

Legislating Brexit

The Great Repeal Bill and
the wider legislative challenge



Our Brexit work

Following the UK's vote to leave the European Union, the Institute for Government has launched a major programme of work looking at the negotiations, the UK's future relationship with the EU and the impact of Brexit on the UK union. Keep up to date with our work at www.instituteforgovernment.org.uk/brexit

Key points

Making a success of Brexit will require a large volume of legislation to be passed through Parliament against a hard deadline. Meeting that requirement while still ensuring adequate scrutiny and leaving room for the Government's domestic policy agenda will require both government and Parliament to adapt their normal approach to making legislation, and to recognise the value and importance of the other's objectives and role. We recommend:

For government:

- Government should resist the temptation to introduce non-essential changes in the repeal bill. The priority should be on copying across the acquis, which can be amended after Brexit.
- Government needs to ensure it has central processes in place for prioritising and scheduling the passage of secondary legislation so that it is ready to deal with a significantly increased flow, and can ensure that scheduling allows the timely passage of Brexit-related secondary legislation.
- Government needs to avoid the temptation to over-rely on secondary legislation to amend primary legislation; there is a risk this could undermine the legitimate role of Parliament in scrutinising legislation.
- Government should produce white papers, draft legislation and full impact assessments in advance of introducing bills and secondary legislation to Parliament to ensure that Parliament can undertake well-informed scrutiny.
- To make space for Brexit legislation, departments will need to ruthlessly prioritise other legislation and indeed

find non-legislative approaches to achieving policy aims where possible, particularly in the context of the Government's narrow Commons majority.

For Parliament:

- Parliamentarians should prioritise the relatively greater value they can bring to the legislative process at an early stage by conducting inquiries and taking evidence on proposed legislation in select and joint committees; pressing the Government to publish white papers and introducing bills in draft wherever possible; and timing their scrutiny carefully to ensure there is time for it to have impact.
- In preparation for the increased flow of secondary legislation that Brexit will bring, parliamentarians in both Houses need to review their processes for scrutinising such legislation, to ensure that MPs and peers are supported to conduct meaningful scrutiny, that processes are as simple as possible, and that Commons and Lords processes are complementary. This should include the creation of a committee to provide advice to the Commons on which pieces of secondary legislation require particular attention.
- Parliamentarians need to recognise that the 'super-affirmative' procedures for scrutinising secondary legislation can be onerous and time-consuming for government and, therefore, given the time constraints involved in the Article 50 process, should only seek to require such enhanced procedures selectively.

Introduction

Since late 2016 parliamentarians have been preoccupied with the judgment of the Supreme Court on their role in triggering Article 50 and the passage of the European Union (Notification of Withdrawal) Bill. Meanwhile, much of Whitehall has been wrestling with preparations for a far more complex and challenging task: that of legislating for the consequences of Brexit.

As the media have commented recently,¹ this is likely to require Parliament passing 10 to 15 new bills and thousands of pages of secondary legislation before the Article 50 process is complete – with fewer than two complete parliamentary sessions in which to do the job. For government departments, the challenge will not just be getting this legislation through Parliament, but coping with the impact of legislating for Brexit on top of 'business as usual'. Considerable time and resource will be soaked up and there will be precious little space left in the legislative programme for other legislation that departments might have wanted to see pass.

For both government and Parliament, legislating for Brexit poses a significant question: how to balance the need to ensure the UK is ready to leave the EU with the imperative for effective democratic scrutiny of that process. In the first half of this paper we explain what the task of legislating for Brexit is going to involve. In the second half we set out our recommendations for how government and Parliament can achieve this task while ensuring effective parliamentary scrutiny of the process.

We argue that the Government needs to avoid the risks associated with too little parliamentary scrutiny of Brexit, namely: failure to identify unforeseen problems with proposed legislation and a lack of democratic legitimacy for the replacement regimes that the government introduces. Meanwhile, Parliament needs to avoid the risks associated with prolonged and unprioritised scrutiny of Brexit-related legislation, namely: that some legislation is subject to in-depth examination, while the rest is scrutinised in only a cursory fashion; and ultimately, that the essential legislation is not in place when the UK leaves the EU, creating uncertainty and possible 'cliff edges'.

To date there has been a complete lack of clarity about the role that the devolved legislatures will play in legislating for Brexit. The attitude that the Scottish National Party (SNP) takes to the passage of Brexit-related legislation in Westminster could affect the smoothness with which that legislation passes through Parliament if they join forces with the Labour Party and Conservative rebels (although it is unlikely to prevent its eventual passage). The Government should make clear at the earliest opportunity what role it envisages for the devolved legislatures: whether the devolved legislatures will need to pass their own bills to preserve EU legislation that has effect at a devolved level; and, whether 'legislative consent' motions will be needed to signal the nations' assent to UK-wide primary legislation changing the powers of the devolved governments.

What legislation is required by the time the UK leaves the EU?

The Government has certain things it needs to achieve through legislation before the UK leaves the EU – the 'have to haves' (see Box 1). It will also have ideas for other things it would like to achieve – the 'nice to haves' – and will come under massive lobbying pressure from people who see scope for early relief from EU-imposed obligations and constraints. The politics may point to including the nice-to-haves, but the practicalities suggest that **the Government should resist opening that Pandora's Box and confine its legislation to what needs to be done to translate the acquis (the body of EU law) into UK law**, and introduce new regimes where exit from the EU leaves a gap that must be filled by March 2019.

Box 1: The legislative task: what needs to be done before the UK leaves the EU

- Repeal of the European Communities Act 1972 (the ECA).
- Provisions to 'save' secondary legislation made under the ECA so that it continues to have effect once the ECA has been repealed.
- Provisions to transfer into UK law EU regulations which currently have direct effect in UK law, so they continue to have effect once the ECA has been repealed.
- Provisions to clarify how transposed laws relying on or referring to EU institutions and mechanisms will operate.
- Any changes required to existing primary and secondary legislation to ensure that it is still 'operable' after the UK leaves the EU, for example replacing references to the European Commission with references to UK bodies or ministers.
- Statutory powers to enable ministers to make changes to primary and secondary legislation to ensure operability without the need for primary legislation (so-called 'Henry VIII powers').
- New primary legislation to establish new policies in areas previously under EU competence which must be up and running at the point of Brexit (such as new customs and immigration systems).
- If the Government has a firm view on the status the courts should accord to previous and future rulings of the European Court of Justice, and of the guidance often used to interpret European law, then it will need to make provision to clarify this. Otherwise the courts will adopt their own approach to the issue.

The Government has said that it intends to achieve this legislative task using a three-pronged approach: a Great Repeal Bill, secondary legislation and further primary legislation (such as a new immigration bill, trade bill and others, covered below).

The Great Repeal Bill

The repeal bill will have three main functions, as set out in the Government's white paper:² to remove the applicability of EU law in the UK by repealing the ECA 1972; to provide legal certainty and continuity by transferring EU laws and regulations onto the UK statute book; and to give government delegated powers to amend laws 'that would not otherwise function sensibly once we have left the EU' (described as 'inoperable').

A plausible timetable for the repeal bill would seem to be:

- A white paper to facilitate discussion on the principles upon which the bill is being drafted before the Easter recess 2017.
- A bill introduced early in the 2017/18 session following its announcement in the Queen's Speech.
- Second reading and bill entering committee before the summer recess.
- Committee stages continuing into the September sitting and, if necessary, beyond the conference recess.
- Lords stages during the remainder of 2017.
- Royal assent in early 2018, with provisions of the Act brought into force as appropriate thereafter.

Secondary legislation

The repeal bill is likely to include a framework for giving government delegated powers to make specific changes to existing legislation. 'Delegated powers' in Acts of Parliament allow government to do certain things using 'secondary legislation'. Secondary legislation is often used to deal with matters that are too detailed to include on the face of a bill or which are subject to frequent change (e.g. uprating of certain benefits), because it is subject to a lesser degree of parliamentary scrutiny than primary legislation.

Box 2: Parliamentary scrutiny of primary and secondary legislation

Bills pass through several separate stages of debate and line-by-line scrutiny in each House before a final version is agreed between the Commons and the Lords; typically First and Second Reading, Committee stage, Report Stage and Third Reading in each House, followed by exchange of amendments until agreement is reached if the second House makes changes (known as 'ping pong').

Secondary legislation is subject to a range of different procedures:

- The greatest proportion are subject to so-called '**negative procedure**' and are only debated in committee if parliamentarians raise an objection.
- A small proportion are subject to '**affirmative procedure**', under which they are debated in committee in each House (and very occasionally by the whole House). These committees cannot reject or amend the legislation, they simply debate a motion that confirms that the committee has considered the text. The processes in each House are entirely separate; there is no process of agreement between them.
- In a very few cases, including 'legislative reform orders', secondary legislation is subject to '**super-affirmative procedure**', which provides each House with an opportunity to comment on proposals for secondary legislation and recommend amendments before the legislation is introduced via the affirmative procedure.

The Government has confirmed in its white paper that secondary legislation will be used to 'address deficiencies' in transferred EU law to ensure that it continues to operate once the UK has left the EU, for example by removing references to EU institutions or agencies. Preparatory work for this has already begun: in autumn 2016 Whitehall departments were commissioned by the Department for Exiting the EU (DExEU) to assess which areas of European legislation currently affect their business. Subsequently they were tasked with evaluating the difficulty of moving that legislation onto the UK statute book; distinguishing between that which is 'operable' – i.e. straightforward to transfer – and that which is 'inoperable' – i.e. requiring more significant adaptation and/or policy decision. In practice that means most of the substance of the secondary legislation should be pretty mundane – substituting domestic authorities for European institutions – though with potential for some contention over devolved areas.

It is not yet clear how much secondary legislation will need to be passed before Brexit, or how much will have to await the final outcome of the negotiations, but the volume is likely to be significant. The Secretary of State for Exiting the EU, David Davis MP, has acknowledged that secondary legislation will be needed to amend 'thousands of pages of statutes'. It will be up to policy teams and departmental lawyers to draft the legislation and explanatory memoranda required,ⁱ and the scale of the task for some departments, such as the

ⁱ The quality of the explanatory memoranda accompanying secondary legislation will be particularly important in the context of Brexit. It is here that the Government should explain the rationale for the parliamentary procedure it has chosen to use for each piece of secondary legislation.

Department for Environment, Food and Rural Affairs (Defra), means they are likely to need additional resource to equip them for this.ⁱ

Government will need to ensure that the Cabinet Office has processes in place for prioritising, co-ordinating and scheduling the passage of secondary legislation, including appropriate ministerial oversight; so that they are equipped to deal with the increased flow of secondary legislation. The nature of the hard exit deadline means that Brexit-related secondary legislation that is essential for continuity will have to take precedence over non-Brexit-related secondary legislation.

Although the lead will fall to departments to identify requirements, undertake drafting and ensure that the secondary legislation they need will be in place on time, DExEU will need to work closely with the Cabinet Office to oversee Brexit-related secondary legislation. If the level of inter-departmental co-ordination over secondary legislation can be increased, this could reduce the parliamentary time required to pass legislation, for example by grouping several pieces of legislation together for debate rather than holding separate committee debates on each one individually.

Other primary legislation

While the Government plans to use secondary legislation to make EU law 'operable', the Brexit white paper states that any 'significant policy changes' – i.e. changes to the content of that legislation – will be made in new, primary legislation, not through secondary legislation. Primary legislation will also be needed to set up the new policies and administrative processes that the UK will need after it leaves the EU. In its white paper the Government acknowledged that these policies and processes include the new regimes for immigration and customs. But there are other areas, for example agriculture policy, where leaving the EU will leave a policy gap that cannot be filled by mapping over existing EU laws.

The timing of legislation will depend on the extent to which these issues are covered in Article 50 negotiations. The Government is free to legislate on matters which are not on the table for negotiations. For example, the Government has made clear that it regards immigration as an area of domestic policy and not up for negotiation. This means that the UK can legislate to establish a new immigration system to take effect once the UK leaves the EU without waiting for the outcome of negotiations. However, the status of EU nationals already in the UK is something which the Government believes should be part of the Article 50 negotiations, and the outcome of those talks will have to be reflected in new Home Office legislation.

The timing of new legislation will depend on decisions about its relative priority, and practical considerations about the capacity of government to prepare the legislation and what needs to be in place by when. Working backwards from a desired delivery date, the Government will need to factor in the time to adapt

i George Eustice, Minister for Agriculture, Fisheries and Food, wrote in answer to a written parliamentary question that "Defra is the domestic department most affected by EU exit, with some 80% of our work framed by EU legislation".³

or establish new administrative systems, to allocate the money required to fund these developments and to make political decisions about new areas of policy. As we have observed previously,⁴ there will be a lead time involved in establishing new administrative systems. This is particularly likely if they require significant recruitment and training of personnel (e.g. thousands of new customs or border control officials) or technological development (e.g. a new IT system to help business deal with new rules of origin declaration requirements).

The scale of Brexit legislation will have implications for the rest of the Government's legislative programme. Some estimates put the range of new bills required between 10 and 15. Most Queen's Speeches announce around 20 new pieces of legislation, reflecting the drafting capacity of Parliamentary Counsel and the parliamentary time available to pass primary legislation in a normal session.ⁱ That means there will be a very significant reduction in space for non-Brexit-related legislation in both the 2017 and 2018 sessions. This will place a bigger burden on the normal prioritisation processes around the legislative programme, and should mean that departments will have to seek out non-legislative routes where possible to achieve their objectives.

i The Conservative Government passed 23 bills in the first year of the current Parliament (2015/16), some of which were not announced in the 2015 Queen's Speech.

Achieving the right balance: adequate scrutiny and getting legislation in place

If the twin objectives we have identified are to be achieved – adequate scrutiny to make Parliament feel that it has had a chance to examine and consent to the new post-Brexit regimes, while having the necessary legislation in place in good time for an orderly exit – both government and Parliament will need to work effectively and together. In the remainder of this paper we set out ideas for how both sides need to respond to the legislative challenge of Brexit.

What must government do to ensure effective scrutiny?

As the Government acknowledged in its white paper, Parliament will have a ‘critical’ role in legislating for Brexit – both in passing the repeal bill and in scrutinising changes to policy that follow on from Brexit. It is important for Brexit legislation to be subject to – and seen to be subject to – effective parliamentary scrutiny in order to avoid undermining the role of Parliament within our democratic system. But the enormity of the task of disentangling UK law from the EU legal system under the time constraints imposed by the Article 50 process means it is inevitable that many of the changes that need to be made cannot practically be subject to a ‘normal’ level of parliamentary scrutiny. Trade-offs will be inevitable and new mechanisms will be required, including new powers to change or repeal primary legislation using secondary legislation (so-called Henry VIII powers).ⁱ

Government needs to be careful not to undermine the legitimate role of Parliament in scrutinising legislation. It must limit its use of Henry VIII powers to dealing with the necessary administrative consequences of Brexit, and should limit their availability by providing for them to expire within a defined period (say two to three years) post-EU exit.

At the same time as scrutinising the negotiations, Parliament will be heavily occupied scrutinising the primary and secondary legislation required to deliver Brexit. Drawing on the Institute’s previous work on parliamentary scrutiny,⁵ which argues that good scrutiny is essential to good government, we can identify four factors in government’s control that will be important in ensuring that parliamentary scrutiny is effective: expertise, mechanisms, time and information:

Expertise

The first is making the most of the experience and expertise of parliamentarians. Parliamentarians enter Parliament with a range of previous experience and expertise which they can bring to bear when scrutinising legislation, but

ⁱ Concerns have previously been expressed about the increasing use by government of Henry VIII powers. See, for example, the report of the House of Lords Constitution Committee on the Public Bodies Bill introduced in 2010 (6th report of Session 2010–12, HL51, www.publications.parliament.uk/pa/ld201011/ldselect/ldconst/51/5102.htm)

government is notoriously reluctant to utilise this expertise on committees – indeed often appearing to regard it as a disqualification to membership.⁶

In theory, the exception to date has been for committees considering European legislation for which Standing Orders require the Committee of Selection to “have regard to the qualifications of the Members nominated” and, where practical, to select at least two members of the European Scrutiny Committee and two members of the most relevant select committee.⁷ In practice, this requirement has not been consistently met.

The exceptional nature of the Brexit legislation – of rapid and complex scrutiny in a constrained timeframe – means that **government should go out of its way to provide opportunities for parliamentarians to bring their experience and expertise to bear upon the legislative process. Making a visible effort in this regard will help the government to keep parliamentarians on side as they take legislation through Parliament. In the Commons, for example, the Committee of Selection (which decides which MPs should sit on which committees) should make much more effort to ensure that MPs with relevant expertise sit on secondary legislation and public bill committees.**

Mechanisms

The second factor required to ensure that parliamentary scrutiny of Brexit-related legislation is effective, is for government to ensure that Parliament has the right opportunities to conduct scrutiny. Each House has its standard mechanisms for the scrutiny of primary and secondary legislation, but there are additional mechanisms that the government can use to enhance opportunities for scrutiny. These include:

- Setting out policy objectives in a **white paper** before introducing legislation (a recent example is the Housing White Paper published by the Government in February⁸). The Government has already indicated that it intends to introduce a white paper ahead of the repeal bill, and has also promised one on immigration. White papers provide the opportunity for early scrutiny by departmental select committees before legislation is drafted.
- Introducing **legislation in draft** to allow Parliament to see how the Government intends to deliver its policy objectives. Draft bills and secondary legislation can be scrutinised in whole or part by existing parliamentary committees, or by committees established specifically for the purpose. The latter often have joint membership from the Commons and Lords. Introducing legislation in draft can shorten the time that subsequent legislation takes to pass through Parliament, as government can deal with parliamentarians’ concerns before introducing a bill or secondary measure.⁹

Wherever possible, **government should seek to enhance the opportunities that parliamentarians have to scrutinise legislation, including by producing white papers and draft legislation in advance of introducing secondary legislation and bills to Parliament.**

Information

A third action that the Government can take to enhance the effectiveness of scrutiny is to provide parliamentarians, and through them the public, with as much information as possible about the evidence base for its policy decisions, what options it has considered and the reasons it has chosen the options it has. The Government has the option of setting out this sort of information in a white paper, as mentioned above. Not optional are the impact assessments that must accompany any bill that will have an impact on business or the voluntary sector.¹⁰ These assessments have to be submitted to the Regulatory Policy Committee (RPC), which rates the quality of their assessment. Those judged to be poor are supposed to be redone before the measure can proceed. The Brexit white paper, produced at short notice, offered very little in the way of analysis of the thinking behind the Government's policy choices around the form of Brexit.

Government should ensure that its impact assessments inform debate about Brexit-related legislation by providing as much information as possible about the evidence base for its policy decisions, the potential burdens or savings to business from the options it has considered, and the reasons why it has chosen particular options. Parliamentarians should scrutinise these rigorously.

Time

Finally, government must ensure that Parliament has sufficient time to carry out its scrutiny of Brexit-related legislation. The two-year time limit imposed by the Article 50 process means that the parliamentary time available amounts to one full session and one three-quarter session finishing in March 2019. **If Parliament is not to feel sidelined, government must work with it to ensure that it maximises the time available for each House to examine the legislation it deems to be of particular interest and importance.**

This will include striking an appropriate balance between the time taken for scrutiny of the repeal bill and the time subsequently available to pass secondary legislation using the powers that the bill will provide. If the repeal bill receives Royal Assent in early 2018, this would allow just over a year for Parliament to pass the secondary legislation required before the UK leaves the EU, which is expected to be in March 2019.

What should Parliament do to ensure legislation is passed in time?

Parliament must ensure that it conducts effective scrutiny of Brexit-related legislation, but it also has a responsibility to ensure that the UK is ready to leave the EU in 2019. This means that **parliamentarians need to be realistic about where they can bring the greatest value to the legislative process, recognise the finite time available and prioritise their efforts accordingly.**

For example, if MPs think the Government's programme motion does not provide them with enough time to scrutinise the repeal bill, they could choose to vote it down. However, extending the time they take to look at the bill will reduce the time they have available to scrutinise the secondary legislation the government needs to pass before the UK exits the EU. Although the Lords does not 'programme' its legislative scrutiny in the same way as the Commons, it will still have to strive to achieve an appropriate balance between the various different scrutiny tasks it will need to complete before Brexit.

Backbench parliamentarians should recognise the relatively greater value they can bring to the legislative process at an early stage by conducting inquiries and taking evidence on proposed legislation in select and joint committees, and responding by pressing the Government to publish white papers and introduce bills in draft wherever possible – rather than waiting until bills are introduced, at which point the opportunities for policy engagement and amendments are much more limited. Committees must schedule their inquiries to ensure that they produce recommendations in time to inform the drafting and development of legislation.

A key decision for parliamentarians will be how to respond to the powers the Government seeks to secure for itself in the repeal bill to amend primary legislation using secondary legislation. Sir Stephen Laws QC, former First Parliamentary Counsel, has argued that the Government is likely to seek "very wide powers to make subordinate legislation: to allow for different potential outcomes from the negotiations, and generally for the widespread nature of the required changes". Handing over such wide powers to the Government is likely to make many parliamentarians uncomfortable, whatever assurances the Government provides about the way in which it intends to use these powers. It is welcome that the Commons Procedure Committee has launched an inquiry looking into delegated powers in the repeal bill, seeking to address some of these issues.¹¹

Worries about handing over extensively drawn powers to the Government are likely to be particularly acute given widely noted inadequacies in parliamentary scrutiny of secondary legislation. Common critiques refer to the increased volume, scope and complexity of secondary legislation, the complexity of procedures, and the *ad hoc* and inexpert membership of committees scrutinising secondary legislation.

Parliamentarians in both Houses have a responsibility to review the effectiveness of their processes for scrutinising secondary legislation and revise them as appropriate. An obvious gap at present is in the capacity of the House of Commons to consider the merits of statutory instruments – a role played in the House of Lords by the Secondary Legislation Scrutiny Committee (SLSC). The SLSC considers all statutory instruments laid before Parliament and reports to the House of Lords on any it finds to be ‘interesting, flawed or inadequately explained by the Government’. The importance of this role – giving parliamentarians confidence that secondary legislation is being used to make technical amendments and not more significant policy changes which ought properly to be made through primary legislation – will be significantly increased in the context of Brexit. **The creation in the Commons of an equivalent, appropriately resourced committee providing advice on the merits of secondary legislation (or even possibly a joint committee with the same role) would likely be of considerable benefit to both Parliament and government. It would enable the scrutiny of technical measures to be accelerated and more time to be spent on more significant measures.**

Another option open to parliamentarians will be to seek to upgrade the parliamentary processes used to scrutinise at least some Brexit-related secondary legislation from the normal ‘negative’ or ‘affirmative’ procedures to the super-affirmative procedure that already exists for some kinds of secondary legislation (see Box 2 on page 8). However, **parliamentarians need to recognise that the super-affirmative procedures can be onerous and time-consuming for government; their widespread requirement may be impractical given the time constraints involved in the Article 50 process.**

References

- 1 Jamieson, S 'Seven new Brexit bills' must be passed after Article 50 is triggered, leaked Whitehall documents say', *The Telegraph*, 14 March 2017. www.telegraph.co.uk/news/2017/03/14/seven-new-brexit-bills-must-passed-article-50-triggered-leaked/
- 2 HM Government, *The United Kingdom's Exit From and New Partnership with the European Union*, Cm 9417, The Stationery Office, London, February 2017, www.gov.uk/government/uploads/system/uploads/attachment_data/file/589191/The_United_Kingdoms_exit_from_and_partnership_with_the_EU_Web.pdf
- 3 House of Commons Written Answer 65432, given by George Eustice on 2 March 2017 in response to a question from Caroline Lucas on 23 February 2017, www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2017-02-23/65432
- 4 Owen, J. and Munro, R., *Whitehall's Preparation for the UK's Exit From the EU*, Institute for Government, London, 2016, www.instituteforgovernment.org.uk/publications/whitehall-s-preparation-uk-s-exit-eu
- 5 White, H., *Parliamentary Scrutiny of Government*, Institute for Government, London, 2015, www.instituteforgovernment.org.uk/publications/parliamentary-scrutiny-government
- 6 Wollaston, S., 'Creeping patronage, new politics and the payroll vote', *The Guardian*, 10 February 2011, retrieved 17 November 2016, www.theguardian.com/commentisfree/2011/feb/10/creeping-patronage-house-commons-mps-whips
- 7 Standing Orders of the House of Commons – Public Business 2016, www.publications.parliament.uk/pa/cm201516/cmstords/0002/body.htm#119
- 8 Department for Communities and Local Government, *Fixing our Broken Housing Market*, Cm 9352, February 2017, www.gov.uk/government/collections/housing-white-paper
- 9 Draft bills before Parliament, www.parliament.uk/business/bills-and-legislation/draft-bills/
- 10 Rutter, J., 'A Brexit white paper is not a silver bullet', Institute for Government, London, January 2017, www.instituteforgovernment.org.uk/blog/brexit-white-paper-not-silver-bullet
- 11 Procedure Committee, Delegated powers in the 'Great Repeal Bill' inquiry, www.parliament.uk/business/committees/committees-a-z/commons-select/procedure-committee/inquiries/parliament-2015/delegated-powers-great-repeal-bill-16-17/

About the authors

Hannah White joined the Institute for Government in May 2014, originally on secondment from the House of Commons. She is now Director of Research, and also leads the Institute's work on Parliament and Brexit. Hannah has more than 10 years' experience in Parliament and the Civil Service, most recently running the Committee on Standards on Public Life in the Cabinet Office, and the Political and Constitutional Reform Committee in the House of Commons. Previously she was Private Secretary to the Clerk and Chief Executive of the House of Commons and worked in the Public Bill Office, running legislative committees and advising on parliamentary procedure.

Jill Rutter directs the Institute's work on better policy making and arm's length government, and Brexit. She is an experienced former senior civil servant, having worked in HM Treasury, Number 10 and the Department for Environment, Food and Rural Affairs (Defra). Jill is co-author of the Institute's work on making policy better, policy success and innovation in policy processes, as well as how to manage relationships with arm's length bodies. Before joining the Institute, Jill was Director of Strategy and Sustainable Development at Defra.

The Institute for Government is the leading think tank working to make government more effective.

We provide rigorous research and analysis, topical commentary and public events to explore the key challenges facing government.

We offer a space for discussion and fresh thinking, to help senior politicians and civil servants think differently and bring about change.



Copies of this report are available alongside our other research work at:
www.instituteforgovernment.org.uk

✉ enquiries@instituteforgovernment.org.uk
🐦 [@instituteforgov](https://twitter.com/instituteforgov)

Institute for Government
2 Carlton Gardens, London SW1Y 5AA
United Kingdom

☎ +44 (0) 20 7747 0400
📠 +44 (0) 20 7766 0700

March 2017

© Institute for Government 2017

The Institute for Government is a registered charity in England and Wales (No.1123926) with cross-party governance. Our main funder is the Gatsby Charitable Foundation, one of the Sainsbury Family Charitable Trusts.