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

Baroness Blackstone   Lord Haskel   Lord Sherbourne of Didsbury
Lord Faulkner of Worcester  Rt Hon. Lord Janvrin  Rt Hon. Lord Trefgarne (Chairman)
Baroness Finn   Lord Kirkwood of Kirkhope   Baroness Watkins of Tavistock
Lord Goddard of Stockport   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

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 hlseclegscrutiny@parliament.uk.
INSTRUMENTS OF INTEREST

Universal Credit (Miscellaneous Amendments, Saving and Transitional Provision) Regulations 2018 (SI 2018/65)

1. This instrument makes various amendments to the way Universal Credit operates and to its interaction with other benefits, in particular, to implement changes that were announced in the Autumn Budget 2017. Regulation 3 will remove, for claims made after 14 February 2018, the seven days that claimants for Universal Credit have been required to wait before their entitlement to payment commenced, although those waiting days will continue to apply to other benefits. Regulation 6(7)(a) and (b) provides for a transitional payment of two weeks’ benefit for claimants who migrate to Universal Credit when they are already in receipt of housing benefit, to prevent rent arrears accruing due to the administrative change. Regulation 6(3) allows for Universal Credit and housing benefit to be paid separately for claimants in temporary accommodation to make the payment structure more flexible. Various amendments also address the position of claimants with fluctuating income to safeguard the efficient administration of Universal Credit.

Draft Waste Enforcement (England and Wales) Regulations 2018

2. The Department for Environment, Food and Rural Affairs (Defra) has laid these draft Regulations with an Explanatory Memorandum (EM). In the EM, Defra says that, while most waste sites operating under a permit or exemption act responsibly and meet the required standards, there is significant evidence that certain waste sites act illegally by not complying with the conditions of their waste permit or exemption, and indeed that some operate completely outside of the law by running waste sites without a permit or exemption. These Regulations enhance powers to tackle illegal activity at waste sites. The power to restrict access and the importation of waste to premises will enable regulators to prevent serious pollution from operators stockpiling huge volumes of waste beyond the limit specified in their permit. The power to require the removal of waste that was initially lawfully deposited but subsequently unlawfully kept or disposed of will enable regulators to ensure that all waste is removed from a site that has breached its permit conditions. Defra explains that, following an initial consultation in 2015 on a wider set of proposals, it undertook a further targeted engagement on the two new sets of powers. Eight organisations provided responses, and all expressed support for the new powers.

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1 HC Deb, 22 November 2017, col 1047
4 The Environment Agency and the Natural Resource Body for Wales.
5 Waste regulation authorities and waste collection authorities in England and Wales.
INSTRUMENTS NOT DRAWN TO THE SPECIAL ATTENTION OF THE HOUSE

Draft instruments subject to affirmative approval

Draft Armed Forces Act (Continuation) Order 2018
Draft Waste Enforcement (England and Wales) Regulations 2018

Instruments subject to annulment

SI 2018/52 Road Vehicles (Registration and Licensing) (Amendment) Regulations 2018
SI 2018/53 Merchant Shipping (Safety Rules and Standards for Passenger Ships) (Miscellaneous Amendments) Regulations 2018
SI 2018/54 Care Quality Commission (Reviews and Performance Assessments) Regulations 2018
SI 2018/59 National Health Service (Quality Accounts) (Amendment) (No. 2) Regulations 2018
SI 2018/61 Social Fund Funeral Expenses Amendment Regulations 2018
SI 2018/65 Universal Credit (Miscellaneous Amendments, Saving and Transitional Provision) Regulations 2018
SI 2018/66 Magistrates’ Courts (Immigration Act 2014) (Freezing Orders) Rules 2018
SI 2018/67 Children and Family Court Advisory and Support Service (Reviewed Case Referral) (Amendment) Regulations 2018
SI 2018/70 Land Registration (Amendment) Rules 2018
SI 2018/71 Plant Health (England) (Amendment) Order 2018
APPENDIX 1: INTERESTS AND ATTENDANCE

Committee Members’ registered interests may be examined in the online Register of Lords’ Interests at http://www.parliament.uk/mps-lords-and-offices/standards-and-interests/register-of-lords-interests. The Register may also be inspected in the Parliamentary Archives.

For the business taken at the meeting on 6 February 2018, Members declared no interests.

Attendance:
The meeting was attended by Baroness Blackstone, Lord Faulkner of Worcester, Lord Goddard of Stockport, Lord Haskel, Lord Janvrin, Baroness O’Loan, Lord Sherbourne of Didsbury and Lord Trefgarne.