scrutiny has been described as 'virtually non-existent ... it attracts relatively little attention... Parliament tends to regard its duty as completed once a Bill has gone for Royal Assent'.<sup>4</sup> In this briefing paper we consider the case for greater use of post-legislative scrutiny, discuss the issues involved and methods that might be used, and identify proposals for reform.

**2 Why post-legislative scrutiny matters:** Once a law is enacted and implemented, its provisions bind

society, unless it is subsequently repealed or amended. Yet it is often only after its implementation that the effects and implications of an Act can be truly assessed. However, it is also at this point that Parliament usually shifts its focus to other measures that require scrutiny and authorisation. Given the political pressures on government and opposition, and the various demands that the legislative process already places on Parliament, it is perhaps understandable that post-legislative scrutiny does not command a high priority. The government may not wish to revisit an area, to which it has devoted time and political capital, only to find that its actions have not worked out as was hoped or promised. As will be discussed, the post-legislative scrutiny that is carried out is largely a matter of chance; select committees touch on the consequences of legislation in the course of their inquiries but not in any systematic fashion.

Given these potential inhibitions, it is remarkable that post-legislative scrutiny has such an impressive number of advocates. For example, the Lords Constitution Committee in its 2004 report, *Parliament and the Legislative Process*, strongly backed greater use of post-legislative scrutiny, arguing:

'Legislation may not fulfil its intended purpose. That may come to Parliament's attention if it has palpable negative consequences. It may not come to Parliament's attention at all if it simply has no effect... Regular scrutiny will determine if Acts have done what they were intended to achieve; if not, it may then be possible to identify alternative means of achieving those goals. Scrutiny may also have the effect of ensuring that those who are meant to be implementing the measures are, in fact, implementing them and in the way intended.'<sup>5</sup>

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In evidence to its inquiry, Jean Corston MP, writing in her capacity as Chair of the Joint Committee on Human Rights, made this case:

‘As legislators, we need to pay as much attention to what happens after we have finished our specialised task of making the law as we do to the processes by which we achieve the law. The professional deformation against which we perhaps have to be most wary is supposing that legislating is the most effective way to achieve our ambitions, and that law making is a precise science, which can result in a perfect product. Our responsibility does not begin with a Bill’s introduction to Parliament or end with the Royal Assent.’<sup>6</sup>

Similarly, Margaret Beckett MP, a former Leader of the House of Commons, advocated post-legislative review ‘in order to illuminate and see what lessons can be learnt for the future handling of the legislative process’.<sup>7</sup> While the support of such key figures undoubtedly lends weight to calls for the use of post-legislative scrutiny, in reality such proposals have been made for many years without making much difference to the way Parliament monitors legislation. For example, *Making the Law* placed

considerable emphasis on proposals for the development of post-legislative scrutiny, and cited widespread support from bodies such as the Commons Procedure Committee.<sup>8</sup> Although many of the report’s recommendations were subsequently adopted, its proposals for systematic post-legislative scrutiny were not.

**3 Existing post-legislative scrutiny; mostly informal and haphazard:** Although there is no formal requirement for Parliament to monitor the effects of legislation, a well-established informal system of post-legislative scrutiny does exist. Such scrutiny is usually undertaken when the provisions of an Act have led to public and, most particularly, media furore. The Child Support Act 1991 is regularly identified as an example of this type of post-legislative scrutiny, which was driven entirely by the controversy engendered by the Act in question. Numerous parliamentary inquiries considered the details of the Act. The subsequent reports led to reforms in the operation and administration of the Child Support Agency and, most notably, to changes in the amending legislation of the Child Support Act 1995. Significantly, even after the new Act was passed, the bitter controversy barely diminished,

## BOX A POST-LEGISLATIVE SCRUTINY: COMPENSATION RECOVERY

The example of the legal changes made to the system of compensation recovery shows the dangers that exist when legislation is not subject to effective post-legislative scrutiny. The Social Security Act 1989 introduced a new legal mechanism to deduct from compensation settlements an amount equal to the level of social security benefits that the claimant had received as a result of injury or disease. After this deduction had been made, many individuals found that their settlement was almost extinguished. During the early 1990s, groups campaigning on their behalf (often connected with industrial accidents and disease) began to lobby Parliament and the media about the iniquities of the system and the hardship caused to individuals. In 1995 the House of Commons Social Security Select Committee received many representations on this issue, including some from other Members of Parliament, and as a result, decided to conduct an inquiry into the policy and practice of the 1989 Act.

The Committee’s report, *Compensation Recovery*, was passed unanimously in June 1995.<sup>9</sup> It found that the

principle of deducting benefits from settlements in certain cases was sound (to avoid individuals receiving ‘double compensation’ for the same period) but that the details of the legislation were seriously flawed, and that the calculations contained in the Act had caused, according to the Committee, ‘manifest unfairness’. The Conservative Government accepted the Committee’s recommendations and passed an amending law, the Social Security (Recovery of Benefits) Act 1997.

The case of compensation recovery clearly demonstrates how slowly the current ‘informal’ post-legislative scrutiny brings about required changes. Several years were allowed to elapse before what was finally recognised as an example of poor quality legislation was rectified. Even then the parliamentary process, and the eventual amending legislation, was only triggered by a lengthy and well-organised campaign. If there had been a formal review of legislation, it is very likely that these obvious difficulties would have been spotted and resolved much more quickly.

suggesting that the root of most objections lay with the policy itself, rather than the way it had been legally expressed.

Other recent examples of this form of scrutiny include the Constitutional Affairs Committee inquiries into the Family Court Advisory and Support Service (CAFCASS), established under the Criminal Justice and Court Services Act 2000.<sup>10</sup> In such cases, political pressure is the catalyst for post-legislative scrutiny, which could be said to represent a form of crisis management (or democratic accountability depending on viewpoint). It does not really represent a formal and systematic review of legislation. Consequently, post-legislative scrutiny of this type is, as Peter Riddell has pointed out, 'patchy at best'<sup>11</sup> and not an adequate substitute for a more systematic form of post-legislative procedure. Of more value is the type of monitoring undertaken by departmental select committees. Many of their inquiries look at the effects of government activity, some of which arise from Acts of Parliament. Their work in looking at the performance of Ministers, and their departments, means that select committees periodically consider the impact of legislation but this is not carried out in any formal or systematic manner and has to compete for attention with many other demands on their time.

Another distinct example of systematic post-legislative scrutiny is seen in the report from the Joint Committee on Human Rights, *The Meaning of Public Authority under the Human Rights Act*. This involved a parliamentary committee looking at the implementation of the law by the courts and found that the courts were failing to honour the intentions of Parliament in passing the Act.<sup>12</sup>

#### **4 What should post-legislative scrutiny cover?**

The nature of the monitoring to be carried out will obviously be determined, to a large extent, by the nature of the provisions contained in the Act. The assessment of the effects of an Act on, say, dental health, will obviously require different disciplines to one concerning arms control. A rigid, formulaic approach should therefore be avoided. That said, any monitoring would benefit from the consideration of certain core features. Has the law led to a

significant number of challenges and interpretations, indicating that it was not clear and unambiguous? Has it had any unintended consequences? Has it impacted differentially on different groups within society? Conversely, there is a case for evaluating when Acts have worked well or have exceeded the expectations of their sponsors. Has it had any beneficial impact? Has it achieved what the government said it was intended to achieve? Such success might provide valuable lessons for future policy and legislative development. Governments may be more persuaded of the case for post-legislative scrutiny if there were some chance that success would be identified, rather than assuming that the whole process is based on the identification of failure and the allocation of blame.

It is important that the powers granted under delegated legislation are also considered. In many Acts, much of the detail and meaning is contained in the secondary legislation put forward by Ministers, the content of which may not have been apparent when the primary legislation was passed. The fact that the scrutiny procedures for passing delegated legislation in the first instance are widely regarded as weak and inadequate reinforces the need for effective post-legislative scrutiny.<sup>13</sup>

The practical and administrative impact of legislation is also a critical feature in any assessment. There are numerous examples, the implementation of Tax Credits legislation being one, where the practical issues are as crucial to the success of the legislation as the policy underpinning it.

It is also important to recognise that many pieces of legislation amend, or build upon, existing legislation. Very few areas of the law can be considered to be moving into entirely virgin territory. Looking at the individual Act in isolation might therefore only provide a partial insight. To be effective, post-legislative scrutiny may have to consider the broader picture of existing legislation and policy rather than simply the individual Act in question. Indeed a great deal of law, especially in areas such as criminal law, education, asylum and immigration, changes so often that it is virtually impossible to make a definitive assessment of one provision before it is overtaken by another.

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**5 Proposals for reform:** Proposals to introduce a system of post-legislative scrutiny have been made for many years. In 1992, *Making the Law* recommended that every major Act (other than Finance Acts and some Constitutional Acts) should be subject to review two or three years after coming into force. However, the Commission recognised that not all Bills would require detailed post-legislative scrutiny, taking the view that many Acts work well and attract few criticisms. The report proposed that a body, perhaps the relevant departmental select committee, could make an initial assessment of an Act and recommend whether a full review was necessary.

In 1997, the Commons Modernisation Committee, in its first report, *The Legislative Process*, stressed the need for effective post-legislative scrutiny and noted that MPs' constituency work provided an important indicator when legislation was causing unexpected problems. Although many of the Committee's

proposals were subsequently adopted, most notably those on pre-legislative scrutiny, programming of legislation and carry-over of Bills, the proposals relating to post-legislative scrutiny failed to make any headway. Robin Cook MP addressed the question of post-legislative scrutiny as part of his programme of reforms as Leader of the House of Commons. In his memorandum to the Modernisation Committee in December 2001 he wrote:

'A key weakness in Parliament's scrutiny of legislation is that there is no consistent arrangement to monitor the implementation of laws once they have been passed... Members of Parliament, with their extensive constituency experience, are well-placed to monitor how new legislation is working out in practice. The more that select committees are involved in the scrutiny of draft legislation, the better placed they will be to monitor the implementation of new laws and to propose, where appropriate, remedies to any problems they identify.'<sup>14</sup>

## BOX B INCORPORATING A REVIEW INTO LEGISLATION

One model that already exists is for a review of legislation to be written into the original legislation. This was the case with the Anti-Terrorism, Crime and Security Act 2001 which was passed following the terrorist attacks on 11 September 2001 and contained provisions which included indefinite detention without charge, in certain circumstances, for foreign nationals suspected of links to international terrorism. In passing this part of the legislation, the Government derogated from (suspended) part of its obligations under the Human Rights Act 1998. At a late stage of its passage through Parliament, a number of safeguards were added to the Bill.

One safeguard involved a 'sunset clause' that provided that part of the Act would cease to operate in November 2006. Also Part 4 of the Act (the detention provisions) was separately subject to a requirement for annual renewal by affirmative resolution of each House. The Joint Committee on Human Rights (JCHR) reported on the annual renewal orders in March 2003 and March 2004, and on each occasion continued to press the Government to provide a more persuasive justification that there was a continuing emergency threatening the life of the nation, justifying a derogation from the European Convention on Human Rights. Another safeguard provided that the whole Act would be subject to a review by a committee, consisting of no fewer than seven Privy Councillors, who should report to

Parliament no later than two years after the Act was passed. The then Home Secretary, David Blunkett MP, subsequently appointed a committee, under the chairmanship of Lord Newton of Braintree, to carry out this review.

The Newton Committee reported in December 2003 and its key findings included, 'We consider the shortcomings [of the Act] ... to be sufficiently serious to strongly recommend that the ... powers which allow foreign nationals to be detained potentially indefinitely should be replaced as a matter of urgency.' The Home Secretary immediately rejected this recommendation, as well as other proposals from the Committee. He maintained this position during a debate in the Commons in February 2004. Nonetheless, in December 2004 the Law Lords ruled that the provisions on indefinite detention were unlawful, forcing the Government to change its stance on this matter.

This example shows a useful model of post-legislative scrutiny, in that the review was built into the legislation in question. However, it also shows the limitations of parliamentary review. Although a very eminent panel of Privy Councillors came out strongly against key provisions, the Government was able to reject their calls for reform. In much the same way as pre-legislative scrutiny, this form of post-legislative review was advisory only.

However, in May 2002, when the Commons formally adopted guidelines for core tasks for select committees, there was no specific reference to post-legislative scrutiny.<sup>15</sup> In April 2003, the Liaison Committee in its Annual Report for 2002 identified examining ‘the implementation of legislation and major policy initiatives’ as one of select committee’s core tasks.<sup>16</sup> Once again, despite such influential backing, no systematic programme of post-legislative scrutiny has been adopted.

The impetus for reform continued with the publication, in October 2004, of the House of Lords Constitution Committee’s report, *Parliament and the Legislative Process*. The Committee placed considerable emphasis on proposals for post-legislative scrutiny, concluding that ‘the case for greater post-legislative scrutiny is, we believe, compelling. It is one widely accepted by those who gave evidence to us.’<sup>17</sup> Its central recommendation was that most Acts, other than Finance Acts, should normally be subject to review within three years of their commencement, or six years following their enactment, whichever is the sooner. (The Committee chose the latter period to cover cases where a Minister may not have brought the provisions into force. A review would then force a Minister to explain why it had not been brought into effect.)

The Committee also raised an alternative proposal, which would be to make use of ‘sunset clauses’ so that the Act in question would cease to have effect after a stipulated period. In such cases, if the government decided that there was a continuing need for the specific provisions, it would have to submit new proposals to Parliament. In March 2005, the opposition’s demand that a ‘sunset clause’ should be added to Prevention of Terrorism Bill caused some of the bitterest controversy between government and opposition and, between Commons and Lords, of recent times. In the end, after marathon sittings of Parliament, the Government agreed that Parliament should be able to amend the disputed law, as part of new anti-terrorism legislation planned for 2006, something which the opposition parties regarded as a ‘sunset clause’ in all but name. However, although this procedure may be attractive in theory, in reality, regular use of ‘sunset clauses’ would place enormous demands on Parliament.

**6 Post-legislative scrutiny; the role of Government:** Government departments already undertake post-legislative scrutiny on the effects of Acts of Parliament, particularly when the Act in question has a high public profile. For example, the Anti-Social Behaviour Act 2003 is being monitored by the Government, even though there was no formal requirement in the Act that required this. There is a specific monitoring of ten key areas and the Home Office has allocated £75 million for implementing action plans and assessing their effectiveness.<sup>18</sup> The Department for Work and Pensions routinely undertakes research to assess the effects of changes in social security benefit entitlement, looking at how the caseload of the particular benefit may have been affected. A further example is that the Lord Chancellor receives quarterly assessments and summaries of decisions taken by the courts, which are affected by human rights questions. These summaries are passed to the JCHR.

Government departments obviously have a key role to play in post-legislative scrutiny. They should be encouraged to produce reports as a matter of routine on the effects of legislation and make such material available to Parliament. This research could be central to the decision by a parliamentary committee in deciding whether to conduct further post-legislative scrutiny. Such research should also be available publicly so that consumer and other interest groups can utilise it to strengthen their own evidence to Parliament and government.

**7 Checking assessments:** When a Bill is presented to Parliament, the government produces assessments on the legislation’s likely effects, as part of the Explanatory Notes that accompany the Bill. These include Regulatory Impact Assessments, which look at its implications for businesses, charities and voluntary bodies. Parliamentarians use these assessments to help them in their scrutiny and in their decision to give eventual consent to the law. One obvious way to assess whether the law in question is working as intended would be to monitor the accuracy of the predictions made in the assessment. If the actual outcomes were found to vary significantly from the forecasts, this might be a trigger for a fuller post-legislative review. Parliamentary committees could ask the government

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to monitor and evaluate the assessments and provide the results to Parliament. Alternatively, as the Constitution Committee has proposed, select committees could be given enhanced budgets to allow them to commission research.

The Constitution Committee has also proposed that the government should include an extra element to the Explanatory Notes, to be included in an introductory section. This would involve ‘a clear and developed explanation of the purpose of the Bill’ and would incorporate or be accompanied by, ‘the criteria by which the Bill, once enacted, can be judged to have met its purpose’.<sup>19</sup> Assessment of whether the Act had achieved these stated purposes and outcomes would be a crucial factor in the subsequent post-legislative scrutiny.

## 8 Post-legislative scrutiny; the role of committees:

Most proposals for enhanced post-legislative scrutiny identify departmental select committees as the most suitable vehicle to carry out this work. For example, the Modernisation Committee in 1997 suggested instructing select committees, through an amendment to their terms of reference, to carry out such monitoring on a systematic basis. Alternatively, it suggested that an ad-hoc committee could be formed for the purpose of considering a particularly problematic Act. There are obvious advantages in making select committees the primary focus of such work in that MPs, and staff, would have developed expertise and experience in the subject area.

In addition to select committees, other bodies might play a useful role. In particular, Joint Committees of both Houses might be used to bring different sets of expertise, or two Commons select committees might work together if the Act had implications that crossed their individual remits. *Making the Law* also raised the possibility that select committees might appoint sub-committees specifically to carry out post-legislative reviews.

A full review would be able to take evidence (both written and oral) from experts, pressure groups and those directly affected by the legislation. This would provide another mechanism for involving the public, in much the same way that pre-legislative scrutiny has been able to do. One key constituency would be

lawyers and the courts. *Making the Law* identified the role of the courts, both civil and criminal, in highlighting cases which may reveal weaknesses in statute and where judges draw attention to ambiguities and apparent errors in the law.

In the Scottish Parliament, post-legislative scrutiny is carried out by subject committees, which combine the functions of Westminster select and standing committees. There is no requirement for the committees to carry out post-legislative scrutiny and it is up to them which inquiries, if any, they decide to undertake. However, the evidence suggests that Scottish Parliament committees carry out more formal post-legislative scrutiny than their Westminster counterparts. Examples include the Justice (2) Committee 2004 inquiry into the Adults with Incapacity Act 2000 and the series of inquiries by the Communities Committee into the Housing (Scotland) Act 2001. It is possible that, as the subject committees undertake the detailed scrutiny of legislation (as well as pre-legislative scrutiny), they have more inclination to follow up their work as well as developing a culture of expertise on legislative matters.<sup>20</sup>

## 9 Avoiding overload; time, resources and support:

A great deal of Parliament’s time is spent on the legislative process as it stands; the addition of extra functions would inevitably increase that commitment even further. Many believe that the work of Parliament, and individual MPs and Peers, is already stretched too far in different directions. Proposals for a consistent system of post-legislative scrutiny must be realistic and set within the context of the many competing demands for increased work by select committees. Furthermore, in the case of post-legislative scrutiny, it is inevitable that the workload would not be spread evenly, and that some select committees would face far greater demands than others.

Additionally, greater support and resources would further enhance the work of select and other committees. There has already been a very welcome increase in resources, most notably through the formation of the Scrutiny Unit, to support select committees in functions such as financial accountability and pre-legislative scrutiny. If a systematic programme of post-legislative scrutiny were ever to be introduced, extra resources would

be required to ensure that parliamentary committees were equipped properly to carry out the task. The Scrutiny Unit would be the most suitable location for such extra support.

**10 Recent developments:** In February 2005, the then Leader of the House of Commons Peter Hain MP expressed his view that ‘We should find ways to have better post-legislative scrutiny and to monitor the impact of legislation. ... We need to consider such scrutiny, perhaps in the next Parliament.’<sup>21</sup> On 17 March 2005, *The Times* reported the Government was committed to greater use of post-legislative scrutiny, pointing out that ‘Ministers believe that there has been too little emphasis on scrapping out-of-date laws or checking that new Bills work in practice.’<sup>22</sup> Two days previously, Phil Woolas MP, Deputy Leader of the House of Commons, had confirmed to the Commons that the Law Commission had agreed to carry out a study on post-legislative scrutiny, ‘in order to consider definitions of what that may be, [and] to inform the debates of the House.’<sup>23 24</sup>

In April 2005, the Government replied to Constitution Committee’s report, *Parliament and the Legislative Process*, and addressed the Committee’s proposals on post-legislative scrutiny.<sup>25</sup> The Government accepted both the case for improved post-legislative scrutiny, and that Parliament should have a role to play in achieving that. It believed, however, that the reasonable time-frame for post-legislative review should be six years after enactment rather than three years after commencement, which the Committee had put forward.

The Government pointed out that what is meant by ‘post-legislative scrutiny’ is often ill-defined and referred to the study that it had asked the Law Commission to undertake (see above). The Government rejected the Committee’s proposal that criteria to judge the Bill’s success should be included in the Bill’s Explanatory Notes.

**11 Conclusion:** Making the law is a central function of Parliament. It is also one that attracts considerable criticism. To improve the way that Parliament makes the law, the Hansard Society has long advocated the use of post-legislative scrutiny. There are strong grounds for believing that more regular and systematic post-legislative scrutiny would help to identify and rectify problems in flawed legislation. Furthermore, the knowledge that laws were to be subject to sustained monitoring may have a deterrent effect, making it less likely that laws unfit for their purpose would be passed.

Undertaking post-legislative scrutiny for all, or at least the majority of, Acts of Parliament would bring tangible benefits. Parliament would have a duty to consider the implications of the legislation that it passes and this would provide a mechanism for those affected to feed their views into the parliamentary process. There would be a far greater likelihood that defective legislation would be identified and rectified. Its existence might even lead to improvements in the quality of legislation in the first place and so avoid the need for patching or amending legislation. Rather than leaving such monitoring essentially to chance, it should become a core function of Parliament.

The Government’s response to the Constitution Committee’s report shows that progress is being made on this issue, although the Government’s commitment falls well short of the Committee’s position. Therefore, the case for systematic review of legislation will no doubt continue to be made.

## ENDNOTES AND REFERENCES

- <sup>1</sup> Hansard Society, *Making the Law*, the report of the Hansard Society Commission on the Legislative Process, London: Hansard Society (1992).
- <sup>2</sup> Brazier, A., (ed.), *Parliament, Politics and Law Making, Issues and Developments in the Legislative Process*, London: Hansard Society (2004).
- <sup>3</sup> Hansard Society, Issues in Law Making Briefing Paper 5, *Pre-legislative Scrutiny*, (July 2004).
- <sup>4</sup> Lord Norton of Louth, Parliament and Legislative Scrutiny: An Overview of Issues in the Legislative Process, in *Parliament. Politics and Law Making*, (Brazier, A, ed.), Hansard Society, 2004.
- <sup>5</sup> Constitution Committee, (2003-04), *Parliament and the Legislative Process*, HL 173-I
- <sup>6</sup> *ibid.* (Vol. II, paras.164-167).
- <sup>7</sup> *ibid.* (Vol. II, paras 159-161).
- <sup>8</sup> Hansard Society, *Making the Law*, the report of the Hansard Society Commission on the Legislative Process, London: Hansard Society (1992).
- <sup>9</sup> Social Security Committee, (1994-95), *Compensation Recovery*, HC196.
- <sup>10</sup> Constitutional Affairs Committee, (2002-03), *Children and Family Court Advisory and Support Service (CAFCASS)*, HC 614.
- <sup>11</sup> Constitution Committee, (2003-04), *Parliament and the Legislative Process*, HL 173-I, (Vol. II, p.27, para.9).
- <sup>12</sup> For more information on this case, see Paul Evans, The Human Rights Act and Westminster's Legislative Process, in Brazier, A., (ed.), *Parliament. Politics and Law Making, Issues and Developments in the Legislative Process*, Hansard Society, (2004).
- <sup>13</sup> See Hansard Society, Issues in Law Making Briefing Paper 3, *Delegated Legislation*, (December 2003).
- <sup>14</sup> Modernisation Committee, (2001-02), *A Reform Programme for Consultation, Memorandum submitted by the Leader of the House of Commons*, HC440.
- <sup>15</sup> HC Deb 14/5/02, vol 385, col 648.
- <sup>16</sup> Liaison Committee, *Annual Report 2002*, April 2003, HC 558.
- <sup>17</sup> Constitution Committee, (2003-04), *Parliament and the Legislative Process*, HL 173-I.
- <sup>18</sup> Home Office, Anti-Social Behaviour Action Plan, 14/10/2003.
- <sup>19</sup> Constitution Committee, (2003-04), *Parliament and the Legislative Process*, HL 173-I, paras 86-87.
- <sup>20</sup> The Hansard Society is grateful for reference use of the research paper, *Report on Post-legislative Scrutiny*, by Karishma Desai, July 2004 (unpublished).
- <sup>21</sup> HC Deb 10/2/05, vol 430, col 1674.
- <sup>22</sup> 'Reform to keep laws up to date', *The Times*, 17/3/05.
- <sup>23</sup> HC Deb 15/3/2005, vol 432, col 144-145.
- <sup>24</sup> For more information on the Law Commission, see 'The Law Commission and Government; Working together to deliver clear, simple, modern law.' Law Commission, 8 June 2004.
- <sup>25</sup> Constitution Committee, (2004-05), *Parliament and the Legislative Process: The Government's Response*, HL 114.

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