

# HOUSE OF LORDS

## Secondary Legislation Scrutiny Committee

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### 7th Report of Session 2017–19

Includes 1 Information Paragraph on 1 Instrument

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### *Secondary Legislation Scrutiny Committee*

The Committee was established on 17 December 2003 as the Merits of Statutory Instruments Committee. It was renamed in 2012 to reflect the widening of its responsibilities to include the scrutiny of Orders laid under the Public Bodies Act 2011.

The Committee's terms of reference are set out in full on the website but are, broadly, to scrutinise —

(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 these specified grounds:

(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;

(e) that the explanatory material laid in support provides insufficient information to gain a clear understanding about the instrument's policy objective and intended implementation;

(f) that there appear to be inadequacies in the consultation process which relates to the instrument.

The Committee may also consider such other general matters relating to the effective scrutiny of secondary legislation as the Committee considers appropriate, except matters within the orders of reference of the Joint Committee on Statutory Instruments.

### *Members*

Lord Faulkner of Worcester

Lord Haskel

Lord Sherbourne of Didsbury

Baroness Finn

Rt Hon. Lord Janvrin

Rt Hon. Lord Trefgarne (*Chairman*)

Lord Goddard of Stockport

Lord Kirkwood of Kirkhope

Baroness Watkins of Tavistock

Baroness Gould of Potternewton

Baroness O'Loan

### *Registered interests*

Information about interests of Committee Members can be found in the last Appendix to this report.

### *Publications*

The Committee's Reports are published on the internet at [www.parliament.uk/seclegpublications](http://www.parliament.uk/seclegpublications)

The National Archives publish statutory instruments with a plain English explanatory memorandum on the internet at <http://www.legislation.gov.uk/uksi>

### *Information and Contacts*

Any query about the Committee or its work, or opinions on any new item of secondary legislation, should be directed to the Clerk to the Secondary Legislation Scrutiny Committee, Legislation Office, House of Lords, London SW1A 0PW. The telephone number is 020 7219 8821 and the email address is [hseclegscrutiny@parliament.uk](mailto:hseclegscrutiny@parliament.uk).

# Seventh Report

## INSTRUMENT OF INTEREST

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### **Fishing Vessels (Codes of Practice) Regulations 2017 (SI 2017/943)**

1. Fishing is a dangerous industry and investigations into accidents have identified a number of areas where safety standards can be improved. These Regulations update, consolidate and recast 17 sets of existing Rules and Regulations, and enact three Codes of Practice for the construction and safe operation of fishing vessels. The resulting legislation sets requirements according to the size of the vessel. We are impressed with the Maritime and Coastguard Agency's approach to this review for a number of reasons. As well as improving the clarity of the text, the changes proposed use recommendations from accident investigations to inform new policy decisions, and suggestions from industry groups. Consultation has been inclusive involving all parts of the industry and relevant safety organisations such as the RNLI. The Explanatory Memorandum laid by the Department for Transport also describes the legislation as being complemented by an educational campaign, recognising that law can make ships carry certain equipment but cannot ensure that it is used. **We commend, what appears to be, a thorough and useful piece of work.**

## **INSTRUMENTS NOT DRAWN TO THE SPECIAL ATTENTION OF THE HOUSE**

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### **Instruments subject to annulment**

- SI 2017/928 Democratic Peoples Republic of Korea (European Union Financial Sanctions) (Amendment) (No. 3) Regulations 2017
- SI 2017/930 Immigration Act 2014 (Current Accounts) (Freezing Orders: Code of Practice) Regulations 2017
- SI 2017/931 Immigration Act 2016 (Consequential Amendments) Regulations 2017
- SI 2017/943 Fishing Vessels (Codes of Practice) Regulations 2017
- SI 2017/947 Registration of Births, Deaths, Marriages and Civil Partnerships (Fees) (Amendment) Regulations 2017
- SI 2017/958 NHS Counter Fraud Authority (Establishment, Constitution, and Staff and Other Transfer Provisions) Order 2017
- SI 2017/959 NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) (Establishment and Constitution) (Amendment) Order 2017
- SI 2017/960 NHS Counter Fraud Authority (Investigatory Powers and Other Miscellaneous Amendments) Order 2017

## APPENDIX 1: INTERESTS AND ATTENDANCE

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Committee Members' registered interests may be examined in the online Register of Lords' Interests at [www.publications.parliament.uk/pa/ld/ldreg.htm](http://www.publications.parliament.uk/pa/ld/ldreg.htm). The Register may also be inspected in the Parliamentary Archives.

For the business taken at the meeting on 17 October 2017, Members declared the following interests:

**Immigration Act 2014 (Current Accounts) (Freezing Orders: Code of Practice) Regulations 2017 (SI 2017/930)**

**Immigration Act 2016 (Consequential Amendments) Regulations 2017 (SI 2017/931)**

Lord Janvrin

*Senior Adviser, HSBC Private Bank (UK) Ltd*

### **Attendance:**

The meeting was attended by Lord Faulkner of Worcester, Baroness Finn, Lord Haskel, Lord Janvrin, Lord Kirkwood of Kirkhope, Baroness O'Loan, Lord Trefgarne and Baroness Watkins of Tavistock.