

HOUSE OF LORDS

Merits of Statutory Instruments Committee

18th Report of Session 2010-11

Ordered to be printed 18 January and published 19 January 2011

London : The Stationery Office Limited
£price

HL Paper 84

The Select Committee on the Merits of Statutory Instruments

The Committee has the following terms of reference:

- (1) The Committee shall, subject to the exceptions in paragraph (2), consider—
 - (a) every instrument (whether or not a statutory instrument), or draft of an instrument, which is laid before each House of Parliament and upon which proceedings may be, or might have been, taken in either House of Parliament under an Act of Parliament;
 - (b) every proposal which is in the form of a draft of such an instrument and is laid before each House of Parliament under an Act of Parliament,with a view to determining whether or not the special attention of the House should be drawn to it on any of the grounds specified in paragraph (3).
- (2) The exceptions are—
 - (a) remedial orders, and draft remedial orders, under section 10 of the Human Rights Act 1998;
 - (b) draft orders under sections 14 and 18 of the Legislative and Regulatory Reform Act 2006, and subordinate provisions orders made or proposed to be made under the Regulatory Reform Act 2001;
 - (c) Measures under the Church of England Assembly (Powers) Act 1919 and instruments made, and drafts of instruments to be made, under them.
- (3) The grounds on which an instrument, draft or proposal may be drawn to the special attention of the House are—
 - (a) that it is politically or legally important or gives rise to issues of public policy likely to be of interest to the House;
 - (b) that it may be inappropriate in view of changed circumstances since the enactment of the parent Act;
 - (c) that it may inappropriately implement European Union legislation;
 - (d) that it may imperfectly achieve its policy objectives.
- (4) The Committee shall also consider such other general matters relating to the effective scrutiny of the merits of statutory instruments and arising from the performance of its functions under paragraphs (1) to (3) as the Committee considers appropriate, except matters within the orders of reference of the Joint Committee on Statutory Instruments.

Members

The members of the Committee are:

Rt Hon. the Baroness Butler-Sloss GBE	The Lord Methuen
The Lord Eames OM	Rt Hon. the Baroness Morris of Yardley
Rt Hon. the Lord Goodlad (<i>Chairman</i>)	The Lord Norton of Louth
The Baroness Hamwee	The Lord Plant of Highfield
The Lord Hart of Chilton	Rt Hon. the Lord Scott of Foscote
The Lord Lucas	

Registered interests

Members' registered interests may be examined in the online Register of Lords' Interests at www.publications.parliament.uk/pa/ld/ldreg.htm. The Register may also be inspected in the House of Lords Record Office and is available for purchase from the Stationery Office.

Declared interests for this Report are in Appendix 2.

Publications

The Committee's Reports are published by the Stationery Office by Order of the House in hard copy and on the internet at www.parliament.uk/parliamentary_committees/merits.cfm

Contacts

If you have a query about the Committee or its work, please contact the Clerk of the Merits of Statutory Instruments Committee, Delegated Legislation Office, House of Lords, London SW1A 0PW; telephone 020-7219 8821; fax 020-7219 2571; email merits@parliament.uk. The Committee's website, www.parliament.uk, has guidance for the public on how to contact the Committee if you have a concern or opinion about any new item of secondary legislation.

Statutory instruments

The Government's Office of Public Sector Information publishes statutory instruments on the internet at www.opsi.gov.uk/stat.htm, together with an explanatory memorandum (a short, plain-English explanation of what the instrument does) for each instrument.

Eighteenth Report

INSTRUMENTS DRAWN TO THE SPECIAL ATTENTION OF THE HOUSE

None.

OTHER INSTRUMENT OF INTEREST

Draft Terrorism Act 2000 (Proscribed Organisations) (Amendment) Order 2011

This draft Order amends the Terrorism Act 2000 (“the 2000 Act”) by adding Tehrik-e Taliban Pakistan (“the TTP”) to the list of proscribed organisations in Schedule 2 of that Act. The Explanatory Memorandum (EM) summarises the reasons for the proscription, including that the organisation has carried out a high number of mass casualty attacks in Pakistan and Afghanistan since 2007, it is known to target and claim responsibility for attacks on Western interests, and it has been involved in attacks in the West (EM paragraph 2.2). When the draft Order comes into force, it will give effect to a number of criminal offences, including for a person: to belong to or invite support for the TTP; to arrange a meeting to support the TTP; or to wear clothing or carry articles in public which arouse reasonable suspicion that an individual is a member or supporter of the TTP (EM paragraph 7.3). Proscription also means that the financial assets of the organisation become terrorist property and can be subject to freezing and seizure (EM paragraph 7.3). The draft Order has been laid at short notice (see Appendix 1) which is often the case with this type of instrument. The House may wish to satisfy itself that the timing of this draft Order is appropriate, both in terms of its schedule for Parliamentary consideration, and the timing of the proscription of the TTP.

INSTRUMENT NOT REPORTED

The Committee has considered the instrument set out below and has determined that the special attention of the House need not be drawn to it.

Draft Instruments requiring affirmative approval

Draft Terrorism Act 2000 (Proscribed Organisations)
(Amendment) Order 2011

APPENDIX 1: DRAFT TERRORISM ACT 2000 (PROSCRIBED ORGANISATIONS) (AMENDMENT) ORDER 2011: FURTHER INFORMATION

Letter from Baroness Neville-Jones, Minister of State for Security and Counter-Terrorism, to Lord Goodlad

I am writing to request that the House of Lords Select Committee on the Merits of Statutory Instruments consider urgently an Order which the Home Secretary will lay in Parliament on Monday 17 January. My reasons for making this request are as follows.

The Order will amend Schedule 2 of the Terrorism Act 2000 by adding the group, Tehrik-e Taliban Pakistan (TTP) to the list of proscribed organisation. There is wide cross government agreement that the organisation meets the statutory test for proscription in that it is currently concerned in terrorism as defined in section 3 of the Terrorism Act 2000. The TTP has carried out a large number of mass casualty attacks in Pakistan and Afghanistan since 2007. The group's stated objectives are enforcement of sharia, resistance against the Pakistani army and the removal of NATO forces from Afghanistan. While the majority of attacks are against Pakistani military and government targets, the group is also known to target and claim responsibility for attacks on Western interests. The organisation has also been implicated in attacks in the West, such as the attempted Times Square car-bomb attack in May 2010.

TTP's activities are also very widely condemned internationally. Proscription would bring the UK in line with our international partners such as the United States and Pakistan, which have taken action in their respective jurisdictions.

Taking these matters into account, it is clearly important that we move to proscribe the TTP as quickly as possible.

The Order is ready to be laid now. Slots for debating this Order in the House of Commons and the House of Lords for 19 and 20 January respectively have been provisionally agreed with the Commons and Lords Whips. Were these dates to be missed, this would significantly delay the proscription of this organisation.

I understand that background explanatory papers have already been sent to the Committee staff by Home Office officials to assist consideration of the issues. I shall be most grateful for the understanding of the committee and speedy action by it.

14 January 2011

APPENDIX 2: INTERESTS AND ATTENDANCE

Committee Members' registered interests may be examined in the online Register of Lords' Interests at www.publications.parliament.uk/pa/ld/ldreg.htm. The Register may also be inspected in the House of Lords Record Office and is available for purchase from The Stationery Office.

For the meeting on 18 January 2011 Members declared no interests on any of the instruments of interest.

Attendance:

The meeting was attended by B. Butler-Sloss, L. Eames, L. Goodlad, L. Hart of Chilton, B. Morris of Yardley, L. Norton of Louth, L. Plant of Highfield and L. Scott of Foscoate.