1. My name is Mark Ryan and I am a Senior Lecturer in Constitutional and Administrative Law at Coventry University. My submission, however, is made in my own personal capacity and indicates my personal observations on delegated legislation. It in no way reflects the views of my employer (Coventry University).

2. Question 1: Although it is axiomatic that delegated legislation violates the constitutional principle of the separation of powers, it can be justified on the basis of practical necessity as it is simply impossible for Parliament to legislate for every possible eventuality. Delegated legislation should be used to fill in legislative detail and never for policy (whether narrow or broad principles). Delegated legislation should not be used in a way which either infringes the rights of individuals or which violates a constitutional principle.

3. Question 3: Primary legislation needs more effective parliamentary scrutiny in general, and this is of paramount importance in the context of enabling Bills which propose to confer wide-ranging powers onto the executive.

4. Question 6: The inherent problem with parliamentary scrutiny of delegated legislation is that the enabling/parent Bill itself is drafted by the Government of the day. This means, therefore, that at the outset it is the executive which will determine the degree of scrutiny the delegated powers will receive. This then accounts for the preponderance of negative resolutions. The scrutiny of delegated legislation would be improved by two changes: firstly, more Statutory Instruments should be subject to a positive resolution. Secondly, more time should be spent on the Floor of the House examining Statutory Instruments, rather than in Delegated Legislation Committees.

5. Question 9: There should be a heightened level of scrutiny of Henry VIII clauses/powers and it is contended that they should never be used to either infringe the rights of individuals or violate a principle of the constitution.

6. Question 10: The present Explanatory Notes do contain adequate information, nevertheless, the inherent problem here is public awareness of them.

7. Question 12: For practical purposes and the volume of existing European law, it seems inevitable that at least some (and probably considerable) delegated legislation will have to be used to convert existing EU law into British law.

8. Question 13. Delegated legislation should not be used to remove or excise transposed European Union law, as this should only be done by primary legislation.

9th January 2017