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Joint Committee on Statutory Instruments, Stationery Office, The, Stationery Office, 1998, 0104080981, 9780104080986, . .

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The Committee Man's Inner Voices and Who Left the Toilet Seat Up?, Bill Loucks, Oct 30, 2007, Humor, 240 pages. In this humorous novel, a committee of voices--Ego, Fear, Guilt, Sex, Finance, and Relationships--guide a man onto a new life path..

Human Rights Act 1998, Part 42 , Stationery Office, The, 1998, Human rights, 26 pages. .

Twenty-third Report of Session 2005-06 , Great Britain: Parliament: Joint Committee on Statutory Instruments, Apr 4, 2006, Law, 12 pages. Drawing special attention to: Public Benefit Corporation (Register of Members) (Amendment) Regulations 2006 (S.I. 2006/361)..

Drawing special attention to: Royal Parks and Other Open Spaces (Amendment) etc. Regulations 2010; (Draft S.I.) Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Chemical Agents) Regulations 2010 (S.I. 2010/330) ; Notification of Conventional Tower Cranes Regulations 2010 (S.I. 2010/333); Armed Forces (Redundancy, Resettlement and Gratuity Earnings Schemes) Order 2010 (S.I. 2010/345)

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Most delegated legislation in Great Britain is made in the form of a Statutory Instrument. (In Northern Ireland, delegated legislation is organised into Statutory Rules, rather than Statutory Instruments.) The advent of devolution in 1999 resulted in many powers to make Statutory Instruments being transferred to the Scottish and Welsh governments, and oversight to the Scottish Parliament and National Assembly for Wales. Instruments made by the Scottish Government are now classed separately as Scottish Statutory Instruments.

Use of a Statutory Instrument is not required where the parent Act does not specify it. This may be the case where delegated legislation is of only limited application and therefore not of general importance. Instead, other provisions may be made for publishing the legislation. So, for example, an Order providing for the transfer of contracts from one National Health Service body to another may only be notified to the affected bodies,[5] and by-laws made by a local council may be publicised through an announcement in local newspapers.[6]

Numbers are assigned by Her Majesty's Stationery Office and are sequential within the year of making. The number provides a means of citing the Statutory Instrument in addition to the title given

by the Instrument itself. So, for example, The Income Tax (Exemption of Minor Benefits) (Amendment) Regulations 2003 are numbered and may be cited as SI 2003 No. 1434 or SI 2003/1434.

If a resolution to annul an Instrument is passed, it will be revoked by the Queen through an Order-in-Council. Between the date of the resolution to annul and the date when the Order-in-Council is made, the Instrument remains law but ineffective. Anything done under the Instrument whilst it was in force remains valid, and the Government is free to make a new Statutory Instrument.[12]

The last occasion on which a Statutory Instrument was annulled was when, on 22 February 2000, the House of Lords passed a motion to annul the Greater London Authority Elections Rules 2000 (SI 2000/208). The last time the House of Commons annulled a Statutory Instrument was in 1979 when it rejected the Paraffin (Maximum Retail Prices) (Revocation) Order 1979 (SI 1979/797).[13]

Statutory Instruments which are subject to affirmative resolution are less common, making up about 10% of the total.[13] This is the more stringent form of parliamentary control as it requires positive approval, rather than the absence of a decision to annul. Accordingly, it is used where the delegated legislation may be more controversial.

The Regulatory Reform Act 2001 enables the Government to make an Order to change Acts of Parliament so as to remove burdens on business or others, so long as it can be done without removing "necessary protections". Because of the extensive powers given to the Government to amend primary legislation, a special, extra-rigorous, form of affirmative procedure has been introduced.[15]

Firstly, the Government must produce a draft proposal and consult interested organisations. It must then lay the proposal and the results of the consultation, along with a detailed explanation, before Parliament for 60 days. Select Committees of both Houses then debate the proposal and examine it against criteria including maintenance of "necessary protection" for those who may be affected, the adequacy of public consultation, the extent of the burden to be lifted, financial implications and compliance with European law. The Committees then report their findings to the House. The Government has to take those findings into account when deciding whether to proceed with the proposal. If it does, it then lays a draft Order before Parliament along with an explanation of any changes made, which is again considered by the Committees before finally being put to a vote of each House for approval.

Examples of the use of Regulatory Reform Orders have included The Regulatory Reform (Sunday Trading) Order 2004 (SI 2004/470) which repealed section 26 of the Revenue Act 1889 (and so re-legalised the selling of methylated spirits on a Saturday night or a Sunday), and The Regulatory Reform (Trading Stamps) Order 2005 (SI 2005/871) which repealed the entirety of the Trading Stamps Act 1964.

Before making a Remedial Order, the Government must lay a proposal before Parliament for 60 days, during which time it will be considered and reported upon by the Joint Committee of both Houses on Human Rights. After the 60 days have passed, the Government may then lay a draft Order before Parliament, following which there is another 60 day period in which the Joint Committee will make a recommendation to both Houses whether the Order should be approved.

Some statutory instruments are made under provisions of Acts which allow the instrument to change the parent Act itself, or to change other primary legislation. These provisions, allowing primary legislation to be amended by secondary legislation, are known as Henry VIII clauses, because an early example of such a power was conferred on King Henry VIII by the Statute of Proclamations 1539.[17] The Delegated Powers and Regulatory Reform Select Committee of the House of Lords issued a report concerning the use and drafting of such clauses,[18] an issue its chairman remarked "goes right to the heart of the key constitutional question of the limits of executive power".[19] Such clauses have often proved highly controversial – for instance, that in the Nationality, Immigration

and Asylum Act 2002 which prompted the aforementioned report, and the Legislative and Regulatory Reform Act 2006.

The Joint Committee on Statutory Instruments (a Committee of both Houses of Parliament) checks that an Instrument is being made in accordance with the powers granted to the Minister making it. It does not consider the policy of Instruments, but is concerned only with technical matters. The Joint Committee may draw the attention of both Houses to an Instrument if it:

In addition, the House of Commons may refer a Statutory Instrument to a Standing Committee for detailed debate on the merits of the legislation if a motion to annul (in the case of an Instrument subject to negative resolution) or approve (in the case of an Instrument subject to affirmative resolution) is made. The Committee will report its conclusions to the House which will then vote on the motion to annul or approve (as the case may be).

Most Acts of Parliament stipulate that their provisions shall not come into force until a date to be fixed by one or more Commencement Order made by the Government,[20] thereby giving the authorities time to make necessary preparations.[21] Commencement Orders are laid before Parliament but are not subject to either the affirmative or negative procedure.

As with all delegated legislation, because Statutory Instruments are made by a person exercising a power conferred by an Act of Parliament for a specified purpose, rather than by Parliament exercising its sovereign law-making powers, they can be struck down by the courts if it is concluded that they are ultra vires (literally, outside the powers conferred by the parent Act). This would be the case if the Government attempts to use delegated legislation for a purpose not envisioned by the parent Act, or if the legislation is an unreasonable use of the power conferred by the Act, or if pre-conditions imposed by the Act (for example, consultation with certain organisations) have not been satisfied.

^ The powers have been described by David Howarth MP as the 'Abolition of Parliament Bill' (Who wants the Abolition of Parliament Bill? | David Howarth - Times Online) and by Daniel Finkelstein as the 'Bill to End All Bills' (How I woke up to a nightmare plot to steal centuries of law and liberty -Times Online). Clifford Chance LLP consider that the Bill would "usurp the power of Parliament" (quote in the Daily Telegraph).

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