

Introduction and summary



1. This is the third year that the Government has published its legislative programme in draft for consultation in advance of the Queen's Speech. This year it is being published as part of the Government's broader plan for Building Britain's Future. This provides an opportunity for both the public and Parliament to see how the Draft Legislative Programme (DLP) forms part of the action the Government is taking to build a more prosperous, stronger and fairer country.
2. The aim of publishing the DLP is to be transparent about what the Government is planning to achieve through legislation. This provides an opportunity to look across the programme as a whole and take a view as to whether the balance of priorities is right, whether there are important areas that have been missed out or areas of the programme that should be given lower priority. This, in turn, enables views to be fed into the development of the programme before the final programme is announced in the Queen's Speech towards the end of the year.
3. As a draft programme, the Government expects it to develop and change over the course of the year, as a result both of consultation and as new issues arise. For example, on 10 June the Prime Minister announced the start of public engagement on further democratic reform, some parts of which could require primary legislation – this exercise will be running in parallel with consultation on the DLP.
4. We are publishing this year's DLP as part of Building Britain's Future because the Government's plans for legislation are subject to the same key priorities as activity across government at this critical time: cleaning up politics and reforming our democracy; taking Britain out of recession into recovery; and reforming Britain's public services. This means that this year's DLP should be considered with two particular points in mind.
5. First, although the legislative programme has a central part to play in Building Britain's Future, the work of Government is about a great deal more than legislation. As the rest of this document sets out, most Government action can and should be delivered through other means. We will only legislate where necessary and appropriate: although where we need to legislate we will do so. Much of the action we are taking to build Britain's future is rightly being taken forward outside the legislative process.
6. Secondly, the next session of Parliament, which will begin in the autumn, is the final session of this Parliament. It is likely to be, at most, around half the length of a normal session and the time available for legislation will therefore be significantly reduced. This year's DLP is therefore necessarily slim and the Government is sticking rigorously to its priorities for Building Britain's Future.
7. To implement the proposals in this document, the Government is proposing to introduce 11 bills in key areas in the next session of

Parliament (two of which, the **Equality and Child Poverty Bills**, have recently been introduced but will be largely considered in the next session and one, the **Constitutional Renewal Bill**, is intended for introduction before the end of this session).

8. The Government has also recently introduced the **Parliamentary Standards Bill**, intended for Royal Assent before the summer recess, to create an Independent Parliamentary Standards Authority to revise, monitor and administer the system of MPs' allowances; to set and enforce the rules relating to the registration of MPs' financial interests; to create new criminal offences for MPs of making false or misleading claims for allowances, failing to register a financial interest, and engaging in paid advocacy and to provide for the Code of Conduct for Members to be placed on a statutory footing.
9. Many of these bills are referred to throughout Building Britain's Future but, for clarity, their key contents are drawn together in this annex. The list of proposed contents of bills is not exhaustive as departments are still consulting and developing policy in many areas.
10. It is also of crucial importance that the United Kingdom Government works together with the Devolved Administrations to ensure that the law not only respects the devolution settlements but also serves the best interests of all the citizens of the UK. To this end, all Government departments work closely with their devolved counterparts when preparing legislation. The Government will continue to work closely with the Welsh Assembly Government, the Scottish Executive and the Northern Ireland Executive to identify if areas of the UK legislative programme require the consent of the devolved legislatures.
11. The Government is keen to receive your views on the DLP in answer to the following question:

Do you think the Draft Legislative Programme reflects the right priorities for the United Kingdom and, if not, what other issues do you think the Government should be addressing?

In summary the themes of the programme and the bills are:

Rebuilding trust in a modern, democratic Britain

- Constitutional Renewal Bill
- Bribery Bill

Real help now that builds a stronger Britain

- Financial Services and Business Bill

Investing for the future: Building tomorrow's economy today

- Digital Economy Bill
- Energy Bill
- Flood and Water Management Bill

Fair chances for all: Building the next generation of public services

- Improving Schools and Safeguarding Children Bill
- Equality Bill

Fair rules: Building a strong society

- Policing, Crime and Private Security Bill

Strengthening family and community life

- Child Poverty Bill

Britain in a fairer and safer world

- Cluster Munitions Prohibition Bill

12. To be taken into account, all responses must be received by the **deadline of 21 September 2009**.

Rebuilding trust in a modern, democratic Britain

Constitutional Renewal Bill

Rebuilding trust in our democratic and constitutional settlement by ensuring openness, transparency, and accountability by:

- completing the process of **removing the hereditary principle** from the second chamber;
- providing for the **disqualification** of Peers convicted of a serious criminal offence;
- allowing Peers to resign;
- placing the **Civil Service Code**, recruitment into the Civil Service and the role of the Civil Service Commissioners on a statutory footing;
- creating a statutory basis for the **Parliamentary scrutiny of Treaties**, prior to their ratification;
- limiting the circumstances in which the **Attorney General** can intervene in cases and requiring her to publish a protocol on how the Attorney General would work with the Directors of the prosecution services that she oversees;
- removing the Prime Minister from involvement in all **judicial appointments** in England and Wales;
- repealing legislation that limits **protests around Parliament**; and
- standardising the time limit within which legal action can be brought under the **Human Rights Act** across the UK.

The Government has already made significant reforms to the House of Lords and will bring forward further reform through the **Constitutional Renewal Bill**. To complete this final phase of reform, the Government will then set out proposals and publish a draft bill for a smaller and democratically constituted second chamber.

Bribery Bill

Modernising the law on bribery to support the highest ethical standards across business and public life and to equip prosecutors and courts to deal effectively with bribery by:

- Providing a new, modern and comprehensive scheme of bribery offences enabling a more effective response to bribery in the public and private sector, at home and abroad;
- Enabling the courts to consider evidence from proceedings in Parliament in the event of a prosecution for bribery of a Member of Parliament or Peer;
- Creating an offence of bribery of foreign public officials in order to obtain or retain business;
- Creating a new corporate offence where a business fails to prevent bribery being committed by those working on its behalf;
- Guaranteeing that foreign nationals who are resident in the UK are liable to prosecution for bribery committed abroad in the same way that UK nationals are already liable; and
- Removing the existing requirement for the consent of the Attorney General to a prosecution for bribery.

The Government published its proposals for reform of bribery law in a draft bill on 25 March 2009.¹ Subject to views expressed by Parliament during the process of pre-legislative scrutiny up to the summer, the Government proposes to introduce the **Bribery Bill** to Parliament in the next session.

The draft bill covers England, Wales and Northern Ireland. The reform of the law on bribery in Scotland is a matter devolved to the Scottish Parliament.

Real help now that builds a stronger Britain

Financial Services and Business bill

Promoting stability, efficiency and competition in financial markets, taking action to reduce the frequency and impact of systemic financial crises and promoting efficiency and competition by:

- **Renewing financial regulation** including strengthening regulation (including to cover all important institutions) to reduce the systemic risk of markets and to enable a wider approach to regulation;
- **Protecting and supporting consumers** to boost financial capability and tighten up consumer-focused regulation. In particular to enable spending on a national **money guidance service**;
- **Improving efficiency and competition in financial markets** including considering ways to strengthen the diversity of market participants, as well as action to maintain the competitive position of the UK as the leading global financial centre;
- **Toughening regulation of the financial system** to ensure that the Financial Services Authority (FSA) has sufficient powers to do its job. For example, the Government is examining powers to:
 - suspend individuals or firms for misconduct or to penalise individuals who should have sought approval to perform a controlled function but did not do so;
 - freestanding powers to take certain emergency actions for the purposes of financial stability, including placing restrictions on short selling and requiring disclosure of short selling;
 - strengthen the FSA's statutory objective and governance in respect of consumer education;
- **Banning unsolicited credit card cheques** – these cheques contribute to drawing people further into debt than they intended to go by making accessible a form of credit which

often attracts higher interest rates than card purchases; can carry a handling fee and can come without the protections available when using credit cards themselves. The Government will be consulting on the proposed framework of a ban shortly in the context of the upcoming Consumer White Paper.²

Investing for the future: Building tomorrow's economy today

Digital Economy Bill

Ensuring a world-class digital future following the **Digital Britain White Paper**³, published on 16 June 2009. The White Paper sets out the Government's ambition to secure the UK's position as one of the world's leading digital knowledge economies and take forward a new, more active industrial policy to maximise the benefits from the digital revolution by:

- Delivering a **universally available broadband in the UK by 2012** through a public fund, including funds released from the digital television switchover help scheme;
- Giving the sectoral regulator, Ofcom, two new duties: first, to **promote investment in infrastructure and content** alongside its duties to promote competition; and second, to carry out a **full assessment of the UK's communications infrastructure** every two years; to ensure that the UK has a first class and resilient communications infrastructure;
- Establishing the necessary enabling powers for **new commissioning bodies providing strong multimedia news** in the Nations, regionally and locally and update the Channel 4 Corporation's remit. This would help create the environment for continued investment in, and creation of, high quality and innovative content, including necessary changes in relation to public service broadcasting;
- Ensuring that all national broadcast radio stations are digital from the end of 2015, by making changes to the existing **radio licensing regime** to enable digital coverage

to be extended, encourage investment by the commercial sector, alongside the BBC, in new digital content, and revise the existing regulatory and multiplex licences;

- Creating a robust legal and regulatory framework to combat **illegal file sharing** and other forms of online copyright infringement and give Ofcom a specific new responsibility to significantly reduce this practice, including two specific obligations on Internet Service Providers: the notification of unlawful activity and, for alleged serial-infringers, collation of data to allow rights holders to obtain court orders to force the release of personal details, enabling legal action to be taken against them; and
- Implementing the recommendations of the Byron Review⁴ published in June 2008, to put **age ratings of computer games on a statutory footing** for ratings of 12 years and above. This will be achieved through the adoption of a new and strengthened system of classification for boxed video games with a strong UK based statutory layer of regulation, ensuring protection for children.

Energy Bill

Moving decisively to a low carbon economy while maintaining the security and diversity of electricity supplies by:

- Introducing a financial incentive, funded by electricity suppliers, to support up to four **Carbon Capture and Storage (CCS) commercial-scale demonstration projects**.

Flood and Water Management Bill

Helping to address the immediate effects of climate change by strengthening the UK's resilience to the threat of flooding and drought, and reducing the risk of disruption to householders, businesses and the economy that flooding and drought can cause, by:

- Implementing the recommendations of Sir Michael Pitt's report '*Learning Lessons from the 2007 Floods*'⁵ through the **Flood and Water Management Bill** which was published in draft for consultation on 21 April.⁶

- **Protecting homes and businesses from flooding and coastal erosion** by improving the Government's ability to manage the risk of flooding through clearly defining the **roles and responsibilities** of everyone involved in flood risk management and giving the **lead to local authorities** in managing the risk of all local causes of floods;
- Placing a duty on all relevant bodies to **co-operate and share information** in support of flood risk management;
- Introducing an improved, risk-based approach to **reservoir safety**, extending to all reservoirs which could pose a risk to public safety if they were to fail;
- Encouraging sustainability by requiring developers to include **sustainable drainage** wherever practicable in new housing and business developments, built to standards which would help to reduce flood damage and improve water quality;
- Updating existing protection against drought, increasing the scope and flexibility of water companies to **restrict non-essential domestic uses of water during droughts**; and
- Protecting against the threat to continuation of water supplies posed by a **water company** becoming insolvent.

The Government intends to make changes in other related areas when Parliamentary time allows. The draft Bill extends to England and Wales.

Fair chances for all: Building the next generation of public services

Improving Schools and Safeguarding Children Bill

Creating world class standards in schools, listening to parents, giving them more information and acting to protect vulnerable children by delivering the commitments in the forthcoming **Schools White Paper** including:

- A new set of **guarantees to an individually tailored education** for each child and their parents;

- Backing head teachers to **enforce good behaviour** with measures to clarify parents responsibilities to sit alongside their entitlements;
- An accountability framework and school improvement strategies for all schools, underpinned by a new **School Report Card**;
- Giving **parents** a greater say over the range of schools in their local area;
- Clarifying the role of Ofsted and other inspectorates in inspecting **Local Safeguarding Children Boards** (LSCBs) and enable information sharing for LSCB purposes;
- Improving **monitoring arrangements for children educated at home**;
- Helping to tackle anti-social behaviour through powers of intervention with **Youth Offending Teams** that are considered to be failing – otherwise putting young people and/or local communities at risk;
- Putting in place a new framework, based on the position in youth courts, to **enable the media to report the substance of family proceedings** whilst protecting the identities of families and providing the courts with discretion to disapply this safeguard where it is in the public interest and safe to do so.

Equality Bill

Strengthening equality law and fighting discrimination by:

- **Banning age discrimination** by those providing services and public functions. The Bill would ban harmful discrimination but would not affect products or services for older people where age based treatment is justified or beneficial e.g. priority flu vaccinations for over age 65s;
- Placing a new duty on Ministers, departments and key public bodies such as local authorities and NHS bodies to consider what action they could take to reduce the **socio-economic inequalities** people face;
- Placing a new Equality Duty on public bodies which would require them to **consider the needs of diverse groups** in the community when designing and delivering public services

so that people can get fairer opportunities and better public services;

- Using the power of **public procurement** to help achieve the Government's public policy objectives on equality. A common approach could reduce burdens on business applying for public sector contracts;
- Including a power to require **reporting on the gender pay gap** by private sector employers with more than 250 employees. This power would not be used before 2013 and would only be used if sufficient progress on reporting had not been made. The Bill also includes powers to require public authorities to report on equality issues. The Government is consulting on requiring public authorities with more than 150 employees to report annually on their gender pay gap and their ethnic minority and disability employment rates. The Bill would ban secrecy clauses that prevent employees discussing their pay with colleagues; and
- Extending the scope to use **positive action**, by giving employers the choice to make their workforce more diverse when selecting between two job candidates who are equally suitable. It would also allow political parties to do more to increase diversity, for example by extending the use of all-women shortlists.

The Bill generally applies to England, Scotland and Wales. The socio-economic duty applies to England and Wales only.

Fair rules: Building a strong society

Policing, Crime and Private Security Bill

Backing communities in setting fair rules to tackle crime and anti social behaviour through increasing protection against a range of threats, including violence, anti social behaviour and financial exploitation by:

- **Further cutting police officer red tape** by reducing the reporting requirements on stop and search forms (whilst retaining important ethnicity monitoring oversight) so that police officers can spend more time tackling the crime and less time completing forms;

- Retrospectively adding to the DNA database those **convicted of serious violent or sexual offences before the 2004 change in the law** which made it routine procedure to collect the DNA of offenders. Many of those offenders who were arrested before 2004 will now be back in the community. This new power, which is currently being consulted upon, would enable the police to take their DNA and continue to be able to tackle so-called ‘cold’ cases⁷;
- Providing the police with powers to compel sexual and violent offenders who have been **convicted and imprisoned abroad** to provide a DNA sample on their return to the UK;
- **Protecting women from violence** through considering any recommendations for legislation from the response to the Violence Against Women and Girls consultation to be published in the Autumn⁸;
- Providing **greater support to struggling parents** who cannot cope with a child’s anti-social behaviour through ensuring that a parenting assessment is carried out on every child aged 10 to 15 who is considered for an ASBO and, for the same age group, will make a Parenting Order automatic upon breach of a child’s ASBO;
- Introducing a **compulsory licensing requirement for private wheel clamping businesses**. The ongoing consultation proposes bringing clamping businesses under the regulation of the Security Industry Authority, which already vets and licences individuals, to ensure that known criminals are prevented from abusing positions of trust⁹.
- Enshrining in law the Government’s commitment to **eradicate child poverty by 2020**;
- Defining success in eradicating child poverty based on four targets that aim to:
 - reduce the proportion of children who are poor compared to the rest of society;
 - ensure that no child experiences poverty for long periods of time. Families can often cope with a temporary period when their incomes fall, but research shows that long periods of poverty have a damaging effect on a child’s life chances;
 - measure whether the poorest families see their real incomes increase over time to ensure that no family lives in absolute poverty; and
 - improve living standards to ensure that all families are able to afford the necessities that others may take for granted, such as adequate housing or a space to play or study.
- Establishing an accountability framework to drive progress at national and local level through requiring the Government to publish a **child poverty strategy** every three years until 2020, setting out the steps it will take to end child poverty. The Bill would also ensure that the Government is held to account by Parliament and the public for progress made, through an annual report; and
- Creating a **commission of experts** in the field of child poverty to provide advice to the Government to inform the child poverty strategy.

This Bill extends to England and Wales, with some provisions also applying to Scotland and Northern Ireland.

Strengthening family and community life

Child Poverty Bill

Meeting the ambition to abolish child poverty and breaking the cycle of poverty for future generations by:

In addition to the UK-wide strategy and target, there are specific duties in the Bill on Northern Ireland and Scottish Executive Ministers to prepare their own child poverty strategies within their own sphere of responsibilities. Measures have been introduced to combat Child Poverty in Wales by the National Assembly for Wales.

Britain in a fairer and safer world

Cluster Munitions Prohibitions Bill

Put into effect in the UK the most significant new arms control agreement in recent years by:

- Banning the use, development, production, acquisition, retention, transfer and stockpiling of cluster munitions;
- Making possible the UK's ratification of the Convention on Cluster Munitions¹⁰ which the Government signed on 3 December 2008.

Draft Bills

13. In preparation for legislation, the Government is also proposing to publish the following five bills in draft over the next year for pre-legislative scrutiny:

House of Lords Reform Bill

- The Government has already made significant reforms to the House of Lords and will bring forward further reform through the **Constitutional Renewal Bill**. To complete this final phase of reform, the Government will then set out proposals and publish a draft bill for a smaller and democratically constituted second chamber.

Antarctica Bill

- Implementing a new annex to the Environmental Protocol to the Antarctic Treaty to enhance the environmental protection of Antarctica and establish a liability regime for environmental emergencies.

Immigration Simplification Bill

- Replacing the many existing Immigration Acts with a single, simplified act.

Civil Law Reform Bill

- Bringing forward a number of civil law reform measures making the law simpler and more up to date.

Animal Health Responsibility and Cost Sharing Bill

- Creating mechanisms and means of how responsibilities and costs can be shared between Government and the farming industry for animal disease control.

How you can have your say

14. The Government is already consulting on many of the specific issues raised in the Draft Legislative Programme. You can find weblinks above to these issue-specific consultations, which will feed directly into policy makers in those areas. As new consultations are launched on other proposals, these will be added to the list on the Leader of the House of Commons' website at: www.commonslider.gov.uk.
15. Ministers will be taking part in **regional events** to highlight the publication of the Draft Legislative Programme and the Government's plan for 'Building Britain's Future'. The UK Government will continue to take forward legislation on reserved matters in Scotland, Wales and Northern Ireland and is keen that people across the United Kingdom have a say in how the legislative programme is developed. Therefore the Secretaries of State for Scotland, Northern Ireland and Wales will also be inviting comments on the programme. Details of these events will be published at www.commonslider.gov.uk
16. Copies of this document are being made available to all MPs and Peers and the Government hopes that time **will also be available in each House** to debate this document. The Leader of the House of Commons has invited the House of Commons **Liaison Committee** (consisting of the Chairs of all select committees) to take evidence on the Draft Legislative Programme.

17. **Unless you indicate that you do not wish your comments to be made public,** comments made as part of this consultation may be published on the website of the Leader of the House of Commons and will be included in the summary of consultation responses that the Government will publish around the time of the Queen's Speech. This summary will also set out how the programme has changed following the consultation process.
18. All responses to this consultation must be received by **21 September 2009**. They will then be fed into ministerial considerations over the autumn to finalise the legislative programme for 2009/10, which will be set out in the Queen's Speech that will take place towards the end of this year. To structure this process we have set out the following questions we would like you to answer. Please complete the online form at www.commonslider.gov.uk or send responses to:

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