

however, to be a consistent approach to piloting, and we recommend that the Government develop guidance for departments setting out when piloting is appropriate or desirable.

Consultation and pre-legislative scrutiny

We identify a number of points in the policy development process at which the Government should actively seek to engage stakeholders in the policy development process. These include informal discussions with stakeholders during the process of formulating policy proposals; formal consultation by means of Green and White Papers; and additional consultation during the legislative drafting process. We also draw attention to the conclusions of the House of Lords Secondary Legislation Scrutiny Committee on consultation mechanisms, including in particular its recommendation that six weeks should be considered a minimum feasible consultation period, save in circumstances which would generally be regarded as exceptional.

Once a draft legislative text is prepared, pre-legislative scrutiny by a parliamentary committee offers further opportunity for scrutiny and revision before it is introduced. In our 2004 report, *Parliament and the Legislative Process*, we recommended that it should be the norm for bills to be published in draft to afford more opportunities for formal pre-legislative scrutiny.

At present, pre-legislative scrutiny of draft bills is seen as an optional extra to the legislative process: it may or may not take place and it does so in relative isolation from the other stages of scrutiny which legislation undergoes. We conclude that pre-legislative scrutiny should be considered an integral part of the wider legislative process. This may mean adapting other parts of the process to take account of pre-legislative scrutiny. We do not prescribe how this might occur, but as one example we recommend that the business managers of both Houses take into account whether a bill has undergone pre-legislative scrutiny when considering how much parliamentary time to allocate to the bill when it is formally introduced.

The quality of legislation

There are areas of the law where significant strides have been made in drafting clear, accessible legislation. It is evident, however, that there remain large bodies of law which are remarkably inaccessible and difficult for practitioners to comprehend, let alone the average citizen. Quite aside from the obvious rule of law concerns that arise such law leads to costly and unnecessary strains on the resources of the justice system.

Consolidation offers at least a partial solution to this complexity, offering a route by which complex areas of the law can be gathered together in one place and made more accessible. It is also likely to have a more lasting effect now than ever before. The legislation.gov.uk website will, in effect, allow the law to be consolidated on a rolling basis in the future. This is a positive development. It will, in the longer term, make the law more accessible to both practitioners and the wider public. However, this will only be effective once an area of law is consolidated—it will not help resolve a situation where the relevant legislation is spread across the statutory landscape. In addition, it is clear that at a time when the resources of the court system are under pressure, both in terms of finance and in terms of staffing, consolidation offers the possibility of cost savings and increased efficiency. Whilst we recognise that consolidation is not a politically