1. My name is Mark Ryan and I am a Senior Lecturer in Constitutional and Administrative Law at Coventry University and I have written a textbook on Constitutional and Administrative law (4th edition, Routledge/Taylor & Francis Group, scheduled for 2018). My submission below is made in my personal capacity and indicates my brief personal observations on the legislative process. It in no way reflects the views of my employer (Coventry University). As an aside, it is perhaps worth noting that in September 2016 I delivered a conference paper to the Society of Legal Scholars at Oxford University entitled: ‘The process of constitutional legislation - an analysis of six case studies’. This involved comparing the procedural process of six selected constitutional Bills with the Select Committee’s 2011 recommended ministerial procedural checklist (The Process of Constitutional Change, HL Paper 177).

2. (Parliamentary scrutiny processes) From my own (albeit limited) survey of six selected constitutional Bills, it would appear that in general there is rough equivalence in the time spent at Second Reading in both chambers. However, there is a case for much longer (i.e. two day) Second Readings to take place on all major and controversial Bills (albeit it is conceded that ‘controversial’ is a loaded term). There is also concern about legislative stages in the House of Commons taking place on the same day (i.e. immediately following each other). This should be avoided if at all possible, as time is needed in between the stages of legislation. Finally, the Third Reading appears to be a purely perfunctory stage adding very little to the scrutiny of legislation.

3. From a constitutional perspective, the two chambers do have somewhat different roles in terms of legislation (i.e. the House of Lords is a revising chamber and has specific responsibility for matters relating to the constitution), although it seems fair to suggest that this is not widely understood by the public. In particular, the two Houses may be perceived to be two (equal) halves of Parliament, with no appreciation of the constitutional restraints imposed by convention on the actions and de facto powers of the House of Lords. Similarly, the complexity and technical nature of EVEL (English Votes for English Laws) in the House of Commons does not lend itself to be readily comprehended by the general public.

4. There should be much more use made of the expertise of existing select committees during the legislative process (as well as during the pre and post legislation). In addition, in terms of constitutional legislation, it is arguable that there should be a cross-cutting constitutional committee (analogous to the one in the House of Lords which performs an outstanding and invaluable role) to sift and examine Bills. Finally, unfortunately Brexit continues to dominate Westminster and the legislative process to the detriment of other issues. In short, every issue appears to be viewed through the prism of Brexit and our exit from the European Union.
5. **(Timetabling of legislative scrutiny)** It is contended that every constitutional Bill should be examined on the Floor of the House to ensure that as many members as possible can be involved in its scrutiny. In turn, additional time (and days) must therefore be allocated to the Committee Stage on the Floor of the House. The organisation of the legislative timetable is (inevitably) dominated by the Government of the day as there is a clear imbalance between the Government and the House of Commons in favour of the former. It is contended that perhaps a cross-party Commons Chamber Committee (involving all elements of the House) should be established to agree and regulate the business of Public Bills. Finally, a two-year session should ensure more effective legislative scrutiny as it not only enables legislation to be issued in draft, but also ensures that there should no necessity to carry-over Bills. In general more time should be allocated to the legislative process, but given that this is unlikely to happen, instead fewer Government Bills should be introduced each session.

6. **(Explanatory materials)** Since their public availability, explanatory materials have proved very useful in helping to comprehend legislation. However, two points are worth noting: First, on some occasions the explanation of a clause will merely just paraphrase or closely repeat the wording, without really elucidating it. Moreover, more use could be made of examples in order to contextualise clauses (especially complex ones). Second, it would be useful if all Private Member Bills were accompanied by explanatory notes (prepared by the member in tandem with the Government) - although it is conceded that there would be clear cost implications for this proposal.

7. **(Public engagement)** It is of paramount importance for the principle of constitutionalism and participatory democracy that the public are connected to the internal legislative process at Westminster. This is crucial so that Parliament is not perceived to be an insular and inward looking legislative institution. It is fair to say that it appears that the public are not really involved in the legislative process. One of the barriers is the inherent complexity of parliamentary legislation, which to some extent is inevitable. The 2017-18 European Union (Withdrawal) Bill is a case in point, as its complexity and legal nuances are without doubt largely unfathomable to the general public. In addition, it does appear that the public have more of an opportunity to influence the legislative process at the draft stage of a Bill. More use could be made of the ‘Pilot Public Reading Stage’ as well as the powers of Public Bill Committees to send for persons and papers to inform the legislative process. This is in turn would require more time to be allocated to the legislative process in general.

8. **(Technology)** One way to illustrate more clearly the way a Bill has changed during the legislative process is to provide a (wide) split-screen view so that the pre-amended clause is placed alongside the amended clause in order to highlight the changes made. Clauses could also be contextualised and cross-referenced within each Bill itself. For example, if Clause 3 is linked to Clause 34, a direct link could be provided to it in order to ensure
speed of access. Another possibility is to colour code changes made to a Bill according to the House and the legislative stage. This would allow the tracking of changes made (i.e. where and at which stage) which would be of particular importance in identifying late amendments which had not received as much scrutiny as other pre-existing clauses. In terms of proposed amendments to a Bill, a similar system to the above could be used so as to show the unamended clause, and the proposed amended clause, side by side.