BREXIT AND THE HOUSE OF COMMONS

These are extended notes from a talk given by Andrew Kennon[1] at the Constitution Society's seminar on 'Brexit and the Constitution', on 5 May 2017 at St Matthew's Conference Centre, London.

1. It is a truth universally acknowledged – now – that the European Communities Act 1972 changed the British Constitution. When it was being passed by Parliament, I was studying for an A level which included the British Constitution.

- In 1972, the first exam question was: Discuss the case for and against the preservation of the Commonwealth.
- I might well have answered this one: Why is it important for High Court judges to be independent of the executive and of Parliament.?
- In fairness, a year later the first question was: Consider the implications for the British Constitution arising from membership of the European Community.

2. So, I am thinking about the exam questions for 2020:

- How well did the House of Commons discharge its constitutional duties during the Brexit process?
- What did the House of Commons do to ensure the British Constitution worked better after the Brexit process?

3. I am not going to trespass on the devolution aspect which will be dealt with by others today. I will deal mainly with the House of Commons because Lord Judge will speak about the Lords.

4. One way of looking at the House of Commons is that it is a tool-shed containing all sorts of equipment which can be used often or rarely for

[1] Andrew Kennon recently retired as Clerk of Committees after nearly 40 years working in the House of Commons. He is a trustee of the Constitution Society and an honorary professor at Kings College London.

whatever routine or exceptional task which arises – but it is up to the Members to make whatever use they want of those tools.[2]

5. I expect that every procedural tool will at some stage be put to use on the matter of Brexit – and there will be plenty of opportunities – amendments to bills, questions to ministers, opposition day debates, select committee reports. Every day of every week will provide such opportunities – and they will be taken in response to events. Weekend media reports based on leaks from Brussels will be the subject of Urgent Questions every Monday at 3. 30pm.There is probably no subject on which an urgent question cannot be asked. I am willing to bet that a retrospective search of Hansard in 2020 will find no day since 23 June 2016 in which the word Brexit does not appear at least once.

6. The outcome of the election will make a big difference – a government re-elected with a larger majority will have the political authority to get its legislation through without undue delay in the Commons and eventually, by convention, in the Lords. Forgive me for using this scenario as a working hypothesis – the opposite scenario of the government failing to get a working majority would require a very different talk.

7. My basic assumptions are:

    - The fact that a government with a majority can be expected to get its business through the Commons and the Lords will be bound by the Salisbury convention not to block bills promised in their manifesto does not mean the Commons will be ineffective and the government will have an easy ride
    - On the floor of the House, questions, opposition days and backbench debates may be more significant than proceedings on legislation
    - Real struggles will take place off the floor of the House – with the risk of defeat in the House as the incentive to compromise

[2] See *Griffiths & Ryle's* Parliament: Functions, Practice & Procedures 2nd edition by Robert Blackburn & Andrew Kennon (Thomson 2002)

- The Commons may focus on running commentary on negotiations rather than systematic scrutiny
- There will be plenty of opportunities for unintended consequences or unknown unknowns to be raised – as people discover how their interests are affected by the way Brexit is implemented.

Getting its business

8. I associate the Maastricht Treaty not with the minutiae of EU law but with long boring days in the House which went on and on because the government was unable to get a majority to extend the sittings beyond 10pm each day. The European Communities (Amendment) Bill in 1993 had eight clauses. It took nearly a year to get through the Commons alone. It was in committee on the floor of the House for 23 days, with 600 amendments tabled.

9. An informal coalition of opposition parties and opponents on the government side ensured there was no majority for the necessary procedural motions. This was all before programming of bills, but, when first putting quill to parchment for this talk, I could envisage the government having difficulty getting a programme motion agreed on the GRB and other major bills. A government with a clear majority will be able to set a programme motion, perhaps considering but not being constrained by the views of the official opposition. Doubtless there will be complaints about the way "the government is steamrollering this bill through the House" and some emollient concessions from the Leader of the House. As an aside, the current Leader of the House, after six years as Europe minister, has an unmatched grasp of the issues.

10. The fact that the government can be expected to get its way on the timetabling of legislation – or will not be vulnerable in the Commons to the traditions of delay – may lead to some of most interesting activity taking place on non-legislative business.

Great Repeal Bill

11. Just to recall the Great Repeal Bill will do three main things: [3]

- repeal the European Communities Act 1972
- convert EU law as it stands at the moment of exit into UK law before we leave the EU.
- create powers to make secondary legislation

12. Thus, the GRB itself may be more about mechanics than substance. It is also only the first of at least three phases of legislation which will need to be completed by Easter 2019. We are promised up to 1000 statutory instruments and half a dozen other Bills relating to Brexit. As the Lords Constitution Committee said recently in their report on the GRB

> It is vital that a distinction be drawn between two discrete processes: the more mechanical act of converting EU law into UK law, and the discretionary process of amending EU law to implement new policies in areas that previously lay within the EU's competence. The 'Great Repeal Bill' is intended to facilitate the first aspect of the process. The second should be achieved through normal parliamentary processes. [4]

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[3] The Great Repeal Bill will do three main things:

1. First, it will repeal the ECA and return power to UK institutions.
2. Second, subject to the detail of the proposals set out in this White Paper, the Bill will convert EU law as it stands at the moment of exit into UK law before we leave the EU. This allows businesses to continue operating knowing the rules have not changed significantly overnight, and provides fairness to individuals, whose rights and obligations will not be subject to sudden change. It also ensures that it will be up to the UK Parliament (and, where appropriate, the devolved legislatures) to amend, repeal or improve any piece of EU law (once it has been brought into UK law) at the appropriate time once we have left the EU.
3. Finally, the Bill will create powers to make secondary legislation. This will enable corrections to be made to the laws that would otherwise no longer operate appropriately once we have left the EU, so that our legal system continues to function correctly outside the EU, and will also enable domestic law once we have left the EU to reject the content of any withdrawal agreement under Article 50.

[4] Para 16
https://www.publications.parliament.uk/pa/ld201617/ldselect/ldconst/123/12307.htm#_idTextAnchor074

13. The other bills could include immigration control, customs, migrant benefits, reciprocal healthcare, road freight, nuclear safety and emissions trading. Other areas would include agriculture, tax, fisheries, data protection and sanctions.

14. I once asked Sir Tom Legg, the only surviving member of the Bill Team which drafted on the European Communities Bill in 1972, whether there were any other legal options for the structure of the Bill. He thought not, but it does make me wonder what options have been considered for the Great Repeal Bill. I mention this because Richard Gordon and Tom Pascoe recently published a paper for the Constitution Society setting out three ways in which EU law could be incorporated into UK law before Brexit.[5]

15. An early indication of the areas of greatest political concern will come with the debates on the Great Reform Bill. As the article 50 bill demonstrated, the most direct way of MPs canvassing alternative options is by putting forward New Clauses at committee stage – when a self-contained proposition can be debated in a way that highlights the key matter at stake.

Timing

16. It is clear that the Government, if re-elected on 8 June, will proceed quickly with the Great Repeal Bill. It will probably get a second reading in the Commons before the end of June and go to the Lords in November. This leaves sufficient time for it to be passed by the normal end of the parliamentary session in May 2018. The problem may be that the time it absorbs is at the expense of other legislation and restricts how many other bills the government can get passed. The government would make some use of the procedure for carrying-over uncompleted bills into the next session. Or they might – as they did in 2011 – extend the first session to end later in the year or even in 2019.

[5] Preparing for Brexit: The Legislative Options

17. Parliamentary time is limited. In a normal session, the House of Commons sits for about 135-150 days. In 2015-16, it sat for 158 days or 1330 hours. Of this time, between a quarter and a third is available to the Government to get its legislation passed. In 2015-16, the House passed 21 government bills. Of these, just six took up half of the legislative time in committee. We must expect that the Great Repeal Bill and other Bills related to Brexit will monopolise this legislative time.

18. Now, parliamentary time is not the only constraint – in practice it mirrors other constraints such as Whitehall time and resources. It does however raise the issue of the opportunity cost for all other policies and programmes – leave aside the impact on Brexit of some other unexpected crisis demanding ministerial and parliamentary attention….. what Harold Macmillan called "events".

Interesting quotes from the White Paper

19. Without going into detail at this stage, I highlight some of the points from the White Paper on the GRB which struck me as interesting and which we may hear more about as the Bill goes through Parliament: [6]

- To maximise certainty, therefore, the Bill will provide that any question as to the meaning of EU-derived law will be determined in the UK courts by reference to the CJEU's case law as it exists on the day we leave the EU. (para 2.14)
- the Charter of Fundamental Rights will not be converted into UK law by the Great Repeal Bill. (para 2.23)
- the Bill will provide a power to correct the statute book, where necessary, to rectify problems occurring as a consequence of leaving the EU. (para 3.7)
- Crucially, we will ensure that the power will not be available where Government wishes to make a policy change which is not designed to

[6]https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/604516/Great_repeal_bill_white_paper_accessible.pdf

deal with deficiencies in preserved EU- derived law arising out of our exit from the EU. (para 3.17)

- In the previous two Parliaments, an average of 1,338 (2005-10) and 1,071 (2010-15) statutory instruments were made per year …. We currently estimate that the necessary corrections to the law will require between 800 and 1,000 statutory instruments. (para 3.19)
- The scale of the changes that will be necessary and the finite amount of time available to make them, there is a balance that will have to be struck between the importance of scrutiny and the speed of this process. (para 3.20)
- The Government proposes using existing types of statutory instrument procedure…..The Bill will therefore provide for the negative and affirmative procedures to be used. (paras 3.21-2)
- the corrections made by the statutory instruments will need to be made before the UK leaves the EU, so that we have a functioning statute book on the day of the UK's withdrawal. (para 3.24)
- Given that most of these corrections can and will need to be made before the UK leaves the EU, the powers proposed under the Bill do not need to exist in perpetuity. The Government will therefore ensure that the power is appropriately time-limited to enact the required changes. (para 3.25)

Delegated legislation

20. The White Paper states that the Government intends to use the existing procedures for delegated legislation. It mentions specifically the affirmative and negative procedures. There are in fact other procedures, some involving less and some more parliamentary scrutiny. Some delegated legislation can be made by ministers without even laying it before Parliament or with laying it but not subject to any approval procedure. Of greater interest in current circumstances is relatively recent procedure, which dates back to the original Deregulation Act in the early 1990s, sometimes known as the super-affirmative procedure.

21. It is a common feature of all parliamentary proceedings on delegated legislation that there are time limits within which an instrument can be considered, there is some committee scrutiny and there are limited provisions for debate and votes on the floor of the House. The essential distinction from primary legislation is that the text of the instrument cannot be amended in formal parliamentary proceedings.

22. The two key aspects of the super-affirmative procedure:
    - Orders can be passed without debate if they are uncontroversial or with more debate if less so – but that decision lies with parliamentary committees not the Government of the day.

    - Changes to draft orders can be put forward as part of the consultation process – though it is ministers who actually make the changes by withdrawing the first draft and relaying an amended one.

23. It is not uncommon for powers to make delegated legislation set out in a bill to be amended to subject them to tighter scrutiny – but this usually happens in the Lords. Indeed, it has sometimes been the case that the Government of the day has provided in a bill for the negative procedure in the expectation that they will yield to pressure in the Lords and change it to an affirmative one.

24. The Institute for Government has produced a very useful paper on legislating for Brexit – published before the general election was announced. [7] It wisely cautions against Parliament setting too many hurdles – by insisting too often on the tighter scrutiny orders of super-affirmative orders.

25. Faced with a large volume of statutory instruments for consideration, it might inspire greater confidence if the Government conceded that it should be the relevant committees of both Houses which decided which orders could proceed with minimal scrutiny and which ought to pass a higher threshold.

[7] https://www.instituteforgovernment.org.uk/sites/default/files/publications/IFGJ5347-Legislating-Brexit-IFG-Analysis-032017-WEB.pdf

26. Another welcome point in the White Paper is that powers in the Great Reform Bill to make delegated legislation should be time limited. Sunset clauses are certainly a valuable safeguard against misuse of delegated powers. There may be many occasions when, dealing with such a volume of Brexit legislation, the Commons accepts that wider powers should be given on condition that such powers will expire and can only be renewed with some difficulty – perhaps primary legislation?

Treaties & trade deals

27. Under the Constitutional Reform and Governance Act 2010, a treaty requiring ratification is to be laid before Parliament for 21 sitting days and may then be ratified if neither House has resolved that it should not be – negative procedure. Even international agreements which do not need to be ratified as treaties may come before Parliament for some approval if they require a change in the law to be implemented by a Bill or statutory instrument.

The nature of opposition

28. The standard working model in the Commons for much of the 20th century was that the Government in power was faced by a large Official Opposition and that between them they held more than 600 seats in a House of about 635 to 659. Other party membership was small and – apart from the Liberals – representative of only one part of the UK. Management of parliamentary business was settled through the usual channels between the two main parties, with a few opportunities for minor parties to choose subjects for debate.

29. This practice – with third and smaller parties counting for less than one tenth of the House – continued till 1997. The Lib Dem growth from 20 to 46 in that year, plus some growth in nationalist parties marked a significant change. Since then the government of the day has

been under attack in the House from two national parties in Opposition and stronger nationalist contingents. Anyone working in the Commons was conscious that there was another, possibly healthy, factor: constructive rivalry between the main and second opposition parties – even if it manifested itself in rather elementary games to be the first to table amendments to bills or prayers against statutory instruments.

30. This rivalry was strangely absent in the 2010-15 Parliament because, with the LibDems now in coalition government, there was no substantive second largest opposition party. That rivalry returned with a vengeance in 2015 when the Lib Dems were replaced as second largest opposition party by the SNP – their battles in the Chamber with Labour often left Tory ministers benignly amused.

31. The reason I mention this is that it is possible that after June 8 there may be three national parties with significant representation on the opposition side of the House. A government with an overall majority might be faced by a diminished official opposition and two other parties each with at least a dozen (or several dozen) MPs.

32. No doubt the procedures of the House would be flexible enough to ensure that opposition time and opportunities were shared.

33. I would expect the government whips to be relaxed about these opposition parties combining in formal votes. But what might be more interesting is these parties competing to champion specific causes – and creating voting opportunities which highlight divisions in other parties.

Using all available tools

34. In the 1983-87 parliament, the Thatcher government – with a substantial majority – were proceeding with a bill to abolish the Greater London Council. There were among newly-elected Labour

MPs in opposition several whose role on the GLC was being dispensed with. Tony Banks, the former chairman not leader of the GLC would come into the Table Office most days with a raft of written parliamentary questions inquiring how some possibly arcane function of the GLC would be administered in future. It soon became apparent from the replies that there were many detailed aspects of the policy which the government had yet to work through – and these questions clearly served to clarify thinking in Whitehall.

35. It is therefore to be expected that MPs on all sides of the House may vote for the legislation but take every other opportunity – questions, backbench debates – to canvass difficult issues.

Backbench business

36. The Backbench Business Committee scheduled a debate on Monday 24 October 2011 on a motion relating to the holding of a national referendum on the UK's membership of the EU following a representation to the committee by Mr David Nuttall MP. The motion was negatived on division. (Ayes: 111, Noes: 483). [8]

37. The subject for this debate was determined by the Backbench Business committee following a representation by Mr David Nuttall MP at a public meeting of the committee on 18 October 2011. Many backbench Members indicated their support for the debate. This issue has also been raised in public petitions.

38. Although the motion was heavily defeated, there is a case for thinking that the level of support for the motion was a factor in persuading the Cameron Government to promise such a referendum later.

39. The significance of this is that backbench business provides a way of Members not only getting a subject onto the floor of the House but

[8] Commons Hansard: Backbench Business: National Referendum on the European Union

also forcing a vote on it. It is a characteristic of backbench debates that they are often the result of coordinated action by several members, often from different parties. Such debates could well become a significant and unpredictable way in which issues about Brexit are debated in the floor of the House – with the prospect of a vote concentrating the minds of ministers.

Select committees

40. Select committees will provide early interest in the new Parliament – perhaps by the end of July – in contested elections for the chairs. The chair of each select committee will be up for election. The fact that every member of the House has a vote in each chair election makes the process an indicator of backbench standing and opinion in the new House.

41. The first thing will be the deal between parties about which party has which chair. The government, of whichever party, can be expected to want to retain Foreign Affairs, Defence and Treasury. Often these party choices are influenced by whether previous incumbents wish to stand again – that is why Home Affairs stayed with Labour and Keith Vaz in 2010 – and it must be assumed that his successor as chair, Yvette Cooper (elected last year) will want to continue in that post if she has nothing better to do. It was a clever tactical move by the Conservatives to allow the chair of the new committee on Exiting the EU to go to the Opposition – rather than allow opposition MPs to choose between Conservative candidates.

42. Two key lessons we have learned from the direct election of chairs since 2010:
    - Competition between candidates in party A gives the deciding choice to members of other large party B
    - But: there is only a choice if more than one member from party A puts themselves forward.

43. In 2015, the parties agreed that 14 chairs would be held by the Government, 11 by the Official Opposition and 2 by the SNP – reflecting the party balance in the House then. That ratio will be reset in June to reflect the election results. Nominations for those chairs could therefore only come from the designated parties, supported by 15 other MPs.

44. Last time, in 12 cases, on both sides of the House there was only one candidate and so no contest. In eight of these 12 it was the Member who had been chair up to the election who was re-elected unopposed. In the 15 contested elections, there was some lively competition – in four cases there were as many as five candidates. Previous incumbency is no guarantee of being elected unopposed – one former chair was successful in a contested election and another was defeated. Once the chairs have been elected, the other places on the committees are filled following elections within each party.

45. The select committee on Exiting the EU was set up in the summer of 2016, mirroring the machinery of government changes after the referendum. A new committee on international trade was also created and the demise of the Department for Energy and Climate change led to the abolition of that committee.

46. It is possible that there will be other machinery of government changes after the election and this will require further restructuring of committees. My own view is that there are now too many select committees and too much potential overlap in some areas, but it is very hard to persuade anyone to reduce or rationalise.

47. One (predictable) lesson from the short life, so far, of the Exiting the EU Committee is that large committees do not work – instead of the usual 11 MPs, it had 21 to ensure representation of both shades of opinion on Brexit and minor parties from throughout the UK.

48. What can we expect from select committees in the Commons, assuming the election gives the government a substantial working majority? I venture:

- Few select committee reports will matter much – any reports not agreed unanimously within the committee will carry no weight – the subject content may gain ephemeral media headlines but the game will quickly move on.
- Select committee hearings may have more of an impact – they are the one forum in which influential outsiders will be able to comment within parliamentary proceedings on the progress of negotiations and the impact of proposed solutions. We have already seen how, on 24 February 2017, the former UKREP Sir Ivan Rogers gave evidence to the Committee on Exiting the EU and received much attention -- idle speculation on whether key EU players would respond to request to give evidence to Westminster committees.
- Chairs of key committees will continue to be prominent – and may, for the reasons mentioned above, tend to be Members who favour a softer Brexit.

- In one or two cases, it may be that a compromise proposed unanimously by a committee is accepted by the government and adopted by the House.
- There will be many select committee inquiries on all aspects of Brexit – while it will provide plenty of opportunities for the public and business to contribute to the debate, there is a risk of overlap or even contradictory reports. There will also be scope for cooperation and overlap with Lords committees, where a loose monitoring mechanism has already been established.

Petitions

49. On 5 September 2016, a petition supported by over 4 million signatures and calling for a second referendum on Brexit was debated. On 17 October 2016, there was a Commons debate on a petition calling for article 50 to be invoked immediately. It had 128,238 signatures. Both debates attracted substantial publicity and were replied to by government ministers. Unlike backbench business however, there was no opportunity for the House reaching a decision on these proposals.
50. It is entirely possible that, as alternative options become clear in the Brexit negotiations, rival petitions will be organised in support of

specific options and that those attaining more than 100,000 names will be debated. This could be one of the most effective way for public opinion to be aired directly in the Commons.

Procedural flexibility

51. I have referred to the variety of procedural mechanisms available to Members. The Government has said that powers sought in the GRB will be subject to the normal affirmative and negative procedures for statutory instruments. There is scope for some procedural flexibility about how these instruments are debated and decided.

52. There is a good precedent for the Commons from the Lisbon Treaty, which was enacted in the European Union (Amendment) Act 2008. This seven clause Bill was in committee on the floor of the Commons for 11 days. Normal procedure would have involved along series of debates on groups of amendments, which were in themselves complex. Instead a novel procedure was devised. On each day in committee there was a general debate on the specific subject area. This could end with a vote. Then the House would spend an hour considering and if necessary voting on, amendments to the Bill itself. [The shadow Leader of the House at the time was the member for Maidenhead].

53. I mention this not just to show that the Commons procedures can be flexible – when there is agreement to do so. In dealing with the large amount of primary and secondary legislation tied up with Brexit, there may be ways of enabling the Commons to debate the issues as broadly as possible while also enabling it to reach decisions within the necessary timeframe.

How will the public influence the Brexit process in the Commons?

54. Let's take one example of someone whose business or personal interests may be affected by the implementation of Brexit. They learn, perhaps from the trade press or speculation in the media, that

decisions being taken on Brexit will have an unwelcome impact on their intersts.

- Tell local MP, stressing constituency implications – irrespective of MP party or stance on Brexit -- may not produce immediate results but may tie in with concerns from other constituents and MPs -- most MPs will be willing to seek answers for ministers through correspondence or PQs.
- Take opportunity of any relevant select committee inquiry by submitting brief and specific evidence
- Support relevant public petition

What could the House of Commons do to ensure the British Constitution worked better after the Brexit process?

55. All the discussion about the use of delegated legislation highlights a long-running problem in the British Constitution – we have no proper hierarchy of laws. Both EU law and the legal systems in other countries do have such a clear hierarchy. In theory, all Acts of Parliament have the same status. Some aspects of public policy are subject to detailed primary legislation; in others, substantial issues are dealt with in secondary legislation. Within secondary legislation, the differentiation is based on which parliamentary procedures apply to its passage but that does not necessarily reflect the significance of the subject matter or have any effect outside parliament. As the Lords Constitution Committee has said: "The distinction between Henry VIII and other delegated powers is not in this exceptional context a reliable guide to the constitutional significance of such powers, and should not be taken by Parliament to be such".

56. At the top of the tree, you would expect to find constitutional legislation. As Andrew Blick, David Howarth and Nat le Roux say in their report for the Constitution Society

> In most democratic states, the mechanisms for constitutional change are clearly separated from mechanisms for enacting other ('ordinary') legislation and are designed to make any significant

alteration in existing constitutional arrangements a relatively di cult undertaking. In Britain, there is no legislative process for constitutional change other than ordinary legislation, nor is there any clear or generally agreed distinction between constitutional and other laws. e potential shortcomings of this approach have become increasingly evident in the period since 1997.

57. There is an emerging legal recognition of constitutional law, as well as a long-standing parliamentary convention. In *Thoburn v Sunderland City Council* (2002) Lord Justice Laws argued that the common law had in recent years come to recognise a new category of 'constitutional statute' which is not subject to implied repeal.

58. The parliamentary convention that, after being introduced into Parliament, bills of 'first class constitutional importance' are taken, for their committee stage on the floor of the House ("Committee of the Whole House") rather than a public bill committee ("upstairs"). I know from advising the Labour Government on its constitutional reform programme after 1997 that judging 'first class constitutional importance' is matter of political art rather than legal science. Understandably, any government with a raft of constitutional bills would not want to have to take them all on the floor of the House.

59. But I want to move further down the tree – to the distinction between primary and secondary legislation and to the classification of the latter. David Davis' introduction to the White Paper on legislating for Brexit mentions "substantial task of delivering a functioning statute book". My modest proposal: as committees of each House go through the GRB and other related legislation, the opportunity should be taken to tidy up the hierarchy of law in the UK. Parliament should take the initiative in setting out which matters should be dealt with by the most stringent scrutiny procedures and which merit a lighter touch. It might be an interesting exercise to set the criteria – whether perhaps in terms of legal impact, financial cost or number of people affected – by which different measures should be categorised.

60. How could this be achieved? Whitehall will resist but ministers do sometimes concede on such reforms when backbenchers make it a condition of accepting some political compromise. The added scrutiny procedure for super-affirmative orders is an example of such reform being achieved.

How well did the House of Commons discharge its constitutional duties during the Brexit process?

61. I hope I have flagged up some of the headings for the answer to this exam question in 2020 and perhaps we can discuss these further now.

Andrew Kennon
5 May 2017

Useful sources

White Paper – The UK's exit from and partnership with the EU – 2 February 2017
http://g8fip1kplyr33r3krz5b97d1.wpengine.netdna-cdn.com/wp-content/uploads/2017/02/The_United_Kingdoms_exit_from_and_partnership_with_the_EU_Web-2.pdf

White Paper – Legislating for the UK's withdrawal from the EU – March 2017
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/604516/Great_repeal_bill_white_paper_accessible.pdf

House of Lords Constitution Committee -- The 'Great Repeal Bill' and delegated powers
https://www.publications.parliament.uk/pa/ld201617/ldselect/ldconst/123/12307.htm#_idTextAnchor074

Institute for Government—Legislating Brexit: The Great Repeal Bill and the wider legislative challenge – March 2017 – by Hannah White and Jill Rutter
https://www.instituteforgovernment.org.uk/sites/default/files/publications/IFGJ5347-Legislating-Brexit-IFG-Analysis-032017-WEB.pdf

House of Commons Procedure Committee -- Great Repeal Bill inquiry terms of reference -- inquiry not completed before general election
http://www.parliament.uk/business/committees/committees-a-z/commons-select/procedure-committee/news-parliament-2015/delegated-powers-great-repeal-bill-updated-terms-16-17/

Brexit: The Immediate Legal Consequences by Richard Gordon QC and Rowena Moffatt for the Constitution Society -- May 2016
http://consoc.org.uk/wp-content/uploads/2016/05/Brexit-PDF.pdf

Distinguishing constitutional legislation by Andrew Blick, David Howarth and Nat le Roux for the Constitution Society – 2014
http://consoc.org.uk/wp-content/uploads/2014/08/COSJ2237_Constitutional_Legislation_WEB.pdf

'Preparing for Brexit: The Legislative Options report by Richard Gordon QC and Tom Pascoe for the Constitution Society 5 April 2017
http://consoc.org.uk/wp-content/uploads/2017/04/Preparing-for-Brexit-text-pdf-A4.pdf