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# Briefing MPs on Bills in the UK House of Commons

## Abstract

The paper offers an overview of the legislative process in the United Kingdom Parliament and describes the briefing provided to the Members of Parliament by the House of Commons Library in the various stages of the passage of a bill, even once legislation has been enacted.

## Keywords

United Kingdom; Parliament; House of Commons.

## Resumo

*Este artigo oferece uma visão geral do processo legislativo no Parlamento do Reino Unido e descreve os documentos informativos fornecidos pela Biblioteca da Câmara dos Comuns aos Membros do Parlamento, nas várias fases da aprovação de um projeto de lei, mesmo depois de a legislação ter sido promulgada.*

## Palavras-chave

*Reino Unido; Parlamento; Câmara dos Comuns.*

## Introduction

Scheduled briefing of Members takes place while a bill is before the House of Commons, so this paper begins with an overview of the legislative process and the way a parliamentary session operates in the UK Parliament.

The questions of when and how the House of Commons Library provides briefing are linked so the information that Members need to understand the background and the content of a bill, and when that information is needed are considered together.

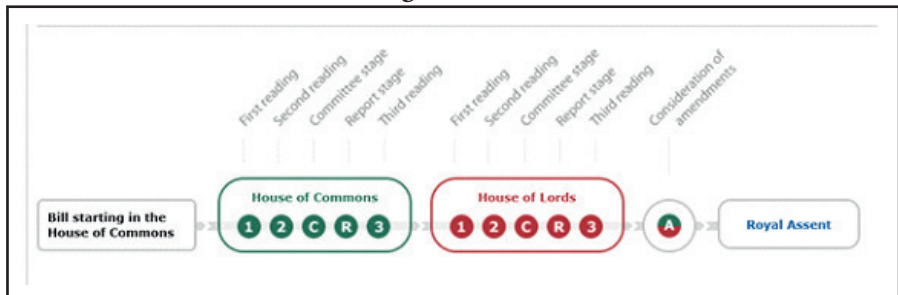
Briefing is also provided on what happens to a bill as it goes through Parliament. Was it amended; were commitments to amend given; what did the opposition want? An outline of when this is done is offered.

Finally briefing might be needed once legislation has been enacted.<sup>1</sup>

## The passage of a bill

A bill can start its passage through the UK Parliament in either House but it has to go through similar stages in both Houses (see Figure 1) and the final text has to be agreed by both Houses before it can be presented for Royal Assent.

**Figure 1:**  
**The passage of a bill (starting in the House of Commons) through the UK Parliament**



Source: UK Parliament, [undated].

First reading is purely formal – but it provides the authority to print the bill. Until that point the text of a bill is not available.

<sup>1</sup> The House of Lords has its own Library and its staff provides some briefing for members of the House of Lords on bills.

Second reading is a plenary debate, usually around six hours, on the principles of the bill. At this stage, it could be rejected in its entirety. The Library provides briefing for this debate.

At committee stage, oral evidence hearings on the provisions of the bill can take place – the Library is generally not involved in these sessions. Amendments to the bill are considered and each clause and schedule of the bill has to be agreed to. Committees usually comprise around 18 MPs.

At Report Stage, the bill returns to the plenary chamber and can be amended further. At this stage only amendments are debated. That is, parts of the bill that are not subject to amendment are not debated again. A Library briefing paper at this stage outlines key arguments, decisions and commitments at Committee Stage.

At third reading, a quick review of the debates on the bill is given; again at this stage the bill can be rejected in its entirety. In the House of Commons, report stage and third reading are usually taken on the same day.

The bill is then sent to the second House. Any amendments made there are sent back to the first House. At this stage only the amendments are debated. When they are agreed or alterations to them are agreed by both Houses, the bill can be presented for Royal Assent. If sufficient time is available, the Library will produce briefing for debates on Lords Amendments.

## **Bills and the parliamentary session**

Although bills are not seen until they are formally introduced into Parliament, they are not unknown before that point. Not only has a lot of policy development work gone on (green/white papers), at the beginning of each Parliamentary Session, at the State Opening of Parliament, the Queen sets out the Government's legislative programme. In a short speech, written by the Government, the Queen provides an overview of the Government's plans to introduce legislation in the coming parliamentary session. In recent years, the Queen has announced about 25 proposed bills in each Queen's Speech.

For example, in December 2019, two sentences in the Queen's Speech pointed to three separate pieces of legislation:

My Government will ensure those charged with knife possession face swift justice and that the courts work better for all those who engage with them, including victims of domestic abuse. Legislation will be brought forward to support victims of crime and their families (UK PARLIAMENT, 2019).

The Government's briefing on the Queen's Speech confirmed that proposed bills included:

- Serious Violence Bill – addressing knife possession;
- Divorce, Dissolution and Separation Bill – to “remove issues that create conflict within the divorce process”; and
- Domestic Abuse Bill (PRIME MINISTER'S OFFICE, 2019).

The Government's briefing set out the main purpose and the main elements of all the bills that were announced.

Additionally, some bills are published in draft. That is, before a bill is ready for formal introduction, the Government publishes a document that looks like a bill for scrutiny. Scrutiny of a draft bill can be undertaken by a specially appointed committee or by an existing committee. Bills subject to pre-legislative scrutiny might be very technical or controversial. Any report and comment on the provisions of a draft bill are useful in briefing when the real bill is introduced. Even if it is simply highlighting how the draft bill and real bill differ and explaining why they differ.

### **Briefing papers and bespoke responses**

The House of Commons Library's key performance indicators include producing briefing papers on Government bills and the first seven backbench (private Members') bills in each session.

The Library specialists responsible for these briefing documents also respond to individual enquiries from Members and their staff. Sometimes on specific aspects of a particular piece of legislation. Enquiries also come in connection with constituency business and other non-legislative business before the House. Briefing material is also produced for most non-legislative debates.

### **The introduction of a bill**

When a bill is introduced, the Government publishes additional information alongside the bill.

- Explanatory Notes provide a plain English description of the policy context and the provisions of the bill;
- An Impact Assessment sets out the effect that the provisions are expected to have on those affected;
- A Delegated Powers Memorandum, prepared for a committee in the House of Lords, reviews those parts of the bill that delegate

further powers to ministers, perhaps to make changes to the legislation in future; to set rates of funding or support; or to make regulations to set out the detailed working of the bill, which provides the overall scheme.

All of this information can be helpful in preparing a briefing for MPs. So too can information produced by other groups interested in the legislation – non-governmental organisations; lobby groups; pressure groups; and think tanks. In addition, some bills are first introduced into the House of Lords, so debates in the House of Lords can provide detail about arguments and issues raised in the bill.

At this point, the Library specialist needs to decide how to provide briefing on a bill. Both the size and complexity of the bill introduced and the time available<sup>2</sup> to produce a briefing affect the briefing material that is produced.

The key elements of a briefing paper on a bill are:

**CONTEXT OF THE BILL:** A bill briefing will include information on the background to the policy development – drawing on consultations; any pre-legislative scrutiny if the bill was published in draft before its introduction; and departmental announcements about the policy plans in the past.

**DESCRIPTION OF THE BILL:** A short bill might enable a commentary on the clauses; a paper on a longer bill is likely to identify the key themes and policy areas, and contentious issues, rather than go into great detail on all of the provisions. Occasionally, for very large bills, more than one briefing paper has been produced, each covering different aspects.

**ISSUES RAISED BY THE BILL:** A bill briefing will consider whether the bill challenges existing conventions, certainties etc. and identify any novel approaches taken in the legislation.

**INITIAL REACTIONS TO THE BILL:** Relying on pressure groups/ interest groups etc. news reports of reactions of the official Opposition and groups of MPs within the governing party etc, the briefing paper will highlight responses to the bill from supporters, opponents and those affected by it.

## Monitoring the passage of a bill

Following its second reading, a bill is usually referred to a small committee to take evidence from interested parties and to scrutinise the bill clause by clause.

At this stage, amendments can be made and the committee also has to agree to the inclusion of each clause, whether amended or not, in the bill.

2 By convention there are two weekends between a bill being introduced and its second reading, but this is not always the case. Business for the forthcoming week is usually announced on a Thursday – it is at this point that the timing of any debate is confirmed.

Amendments are used to serve several purposes.

- They might be probing – to better understand what effect the government is aiming to achieve;
- They might be substantive – in order to alter the bill;
- They might be technical (often from the Government) – because they have realised that something does not work;
- They might make changes, agreed by the Government, in response to pressure at an early stage.

Sometimes amendments are not made but the principle behind an amendment is accepted by the Government and a commitment given to bring forward changes at a later stage.

The briefing provided as a bill proceeds through Parliament reflects these developments. It would highlight the major areas of dispute in a bill; record changes made to the bill; and commitments to make changes at a later stage.

Questions about particular amendments or tracking how individual provisions changed sometimes come to the Library as individual enquiries from Members or their staff. These are usually dealt with separately but individual enquiries, can feed into the published briefing material and vice versa.

Briefing deadlines are again affected by the timetable that the Government imposes on a bill.

When it comes to considering amendments from the House of Lords, timetables are sometimes very hurried.

### **What happens after Royal Assent?**

Briefing on legislation does not stop once it has completed its passage through both Houses of Parliament. How the legislation works in practice; its affect on constituents, businesses or other interest groups continues to interest Members of Parliament – sometimes in their committee roles and sometimes in their individual roles.

So questions about how legislation can be amended; and the impact it has had compared to the anticipated impact of the legislation arise.

Additionally, Government has undertaken to review most legislation within three to five years of Royal Assent – and to produce a post-legislative scrutiny memorandum. These documents can be taken up by committees or prompt questions from individual MPs but also form additional resources for Library staff to brief on the impact of legislation.

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