INTRODUCTION

1. The British Bankers’ Association (BBA) welcomes the opportunity to provide evidence on the delegation of powers to the Constitution Committee (the Committee) inquiry on the legislative process.

2. The BBA is the leading trade association for the UK banking sector with more than 200 member banks headquartered in over 50 countries with operations in 180 jurisdictions worldwide. Eighty per cent of global systemically important banks are members of the BBA.

3. We set out our detailed responses to the questions raised by the Committee below. In summary, our view is that:

   (a) In ordinary circumstances, the use of delegated legislation should be tightly constrained.

   (b) In the financial services context, given the technical and changing nature of the market, delegated legislation\(^1\) is frequently used. In our view, this approach has generally worked well.

   (c) In the context of Brexit, and the Government’s plans to transpose the EU *acquis* into UK law, to ensure legal continuity and to avoid disruption to businesses, customers, markets and the economy, it may be necessary to take a more flexible approach to delegated legislation, at least in the short term.

   (d) A flexible approach to the use of secondary legislation is appropriate given the highly unusual nature of this exercise: the Government will not be introducing new legislation via this route, rather it will be ensuring the continuation of existing law. Accordingly, from a constitutional perspective, there is less need for detailed scrutiny.

   (e) Such an approach would, however, have to be subject to its own limits. For example:

      (i) Given the likely timing constraints, it is recognised that lengthy consultation periods will not be possible. However, in most instances consultations will not be necessary, given that this is intended to be purely a transposition of the existing EU *acquis* into domestic law, rather than an occasion to introduce new principles or repeal existing measures. Expert technical drafting input may be required from legal experts in the relevant market or sector. For example, certain definitions may not be workable in the domestic context and terms used may be common across multiple instruments and a consistent and coherent approach will be required to avoid uncertainty and possibly unintended consequences. We would strongly recommend the establishment of standing committees of experts to advise the Government on drafting amendments required to effect that transposition. Such committees would be composed of legal experts from the public and private sector.

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\(^1\) There are over 300 statutory instruments that have been made under the Financial Services and Markets Act 2000.
(ii) Early consideration should be given as to whether, in areas where it will be necessary to have a consistent approach to statutory drafting, primary legislation or (published) guidelines should clearly dictate the agreed approach (e.g. how you replace common terms such as references to the Court of Justice of the EU).

(iii) We recognise that in some instances decisions on principles and policy may be required. We anticipate such questions arising in areas where transposition necessarily involves some amendment because there is no way under national law to replicate directly a particular provision. For example, where a provision only works because there is reciprocity within the EU. There may also be EU legislation where the underlying regulatory technical standards have yet to be issued by the applicable EU body and it will be necessary to determine whether the UK will implement these standards (even after Brexit) or take a different approach. Consideration should be given as to whether a process could be put in place whereby when such issues arise (and timing permits), they could be referred to Parliament.

(iv) More generally, given the volume of material involved, we anticipate that either a Parliamentary Brexit sub-committee should be set up to scrutinise all delegated legislation and/or that the House of Lords’ Delegated Powers and Regulatory Reform Committee and the House of Lords’ Secondary Legislation Scrutiny Committee be upgraded and resourced appropriately to ensure that delays in decision-making are minimised.

(v) To avoid market disruption and allow sufficient time for compliance and amendments to systems and processes, any delegated legislation must be passed and made public in good time – i.e well ahead of the date of Brexit itself. Given the likely time frames involved in the Article 50 negotiations, time will therefore be of the essence. The transposition of legislation that is complex and important to market stability should be prioritised.

(vi) For the reasons summarised in this paper, it is submitted that in the majority of cases financial services secondary legislation transposing the EU acquis could be appropriately dealt with via the negative resolution process.

(vii) As the Committee is aware, when the UK ceases to be a member of the EU, the Treaties and EU Regulations will fall away unless there is equivalent legislation put in place. In the financial services context, this will leave certain consequential measures introduced by way of delegated legislation (e.g. certain FCA/PRA Handbook provisions) without a legislative anchor. These issues will also need to be addressed.

(viii) Finally, when it comes to the interpretation of such delegated legislation, careful consideration should be given to the approach taken to existing (and future) EU jurisprudence. This is an issue that will no doubt form part of high-level policy debates.
CONSISTENCY OF APPROACH

Question 1: For what purpose is it appropriate to delegate powers to make law to Government? Is there a clear boundary between subject-matters which are appropriate for primary legislation on the one hand, and for secondary legislation on the other?

4. As the Committee will be aware, there is no formal constitutional limit in the UK on the extent to which the passage of legislation can be delegated. We understand that in practice Parliament principally determines the general policy but delegates powers to implement that policy through secondary legislation to Government in circumstances where the subject matter is technical or overly complex, making it difficult to deal with in the primary legislation. Other considerations may be that a particular subject-matter requires adjustment more often than is possible through primary legislation or it is necessary for time to pass post-adoption of the primary legislation before detailed rules can be made in the financial services context. HM Treasury is typically given the power to make statutory instruments with the enabling provisions being found in specific legislation, such as the Financial Services and Markets Act 2000 (FSMA 2000), or section 2(2) of the European Communities Act 1972. Where such powers may expand or restrict the regulator’s authority or increase the impact of regulation on consumers, the potential impact of the use of such power has generally justified draft affirmative Parliamentary scrutiny. Where the power relates to technical details or their effect on consumers is permissive, it has often been considered appropriate for the negative procedure to apply.

5. Also in the financial services context, memoranda concerning the scrutiny of bills which include delegated powers already identify that where an area is highly complex and technical it is appropriate for the regulator to make such rules against the policy background set by Parliament and/or the Government, as well as against the background of the markets for regulated products and services as it is continuously developing. FSMA 20002 makes specific provisions for such rules. There is an established principle that the regulator is best placed to deal with the operational detail of the regulatory regime, although the policy and regulatory perimeter is set by Parliament and the Government (typically HM Treasury) as noted above. Such rules are not statutory instruments.

6. We are aware of concerns that have been raised about what is perceived by some as a trend by Governments to use delegated legislation to deal with points of policy and principle, rather than bringing these matters before Parliament by way of primary legislation (see for example, The Hansard Society’s The Devil is in the Detail3, and the observations of the Rt Hon Lord Judge on the dangers of the proliferation of the use of Henry VIII clauses and secondary legislation.)4 We also note Lord Judge’s5 arguments that the volume of secondary legislation produced and the fact that less than 0.01% of that legislation since 1950 has been rejected by either House of Parliament risks Parliament becoming a “mere cipher for the will of the executive”.

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2 See section 138.
3 The Hansard Society, November 2014. The Hansard Society’s Delegated Legislation blog by Joel Blackwell observes “the use of delegated legislation by successive governments has increasingly drifted into areas of principle and policy rather than the regulation of administrative procedures and technical areas of operational detail. There is concern that delegated legislation is now being used for administrative convenience and often in circumstances where governments have not fully pinned down the detail of policy proposals. There has been such an expansion in the scope and application of powers and procedures that a precedent could arguably be found to justify almost any form of delegation a minister might now desire”.
4 In his Mansion House Speech on 13 July 2010 Lord Judge argued that as to the use of Henry VIII clauses, “proliferation of clauses like these will have the inevitable consequence of yet further damaging the sovereignty of parliament and increasing yet further the authority of the executive over the legislature” https://www.scribd.com/document/34326585/Lcj-Speech-Mansion-House-13072010-1
7. In the context of financial services legislation, however, the delegation of the passage of that legislation has been appropriate. This is due to the technical nature of financial services legislation, and the need to respond to market developments quickly and with a high degree of technical proficiency, especially should they often relate to interlinked and global financial markets. The high level policy and regulatory perimeter has remained a matter for Parliament and, within the bounds set by primary legislation, Government.

Question 2: Does the Government have a consistent approach to the delegation of powers and, if so, on what basis has that approach been adopted? Has the outcome of this approach been satisfactory?

8. We are not in a position to comment in any detail on a cross-sector basis so have limited our comments to financial services.

9. In the context of financial services, both Parliament and the Government have been consistent in their approach to the delegation of powers. As indicated above, it has been adopted on the basis that it is necessary given the highly technical nature of the areas requiring legislation. This is in our view an appropriate use of delegated legislation and the outcome has been generally satisfactory.

Question 3: How effective is Parliamentary scrutiny of provisions in primary legislation that delegate power to the Government?

10. As the Committee will be aware, the House of Lords’ Delegated Powers and Regulatory Reform Committee reviews the extent to which legislative powers are delegated by Parliament to Government ministers, and examines all Bills with delegating powers which allow statutory instruments to be made before they begin their passage through the House. We understand that the House of Commons has no equivalent committee. Having said this, we are aware that the delegated powers memorandum, drafted for the House of Lords’ Committee, has to be approved by the relevant minister and the House of Commons’ Parliamentary Business and Legislation Committee (PBL Committee). The memorandum should justify the inclusion of any delegated powers and address any concerns that might be raised.

11. In the context of Brexit, urgent consideration should be given as to whether this structure is adequate (see further below).

12. One consequence of enacting delegated legislation is that the courts can strike down such legislation if it is held to be outside the scope of the power conferred by Parliament, on the basis that it is unlawful/ultra vires. Clarity as to the precise extent to which powers are delegated should reduce the risk that Government acts outside those powers. As such, effective Parliamentary scrutiny of provisions in primary legislation that delegate powers is a helpful mechanism for providing legal certainty.

Question 4: Are there circumstances in which ‘skeleton’ Bills and clauses are appropriate? Are ‘skeleton’ Bills and clauses becoming more frequent, and if so, why?

13. Under normal circumstances the use of skeleton bills should be tightly constrained so as to ensure appropriate parliamentary and stakeholder scrutiny.
14. In the financial services context however, the use of skeleton bills can be appropriate provided the body to whom the power is delegated is appropriate and the underlying detail is highly technical,\(^6\) or the timescales sufficiently pressing.

15. A further proviso in this context is that any detailed rules made under the framework legislation must be notified in a timely way. The need to avoid delay is a key concern for the market. An example (albeit in the EU context) of where the delayed notification of technical standards caused significant market disruption was in relation to the introduction of regulatory technical standards in relation to PRIIPS.\(^7\) In this instance, the industry faced the significant uncertainty of having to comply with framework legislation (a breach of which would give rise to civil liability) without the benefit of the technical details on the compliant standards. Ultimately the start date of this legislation had to be pushed back in order to prevent market disruption and poor outcomes for customers.

**Question 5:** How far are matters previously dealt with in secondary legislation moving into guidance, codes of practice and directions; and what are the implications of any such movement for Parliamentary scrutiny?

16. As has been discussed elsewhere, this practice means Parliamentary scrutiny is more difficult.

17. In the financial services context we are not aware of any change in approach. There is an established practice set out in FSMA 2000 of the UK regulators issuing guidance, codes of practice and/or directions. Such codes, recommendations, guidance or directions are generally considered to be helpful in establishing best practice and consistent standards of behaviour in areas in which it is often not practical to legislate (whether because of the constantly developing nature of the market or regional or sectorial differences requiring more flexibility and fluidity and/or less prescriptive terms). Certainly in the UK market, the regulators can effectively require compliance with otherwise less binding principles by using such standards as a benchmark for behaviour and participation in a regulated market (e.g. under the Senior Managers and Certification Regime).

18. Guidance is also issued by the regulators (national, EU and international) in the industry to assist the market in interpreting legislation. This is generally considered to be a helpful approach.

19. It has not been the case that areas traditionally dealt with in secondary legislation have been “downgraded” to guidance or codes. In the financial services industry, the reverse is indeed sometimes the case with guidance and recommendations subsequently turned into legislation.

20. In the context of Brexit there may be little option but to deal with certain financial matters by way of guidance and codes of practice. Again timing and resource will be key, draft guidance and codes of practice should be published in sufficient time to allow review and comment.

**SCRUTINY OF SECONDARY LEGISLATION**

**Question 6:** The extent to which it is appropriate for Parliament to devolve power to the Government inevitably depends on the appropriateness of Parliament’s future scrutiny of the exercise of those powers. To what extent are current procedures for scrutinising secondary legislation effective?

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\(^6\) We note Lord Judge in his speech in April 2016 concluded that “Unless strictly incidental to primary legislation, every Henry VIII clause, every vague skeleton bill, is a blow to the sovereignty of Parliament. And each one is a self-inflicted blow, each one boosting the power of the executive”.

\(^7\) Packaged Retail Insurance based Investment Products
21. As the Committee will be aware, delegated legislation is subject to more limited Parliamentary scrutiny than primary legislation. ‘Negative resolution’ delegated legislation comes into force when it is placed – or ‘laid’ – before both Houses by the Government. It remains law unless MPs or Peers pass a motion to strike it down. ‘Affirmative resolution’ delegated legislation becomes law only after Parliament has voted to approve it. A rare ‘super-affirmative’ procedure can require additional steps to be taken before the legislation can take effect. The procedure to be followed is set by Parliament when it creates the relevant power.

22. As noted above, there is a concern that policy issues have been dealt with by delegated legislation and the process itself lacks clarity.

23. The Committee will also be aware that the House of Lords Secondary Legislation Scrutiny Committee (formerly the Merits Committee) exists to consider every negative and affirmative statutory instrument (or draft statutory instrument) laid before Parliament with a view to determining whether the special attention of the House should be drawn to it.

24. We understand that the Secondary Legislation Scrutiny Committee reports every week, normally considering statutory instruments written 12-15 days of being laid before the House, and the House then considers whether to act on the Committee’s advice. The House of Commons has no equivalent committee.

25. In our view, there is room for improvement in the current procedures for scrutinising delegated legislation that will be of benefit to both Parliament and external stakeholders. In the financial context, the relevant industry bodies should be notified of the delegated legislation at the same time as they are laid before Parliament (as noted above). This will generally serve as an opportunity for Parliament to rectify any potential difficulties and improve drafting. For example, there was a technical error in the Financial Collateral Arrangements Regulations 2003 and shortly after they had been introduced (but before implementation) Financial Collateral Arrangements Regulations (No2) had to be introduced to correct the error.

26. In the Brexit context, our over-arching concern is market continuity and our members’ ability to continue to serve clients and customers. Given timing constraints, improvements to existing legislation and regulation may not be immediately possible. It is submitted that in the majority of cases financial services secondary legislation transposing the EU acquis could be appropriately dealt with via the negative resolution process.

Question 7: Is there a case for making secondary legislation amendable in certain circumstances (and if so, in which circumstances), or for greater use of an enhanced scrutiny process that allows Parliament to scrutinise draft instruments before a final version is introduced for approval (such as the existing super-affirmative procedure)? What problems arise from the ‘take it or leave it’ process currently used for agreeing secondary legislation?

27. With reference to the ‘take it or leave it’ approach it is noted that under existing arrangements if an instrument is laid in draft before Parliament (as is possible under both the affirmative
and negative resolution procedures) amendment are possible if Parliament does not make the required resolution. However, this does involve the new draft to be laid before Parliament de novo which is time-consuming.

28. In our view this is a rather crude and potentially time-consuming approach to amendments. There is a case for making secondary legislation amendable in some circumstances. Potential problems may only be spotted at a late stage after legislation is finalised and ideally it should be possible to rectify these.

29. As discussed below, the circumstances of Brexit mean that more flexibility may be required. Given timing constraints and the complexity of the transposition project, enhanced Parliamentary scrutiny, while desirable, may not be practical. It may be more practical to amend the current draft resolution procedures to incorporate the possibility of subsequent drafts being laid before Parliament.

30. In this regard we note in recent years more secondary legislation has included review and sunset clauses. This has been a broadly positive development as it creates the opportunity for amendment at a set time after the instrument has been made and for the legislation to be revoked unless a positive case is made for its continuation. Of course the need for amendment may arise before the review clause applies and, in those circumstances, the current Parliamentary process does permit the passage of urgent remedying secondary legislation.

**Question 8: Is there a case for allowing either or both Houses of Parliament additional powers to delay or reject secondary legislation?**

31. Consideration could be given to the introduction of review provisions into such delegated legislation in appropriate circumstances (e.g. by X date Parliament will review). This is quite common nowadays. Balanced against this is the need to avoid unnecessary uncertainty in the market.

32. While we can see merit in some form of review process in the Brexit context, our primary concern is avoiding delay in the implementation of equivalent measures. See comment at 34 below.

**HENRY VIII POWERS**

**Question 9:** Bills often include ‘Henry VIII powers’, which allow the Government to amend or repeal primary legislation by secondary legislation. For what reasons might such powers be appropriate, and with what level of scrutiny? Are there any subject-matters or purposes for which Henry VIII powers should never be used? Should Henry VIII powers ever be exercisable by a person who is not a Minister?

33. As the Committee is aware, there is an on-going debate as to whether (and if so when) it is constitutionally appropriate to use Henry VIII powers. As noted above, Lord Judge (amongst others) has expressed concern about their use. It is anticipated that the volume of EU legislation being transposed onto the UK statute book as part of the Brexit process may lead to these clauses being utilised more frequently.

34. As the UK exits the EU, the BBA’s principal concern is to avoid market disruption that would impact the sector’s ability to serve customers and business. A key element of any strategy to ensure market stability and an orderly transition is that there is a continuation of
the legislative and regulatory framework governing the markets. Whilst the BBA appreciates the wider constitutional concerns surrounding Henry VIII powers and the use of secondary legislation, the need for legal certainty as the UK exits the EU, ultimately may prove more critical in the short term.

**Question 10: Do the Explanatory Notes that accompany a Bill contain sufficient information about what the proposed secondary legislation will do?**

35. No general comment. In the financial context, as noted above, guidance is issued by the regulators (national and international) in the industry to assist the market in interpreting legislation. This is generally considered to be a helpful approach.

**Question 11: How far is the intended content of secondary legislation made clear when the Bill is going through Parliament? Should draft secondary legislation be routinely made available when Bills are scrutinised by Parliament? Are there any examples of secondary legislation that brought forward provisions which were unexpected in the light of information provided by Government when the primary legislation was being enacted?**

36. To a degree; practical considerations often result in the secondary legislation being only partial during the Parliamentary passage of a Bill. In other instances, the need for the secondary legislation arises after the primary legislation has been adopted. However, the circumstances of legislation transposing the EU *acquis* into the domestic framework may permit a more joined-up approach. This is to be encouraged as it will allow for the totality of the legislation to be reviewed together.

**BREXIT**

**Question 12: To what extent, in Brexit-related primary legislation, might the use of secondary legislation be necessary or justified to convert the ‘acquis’ (the body of existing EU law) into British law?**

37. In the context of Brexit, we believe that the use of secondary legislation (both in the form of statutory instruments and regulatory rules) is justified. This is because:

(a) Government/Parliament will have to transpose into UK law and regulation an accumulated 46 years of EU regulations by the deadline of the UK leaving the EU, which may be as soon as 2019, or conceivably even earlier.

(b) Not completing this process by the deadline would lead to significant legal uncertainty, which could prove very economically disruptive.

(c) The fundamental objective of the process of converting the *acquis* into British law is diametrically opposite to the normal objective of the legislative process: it is to preserve the continuity of law, rather than to change the law. As such, whilst in the ordinary course consultation processes and Parliamentary debates are used to ensure that (i) Parliament can effectively hold the executive to account and scrutinise changes to the law (ii) stakeholders who may be affected by any changes to the law have a chance to voice concerns about the impact of those effects; (iii) unintended consequences are avoided; and (iv) political objectives are met, in this instance, the political objective is to maintain continuity. As such, stakeholders are unlikely to experience changes that they could be affected by and unintended consequences are unlikely, hence a consultation process and Parliamentary scrutiny are much less likely
to be necessary as the legislative process is essentially aimed at preserving the status quo. We note in this regard that:

(i) It is currently common to transpose EU law, at least in part, through secondary legislation. In the financial services context, this is typically done through statutory instruments and regulatory rules.

(ii) All EU legislation will have already been through an EU consultation and political process, during which the concerns of stakeholders will already have been taken into account.

(iii) EU legislation applicable in the UK already includes measures that required no UK primary legislation and so was not subject to the usual UK legislative process.

(iv) In the case of regulated industries, such as financial services, much of the EU legislation (and there are several levels to this) that is applicable in the UK will have been addressed to national regulatory authorities, necessitating the drafting of regulatory rules under delegated authority from Parliament or the Government.

(v) Introducing additional Parliamentary and political scrutiny to the transposing of the EU acquis into UK law could lead to delays that mean necessary legislation is not in place in good time ahead of Brexit, resulting in disruption to the sector’s ability to serve customers.

(vi) Much EU legislation is dynamic and so in areas where Parliament determines that it would like to maintain alignment to the EU regime, it may be that secondary legislation and regulation proves to be the only realistic means of achieving that alignment.

38. Having said that, we recognise that there may be certain changes that need to be made to EU law when transposing it into UK law that will require decisions on a policy level, either at the point of transposition into UK law or afterwards. For example, we could envisage that policy decisions may be required in relation to:

(a) Amendments likely to be required during the transposition process that will be common to legislation in many different sectors/areas of the law – for example, as to the replacement of references to the EU or to the Court of Justice of the EU.

(b) Legislation (or provisions of legislation) which cannot be replicated under national law, for example because it would require reciprocity in EU Member States to be effective (a pertinent example would be the transposition of the Recast Brussels Regulation, the EU Regulation dealing with the allocation of jurisdiction and the enforcement of judgments between EU Member States).

(c) References to the European bodies. Increasingly, EU legislation has given powers to the European bodies, such as the power given to European Supervisory Authorities to ban short selling.9 A decision will need to be taken as to how to replicate these powers in the UK and on whom the powers will be conferred.

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9 Under the Short Selling Regulation
39. To ensure that such policy issues are properly dealt with and to ensure more generally that law-making powers are not delegated inappropriately, we would recommend that the following principles should apply:

(a) Guidance should be provided on how to deal with amendments that are likely to be common to legislation in many different sectors/areas of the law to ensure both that the policy objective is met and that consistency is maintained.

(b) If an amendment is purely technical in nature, is necessary only because EU law is being transposed into the UK legal framework, and is consistent with guidance provided, with no impact on the outcomes or objective of the legislation/regulation, then it should be transposed without Parliamentary scrutiny.

(c) If transposition will involve material changes, in that it will significantly affect the outcomes or the objectives of the legislation/regulation, confer new powers under UK law or create new policy then it should be subject to full Parliamentary scrutiny via primary legislation provided it can be done in a way that does not compromise bringing the legislation into force in good time ahead of the deadline of the UK leaving the EU.

(d) Any intended changes to legislation to meet other political objectives or because a decision is taken not to impose all EU law obligations should only be carried out at the time of transposition of the EU *acquis* if it can be done in a way that does not compromise meeting the deadline, or other political objectives such as access to EU markets.

(e) Expert technical drafting input will be required. As such we would strongly recommend the establishment of standing committees of experts to advise Government on drafting amendments required to effect the transposition. Such committees would be composed of legal experts from private sector who would work with the legal experts from the public sector.

40. Nothing in the above would compromise the ability of Parliament or Government to make any changes to the law at a timetable of its choosing after the UK has left the EU.

41. We would recommend that consideration should be given as to whether an efficient and timely process could be put in place such that, where the ability to legislate has been delegated but it transpires that high level policy decision are required which are outside the scope of the existing enabling provision, such decisions should be referred to Parliament. This would help ensure scrutiny is achieved and the distinction between what is properly a matter for primary and secondary legislation is observed thereby reducing the risk of unintended outcomes or legal challenges. In effect it would bolster the power of the House of Lords Secondary Legislation Scrutiny Committee.

42. Similarly, in appropriate cases, consideration could be given to the inclusion of a review provision into such delegated legislation clause – i.e. by X date Parliament will review the delegated legislation.

43. Given the volume of material, we anticipate that it may be necessary to convene a committee or sub-committee specifically charged with scrutinising delegated legislation and exercising strategic oversight and quality control ‘the Brexit Transition Commission’. It would be important that clear limits are set by Parliament on the extent of such a body’s power to
create or amend legislation and that proper scrutiny is applied to ensure that the body in fact acts within those limits.

44. There is nothing unique to EU legislation that would appear to necessitate a different approach in principle to the use of primary and secondary legislation and, for regulated industries, regulatory rules that applies more generally. If we take the example of UK bank ring-fencing, the principal statutory expectations are set out in primary legislation, the detailed, technical statutory prescription in statutory legislation and aspects involving regulatory supervision and governance in regulatory rules.

45. It would however make sense to be clear on the boundaries given the scale of the task ahead and there may be practical considerations concerning the availability of Parliamentary time.

46. Even in these circumstances, a good discipline is for the Bill Scrutiny Committee to ask for sight of any draft secondary legislation during the passage of the Bill. The dynamics may be different in the case of Brexit-related legislation, however, given that there will already be a statutory basis provided through the Great Repeal Bill.

47. To avoid market disruption and allow time for compliance and amendments to systems and processes, any delegated legislation must be passed and made public in good time – i.e. well ahead of the date of Brexit itself.

Question 13: Do you envisage that any changes will be required to procedures related to the delegation of powers or secondary legislation, to cope with the legislation likely to be required as a result of Brexit?

48. As indicated above there are a number of areas where procedures might be usefully improved and streamlined to cope with the scale of the transposition exercise.

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