



House of Lords  
House of Commons  
Joint Committee on  
Statutory Instruments

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# Government response to Third Special Report

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**Fourth Special Report of Session  
2017-19**

*Ordered by the House of Lords  
to be printed 8 May 2019*

*Ordered by the House of Commons  
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and the House of Commons

## Joint Committee on Statutory Instruments

### Current membership

#### House of Lords

[Baroness Bloomfield of Hinton Waldrist](#) (*Conservative*)

[Lord Lexden](#) (*Conservative*)

[Baroness Meacher](#) (*Crossbench*)

[Lord Morris of Handsworth](#) (*Labour*)

[Lord Rowe-Beedoe](#) (*Crossbench*)

[Lord Rowlands](#) (*Labour*)

[Baroness Scott of Needham Market](#) (*Liberal Democrat*)

#### House of Commons

[Jessica Morden MP](#) (*Labour, Newport East*) (Chair)

[Susan Elan Jones](#) (*Labour, Clwyd South*)

[Vicky Foxcroft MP](#) (*Labour, Lewisham, Deptford*)

[Patrick Grady MP](#) (*Scottish National Party, Glasgow North*)

[John Lamont MP](#) (*Conservative, Berwickshire, Roxburgh and Selkirk*)

[Julia Lopez MP](#) (*Conservative, Hornchurch and Upminster*)

[Sir Robert Syms MP](#) (*Conservative, Poole*)

### Powers

The full constitution and powers of the Committee are set out in [House of Commons Standing Order No. 151](#) and [House of Lords Standing Order No. 73](#), relating to Public Business.

### Remit

The Joint Committee on Statutory Instruments (JCSI) is appointed to consider statutory instruments made in exercise of powers granted by Act of Parliament. Instruments not laid before Parliament are included within the Committee's remit; but local instruments and instruments made by devolved administrations are not considered by JCSI unless they are required to be laid before Parliament.

The role of the JCSI, whose membership is drawn from both Houses of Parliament, is to assess the technical qualities of each instrument that falls within its remit and to decide whether to draw the special attention of each House to any instrument on one or more of the following grounds:

- i that it imposes, or sets the amount of, a charge on public revenue or that it requires payment for a licence, consent or service to be made to the Exchequer, a government department or a public or local authority, or sets the amount of the payment;
- ii that its parent legislation says that it cannot be challenged in the courts;
- iii that it appears to have retrospective effect without the express authority of the parent legislation;
- iv that there appears to have been unjustifiable delay in publishing it or laying it before Parliament;

- v that there appears to have been unjustifiable delay in sending a notification under the proviso to section 4(1) of the Statutory Instruments Act 1946, where the instrument has come into force before it has been laid;
- vi that there appears to be doubt about whether there is power to make it or that it appears to make an unusual or unexpected use of the power to make;
- vii that its form or meaning needs to be explained;
- viii that its drafting appears to be defective;
- ix any other ground which does not go to its merits or the policy behind it.

The Committee usually meets weekly when Parliament is sitting.

### **Publications**

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The reports of the Committee are published by Order of both Houses. All publications of the Committee are on the Internet at [www.parliament.uk/jcsi](http://www.parliament.uk/jcsi).

### **Committee staff**

The current staff of the Committee are Jeanne Delebarre (Commons Clerk), Jane White (Lords Clerk) and Liz Booth (Committee Assistant). Advisory Counsel: Daniel Greenberg, Klara Banaszak, Peter Brooksbank, Philip Davies and Vanessa MacNair (Commons); James Cooper, Nicholas Beach, John Crane and Ché Diamond (Lords).

### **Contacts**

All correspondence should be addressed to the Clerk of the Joint Committee on Statutory Instruments, House of Commons, London SW1A 0AA. The telephone number for general inquiries is: 020 7219 2026; the Committee's email address is: [jcsi@parliament.uk](mailto:jcsi@parliament.uk).

# Fourth Special Report

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On 8 March 2019 the Committee published its **Third Special Report: Government response to parliamentary scrutiny of statutory instruments**. The response from the Government was dated from 3 May 2019 and received on 7 May 2019. The response is appended below.

## Appendix: Government Response: Letter to Chair of the Joint Committee on Statutory Instruments from the Leader of the House of Commons

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1. I am writing to you following the Joint Committee on Statutory Instruments' (JCSI) Third Special Report of Session 2017–19, which was published on 8 March 2019. The report focused specifically on the way in which the Government has responded to the JCSI's scrutiny of statutory instruments (SIs) in the 2017–2019 parliamentary session.
2. I wanted to take this opportunity to thank you, your committee colleagues and the committee staff for the vital work that has been undertaken in this period to scrutinise every SI within your remit, making Parliament aware of important issues to inform wider debate.
3. It has been particularly important during recent months when Parliament has considered over 530 exit SIs. Your Committee's work has played a significant role in allowing Parliament to effectively scrutinise these instruments and to ensure a functioning statute book when the UK leaves the EU.
4. As highlighted in your report, whilst compliance with the Committee's recommendations is not obligatory, the Government takes the Committee's view very seriously. This is reflected in the fact that, where SIs have been reported on, in the majority of instances departments have addressed the issues the Committee has raised.
5. As your report suggests there are always areas where we can do better and I am keen to see a reduction in the number of SIs containing errors. I will be writing to Ministerial colleagues in both Houses on this and reminding them that they should continue to address the points raised by the Committee during any subsequent debates.
6. I am copying this letter to the Leader of the House of Lords.

**Rt Hon. Andrea Leadsom MP**

**Leader of the House of Commons**