

**The Governance of Britain –
The Government’s Draft Legislative Programme**

Session 2006/2007

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CORRECTION

Please note the following correction:

Paragraph 3 on p. 13:

A third bill, the **Planning Gain Supplement Bill**, is provisionally included on the programme at this time to complement these proposals. This Bill is designed to ensure the public receive full benefit from planning gain. The Bill will be deferred if prior to the Budget 2008 local authorities and developers come forward with new voluntary tariffs and can demonstrate that these are a better alternative.

Should be replaced with:

A third bill, the **Planning Gain Supplement Bill**, is provisionally included on the programme at this time to complement these proposals. This Bill, which will ensure the public receive benefit from planning gain, is provisional because if prior to the Pre-Budget Report a better way is identified of ensuring local communities receive significantly more of the benefit planning gain to invest in necessary infrastructure including transport – and it is demonstrated that these are a better alternative – the Government will be prepared to defer next session's legislation.

July 2007

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The Governance of Britain – The Government’s Draft Legislative Programme





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Presented to Parliament
By the Lord Privy Seal, Leader of the House of Commons
and Minister for Women
by Command of Her Majesty

July 2007

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Foreword



The Rt Hon Gordon Brown MP
Prime Minister



The Rt Hon Harriet Harman QC MP
Leader of the House of Commons

Last week the Government published in *The Governance of Britain*¹ its proposals for constitutional reform. We want stronger accountability of the government to parliament, greater engagement between parliament and the people, greater engagement between the government and the people and strong Cabinet government.

The change in the way that we plan our legislative programme will mark a step forward in all of these respects.

One of the key elements of the work of Parliament is to consider legislation put before it by the Government.

At present most of the Government's legislative programme is announced each year in the Queen's Speech. It is approved by Her Majesty the Queen following a closely guarded process in which individual departments propose bills to be introduced and a Cabinet Committee takes forward a process which sees bills discussed, costed and drafted. All this is done behind closed doors and the result is that Parliament does not have prior sight of what will take up much of its time.

¹ Cm 7170

Information about the legislative programme is perhaps even more inaccessible to the wider public. Inevitably, because various groups are involved in individual bills, some information does go into the public domain – but it does so in the worst way – piecemeal. This creates a situation where the programme is supposed to be secret yet unofficially it is known about and where people do see some details, they don't get a chance to see it in the context of the whole package. The Government wishes to remedy this and better engage with MPs and peers and the people.

As part of a wider opening up of Government to those to whom it is accountable, an annual statement will be made on what legislation the Government intends to propose to Parliament in the following session. This will be accompanied by a green paper giving further details of the Government's plans. This is the first such paper.

At this stage in the year, it is important to recognise that these are still only the Government's proposals. Much work is still required to get these proposals ready to be introduced as bills. The Government will continue to work with the Devolved Administrations. We also need to retain some flexibility to introduce legislation to meet new priorities as and when they arise or where it has not been possible to include specific other bills are subject to further stakeholder discussion. This means the final programme will not be exactly the same as the one published here, but it will contain many of these bills and for the first time Parliament and the public will see how this process develops.

Chapter 1 – Why is the Government publishing a draft legislative programme?

This document sets out why the Government is today publishing a draft legislative programme for the next session of Parliament. This does not in anyway diminish the importance of the State Opening of Parliament. Nor does it change in anyway the position of Her Majesty the Queen in giving the Queen's Speech. The Government firmly supports the history, tradition and value of the State Opening. This is one of the few occasions when the different elements of the Constitution come together. Moreover, it remains one of the high points of the Parliamentary year, and an important and enduring symbol of our Parliamentary history.

Wider Constitutional Reform

The Government published its Green Paper *The Governance of Britain* on 3 July. This set out a programme of constitutional reform, on which it is now seeking views. At the centre of this programme is the Government's desire to strengthen the effectiveness and authority of Parliament. Parliament is the crucible of our political life. It is Parliament, as the institution that expresses the will of the electorate, in which sovereignty rests. The Government derives its authority through its ability to command a majority in the House of Commons. It is therefore for Parliament and ultimately the House of Commons – to decide or not to matters for which the Government requires powers in legislation.

The Government's proposals include a number of reforms that will reaffirm Parliament's role and the obligations of the Government towards it:

- **Limiting the powers of the executive** – the Government will seek to surrender or limit powers which it considers should not, in a modern democracy, be exercised exclusively by the executive. Subject to consultation with interested parties and, where necessary, legislation, these will include, among others, powers to deploy troops abroad, request the dissolution and recall of Parliament and the power to choose bishops in the Church of England and appoint judges;
- **Making the executive more accountable** – the Government will act to enhance its accountability to Parliament. The Government has proposed changes to the Intelligence and Security Committee. It will simplify the reporting of expenditure to Parliament, give Parliament greater powers in relation to certain public appointments and will invite Parliament to hold annual debates on the objectives and plans of Government Departments. The Government has also published a revised Ministerial Code with new arrangements for independent advice to Ministers and more transparency around Ministers' interests and travel;
- **Reinvigorating our democracy** – the Government will continue to develop reforms for a substantially or wholly elected second chamber; better enable local people to hold service providers to account and place a duty on public bodies to involve local people in major decisions.

Reforming the Legislative Process

Since 1997 Government has made a number of changes to improve the ways in which the Government invites Parliament to scrutinise bills before each House. These include:

- **Programming of bills:** the principle of programming bills has been widely accepted as a means of providing greater certainty for members on how a bill is to be considered in the House of Commons;
- **Pre-legislative scrutiny:** the Government is committed to publishing bills in draft whenever possible so that they can be scrutinised by Parliament and the public prior to being introduced as bills in the legislative programme;
- **Explanatory Notes for Bills:** from 1998 onwards all bills introduced have been accompanied by formal explanatory notes that help Parliament and the public to understand the policy intentions and the intended effect of individual clauses. This is being extended to include

explanatory notes on amendments made in the second House on the return of a bill to its first House and an experiment during the current session for brief explanatory statements on amendments in committee in the House of Commons;

- **Carryover bills:** either House can agree to carry over a bill from one session into the next session when a bill has not completed its passage through the House in the first session. This allows greater flexibility in managing the time available for legislation in both Houses;
- **Evidence-taking in House of Commons committee stages.** public bill committees considering government bills can now take written evidence on all programmed bills. Oral evidence is now taken in all such cases where a bill started its passage in the House of Commons.

A range of other reforms have given Parliament additional tools with which to scrutinise the Government, including:

- **Reform of Parliamentary questions:** in the House of Commons, a reduction in the number of days notice required to table written and oral questions; provision for tabling and answering questions during the summer recess;
- **Liaison Committee sessions with the Prime Minister:** the Liaison Committee of the House of Commons, consisting of the chairs of Select Committees, questions the Prime Minister on the full range of Government business twice a year;
- **Westminster Hall debates:** the establishment of a parallel debating chamber in Westminster Hall has provided backbenchers in the House of Commons with a new forum for debate and more opportunities for select committee reports to be considered;
- **Grand Committees in the House of Lords:** the increased use of grand committees for committee stages of bills, consideration of statutory instruments and short debates has enhanced the work of the House and allowed more time for debates in the Chamber;
- **Increased Select Committee Activity in the Lords.**

Together these reforms have helped Parliament to scrutinise legislation more effectively, while meeting the Government's legitimate expectation that its business will be expeditiously delivered.

Draft Legislative Programme

The publication of a draft legislative programme builds on these and reforms and forms a key part of the new Government's wider package to renew our constitutional settlement.

Most proposals put forward by the Government leading to legislation are already subject to consultation and comment in a variety of ways – through Green or White Papers or publication of the bill itself in draft. This provides the opportunity for people to give their views on Government policy and inform the final content of bills. In addition many of the individual bills will be considered on an individual basis by Parliament in one way or another – for instance through statements or consideration of draft bills by Parliamentary committees.

However, it is longstanding practice that, in advance of the State Opening of the Parliament the contents of the Queen's Speech and the legislative programme have not been divulged. As a result, the Commons and Lords have been excluded from consideration of the direction and content of the Government's legislative programme for a forthcoming session of Parliament in advance of the Queen's Speech. Its role has been restricted to debates in both Houses after the Speech has been delivered and, since the debates take place in the days following the Speech, after the immediate interest in the programme as a whole has abated.

The Government wants to open up what has until now been a traditionally closed process, giving both Parliament and the public advance sight of what the Government is planning to bring forward in a forthcoming session. The Government believes that Parliament, as the body that will be asked to give its assent to legislation, should have the opportunity to comment on the legislative programme as a whole in advance. Therefore the Prime Minister will, at an appropriate point in time in advance of the start of each Parliamentary session, inform Parliament of the Government's proposed legislative programme for the forthcoming year. This will be accompanied by a publication outlining the bills proposed as they stand at that point. This is the first such paper. Parliament will thereafter be able to debate these proposals and the issues they seek to address.

Making an annual statement to Parliament on the draft legislative programme and publishing a paper on it will ensure that Government is more open and transparent on its emerging priorities for the forthcoming session of Parliament. More importantly, it gives Parliamentarians and the public an opportunity to participate in the process. The mystique surrounding the contents of the Queen's Speech can give the impression that Parliament and the legislation put before it by the Government is

something distant from the people of the UK. Publishing a draft programme each year will therefore contribute to the Government's wider project of rebuilding the connections between the institutions of the state and the people they serve.

This innovation does not detract from the need for the Government to seek the views of Parliament on individual policy proposals. These will still be the subject of Parliamentary consideration through statements, debates and consideration by committees. Moreover, the publication of a draft legislative programme does not cover all of the Government's business, but only proposals which require primary legislation in the forthcoming session and which the Government has collectively agreed will form part of the legislative programme. Many of the Government's priorities will not require primary legislation or are given effect through other means.

The development of the Government's legislative programme for any given session of Parliament which normally starts in November, takes place over the course of the previous 12 months. This will entail the development of policy and consultation on it, consideration of bids for legislation and their prioritisation by Committees of Cabinet and Cabinet itself. As the programme develops new legislative priorities emerge. The Government works closely with stakeholders and other bodies and institutions with an interest in the content of bills. In particular, it works closely in developing the programme with the devolved administrations since it is mindful of its commitments in the 'Memorandum of Understanding with the Devolved Administrations' of consultation and communication with them.

The Government also remains committed to its obligation in respect of the distinctive competences of the devolved institutions. This competence is greater for the Scottish and Northern Irish settlements than it is for the Welsh devolution. In the case of Wales, legislative competence is not defined by the Government of Wales Act, rather it contains the means by which the National Assembly for Wales can be provided with legislative competence in certain specified areas.

The draft programme presented to Parliament by the Government will therefore inevitably contain elements that will require adjustment or will not include the full contents of bills or all bills since the Government is not, at that point in the year, able to give a concluded view on what will form the full programme in the following session. Furthermore, there may be bills which it may not be appropriate to announce prior to introduction.

Chapter 2 – The draft programme

The programme published today contains 23 bills whose objectives are to implement the Government's mission – to meet the rising aspirations of the British people by providing new and better opportunities for all.

The Legislative Programme is just one way in which the Government operates and just one part of its overall programme. Much of the reform the Government delivers can be done without the need to legislate, so it is important to consider the proposed bills in that context, setting them alongside other changes taking place. There are also likely to be some further additions to the programme in the lead up to the Queen's Speech itself in the Autumn and once the session has begun, and it is important that the Government retains some flexibility in order to respond to these emerging priorities. For example following the European Council last month the objective of the Portuguese Presidency is to agree a Reform Treaty by the end of this year. The Government therefore expects to bring forward a bill which will be required to implement it. We will also give further consideration to the Fraud (Trials without a Jury) Bill. In addition as is normal practice there will be a Finance Bill.

The themes of the programme as it currently stands are explored below and detail on the individual bills, including an indication of the content of the bills and the benefits they will bring can be found in Chapter 5. This Chapter also includes information about which parts of the United Kingdom each bill will apply to. The programme is consistent with the devolution settlements in Scotland, Wales and Northern Ireland and the Government will continue to work closely with the Devolved Administrations to ensure this is the case throughout the further development of the programme.

Delivering Housing Supply

The Government is committed to further action to make housing more available and affordable. New measures to support delivery of housing supply and to reform social housing and social housing regulation will be brought forward in a **Housing and Regeneration Bill**. The Bill will establish a new homes agency to support regeneration and the delivery of new social and affordable housing, in mixed tenure estates by bringing together land assembly and housing, shifting from simply grant funding

social housing to investing in infrastructure and by making better use of surplus public sector land. It will also make a substantial contribution to our aims on public sector reform by allowing us to be more responsive to tenant needs and householder aspirations, empowering tenants and ensuring that social housing is a modern and flexible public service. In addition, the Bill will provide an opportunity to modernise powers on establishing new settlements like eco-towns, and it will simplify the ways in which the new agency will be able to facilitate the delivery of these projects.

Supporting this theme, proposals regarding planning reform, triggered by the Barker and Eddington Reviews, will be taken forward in a **Planning Reform Bill**. The measures in this Bill will allow more timely and predictable decisions to be made on infrastructure projects and will streamline planning procedures generally. The Bill will also establish an independent infrastructure planning commission.

A third bill, the **Planning Gain Supplement Bill**, is provisionally included on the programme at this time to complement these proposals. This Bill is designed to ensure the public receive full benefit from planning gain. The Bill will be deferred if prior to the Budget 2008 local authorities and developers come forward with new voluntary tariffs and can demonstrate that these are a better alternative.

World Class Education and Skills

For Britain to remain competitive within a rapidly changing global economy and if the skills and talents of everyone are to be fulfilled, then Government must continue to raise educational standards and opportunities. The report of Lord Leitch – *'Prosperity for all in the global economy: world class skills'* – set out the scale of the task ahead and in the next session Government proposes to bring forward an **Education and Skills Bill** to implement the key recommendations of Leitch. The Bill will also include proposals to raise the age at which young people can leave education or training to 18, ensuring that more young people have the right skills and training to enable them to fulfil their potential and make a positive contribution to the economy and society more generally.

Looking After All Our Children

The Government is determined to improve the experiences of **children in care**. Despite improvements in education and children's services seen over the last decade, there remains a significant gap between the quality of life of young people in care and those of all children. Bridging this gap requires urgent, sustained action across central and local government, from practitioners in all aspects of children and young people's lives, and from their carers, friends and family. The *Care Matters: Time for Change* White Paper published on 21 June set out the steps Government will take, together with local delivery partners, to improve outcomes for children and young people in care. It builds on responses to the Green Paper *Care Matters: Transforming the Lives of Children and Young People in Care* and the conclusions of four working groups established to investigate best practice in supporting those in care. The Bill will enable those who enter the care system to achieve the aspirations we have for our own children and reduce the gap between the outcomes of those in care and their peers.

The Government recognises the concerns that have been widely raised about the current arrangements for absent parents to provide support for their children. The **Child Maintenance and Other Payments Bill**, which has recently been introduced into Parliament, will be carried forward into the next session and will bring about the establishment of the new Child Maintenance and Enforcement Commission as a Non Departmental Public Body and new arrangements for child support. The proposed new arrangements will promote parental responsibility and improve the collection and enforcement of maintenance payments.

A Healthy Nation

Health is a key priority for this Government and we will be bringing forward a **Health and Social Care Bill**. **This** will reform professional regulation to enhance public and professional confidence and will create a new integrated regulator for health and adult social care, called Ofcare, with a stronger focus on ensuring the highest quality and safety standards are maintained across the NHS. This Bill will also include provisions to make a one-off payment to all expectant mothers from the 29th week of pregnancy, recognising the importance of a healthy diet during pregnancy.

We want to maintain the UK's position as the home of world class science and research. To support this commitment the Government's White Paper, *Review of the Human Fertilisation and Embryology Act*, published in December 2006, set out policy proposals to update the regulation of assisted reproduction and embryo research, and to rationalise regulatory

structures. This followed a wide-ranging review, including public consultation, to ensure that the law remained fit for purpose given the pace of scientific developments and public attitudes. Following on from the White Paper, the draft **Human Tissue and Embryos Bill** was published on 17 May 2007 for pre-legislative scrutiny by a joint House of Commons and House of Lords Committee. The Committee is expected to conclude its scrutiny of the draft Bill by 25 July 2007, resulting in a report and recommendations. The Government will consider the Committee's report and make a formal response.

Protecting the Security and Safety of the British People

The threat we face from international terrorism is serious and sustained – and very different from the threats faced in the past. We need to strengthen our response accordingly, across resources, capabilities, and powers – of the police, the security services, and the courts. The terrorists have shown their intent and ability to cause mass casualties without warning. This means the police and security services have a duty to intervene earlier – at a stage when more work remains to be done to put together a case for charge. This is why in 2006 the Government extended the period of pre-charge detention; and why we now need to consider extending it further.

At the same time, through the proposed **Counter Terrorism Bill** we intend to strengthen the arrangements for dealing with terrorists after their release from prison, enhance sentences when terrorist suspects are charged with general offences, and introduce, with appropriate safeguards, questioning after charge. This set of measures demonstrates the Government's desire to remain strong in our commitment to British liberty while being prepared to make the changes necessary to protect the public.

The Government has announced its desire to proceed in a consensual manner wherever possible. Extensive consultation will take place on the measures in this Bill and the Government has asked Lord Carlile, the independent reviewer of counter-terrorism legislation, to report on our proposals.

The **Criminal Justice and Immigration Bill** was introduced in the current session and subject to the agreement of the House of Commons will be carried over to the next session. This Bill takes forward the Government's criminal justice reform agenda with further measures to protect the public, promote justice, reduce re-offending, improve access to justice, and increase public confidence in the criminal justice system. The bill will continue the Government's work to rebalance the criminal justice system in favour of

the law abiding citizen. It will ensure that the police and their community safety partners have appropriate powers to tackle anti-social behaviour, bearing down further on those whose anti-social behaviour makes life a misery for their fellow citizens. It will ensure that the UK does not become a safe haven for foreign criminals and terrorists and will enable us to continue to send a clear signal to those who abuse our borders.

The Constitution

The Government is committed to giving more power to Parliament and in turn to the people it serves and has put in place a programme of constitutional reform over the last 10 years. Following on from the consultation document '*The Governance of Britain*' published on 3 July, the Government also intend to introduce a Constitutional Reform Bill, which will take forward the next stage of this reform. This bill be part of a package to help establish a more open and accountable Government and a Parliament which is more powerful and better able to hold Government to account.

Climate Change and Energy

As part of the ongoing commitment to tackle climate change by reducing carbon dioxide emissions and the need to deliver secure, clean energy at affordable prices, as we move to increasing dependence on imported energy, we will be working on bringing forward bills in both these areas. The **Climate Change Bill** will set ambitious targets and create powers to achieve them and set up the Committee on Climate Change to monitor progress and advise government on meeting these targets. The **Energy Bill** will include provisions to help the UK ensure secure supplies of energy, tackle climate change and target fuel poverty measures more effectively.

Welfare Reform

Building on the Pensions Bill currently going through Parliament, a second **Pensions Bill** will take forward further provisions which were announced as part of the pensions reform package in the May 2006 White Paper, *Security in Retirement: towards a new pension system* and in the March 2007 White Paper *Personal Accounts: a new way to save*. This bill will set up the personal accounts scheme, allow for the introduction of mandatory employer contributions and require the automatic enrolment of eligible employees into qualifying schemes.

Addressing Local Transport Needs

In May the Government published a draft **Local Transport Bill** which supports the Government's strategy to tackle road congestion and improve public transport by ensuring that local authorities have the right powers to take local action and meet local transport needs. The bill will mean better bus services, a more joined up approach to local transport in major conurbations and in areas that want to introduce them, local road pricing schemes that are tailored to local needs and that are consistent and interoperable from the motorist's perspective.

Supporting Business

Two bills will be introduced to support businesses operating in the UK. The **Employment Simplification Bill** will produce significant administrative savings for businesses in relation to resolving workplace disputes and it will provide greater clarity for employers, trade unions and employees about their responsibilities. The **Regulatory Enforcement and Sanctions Bill** will support the Government's policy on better regulation and reduce unnecessary burdens imposed on business by local authority regulatory services.

Chapter 3 – Draft Bills

Although publication on the Draft Legislative Programme is being introduced this year for the first time, the Government is not new to engaging with others on individual elements of future legislation. Since the first report of the Select Committee on Modernisation of the House of Commons² (established by the incoming Government in 1997), the Government has sought to promote the publication of bills in draft form so that they can be scrutinised by parliamentary committees. Since 1997 the Government has published 58 such draft bills.

The Government remains committed to publishing as many of its Bills in draft as possible before they are formally introduced in Parliament and to submitting them to a parliamentary committee for pre-legislative scrutiny where possible. This is particularly valuable on issues which are likely to be of interest to Parliament and where committees can improve texts on the basis of expert evidence.

Once a Bill has been published in draft pre-legislative scrutiny is normally carried out by the relevant House of Commons departmental select committee, or an ad hoc joint committee of both Houses. The Government recognises that in order to be effective the Committee carrying out scrutiny needs to report in sufficient time to allow any resulting changes to be made to the Bill in time for introduction. A Committee will normally require at least three to four months in order to carry out its work and Government will therefore aim to publish all draft bills in order to allow sufficient time for this to happen.

Although publication in draft does not guarantee introduction in the next parliamentary session, this obviously will happen in many cases. The decision about which bills will be introduced in the next parliamentary session will though continue to be taken by the relevant Cabinet Committee when it meets to consider the programme for that session as a whole.

As well as parliamentary scrutiny, publication of draft bills also allows for public scrutiny. Departments will normally conduct their own public consultation, allowing 12 weeks for interested parties to express their views on the proposed bill. Individual departments will decide how best

to do this, but it is likely to include a web-based consultation and engagement with stakeholders, and will follow the Government's good practice guidelines on consulting. Departments will consider how this public consultation fits in with the timetable for parliamentary pre-legislative scrutiny, because the parliamentary committee may wish to see the results of the public consultation before reporting. Departments will also ensure that the two separate processes are clear to stakeholders, as some people who choose to respond to the public consultation, may also be asked to provide evidence to the Parliamentary Committee.

The Government will continue to seek to ensure that as many bills as possible are published for pre-legislative scrutiny. At this stage the Government is considering publishing in draft, bills concerning Marine, Heritage Protection and Single Equality and the Leader of the House of Commons will publish, in a Written Ministerial Statement, the Government's proposals for draft Bills in November 2007 at the beginning of the next session. The Government intends to identify opportunities during this Parliament to legislate on all its manifesto commitments that require legislation.

Chapter 4 – Engagement with the programme

In publishing a draft legislative programme the Government has opened up a previously closed process. Of course, the Government retains the right to come to a view on the final shape of the programme and on the content of the individual bills that it will present to Parliament in the new session. It will then be for the Government to defend those bills in Parliament and to the public. However, it takes the view that it is in the interests of good government and informed and rigorous public debate for the Government of the day to set out its legislative priorities. This strengthened engagement between Government, Parliament and the public will contribute to the public debate on the programme as a whole and will subsequently inform the consideration of individual bills that are scrutinised by Parliament.

The Government therefore welcomes comments on its proposals.

Consideration by Parliament

How Parliament considers the draft programme is ultimately a matter for both Houses. The Government therefore wishes to discuss with Parliament how this might best be taken forward.

In the short term, the Government proposes that consideration of the draft programme as a whole will be debated prior to the summer recess in the House of Commons. Time will also be made available for debate in the House of Lords.

Parliament may also take the view that the draft programme merits consideration by select committees. The Leader of the House of Commons has already invited the Commons Liaison Committee to take evidence on it, while elements of it may also be of interest to departmental select committees. Furthermore, the Government is convinced that this indication of its intentions for the following session will inform consideration by Parliament of the full range of policy issues in advance of the start of the session.

Consideration by Members of the Public

As a matter of course the Government will engage with stakeholders and other parties on particular proposals as it publishes and responds to consultations on what it proposes to provide for in individual bills. The publication of the draft legislative programme does not cut across this process of engagement in order to inform the development of policy and members of the public should continue to respond to the specific consultations on individual bills which are ongoing. This document is intended to supplement that process by setting individual proposals within the wider context of the Government's legislative priorities.

This document has been published on the websites of the Leader of the House of Commons www.commonslider.gov.uk/draftprogramme and the Cabinet Office <http://haveyoursay.cabinetoffice.gov.uk>

Comments on the programme can be made by following the details on each website.

The Government is also keen to encourage members of the public to engage more directly on the proposed legislative programme. The new Regional Ministers will take this forward in England and the territorial Secretaries of State will take this forward as appropriate in Scotland, Wales and Northern Ireland.

Chapter 5 – Summary of the bills in the draft programme

1. Children in Care Bill

The purpose of the bill is to:

- Reform the statutory framework around the care system to enable children and young people to receive high quality care and support and drive improvements in the delivery of services focused on the needs of the child.

The main benefits of the bill are:

- Enabling those who enter the care system to achieve the aspirations we have for our own children and reducing the gap in outcomes between children in care and their peers;
- Improving placement stability and ensuring more consistency for children in care; and
- Improving the experience children in care have at school and increasing their educational attainment.

The main elements of the bill are:

- Giving pilot local authorities the power to test a different model of organising social care by commissioning services from 'Social Work Practices' and enabling regulation of these practices;
- Increasing the focus on the transparency and quality of care planning and ensuring that the child's voice is heard when important decisions that affect their future are taken;
- Increasing schools' capacity to address the needs of children in care including placing the role of the designated teacher on a statutory footing and ensuring that children in care do not move schools in Year 10 and 11 except in exceptional circumstances;
- Ensuring that young people are not forced out of care before they are ready by giving them a greater say over moves to independent living and ensuring they retain support and guidance as long as they need it; and

- Improving the quality and stability of placements for children in care, securing higher placement standards and better value for money and ensuring children in care and custody are visited regularly.

The Bill would apply to:

- England and Wales.

Related Documents:

- *Care Matters: Time for Change (White Paper):*
<http://www.dfes.gov.uk/publications/timeforchange/>
- *Care Matters: Transforming the Lives of Children and Young People in Care (Green Paper):*
<http://www.dfes.gov.uk/publications/carematters/index.shtml>

Existing Legislation in this area is:

- Children Act 1989.
- Care Standards Act 2000.
- Children Leaving Care Act 2002 (amended Children Act 1989).

2. Child Maintenance and Other Payments Bill

The purpose of the Bill is to:

- Establish the Child Maintenance and Enforcement Commission as a Non Departmental Public Body;
- Amend the Child Support Act 1992 to simplify and strengthen the assessment and enforcement of child maintenance liability; and to
- Set up a scheme paying a lump sum to those suffering from the asbestos related disease mesothelioma who are not currently eligible for compensation.

The main benefits of the Bill are:

- Allowing all parents choice in making a maintenance arrangement;
- Simplifying the process by which child maintenance is assessed;
- Strengthening the powers available to enforce child maintenance liabilities in the event of non-compliance; and
- Providing a lump sum payment to people suffering from diffuse mesothelioma who cannot currently claim state compensation.

The main elements of the Bill are:

- Establishment of the Child Maintenance and Enforcement Commission;
- Encouragement of voluntary maintenance arrangements;
- Simplification of the child maintenance assessment process;
- Strengthening of the child maintenance collection and enforcement process; and
- Establishment of a self-funding lump sum payment scheme for mesothelioma sufferers not covered by the Pneumoconiosis etc. (Workers' Compensation) Act 1979.

The Bill would apply to:

- England, Wales and Scotland.
- The permission of the Northern Ireland Assembly is required for a provision in Schedule 6 of the Bill. This provides for the exchange of information between the UK and Northern Ireland statutory child maintenance services.

Related documents:

- *A new system of child maintenance: summary of responses to the consultation.* May 2007
<http://www.dwp.gov.uk/childmaintenance/pdfs/cmr-response-summary.pdf>
- *A new system of child maintenance.* Child maintenance White Paper. December 2006
http://www.dwp.gov.uk/childmaintenance/csa_report.pdf
- *A fresh start: child support redesign – the Government's response to Sir David Henshaw.* July 2006
http://www.dwp.gov.uk/childmaintenance/pdfs/The_Government's_Response_to_Sir_David_Henshaw_24_07_06.pdf
- *Recovering child support: routes to responsibility.* Sir David Henshaw's report to the Secretary of State for Work and Pensions. July 2006
http://www.dwp.gov.uk/childmaintenance/henshaw_report.asp

Existing legislation in this area is:

- The Child Support, Pensions and Social Security Act 2000.
- The Child Support Act 1995.
- The Child Support Act 1991.
- The Social Security (Recovery of Benefits) Act 1997.
- The Pneumoconiosis etc. (Workers' Compensation) Act 1979.

3. Climate Change Bill

The purpose of the bill is to:

- Create a long term legal framework to reduce the UK's carbon dioxide emissions up to 2050 and beyond.

The main benefits of the bill are:

- To create confidence and certainty for business planning and investment in technology needed to move towards a low carbon economy;
- To create a more coherent approach to managing and responding to climate change in the UK through setting ambitious targets, creating powers to help achieve them, strengthening the institutional framework, and establishing clear and regular accountability to Parliament; and
- To demonstrate the UK's international leadership.

The main elements of the bill are:

- Statutory targets to reduce UK carbon dioxide emissions by at least 60% by 2050 and 26-32% by 2020, against a 1990 baseline;
- Introduction of five-year carbon budgets, requiring the Government to set, through secondary legislation, binding limits on carbon dioxide emissions during five year budget periods, beginning in 2008. Three carbon budgets (representing 15 years) will always be in force;
- Establishment of a statutory advisory NDPB – the Committee on Climate Change – to advise the Government on the pathway to the 2050 target and to advise specifically on: the level of carbon budgets; the reduction effort needed across the economy; and the optimum balance between domestic action and international trading in carbon allowances;
- The Committee will report annually to Parliament on the UK's progress towards achieving its targets and budgets and the Government will be required to respond. Every five years, the Committee's report will contain a review of the UK's performance over the last budget period, and the implications of this for keeping on track to meet future targets and budgets. The Bill also allows Parliament to monitor the Government's proposals and policies for integrating adaptation to climate change into its work by establishing regular reporting (at least every 5 years) to Parliament; and
- The Bill contains enabling powers to introduce new trading schemes relating to green house gas emissions through secondary legislation. This increases the policy options which Government could use to stay within budgets and meet emissions targets.

The Bill would apply to:

- The United Kingdom. The Government is working closely with the Devolved Administrations on the responsibilities they have in this area.

Related Documents:

- *Draft Climate Change Bill* (published on 13 March 2007), Consultation Document and Partial Regulatory Impact Assessment can be found at: <http://www.defra.gov.uk/corporate/consult/climatechange-bill/index.htm>

Existing Legislation in this area is:

- None setting a general framework for UK carbon reductions.

4. Constitutional Reform Bill

The purpose of the bill is to:

- take forward the initial legislative elements of the Constitutional Renewal package to be set out in the Government's green Paper 'The Governance of Britain' published on 3 July. Following the Green Paper, the shape of future legislation will be determined by a process which will include consultation and discussions.

The main benefits of the bill are to contribute to the Government's commitments

- to rebalance power between Parliament and Government, and give Parliament more ability to hold Government to account;
- to strengthen our democracy, with people proud to participate in decision-making at every level; and
- to clarify the role of Government, both central and local.

The main elements of the bill are in many cases dependent on subsequent consultation exercises. They could include

- placing on a statutory footing the role of parliament in the process for ratifying treaties;
- implementation of any changes arising from the consultation on the role of the Attorney General; and
- placing the Civil Service on a statutory footing.

The Bill would apply to:

- The United Kingdom. The constitution is a reserved matter; however the Government will work closely with the Devolved Administrations on matters which may have an impact on their responsibilities.

Related Documents:

- Green Paper '*Renewing the Governance of Britain*' published on 3 July.

Existing Legislation in this area is:

- Serious Organised Crime and Police Act 2005.
- Various statutes relating to the role of the Attorney General, in particular, the Prosecution of Offences Act 1985.

5. Coroners Bill

The purpose of the bill is to:

- deliver an improved service for bereaved people;
- introduce both national leadership while ensuring that the service remains firmly grounded locally; and to
- ensure more effective investigations and inquests.

The main benefits of the bill are:

- bereaved people will have a clear standing in coroners investigations and inquests, including new rights to appeal against coroners' decisions;
- a new Chief Coroner will establish national standards across a range of coroner functions, and he or she will oversee a charter for the bereaved which sets out the services the bereaved will receive;
- a move towards largely whole time coroner posts, with powers for Ministers to determine the size and boundaries of coroner areas to ensure effective operation and coordination with other statutory services;
- the removal of archaic boundary restrictions which prevents the service operating in a modern and flexible way, and which prevents investigations from being transferred from one coroner to another in an efficient way; and
- new powers for coroners to obtain information they need to conduct more effective investigations, ensuring that bereaved people get the answers to the questions they need about the death of their loved one.

The main elements of the bill are:

- Provisions about the purpose of coroners' investigations and inquests;
- Provisions about the conduct of coroners' investigations and inquests;
- New arrangements for drawing up of coroner areas, and for appointment of coroners;
- Provisions about the duties of a new Chief Coroner and other national governance arrangements; and
- Provisions centralising the function of coroners' responsibilities to assess whether or not discovered items are classified as "treasure" (i.e. of historical interest).

The Bill would apply to:

- England and Wales only. (apart from amendments to the Treasure Act 1996, which will extend to Northern Ireland).

Related Documents:

- Draft Bill – June 2006:
http://www.dca.gov.uk/legist/coroners_draft.pdf
- Government response to Select Committee Report – November 2006:
<http://www.official-documents.gov.uk/document/cm69/6943/6943.pdf>
- Government response to wider consultation – February 2007:
<http://www.dca.gov.uk/consult/coroners/cb684907b.pdf>

Existing Legislation in this area is:

- This Bill would repeal the 1988 Coroners Act.
- The Bill would amend the Treasure Act 1996.

6. Counter Terrorism Bill

The purpose of the bill is to:

- Ensure all available information can be used to fight terrorism;
- Deal with terrorist suspects after they have been charged; and
- Make other changes to legislation to assist in the fight against terrorism.

The main benefits of the bill are:

- It will improve public protection by strengthening arrangements for monitoring terrorists after their release from prison and by improving security at key gas sites;
- It will enable more successful prosecutions against terrorist suspects by introducing post charge questioning;
- It will help the investigation of terrorism by ensuring the police and intelligence and security agencies have access to all the information they need by providing data sharing powers and making full use of DNA;
- It will ensure the police have sufficient time to charge terrorist suspects and the right tools to deal with terrorist suspects who we cannot prosecute; and
- It will help deter involvement in terrorism by increasing penalties for terrorist related offences and extending the powers to seize terrorist assets.

The main elements of the bill are:

- A requirement for convicted terrorists to provide the police with personal information on their release from prison and to notify any changes to this information;
- Introduction of a foreign travel order that will enable convicted terrorists to be banned from travelling overseas;
- Changes to enable post charge questioning of terrorist suspects and the drawing of adverse inferences from a refusal to say something that is later relied on in court;
- Enhanced sentences for those convicted of terrorist related offences;
- Putting the police counter terrorist DNA database on a sound statutory footing and making other changes to enable the full use of DNA in terrorist cases; and

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- Possible extension of pre-charge detention for terrorist suspects beyond the current limit of 28 days.

The Bill would apply to:

- The United Kingdom.

Related Documents:

- Oral statement on the bill and supporting paper and Lord Carlile's report on the definition of terrorism can be found at:
<http://www.security.homeoffice.gov.uk/legislation>

Existing Legislation in this area is:

- Terrorism Act 2000.
- Anti-Terrorism, Crime and Security Act 2001.
- Prevention of Terrorism Act 2005.
- Terrorism Act 2006.

7. Criminal Justice and Immigration Bill

The purpose of the bill is to:

- Take forward the Government's criminal justice reform agenda by reducing re-offending, protecting the public, promoting justice, improving access to justice and increasing confidence in the justice system.

The main benefits of the bill are:

- building public confidence in the sentencing framework by imprisoning serious and dangerous offenders while others receive tough and effective community sentences;
- ensuring that prison and probation resources are targeted at repeat, serious and violent offenders;
- strengthening the pre-court and community penalties available for young offenders so that, wherever possible, offending by children and young persons is effectively addressed without the need to resort to custody;
- ensuring that the police and their community safety partners have appropriate powers to tackle anti-social behaviour at its roots and thereby reinforce a culture of respect; and
- ensuring that the UK does not provide a safe haven for foreign criminals and terrorists and send a clear signal that such people cannot expect to secure a settled status in this country.

The main elements of the bill are:

- Removing the power to impose **Suspended Sentence Orders** for summary only offences and providing for non-dangerous offenders who breach the terms of their licence to be **recalled to prison for a fixed 28 day period**;
- **Violent Offender Orders**, which will allow courts to impose post-sentence restrictions on those convicted of violent offences e.g. residence or movement restrictions;
- **Ending automatic sentence discounts** for offenders re-sentenced to an indeterminate sentence after initial sentencing decision ruled unduly lenient, and powers for Courts to make dangerous offenders given a discretionary life sentence serve a higher proportion of their tariff before eligible for parole consideration;

- **Extension of existing crack house closure powers** to tackle premises at the centre of serious and persistent disorder or nuisance, regardless of tenure, and new powers to deal with nuisance or disturbance on NHS premises;
- A new **special immigration status** for terrorists and serious criminals who cannot currently be removed from the UK for legal reasons; and
- measures to devolve police accountability and information sharing to a lower level.

The Bill would apply to:

- All of the Bill's provisions extend to England and Wales, certain reserved and excepted provisions also extend to Scotland and Northern Ireland.

Related Documents:

- Many of the provisions in the Bill have been set out in policy papers or the subject of consultations, including:
 - *'Rebalancing the criminal justice system in favour of the law-abiding majority'*, Home Office July 2006
 - *'Penal Policy – a background paper'*, Ministry of Justice, 9 May 2007

Existing Legislation in this area is:

- The Bill reforms the existing sentencing framework set out in the Powers of Criminal Courts (Sentencing) Act 2000 and the Criminal Justice Act 2003.

8. Crossrail Bill

The purpose of the bill is to:

- grant powers for the construction, maintenance and operation of Crossrail: a new east-west railway linking Maidenhead and Heathrow with Shenfield and Abbey Wood through new tunnels under central London;
- performing a similar function to a public inquiry, a special Select Committee stage is added to the normal public bill process to consider petitions from those whose property and private rights are affected.

The main benefits of the bill are to grant powers for Crossrail, which will:

- provide a new fleet of trains, operating a 24 trains-an-hour peak service in both directions through central London, carrying nearly 200 million passengers a year;
- significantly increase the capacity of the rail network into and across London, relieve congestion and overcrowding on the existing National Rail and Underground networks, meet the substantial growth in demand for travel in the capital expected over the coming decades, and improve accessibility;
- provide improved east-west rail access into and across London from the East and South East regions and support local and national Government policy for economic development and regeneration, particularly in the Lee Valley and Thames Gateway;
- significantly enhance public transport access to Heathrow Airport and allow Liverpool Street to handle many more passengers to and from Stansted Airport; and
- facilitate the continued development of London's primary finance and business service activities, located in both the City and Docklands.

The main elements of the bill are:

- outline planning permission (10 year time limited) and a bespoke planning regime;
- compulsory purchase powers (5 year time limited);

- powers to vary railways regulation to ensure that Crossrail can be constructed and services run on Network Rail's network. LP Committee's approval has been given to cutting these powers back in the Lords once the Office of Rail Regulation (ORR) has decided whether to approve the access rights sought to the network;
- power to nominate an undertaker of the works; and
- power to devolve the project to the Mayor of London.

The Bill was introduced February 2005. By mid July 2007 all petitioners will have been heard by the Commons Crossrail Bill Select Committee, which will then reach its final decisions and report the Bill. The Bill will then go through Public Bill stages in the Commons.

The bill would apply to:

- England and the UK Government is working closely with the DAs on responsibilities they have in this area.

Related documents:

- General information on Crossrail:
<http://www.crossrail.co.uk> and
<http://www.dft.gov.uk/pgr/rail/pi/crossrail>
- Bill supporting documents, including Environmental Statements:
<http://billdocuments.crossrail.co.uk>
- Crossrail route map:
<http://www.dft.gov.uk/162259/165234/crossrailregionalmap>

Existing legislation in this area:

- a Hybrid Bill is a Public Bill that affects property and other private interests – a rarely used procedure, the last one of which was the Channel Tunnel Rail Link Act 1996.

9. Education and Skills Bill

The purpose of the bill is to:

- Raise to 18 the minimum age at which young people can leave education or training, and bring in the legislative changes needed to implement key elements of the Leitch Review into the UK's long-term skills needs.

The main benefits of the bill are:

- The proposed provisions will mean that more young people participate in learning post-16 and achieve higher levels of skill and qualification. This will benefit them as individuals, and bring significant long-term benefits to business, the economy and to society;
- The Leitch provisions in the Bill will provide the key mechanisms to dramatically drive up employer investment in skills, for the UK to achieve world class skills by 2020; and
- Employers will benefit through increased productivity and capacity for innovation. Individuals will benefit through increased employability and self-esteem. The UK will benefit by being better able to compete in the rapidly changing global economy, leading to increased productivity and employment rates and decreased poverty and inequality.

The main elements of the bill are:

- On raising the participation age, the key provisions arising from the Green Paper for the participation age part of the Education and Skills Bill are likely to include:
 - Duties on young people to participate;
 - Duties on parents to take reasonable steps to ensure their children participate;
 - Duties on employers to release young people to undertake education or training, and to check whether a young person is participating before employing them;
 - Registration duties on providers and local authorities;
 - Duties on local authorities and providers in relation to young people with special educational needs (SEN), and possibly some other groups; and
- Establishing an enforcement process and setting out a system of penalties.

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- On Leitch, the Bill will make provision for:
 - Introduction of a new legal entitlement for adults to free training in basic literacy and numeracy skills, and to achieve their first full level 2 qualifications;
 - Subject to further consultation, legislation to enable the Secretary of State to raise a training levy in a given sector where employers want it and where it will be of overall net benefit; and
 - Subject to policy clearance, provisions to enable data sharing, particularly with HM Revenue and Customs and Department for Work and Pensions, to help report on whether the system as a whole is delivering economically valuable skills

The Bill would apply to:

- England and Wales. The Government will work closely with the Devolved Administrations on the responsibilities they have in this area.

Related Documents:

- Green Paper: *Raising Expectations*. To be found at:
<http://www.dfes.gov.uk/consultations/conResults.cfm?consultationId=1474>

Existing Legislation in this area is:

- The Education Acts.
- The Learning and Skills Act 2000.

10. Employment Simplification Bill

The purpose of the bill is to:

- Simplify, clarify and build a stronger enforcement regime for key aspects of employment law.

The main benefits of the bill are:

- Significant administrative savings for businesses, specifically through legislation to implement the Gibbons review of workplace dispute resolution, with an estimated benefit to business of up to £180m/year;
- Further cost and time savings for businesses, trade unions, individuals and public sector bodies;
- Delivering a more straightforward and transparent enforcement and penalties regime for the national minimum wage (NMW) and employment agency standards, to provide greater support to vulnerable workers, fair arrears for the underpaid and a level playing field for compliant businesses;
- Greater clarity for employers, trade unions and employees; and
- Compliance with European Court of Human Rights (ECHR) judgment in *Aslef v UK*.

The main elements of the bill are:

- Implementation of the outcome of the Gibbons review of workplace dispute resolution (including repeal of the statutory dispute resolution procedures and implementation of a package of replacement measures to encourage early/informal resolution and changes to the employment tribunal system);
- Clarification and strengthening of the enforcement framework for the NMW, specifically through the introduction of a straightforward penalty that can be levied against all non compliant businesses and a fairer method of calculating arrears;
- Strengthening the employment agency standards enforcement regime by making offences under the Employment Agencies Act each way offences and clarifying investigative powers; and
- An amendment to trade union membership law in light of the ECHR's judgment in *Aslef v UK* (such that trade unions can expel members on the basis of their membership of a political party).

- It might also be necessary to use the Bill to clarify provisions in the NMW Act related to voluntary workers, depending on the outcome of current consultation which closes 4 September.

The Bill would apply to:

- Great Britain.

Related Documents:

- Consultation on workplace dispute resolution:
<http://www.dti.gov.uk/consultations/page38508.html>
- Consultation on National Minimum Wage and Employment Agency Standards enforcement:
<http://www.dti.gov.uk/consultations/page39461.html>
- Consultation on trade union membership law:
<http://www.dti.gov.uk/consultations/page39463.html>
- Consultation on National Minimum Wage and voluntary workers:
<http://www.dti.gov.uk/consultations/page39871.html>

Existing Legislation in this area is:

- Employment Relations Act 2004.
- Employment Act 2002.
- (Dispute Resolution) Regulations 2004.
- National Minimum Wage Act 1998.
- Employment Agencies Act 1973.

11. Energy Bill

The purpose of the bill is to:

- Help the UK to ensure secure supplies of energy, tackle climate change and target fuel poverty measures more effectively.

The main benefits of the bill are:

- Strengthening the market framework to help ensure secure and affordable energy supplies; and
- Encourage a diverse, secure supply of electricity while at the same time reducing our carbon dioxide emissions. This will help the UK make further progress towards reducing carbon dioxide emissions by at least 60% by 2050 relative to 1990 levels.

The main elements of the bill are:

- Offshore gas supply infrastructure – strengthening the regulatory framework to enable private sector investment to help maintain reliable supplies of gas given we expect to rely on imports to meet up to 80% of demand by 2020;
- Carbon Capture and Storage (CCS) – creating a regulatory framework to enable private sector investment in CCS projects. CCS has the potential to reduce the carbon emissions from fossil fuel power stations by up to 90%;
- Renewables- strengthening the Renewables Obligation to drive greater and more rapid deployment of renewables in the UK;
- Fuel Poverty – helping energy supply companies to better target their efforts to reduce fuel poverty; and
- Nuclear waste and decommissioning financing (on a contingent basis subject to the current consultation) If we decide it is in the public interest to allow private sector investment in new nuclear power stations, the bill will create a framework that will help protect the taxpayer by requiring owners or operators of a new nuclear power station to make financial provisions to cover the full decommissioning costs and their full share of waste management costs.

The Bill would apply to:

- The provisions in this Bill are a mixture of devolved and reserved matters. The Government will work closely with the Devolved Administrations on the responsibilities they have in this area.

Related Documents:

- '*Meeting our Energy Challenge*' a white paper published in May 2007 is available at:
<http://www.dti.gov.uk/energy/whitepaper/page39534.html>

Existing Legislation in this area is:

- Petroleum Acts 1987 and 1998.
- Gas Act 1986.
- Electricity Act 1989.
- Utilities Act 2000.
- Energy Act 2004.
- Warm Homes and Energy Conservation Act 2000.
- Climate Change and Sustainable Energy Act 2006.

12. European Communities (Finance) Bill

The purpose of the bill is to:

- amend the European Communities Act 1972 to include the revised decision on the Communities' system of own resources (Own Resources Decision (ORD)).

The main benefits of the bill are:

- The Bill will provide for the new ORD to have effect in UK law. (Cf. House of Commons Research Paper 01/62); and
- The ORD details the system by which Member States finance the annual EC Budget and its inclusion in UK law enables the UK to make payments direct from the Consolidated Fund.

The main elements of the bill are:

- Amendment of paragraph (e) of section 1(2) of the European Communities Act 1972 so as to include the revised Own Resources Decision (ORD); and
- The repeal of the European Communities (Finance) Act 2001 (c 22).

The Bill would apply to:

- The United Kingdom.

Existing Legislation in this area is:

- The European Communities (Finance) Act 2001 which will be repealed by clause 2 of this Bill.

13. Health and Social Care Bill

The purpose of the bill is to:

- create a new integrated regulator for health and adult social care, Ofcare, bringing together existing health and social care regulators into one regulatory body;
- reform professional regulation to enhance public and professional confidence and strengthen clinical governance as part of the Government's response to the Shipman Inquiry; and
- include provisions to make a one off payment to all expectant mothers from the 29th week of pregnancy.

The main benefits of the bill are:

- to assure patient safety and apply a consistent approach to regulation for all types of provider through a new registration regime, requiring providers of health services and adult social care to be registered;
- to implement the 2006 Budget commitment to bring together existing health and social care regulators into one body ('Ofcare'). This will operate with a significantly lower budget than the existing bodies and be established in 2008; and
- to implement, following the inquiry into the case of Harold Shipman, the manifesto commitment to strengthen clinical governance; and to ensure professional activity is more accountable to the public.

The main elements of the bill are:

- To establish a new, integrated health and adult social care regulator Ofcare, from existing regulators; to define the functions of the new regulator in the areas of safety and quality assurance, information and performance assessment and safeguarding the rights of detained mental health patients; and to update the system of registration that applies to providers of health and adult social care services and extend this to include NHS providers. Further details will be set out shortly in our response to the consultation on *'The future regulation of health and adult social care in England'*; and

- To introduce legislation to use the civil, rather than criminal, standard of proof for all healthcare professional regulatory bodies; to create an independent adjudicator to undertake independent and objective formal adjudication for the professional regulatory bodies; and to ensure that all healthcare organisations employing or contracting with doctors appoint a 'responsible officer' with personal responsibility to work with the GMC to identify and handle cases of poor professional performance by doctors.

The Bill would apply to:

- The United Kingdom. As this is a portmanteau bill the extent of the measures will differ for each policy area. The Government will work closely with the Devolved Administrations on the responsibilities they have in this area.

Related Documents:

- *The future of health and adult social care regulation.*
http://www.dh.gov.uk/en/Consultations/consultations/DH_063286
- *White Paper on Professional Regulation, 'Trust, Assurance, Safety: The Regulation of health professions in the 21st Century'.*
http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_065946
- *Review of parts 2, 5 and 6 of the Public Health (Control of Disease) Act 1984: A consultation*
http://www.dh.gov.uk/en/Consultations/Closedconsultations/DH_073452

Existing Legislation in this area is:

- Medical Act 1983.
- Health Act 1999.
- Care Standards Act 2000.
- Health and Social Care (Community Health and Standards) Act 2003.
- NHS Act 2006.

14. Housing and Regeneration Bill

The purpose of the bill is to:

- Support delivery of housing supply through the creation of a new homes agency;
- Reform social housing regulation to put tenants at the heart of social housing, increase choice and drive up standards; and
- Reform social housing to ensure that it is a modern and flexible public service.

The main benefits of the bill are:

- By bringing together land and housing, and shifting from simply grant funding social housing to investing in infrastructure, the new agency will support the regeneration and delivery of new social and affordable housing, both social and private;
- The new agency will also make better use of surplus public sector land and maximise the potential for brownfield development;
- The Bill will also provide an opportunity to modernise powers on establishing new settlements like eco-towns, and simplify the ways in which the new agency would be able to facilitate delivery of these projects; and
- It will reform regulation of social housing, making it more proportionate and effective, whilst ensuring continued provision of high quality social housing and empowering and protecting tenants.

The main elements of the bill are:

- Establishment of a new homes agency;
- Implementation of the recommendations of the Cave Review of Social Housing Regulation, published in June 2007;
- Implementation of policies responding to John Hills' Assessment of Social Housing, published in February 07; and
- Implementation of an ECHR ruling on Gypsies and Travellers.

The Bill would apply to:

- England and Wales. The Government will work closely with the Devolved Administrations on the responsibilities they have in this area.

Related Documents:

- A consultation document has been launched on the new homes agency and the Government's response to the Cave Review of social housing regulation.
<http://www.communities.gov.uk/index.asp?id=1511392>
- A consultation document on Tenant Empowerment has been launched and can be found at:
<http://communities.gov.uk/index.asp?id=1511393>
- The Hills Review of Social Housing can be found at:
<http://sticerd.lse.ac.uk/case/news.asp#SocialHousing>
- The Cave Review of Social Housing Regulation can be found at
<http://communities.gov.uk/index.asp?id=1511391>

Existing Legislation in this area is:

- The Leasehold Reform Act 1967.
- Caravan Sites Act 1968.
- The New Towns Act 1981.
- Mobile Homes Act 1983.
- Building Act 1984.
- Housing Associations Act 1985.
- Housing Act 1985.
- Housing Act 1988.
- Leasehold Reform, Housing and Urban Development Act 1993.
- Housing Act 1996.
- Housing Grants, Construction and Regeneration Act 1996.
- Commonhold and Leasehold Reform Act 2002.

15. Human Tissue and Embryos Bill

The purpose of the Bill is to:

- update the regulation of assisted reproduction and embryo research; and
- create the Regulatory Authority for Tissue & Embryos (RATE), replacing the Human Fertilisation & Embryology Authority (HFEA) and the Human Tissue Authority (HTA).

The main benefits of the bill are:

- To help maintain the UK position as a world leader in reproductive technologies and research, bringing the law up to date in the light of developments in technology and attitudes; and
- to rationalise the number of regulatory bodies by replacing two (and taking on certain regulatory functions of a third body) with a single authority.

The main elements of the bill are:

- ensuring that the production and use of all human embryos outside the body – whatever the process used in their creation – are subject to regulation;
- a ban on selecting the sex of offspring for non-medical reasons, plus rules on the screening and selection of embryos to avoid inherited diseases;
- retention of a duty to take account of “the welfare of the child” when providing fertility treatment, but removal of the reference to “the need for a father”;
- provisions to recognise same-sex couples as legal parents of children conceived through the use of donated sperm, eggs or embryos; and
- provisions increasing the scope of legitimate embryo research activities, including clarification of the regulation of “inter-species embryos” – those combining human and animal genetic material;
- The Bill was published in draft on 17 May 2007 and is undergoing pre-legislative scrutiny by a joint committee of both Houses of Parliament due to conclude on 25 July 2007.

The Bill would apply to:

- The United Kingdom for assisted reproduction and embryo research. England, Wales and Northern Ireland for other human tissues and cells research. The Government will work closely with the Devolved Administrations on the responsibilities they have in this area.

Related Documents:

- White Paper: *Review of the Human Fertilisation and Embryology Act (including establishment of the Regulatory Authority for Tissue and Embryos)*, published December 2006:
www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_073098
- Human Tissue and Embryo (Draft) Bill, published May 2007:
www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsLegislation/DH_074718

Existing Legislation in this area is:

- Human Fertilisation and Embryology Act 1990.
- Human Tissue Act 2004.

16. Local Transport Bill

The purpose of the Bill is to:

- support the Government's strategy to tackle road congestion and improve public transport by ensuring local authorities have the right powers to take local action to meet local transport needs.

The main elements of the Bill are:

- giving local authorities the right mix of powers to improve the quality of local bus services;
- giving local authorities in our major conurbations the power to review and propose their own arrangements for local transport governance, to support more coherent planning and delivery of local transport; and
- updating existing legal powers so that, where local areas wish to develop proposals for local road pricing schemes, they have the freedom and flexibility to do so in a way that best meets local needs.
- The Bill was published in draft for public consultation and Parliamentary pre-legislative scrutiny in May 2007.

The main benefits of the Bill are:

- potential for better bus services in areas that choose to take advantage of enhanced powers;
- a more coherent approach to local transport in our major conurbations; and
- in areas that want to introduce them, local road pricing schemes that are tailored to local needs, and that are consistent and interoperable from the motorist's perspective.

The Bill would apply to:

- All the Bill's provisions extend to England and Wales; certain reserved provisions also extend to Scotland. The Government will work with the Devolved Administrations on the responsibilities they have in this area.

Related Documents:

- *'Putting Passengers First – The Government's proposals for a modernised national framework for bus services'*, December 2006.
- *'Strengthening local delivery: The draft Local Transport Bill'*, Cm 7043, May 2007.

Existing Legislation in this area is:

- Transport Acts 1968, 1985, 2000.
- Public Passenger Vehicles Act 1981.
- Greater London Authority Act 1999.

17. National Insurance Contributions Bill

The purpose of the bill is to:

- Implement part of the recent Budget announcement by the Chancellor on 21 March 2007 setting out a package of reforms to modernise the tax and benefit system;
- Enable alignment of the Upper Earnings Limit (UEL) for Class 1 NICs purposes with the point at which higher rate income tax becomes payable³; and
- Remove the current primary Social Security legislation that restricts the maximum UEL to no more than seven and a half times the Primary Threshold. The Primary Threshold is the point at which Class 1 NICs become payable on a person's earnings.

The main benefits of the bill and the related changes to personal taxation are:

- Delivery of an integral part of the commitment made by the Chancellor in the Budget to bring forward a package of reforms to modernise the personal tax and benefit system, offering more support for work, families and pensioners.

The main elements of the bill are:

- New regulation making powers that would enable Ministers to align the UEL with the point at which higher rate tax becomes payable (subject to affirmative resolution); and
- Removal of the restrictions to the current maximum level of the UEL, which stipulate that it can be no more than seven and a half times the Primary Threshold.

The Bill would apply to:

- The United Kingdom.

Related Documents:

- Budget Note (BN)01 published on 21 March 2007 – “Modernising the Personal Tax System”.
http://www.hm-treasury.gov.uk/media/1/2/bud07_budgetnotes_381.pdf

³ That is the point at which higher rate tax becomes payable plus the basic personal allowance. For 2007-08 higher rate tax is payable on income above £34,600 and the basic personal allowance is £5,225.

Existing Legislation in this area is:

- The Social Security Contributions and Social Security Act 1992.
- The Social Security Administration Act 1992.
- The Social Security (Contributions) Regulations 2001.

18. Pensions Bill

The purpose of the bill is to:

- enact the remaining provisions of our pensions reform package set out in the May 2006 White Paper, *Security in retirement: towards a new pension system*.

The main benefits of the bill are:

- The introduction of a new scheme of low-cost Personal Accounts will give those without access to a good quality pension scheme – in particular, low to moderate earners – the opportunity to save; an estimated 7 million people are currently not saving enough for their retirement;
- Automatically enrolling eligible individuals into personal accounts will tackle the current behavioural barriers to pension saving, such as inertia, and the difficulty of making the right choice; individuals will have the right to opt-out;
- The introduction of a minimum employer contribution will improve incentives to save and increase pension participation; and
- Simplification of the regulatory and institutional landscape, of private pension schemes, and of the State Second Pension.

The main elements of the bill are:

- Powers to set up the personal accounts scheme;
- Powers to introduce mandatory employer contributions into a qualifying pension scheme, and to require the automatic enrolment of eligible employees into qualifying schemes;
- Powers to enable the Personal Accounts Delivery Authority to move from acting in an advisory to an executive capacity; and
- Further consolidation and simplification measures to the State Second Pension framework.

The Bill would apply to:

- Great Britain.

Related Documents:

- *Security in retirement: towards a new pensions system*, May 2006
http://www.dwp.gov.uk/pensionsreform/pdfs/white_paper_complete.pdf
- *Regulatory Impact Assessment*, May 2006
Summary of responses to the consultation, October 2006
<http://www.dwp.gov.uk/pensionsreform/pdfs/pens-wp-response.pdf>
- *Personal accounts: a new way to save*, December 2006
http://www.dwp.gov.uk/pensionsreform/pdfs/PA_PersonalAccountsFull.pdf
- *Regulatory Impact Assessment*, December 2006
http://www.dwp.gov.uk/pensionsreform/pdfs/PA_RIA-Full.pdf
- *Summary of responses to the consultation*, June 2007
<http://www.dwp.gov.uk/pensionsreform/pdfs/PersonalAccountsConsultationResponseJune2007.pdf>

Existing Legislation in this area is:

- Social Security Administration Act 1992.
- Social Security Contributions and Benefits Act 1992.
- Pension Schemes Act 1993.
- Pensions Act 1995.
- Welfare Reform and Pensions Act 1999.
- Civil Partnerships Act 2004.
- Pensions Act 2004.

19. Planning Reform Bill

The purpose of the bill is to:

- Streamline and improve planning including introducing a single consents regime for major infrastructure projects, establishing an independent infrastructure planning commission and further measures to improve the town and country planning system.

The main benefits of the bill are:

- more timely and predictable decisions on infrastructure projects which are key to economic growth, international competitiveness, tackling climate change, energy security and improving quality of life;
- more transparent decisions with improved opportunities for public engagement;
- clearer national infrastructure policy and better developed infrastructure projects;
- Ministerial involvement in infrastructure planning at the strategic stage rather than in individual decisions; and
- deregulated local plan making, strengthening the local government place making role and a more efficient appeals process with quicker decisions.

The main elements of the bill are:

- establishing an infrastructure planning commission, its powers and functions;
- establishing a single consent regime for nationally significant infrastructure and a streamlined process for considering applications;
- statutory requirements on content and consultation on national infrastructure policy statements;
- statutory requirement for developers of infrastructure to consult affected people and communities before submitting applications; and
- changes to process for local development plan documents and establishing arrangements for local authorities to decide appeals on minor planning applications.

The Bill would apply to:

- A mixture of UK, England and Wales and England only. The Government will work closely with the Devolved Administrations on the responsibilities they have in this area.

Related Documents:

- The white paper *Planning for a Sustainable Future*, published on 21 May 2007 by the Secretaries of State for Communities and Local Government, Trade and Industry, Transport and Environment, Food and Rural Affairs
www.communities.gov.uk/index.asp?id=1510503

Existing Legislation in this area includes:

- Electricity Act 1986.
- Gas Act 1965.
- Pipelines Act 1962.
- Transport and Works Act 1992.
- Harbours Act 1964.
- Highways Act 1980.
- Water Industries Act 1991.
- Town and Country Planning Act 1990.
- Planning and Compulsory Purchase Act 2004.

20. Planning Gain Supplement Bill

The purpose of the bill is to:

- Create a major new levy to capture a modest portion of the land value uplift created at the grant of full planning permission and to generate additional revenue for investment in local and regional infrastructure; and
- Alongside the introduction of a PGS, planning obligations in England will be reformed to help speed up the process, providing greater certainty for developers, and transparency for communities.

The main benefits of the bill are:

- As part of a package of reforms designed to increase the supply of land brought forward for housing development, PGS will increase the amount of money available for local infrastructure to support housing growth. The incidence of PGS is expected to fall on landowners;
- PGS would capture a modest portion of the increase in land value that occurs when full planning permission is granted, whilst preserving incentives to develop; and
- PGS funds will be entirely hypothecated to support new infrastructure (in England). On present plans at least 70% of PGS revenues would be returned (in England) to the Local Planning Authority which granted the planning permission, to fund infrastructure projects which support the delivery of the Local Development Framework; the remaining PGS revenues will fund regional infrastructure in support of the Regional Spatial Strategy (in London, the London Plan).

The main elements of the bill are:

- The creation of PGS – including defining the scope, rate and necessary administrative functions of the tax;
- Allocation of PGS revenues – stating how PGS funds will be recycled throughout the UK and to whom; and
- Scaling back of planning obligations in England – on the introduction of PGS planning obligations would be reformed in England to cover only affordable housing and issues directly related to the viability of development site (such as site access roads, etc.).

The Bill would apply to:

- PGS would be a national tax applying across the UK.
- PGS revenues generated in the Devolved Administrations would be returned to the country in which they were generated. The use of PGS funds in the Devolved Administrations would be determined by the relevant administration.

Related Documents:

- Consultation paper on the principle of a Planning Gain Supplement, published alongside the Pre Budget Report 2005.
- Detailed consultations on paying PGS, PGS valuations and revised planning obligations in England published alongside the Pre Budget Report 2006.
- Policy statements in Chapter 3 of Budget 2007 on the design of PGS.

Existing Legislation in this area is:

- The Planning-gain Supplement (Preparations) Act 2007.
- Section 106 of the Town and Country Planning Act 1990 (as amended).

21. Regulatory Enforcement and Sanctions Bill

The purpose of the bill is to:

- Further advance the Government's policy on better regulation by establishing the Local Better Regulation Office (LBR)) as a statutory corporation;
- Provide a framework for a range of alternative administrative sanctions for regulatory non-compliance.

The main benefits of the bill are:

- Reduce unnecessary burdens imposed on business by local authority regulatory services by promoting consistent, proportionate, effective and risk based enforcement by trading standards and environmental health services;
- Enable regulators to access a set of alternative administrative sanctions which will supplement and reinforce existing powers so that regulators have at their disposal a full range of sanctions;

The main elements of the bill are:

- To establish the Local Better Regulation Office as a statutory corporation and to confer on it five key functions:
 - Issuing guidance to local authorities;
 - Supporting best practice by local authorities;
 - Giving advice to Ministers;
 - Reviewing and updating the Government's list of national regulatory priorities; and
 - Promoting consistent regulatory enforcement by local authorities.
- Deliver some of the recommendations of the Macrory Review by providing for expanded regulatory sanctioning powers;

The Bill was published in draft on 15 May and is currently out for public consultation. This consultation closes on 15 August and a Government response will be issued by 28 September 2007.

The Bill would apply to:

- The LBRO provisions in Part 1 of the draft Bill, as published on 15 May 2007, apply to England and Wales only. The Macrory provisions in Part 2 extend to England and Wales, Scotland and Northern Ireland but are of restricted application in respect of devolved matters. The Government is in discussion with all of the devolved administrations as to how the provisions of the Bill will apply to them.

Related Documents:

- Philip Hamptons report: Reducing Administrative Burdens: Effective inspection and enforcement
www.hm-treasury.gov.uk/media/A63/EF/bud05hampton1.pdf
- Pre-Budget Report 2005
- Pre-Budget Report 2006
- Prof Richard Macrory: Regulatory Justice: Making Sanctions Effective (Nov 2006).

Existing Legislation in this area is:

- There is no directly linked legislation.

22. Sale of Student Loans Bill

The purpose of the bill is to:

- enable the Secretary of State to conduct a programme of sales of the student loan portfolio.

The main benefits of the bill are:

- to enable the most effective way to handle this large and growing Government asset, realising £6 billion in receipts over the next three years;
- transactions will represent good value for money, including a genuine risk transfer to the capital markets; and this should be reflected within the UK national accounts; and
- the sales will make no difference to the terms and conditions for individual borrowers

The main elements of the bill are:

- to take powers for the Secretary of State to assign his rights and obligations in respect of income-contingent student loans to a third-party purchaser;
- to take powers for the Secretary of State to incur expenditure and make arrangements in connection with such an assignment; and
- to take data sharing powers so that information on the loans held by HM Revenue & Customs can be disclosed to the purchaser.

The Bill would apply to:

- England. The Government will work closely with the Devolved Administrations on the responsibilities that they have in this area.

Related Documents:

- Announced in Budget 2007, para 6.62, page 151:
http://www.hm-treasury.gov.uk/media/3/4/bud07_completereport_1757.pdf

Existing Legislation in this area is:

- Teaching and Higher Education Act 1998 (and regulations made under section 22 of that Act).
- Commissioners for Revenue and Customs Act 2005.

23. Unclaimed Assets Bill

The purpose of the bill is to:

- enable the banking industry to transfer unclaimed assets in the banking system so that they may be reinvested in society, whilst ensuring the rights of owners to be reunited with their assets are protected; and
- Legislation is needed to meet the 2005 election Manifesto commitment, which aimed to see banks reunite unclaimed assets with their owners or to channel them back into the community.

The main benefits of the bill are:

- Funds for the Third Sector: allows money that would not otherwise be available to be distributed in the community;
- Protection for consumers: affected consumers will have the right to claim their money back at any time and have equivalent protection to that currently held; and
- Better regulation: Legislation will be enabling not compulsory for financial institutions.

The main elements of the bill are:

- Define unclaimed assets as broadly covering all bank and building society accounts where there has been no customer-initiated activity for 15 years;
- Permit banks to extinguish their existing liabilities to dormant account customers on condition that assets are transferred into the scheme. This will enable banks to voluntarily transfer monies without impacting on their profit and loss accounts;
- Allow for a reclaim fund to be set up to manage customer reclaim across the industry, on which the liability to repay customers will be placed, and allow it to be authorised by the Financial Services Authority;
- Provide the customer with the right to reclaim their assets; and
- Allow for assets to be distributed to the Community, with a focus in England on youth services, financial capability and inclusion (as set out in PBR 2005 and Budget 2006) and (if funds permit) social investment. The devolved administrations will decide their own spending priorities.

The Bill would apply to:

- The United Kingdom There are a mixture of reserved and devolved functions. The Government will work closely with the Devolved Administrations on the responsibilities that they have in this area.

Related Documents:

- *A UK Unclaimed Asset Scheme: a consultation* (20th March) – web link:
http://www.hm-treasury.gov.uk/consultations_and_legislation/unclaimed_assets/consult_unclaimedasset_index.cfm
- *Unclaimed assets distribution mechanism: a consultation* (17th May 2005) – web link:
http://www.hm-treasury.gov.uk/consultations_and_legislation/unclaimed_assets/consult_unclaimedassets_distribution.cfm

Existing Legislation in this area is:

- Charities Act 1993 for dormant charity accounts.

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