



HOUSE OF LORDS
HOUSE OF COMMONS

Joint Committee on Consolidation Bills

First Report of Session 2012–13

Statute Law (Repeals) Bill [HL]

Report with Evidence

Ordered by the House of Lords to be printed 21 November 2012
Ordered by the House of Commons to be printed 21 November 2012

Published on 4 December 2012
by Authority of the House of Lords
and the House of Commons

London : The Stationery Office Limited
£price

HL Paper 69
HC Paper 770

The Joint Committee on Consolidation Bills

The Joint Committee on Consolidation Bills is appointed by the House of Lords and the House of Commons to consider Consolidation Bills, Statute Law Revision Bills and Statute Law Repeal Bills.

The Joint Committee has a maximum of twelve Members appointed by each House, of whom the quorum for any formal proceedings is three from the House of Lords and two from the House of Commons.

Membership

HOUSE OF LORDS

Lord Campbell of Alloway (*Conservative*)
Lord Carswell (*Chairman*) (*Crossbencher*)
Lord Christopher (*Labour*)
Earl of Dundee (*Conservative*)
Lord Eames (*Crossbencher*)
Lord Janner of Braunstone (*Labour*)
Baroness Mallalieu (*Labour*)
Lord Methuen (*Liberal Democrat*)
Lord Razzall (*Liberal Democrat*)
Lord Swinfen (*Conservative*)
Lord Tombs (*Crossbencher*)

HOUSE OF COMMONS

Mr Robert Buckland (*Conservative, South Swindon*)
Martin Caton (*Labour, Gower*)
Mrs Jenny Chapman (*Labour, Darlington*)
Damian Collins (*Conservative, Folkestone and Hythe*)
Jim Dobbin (*Labour, Heywood and Middleton*)
Mr Stephen Dorrell (*Conservative, Charnwood*)
Charlie Elphicke (*Conservative, Dover*)
Paul Farrelly (*Labour, Newcastle-under-Lyme*)
Yvonne Fovargue (*Labour, Makerfield*)
Jesse Norman (*Conservative, Hereford and South Herefordshire*)
Sir Robert Smith (*Liberal Democrat, West Aberdeenshire and Kincardine*)
Justin Tomlinson (*Conservative, North Swindon*)

Powers

The Committee has the power to require the submission of written evidence and documents, to examine witnesses, to meet at any time (except when Parliament is prorogued or dissolved), and to make Reports to both Houses. The Lords Committee has power to agree with the Commons in the appointment of a Chairman.

Publications

The Reports and Evidence of the Committee are published by The Stationery Office by Order of the two Houses. All publications of the Committee (including press notices) are on the internet at www.parliament.uk

Committee Staff

The current staff of the Committee are: Simon Blackburn (Lords Clerk) and John-Paul Flaherty (Commons Clerk).

Contacts

All correspondence should be addressed to the Clerk of the Joint Committee on Consolidation Bills, Legislation Office, House of Lords, London, SW1A 0PW. The telephone number for general enquiries is 020 7219 3153.

CONTENTS

	<i>Page</i>
Charities Bill Statute Law (Repeals) Bill [HL]	4
Minutes of Proceedings	5
Oral Evidence	7

First Report of the Joint Committee on Consolidation Bills

STATUTE LAW (REPEALS) BILL [HL]

1. The Committee has considered the Statute Law (Repeals) Bill which was referred to it and also the Report of the Law Commission and the Scottish Law Commission on the Bill (Cm. 8330). We have heard evidence on the Bill. The Committee is of the opinion that the enactments proposed to be repealed are no longer of practical utility, and we approve their repeal.
2. There is no point to which the special attention of Parliament should be drawn.

MINUTES OF PROCEEDINGS

Wednesday 21 November 2012

Present:

Lord Carswell (<i>Chairman</i>)	Jenny Chapman
Lord Eames	Damian Collins
Baroness Mallalieu	Charlie Elphicke
Lord Swinfen	Yvonne Fovargue
	Sir Robert Smith
	Justin Tomlinson

It was moved by Sir Robert Smith, That Lord Carswell take the Chair for the present Session of Parliament; the same was *agreed to*.

Lord Carswell in the Chair.

The Joint Committee took evidence on the Statute Law Repeals Bill from Mr John Saunders and Mr Jonathan Teasdale, Law Commission; Mrs Susan Sutherland, Scottish Law Commission; and Mr David Hole, HM Revenue & Customs. A full transcript was taken.

The Joint Committee considered the *Statute Law (Repeals) Bill [HL]*.

In the Title

Title of the Bill read and postponed.

In the Clauses

Clauses 1–3 read and *agreed to*.

In the Schedules

Schedules 1 and 2 read and *agreed to*.

In the Title

The Title again read and *agreed to*.

Draft Report laid before the Committee—

The Committee has considered the Statute Law (Repeals) Bill which was referred to it and also the Report of the Law Commission and the Scottish Law Commission on the Bill (Cm. 8330). We have heard evidence on the Bill. The Committee is of the opinion that the enactments proposed to be repealed are no longer of practical utility, and we approve their repeal.

There is no point to which the special attention of Parliament should be drawn.

Report agreed to.

Ordered, That the draft report be the First Report of the Joint Committee.

Ordered, That the Lord in the Chair do make the Report to the House of Lords and that Sir Robert Smith do make the Report to the House of Commons and do report the Minutes of Evidence taken before the Committee.

Ordered, That the Committee be adjourned sine die.

ORAL EVIDENCE

Examination of Witnesses

Witnesses: **John Saunders**, **Jonathan Teasdale**, Law Commission; **Susan Sutherland**, Scottish Law Commission; and **David Hole**, HM Revenue & Customs gave evidence.

The Chairman: Good morning, ladies and gentlemen. I am afraid that we have to yell at you from a distance. Mr Saunders, will you take the lead?

John Saunders: Indeed, my Lord Chairman.

The Chairman: Perhaps you would introduce your colleagues and then give an outline of the Bill.

John Saunders: Certainly. On my immediate left is Jonathan Teasdale of the Law Commission for England and Wales. On my far left is Mr David Hole from HM Revenue and Customs and on my right is Mrs Susan Sutherland from the Scottish Law Commission. I should say that Mr David Hole has been helping us with some of the tax proposals in the Bill.

Perhaps I could take just a few moments to put the Bill into context as it is quite an unusual Bill and not one that comes around very often. It has been prepared, jointly, by the Law Commission in London and the Scottish Law Commission in Edinburgh, in pursuance of their statutory duty under the Law Commissions Act 1965 to keep the statute book under review and, more particularly, for the purpose of repealing obsolete and unnecessary enactments. The published report of the two Commissions gives more information about the repeals now being recommended.

It has to be said that the statute book is vast. There is no one source, whether on a database or in hard copy format, that holds the entire body of primary legislation. No one knows exactly how many Acts of Parliament are sitting on the statute book. If you include every single Act, including those having local application only, there are probably 35,000 or more. A great many of these Acts have become obsolete.

Repeals Bills such as these, and there have been 18 since the Law Commissions were established in 1965—this is the 19th—are part of a continuing process to keep the statute book as up to date and as free of dead wood as possible. The overall aim is to leave in place only laws that still have practical utility. This latest repeals Bill, which is the largest ever produced by the Law Commissions, proposes the total repeal of more than 800 Acts. This amounts to something like 2% of the total number of Acts still sitting on the statute book. It is our hope to tackle the remaining 98% at a future date.

The Commissions operate independently of government, so the repeals identified in the Bill represent the Commissions' own recommendations. Although government departments do on occasion suggest individual repeals, the Commissions examine these on their merits as they would any other repeal proposal. Having carried out research on each repeal candidate, the Commissions consult anyone with a likely interest in it, whether this is a government department, a local authority, a representative body or an individual. Only if there is general support for a repeal proposal does that proposal end up in the Bill. The Committee should know that there are no outstanding objections to any of the repeal proposals set out in this Bill.

Because the Bill is about repealing dead law, there is nothing in it which will affect the substantive law. Unlike almost any other Bill going through Parliament, this Bill contains no policy issues for debate. It is essentially a tidying-up exercise.

Turning to the Bill, it is very short. Clause 1 introduces the two schedules. The main substance of the Bill is contained in Schedule 1, which lists the enactments recommended for repeal. Schedule 1 is divided into 11 parts, each of which reflects an individual part of the statute book. They cover such topics as civil and criminal justice, railways and taxation. Schedule 2, which is much smaller, contains provisions that are directly consequential on the repeals in Schedule 1.

Clause 2 makes it clear that the Bill, if enacted, can have effect only in the United Kingdom; that is, England and Wales, Scotland and Northern Ireland. It will have no effect on the law of any other country, irrespective of whether an Act being repealed is also in force in that other country. Nor will it affect the Channel Islands, the Isle of Man or any British Overseas Territory unless an Order in Council is sought to achieve that result. Clause 3 provides the short title and commencement. The repeals would all take effect when the Bill, if enacted, receives Royal Assent.

Finally, so far as Scotland is concerned, the Committee will wish to know that a legislative consent Motion relating to this Bill has recently been lodged with the Scottish Parliament. This Motion, which is due to be considered next Tuesday, 27 November, seeks the agreement of the Scottish Parliament to the relevant provisions of the Bill, in so far as they fall within the legislative competence of the Scottish Parliament, being considered by the UK Parliament. I should say that no such consent Motions are required by the Assemblies for Northern Ireland or Wales.

If the Committee has questions about our process and how we go about our work, we shall do our best to answer them. Thank you.

The Chairman: Thank you, Mr Saunders. Does any member have a question on the general principles or the explanatory notes? Otherwise we will pass to the consideration.

Jenny Chapman: I was fascinated by what you said. How do you decide where to look? Are suggestions nominated by departments, or is it more random? It is obviously not alphabetical, but how do you do it?

John Saunders: Some of them come from suggestions made by civil servants in various departments. Some come from the drafters of legislation. Some come from the public. They come from organisations which perhaps have an Act concerning them on the statute book. Mostly they come from within the Law Commissions themselves. Often we come across them when conducting research on other projects. We stumble over ancient provisions which look odd and then more research shows that they are indeed odd, so they become candidates for a later Bill. But it is not done in chronological order or, as you say, alphabetical order. It is done according to the maximum benefit for the statute book that can be achieved at the minimum cost on our part to repeal as many Acts in that area as we can.

Sir Robert Smith: May I just clarify what happens next Tuesday if the Scottish Parliament chooses not to consent?

John Saunders: If it chose not to consent, which I believe is most unlikely as the Justice Committee of the Scottish Parliament has already approved the repeals as they relate to Scotland, the Bill would have to be amended later in the House of Lords to have stripped out of it all the provisions relating to Scotland that fall within the competence of the Scottish Parliament. I hope that that will not happen—it has not happened so far.

The Chairman: Are there any other questions? If you are ready, perhaps we can proceed to considering the Bill in segments. I propose to take them in fairly large

bites. I will ask for comments or questions on each portion, ask the Bill team for answers, proceed through those and then put the questions when they are ready. It is our custom to postpone the title.

Title postponed.

Clause 1 : Repeals and revocations

The Chairman: Perhaps I could take the three clauses of the Bill together. Does any Member have any question or matter to raise about them?

Clauses 1 to 3 agreed.

Schedule 1 : Repeals and revocations

The Chairman: I will take Part 1 of Schedule 1 in portions. We will take groups 1 to 12 together. They are various benevolent institutions—a mixed bag of charitable foundations. Does any Member wish to raise any question about those groups? Very good, thank you. Now we will look at groups 13 and 14 separately. They are a number of Irish benevolent institutions. General Repeals are covered on pages 6 and 7 of Schedule 1. Are there any questions or comments? Very good, thank you.

Now we will look at Part 2 on civil and criminal justice. This is where the earliest legislation comes in: the Statutes of the Exchequer, thought to be from around 1322. There are also miscellaneous things from pages 7 and 8 of the Bill. Are there any questions or comments? Thank you.

Part 3 deals with Indian railways. As you will see, it includes a mixture of private and public Acts—I think nearly all are private. There are various railways throughout the whole of India. The Acts are all recommended for repeal as being obsolete. Would any Member like to raise anything about any of them?

Part 4 deals with Dublin and such interesting things as the Dublin Steam Packet Company, Dublin hospitals, police and justice, the General Post Office of famous memory, carriages and the Dublin Corporation. Does anything arise that Members would like to raise?

Charlie Elphicke: It is more a general point, Lord Chairman, on the repeal of the charitable-type Acts. If we take one of the hospitals as an example, the thrust of what is said in the report is that these are not necessary because we have the Charity Commission and it will all be fine. I sit on the Public Administration Select Committee. We have been looking at the Charity Commission and there has been considerable disquiet at its conduct, and in particular at its provision of public benefit in the light of the Charities Act 2006. Do you envisage any public benefit issue with any of these charities by statute that would mean that if you repeal their statute, they will potentially be subject to a review on public benefit grounds and to finding themselves, like some charities, in a certain amount of difficulty and complicated discussions with the Charity Commission in relation to the continuation of their charitable status?

John Saunders: The Charity Commission has played quite a part in our repeals in the Bill, not because it has had direct input but because it has produced schemes that have made old statutes redundant. This is because over the years—many of the Acts were passed in the 1700s and 1800s—their objectives have become imprecise and the corporate governance of the original Act has become unsuited to the modern age. The role of the Charity Commission, as far as we are concerned, has been to replace the old Acts with a new, modern structure. However, nothing that we are doing today in terms of repealing the obsolete Acts will impinge or have any effect on the charities. For the most part, the Acts have not been in force for 50 or 100 years or more. What is being done today will not directly affect any of the charities. They have all been glad to get rid of the Acts. I do not know whether that answers your question.

Charlie Elphicke: That is hugely helpful, but let us say that, in five years' time, we have a situation where the Charity Commission says to one of these charities, "We are not sure whether you are charitable in your activities and behaviour, and whether they are for the public benefit". It would be helpful to have comfort on the record so that the charities could say, "It was not the intention of Parliament to affect our underlying charitable status; this was simply intended as tidying up".

John Saunders: Certainly, all these Acts are moribund if not totally dead. None of the appeals today will affect the purpose or status of the charities.

Charlie Elphicke: That is much appreciated. Hopefully it will not be necessary, but for the purposes of *Pepper v Hart*, it might be helpful to have this on the record for future reference. One never knows what the future will bring.

The Chairman: That is a name to conjure with. I think that you will find that most of the medical charities have been subsumed into the National Health Service, and the educational ones into education authorities. Thank you for the point. Are you happy with the answer?

Charlie Elphicke: I am very happy, Lord Chairman.

Damian Collins: Perhaps I may ask a question as well. I was looking at the provisions with regard to the Philanthropic Society Acts. The Explanatory Notes state that the only remaining purpose of these enactments is the status of a body corporate that was conferred on the society by provision of the 1806 Act, and that the effect of the provision may be conveniently preserved by the savings entry in Schedule 2 to the Bill. This states that the repeal by this Act of the Philanthropic Society's Act 1806 does not affect the status of the Royal Philanthropic Society as a body corporate. Following my colleague's question, I will say that that may be so as things stand now, but in some ways, would these organisations be better off if we preserved the original legislation that enacted them and guaranteed their status?

John Saunders: They have in effect already lost the legislation by having new schemes drawn up by the Charity Commission that replaced their ancient structure. I suppose it might be possible—it is just about conceivable—that there might be something in one of the old Acts that has a particular ring to it. But in truth, the answer to your question is no. In the case of the Philanthropic Society, its constitution has been replaced by a Charity Commission scheme of 2008. The only reason for commenting on it in this report, apart from repealing it, is that it conferred charter status. We would not wish the charity to lose that when we repeal the Act, so it is specifically saved—but it would be fanciful to believe that there is anything left in the old Act that the charity would wish to return to. In truth, the old Acts reflect a corporate structure and governance that became out of date often very soon after they were passed.

Damian Collins: Did the society request the provision in Schedule 2 to the Bill?

John Saunders: No, we offered it to them.

The Chairman: Thank you. You will see on page 76 of the Explanatory Notes what Mr Saunders has been saying. The charities' corporate status will be saved by the saving provisions in Schedule 2, and the other matters with which the Act deals are obsolete. I hope that that answers your question.

Damian Collins: It does, thank you.

The Chairman: That is Part 4. Part 5, local courts and administration of justice, relates mostly to minor local courts around the country. There was a plethora of them in days gone by but they are now part of the administration of justice from top to bottom, if I may put it that way. Does anyone have any questions about that? Very good. Thank you.

In Part 6, London, about which many of you will probably know a great deal more than I do, perhaps I may take Groups 1 to 3. Group 1 is churches, Group 2 is improvements—which are street works, basically—and Group 3 is London Gaslight Acts. Does anyone have anything to raise about those? Thank you.

Still in Part 6, Group 4 deals with markets and Group 5 with general repeals, which is a miscellaneous group of things relating to London as it was a long time ago. Does any Member have any thoughts on those items? Very good. Thank you.

Part 7 is lotteries—a small number of Acts but historically quite interesting. The purpose of all of them is spent. Lotteries were held or not held long ago. Does anyone have anything to raise on those? Thank you.

Part 8 is poor relief. There are old charities all over the place from before the days of state welfare which are now spent. There are provisional orders of confirmation that relate to similar things that are set out on pages 23 to 26 of the Bill. Does anything arise out of those?

Lord Eames: Under poor relief there is quite a selection here, as we can see, of redundant institutions and so on. Did any of those emerge during your investigations as still having certain monetary value that would not necessarily be covered by the current legislation on charities? If so, were there any objections to what this Act seeks to do?

John Saunders: I think I can answer that question quite shortly. The answer is no in both cases. Among all these institutions, the latest have been dead since 1930. There were no objections to any part of this.

Lord Eames: I was just wondering whether some were not covered by either approach.

John Saunders: There are none in our repeals at the moment. There may well be other institutions that we have not looked at which might have some lingering purpose, but we have not gone through them all. We are satisfied that, on the basis of the research that we have done, none of the bodies here has any residual interest, property or assets. All that can be said is that a few of the workhouses still stand. These days they are used mostly as residential accommodation. In the middle of the second half of the 20th century, quite a few were used as military hospitals or NHS hospitals, but many of those have been merged into hospital groups and the buildings have either fallen down or they have been converted into private housing.

The Chairman: Are there any other issues on this group? Very good. Thank you.

Perhaps we may pass on to part 9 on page 26. The first group is abortive railway projects. There appear to be quite a large number of projects that never came to anything. Indeed, they go on for quite a few pages in the schedule to the Bill. There are Irish, English and, as I recollect, some Scottish ones as well. Before I pass on from Group 1 to Group 2, are there any questions about these repeal provisions?

Damian Collins: May I ask about the Elham Valley Railway Act 1866 because I live in Elham and the railway runs through my constituency? There was an Elham Valley railway which closed down in the early part of the 20th century. Do these old railway Acts primarily exist around the companies that were bringing the projects forward at the time? Is there any merit in the Acts being preserved should anyone wish to reopen or even take up any of these railways in the future?

John Saunders: The answer to that must be no, if only because the powers given in the Act were mostly for compulsory purchase. They expired a few years after they were given, so these Acts, charming as they are—there are so many of them because we have never done a project on abortive railway projects before—means

that there is nothing that anyone could do with one of these Acts now except tiptoe past it and ask Parliament for fresh powers. None of the powers still exist. Although often railways with similar names were set up at a later date, they do not rely in any way on the Acts now being proposed for repeal.

Damian Collins: Thank you.

The Chairman: Group 2 relates to rates and charges that were set by private Act, which must have been a very nice source of work for the parliamentary Bar in days gone by. There is a whole collection of them on pages 44 to 48. Does anything arise out of those?

Group 3 is a number of miscellaneous provisions, mostly about the Midland Great Western Railway of Ireland and a few bits and pieces on page 51. Does anything arise? Thank you.

Part 10 takes quite a different approach. It covers taxation and pensions and is part of the tidying-up process that HMRC has engaged in. If I am correct, it is an ongoing process. This is a tranche of matters which need to be cleared up. Some of them may have escaped before, which is not surprising when you look at all the Tolley books. It is now proposed, for reasons relating to each that have been set out in detail in the Law Commission report, that they be repealed. The first group is general taxation and the second group is local taxation. These are pretty historic—the Two Pennies Acts and so on. The third group is made up of bits and pieces relating to public records et cetera. Has anyone managed to find anything to criticise about these?

Baroness Mallalieu: May I ask a question, probably of Mr Hole. Today, when new legislation is brought in, people are strict about deleting the old pieces in the Act so that we have everything in one place. Presumably the ones that have fallen into disuse or have been replaced should have been taken out by a subsequent Finance Act.

David Hole: The short answer to that question is yes. The people who work on Finance Bill measures each year search carefully for legislation that has been superseded. This is sometimes obvious and sometimes less so. It is now much easier to find bits of legislation that have been superseded and should be cleared away because it is possible to search through the legislation electronically. That is the main way nowadays in which tax legislation that is no longer needed is removed from the statute book—in the normal way through a Finance Bill.

Jonathan Teasdale: Lord Chairman, may I just add a footnote to that? The bulk of what is in this part flows from the Tax Law Rewrite project, which spanned the years 1996 to 2010—a huge, 14-year project. That resulted in some seven enormous consolidation Acts, which as time has already gone by, are already starting to get slightly out of date. It was a consolidation project whereby a raft of Acts was taken and repeals were inherent in the reconsolidation. One of the difficulties, even for that team, is that tax law has layer upon layer. As each Finance Bill comes along, there are going to be amendments to previous substantive legislation, such as the Income and Corporation Taxes Act. Where you actually have a substantive law with an amendment, as it were, above it, and a further amendment, and then you come to repeal the substantive provision, as the Tax Law Rewrite project did, it is not always easy to capture all those layers upon layers of amendments. As you rightly said at the outset, Lord Chairman, this is a rather different part of the Bill, because it is what we call “precision surgery”. You are not taking out whole Acts, you are taking out teeny pieces. The idea is to capture, so far as is practicable, those areas of amendment that were not captured previously. In a sense, that ought now to wrap up the Tax Law Rewrite project.

The Chairman: It rather improves the Bill and it is possible to get the up-to-date text of an Act as it is electronically. Is that not so?

Sir Robert Smith: I think that the question has been answered. Should all this go through, how easy is it for someone to know that all the legislation that we have listed so far has been repealed?

Jonathan Teasdale: You will find the answers in different places. It will be on the electronic database, legislation.gov.uk, although it is difficult for that database to keep up with Finance Acts, but that is certainly the intention of those who run the database. Of course, in the area of taxation law, there are a number of specialist publishers, and they will capture this data and adjust the text accordingly. So there are different ways in which it can be captured.

Sir Robert Smith: On the earlier stuff that we have looked at, the non-tax legislation, what happens when someone suddenly comes across one of these old provisions?

Jonathan Teasdale: So far as public general Acts are concerned, exactly the same applies. The legislation database contains live legislation and, in due course, will be updated. Lawyers will use Halsbury's statutes and other products of that nature. Encyclopaedias will be updated in the same way. The position is more difficult as far as local legislation is concerned because there is no database for it, as such, which is easily searchable. Running alongside all this are a series of books called the Chronological Tables of the Statutes, of which you may not be aware. For public general Acts, they begin in 1235, when the statute book begins, although 1267 is the date for the oldest live statute, the Statute of Marlborough. It goes right up to last year, 2011. There is also a series of four chronological tables relating to local legislation and private legislation. Local legislation ran from 1797 up to date, and private legislation from the 16th century up to date. Those chronological tables, shortly after Royal Assent is given for this kind of Bill, are then updated by the editors of the tables. I should say that at the moment the public general chronological tables are, sadly, not on an electronic database. One hopes that they will get there in due course, but then you have the legislation database which will deal with that. The local and private Acts' tables actually are available on a database on the internet; and, again, that will be accessible to the public.

The Chairman: Part 11 relates to turnpikes—a fine piece of social history. Group 1 is Gloucestershire and Oxfordshire, and runs from page 56 through to page 62. Does anything arise on that? Group 2 covers Surrey, from page 62 to page 64.

Damian Collins: Obviously there are turnpike roads all over the country and I should imagine that there were Acts of Parliament that set them up. Have Acts previously been repealed, or are there some that you have left?

John Saunders: In our previous Bill, four years ago, we put forward a large number of repeals for Essex, Norfolk and Suffolk. Here we have Surrey, Oxfordshire and so forth. It is therefore an incremental set of repeals. I think more than 1,000 or so turnpike Acts still sit on the statute book, and nearly all have expired, anyway, but each one has to be looked at. Some may contain rights that have to be preserved. This is a second bite at that cherry.

Damian Collins: That sounds like a process that you will be working on for some time.

John Saunders: If I live long enough, yes.

The Chairman: Group 3 deals with London to Holyhead, on pages 64 to 66. Does anything arise on that?

Jenny Chapman: I was in north Wales on holiday a few years ago. There was a little road there, by the side of which a little child and his dad were collecting 5 pence from each car because, apparently, they had some historical right related to their house to be able to do that. It was quite sweet and presumably they are allowed to do so because of one of these sorts of laws. It occurs to me that London to Holyhead could well include that little road. Do we check?

John Saunders: We do check and, as you say, there are some Acts that give the owners of a bridge the right to charge a toll. In some cases, I think they have the right to have the toll free of tax. We have been very careful not to take away any of those rights. Increasingly, it seems that the Government are thinking about tolls on roads and the like, but these are early examples of raising money for road maintenance which would never have been provided by central government back in the 18th and 19th centuries. None of the repeals here concerns rights that currently exist to charge tolls.

The Chairman: That completes the groups in Schedule 1. Before I put the question, are there any other questions from any part of it that may have been overlooked, or are you all content that I put the question?

Lord Swinfen: A number of these Acts apply to the Republic of Ireland and to the Indian subcontinent. Do their Governments get told what we have been up to?

Jonathan Teasdale: The answer is yes. In both those instances, the legislation that you are being asked to look at now affects only the United Kingdom. Therefore, Parliament has no power to interfere in any way with the statute books of India or Ireland. This is the second tranche of our work on India. The third and final tranche will be in a consultation paper coming out, hopefully, next week. That will complete the India part of the statute book. We have consulted with the High Commissions of India, Pakistan, Bangladesh, Sri Lanka and Burma and their Governments. We have also written to Indian Railways and, in the context of the current consultation paper, are writing to the Indian Ministry of Law and Justice. I have to say that, as far as Indian railways is concerned, we had no response except for a very courteous invitation to the High Commission of Bangladesh, where Mr Saunders and I went to talk to the deputy High Commissioner about various things, including Indian railways. We had no indication of objection or concern.

Likewise, from 1922 onwards, and certainly from 1949 when it became a republic, Ireland has been entirely a sovereign state with its own statute book. Some of our statutes were inherited and sit on their statute book, although they have had an enormous exercise in the past decade to wipe obsolete material off, particularly that which was inherited from over the water. There we have been in contact with various bodies—the relevant ministries, hospitals, police, the Government generally, the Law Commission of Ireland and the Attorney General's Office in Ireland, which has been leading on this vast repeals and revision exercise. I say to the Joint Committee again that no concerns have been voiced, although we have had interesting correspondence to and fro on some issues. The bottom line is that there are no objections to these repeals; the reason being that, ultimately, what you are being asked to do now will not actually affect their statute books.

Charlie Elphicke: May I just ask, on Schedule 1, what the Two Pennies Scots Acts are? Can you explain why they are not one penny or three pennies? What is this arcane Scottish thing all about?

Susan Sutherland: The Two Pennies Scots Acts were enacted to collect money from the sale and brewing of beer and ale in the various Burghs named in the titles to the Acts. The money collected locally was then put to good causes within the area concerned. I do not know why it was two pennies rather than one penny.

John Saunders: That was just the amount of the tax.

Susan Sutherland: Yes. It was a very small amount of money.

Charlie Elphicke: When did it cease?

John Saunders: 1829.

Charlie Elphicke: So it was just block repealed in 1829 and no one got around to dealing with the various funny little Acts?

John Saunders: I must correct myself; 1850 was the very last date by which any of these Acts might still have had any force. The reason why they were missed, I think, is because in around 1797 Parliament set up a new system for dealing with local Acts, which is what these are, separately from public general Acts. Because they are local Acts, and the record keeping for local Acts has never been as good as for public general Acts, they have simply been under the radar and have not been spotted. It is only through the work of the Law Commissions over the past 20 or 30 years that we now have these chronological tables which have helped us spot them. That is why they have now come within our sights.

Charlie Elphicke: My honourable friend, the Member for Folkestone and Hythe here, has previous averred to the Elham Valley Railway Act, which is obviously defunct. I notice that the Deal and Dover Railway Act 1865 is also being repealed. That railway still continues and is much used in my constituency.

Damian Collins: There is a high-speed rail stop.

Charlie Elphicke: Indeed; it now benefits even from high-speed rail, which is an excellent achievement and speeds my and my honourable friend's constituents to London and back again. What was the effect of this Act? Will the repeal in any way cause any difficulties for any railway line which is still going?

John Saunders: The answer is no. Sadly, a Board of Trade warrant was obtained in 1871, ordering that the railway enterprise should be abandoned, so the powers under that Act expired. The present Network Rail service does not rely on these old Acts; just as well, perhaps. I think no track was ever built under most of these Acts. It is either a case of the rails being extremely rusty now or, in most cases, never having been put there in the first place.

Lord Eames: Could I bore you by taking you back to some of the earlier parts of our evidence? It is really in relation to the dealings that you have had in legislation from Ireland, and the fact that you have legislation, particularly under charities in this schedule, which dates right back to the Ireland of old. Now you are dealing with the Republic of Ireland Government in Dublin and you also have the devolved Administration in Belfast. I realise that it is not possible to overlap the legislation because we have two totally different pictures. Far be it from me to suggest that there may be any loopholes for future generations of lawyers, but I am wondering whether, by any chance, you had difficulty in any of the overlapping legislation from the old to the new, if you know what I am asking? Could you expand a little on that for me?

Jonathan Teasdale: Mr Saunders will deal with the railway issue. Inevitably, some of the legislation that one looks at crosses the whole of the island of Ireland, as is and as was. We were referring to India and Ireland. We are trying to do this as part of a much broader topic called Overseas Territories. As you can imagine, that is enormous because we are talking about the British Empire, as was. We thought it sensible to focus on discrete areas—India and Ireland—where, if I can put it this way, the Administrations at the time of independence were quite anxious to get away from Britain, and therefore they were anxious to do much the same with their own statute books. In the context of Ireland, there is a huge amount of legislation, primarily on the local part of the statute book—local Acts

rather than the public general ones—so we thought that the safest thing to do was to focus geographically. Therefore, we focused on Dublin in the knowledge that that legislation will not in any way impact on Northern Ireland. We will take that further with projects in the future, I suspect. Some of the references here—railways, for example—cross into Northern Ireland. We have been extremely careful in that context to consult closely with the Northern Ireland Executive, the Ministry of Justice and so on, to ensure that we are not interfering in any way with devolved matters as opposed to reserved matters. But you are quite right, my Lord, that is absolutely a challenge in terms of looking at Irish legislation because you are going to have legislation which crosses the border. You have legislation where, in the Republic, they have seen fit to repeal it from their statute book and, indeed, to update their law in particular areas, which has not happened in the United Kingdom. Therefore, you will find statutes that no longer have validity in the Republic but still have use in Northern Ireland. If it is a devolved matter, that now is a matter entirely for the devolved Administration. It is only in those small areas of reserved matters where the United Kingdom as a whole, and therefore in a sense our Law Commission as a longstop, would become involved. But, of course, since 2007, Northern Ireland has had its own Law Commission. We have a good, close, strong working relationship with that Law Commission, as with our colleagues in Scotland, so these three Law Commissions are working together. It may well be that in due course, one day, there will be joint projects not only between Scotland and England and Wales but with Northern Ireland. The Welsh dimension is also growing, as it were, and the position on Wales will also in due course have to be looked at because the National Assembly for Wales has now put its first primary legislation on its statute book. That occurred only last week, I think. So the picture will change. But, to go back to your original question, we are very conscious of the position in Northern Ireland and we consult and work with it closely.

Lord Eames: Thank you very much indeed.

The Chairman: Lord Eames, in group 13 of Part 1, none of the provisions refers to Northern Ireland alone. They are southern provisions. Obviously, Dublin hospitals and Dublin City do not refer to Northern Ireland, nor do Dublin police and justice and the other groups in Part 4, so I think we are entitled to feel confident that we are not treading on any Ulster toes. Is there anything else in Schedule 1 before I put the question? Very good.

Schedule 1 agreed.

Schedule 2 : Savings

The Chairman: May I turn then to Schedule 2 on page 66 of the print? This concerns savings, as Mr Saunders mentioned in his opening remarks. Has any Member anything to raise about them? Good, then I will put the question.

Schedule 2 agreed.

In the Title

The Chairman: Then we come back to the Title, which we postponed—Statute Law (Repeals) Bill.

Title agreed to.

The Chairman: Now that we have approved the content of the Bill, we report to the House and the terms of the report that I propose are: “The Committee has considered the Statute Law (Repeals) Bill, which was referred to it, and also the report of the Law Commission and the Scottish Law Commission on the Bill.” It gives the reference: Cm8330. “We have heard evidence on the Bill. The Committee is of the opinion that the enactments proposed to be repealed are no

longer of practical utility and we approve their repeal. There is no point to which the special attention of Parliament should be drawn". Are you content with that wording? Yes. Sir Robert, will you present the report to the House of Commons along with the minutes of proceedings?

Sir Robert Smith: Yes.

The Chairman: With your leave, my Lords, we shall make the report to the House of Lords. Very good. Is there any other business? Before I put the adjournment, I express on behalf of the Committee our thanks to the Bill team, both those who are here and those who have done other work on it, which was immense. I thank you for the meticulous way in which you have dealt with all this and been able to respond to any questions or comments. I congratulate you on the work that has been done and the preparation of the report. I hope that that meets favour with the Committee. I thank noble Lords, ladies and gentlemen for your attendance and for your consideration of this matter. I think we may feel that we have covered the matter pretty thoroughly. There being no other business, I put the question for adjournment.

Committee adjourned.