

ADDENDUM
TO THE
STANDING ORDERS
OF THE HOUSE OF COMMONS
RELATING TO PUBLIC BUSINESS

17th March 2008

Amendments to Standing Order No. 119 (European Standing Committees),
Standing Order No. 143 (European Scrutiny Committee),
Standing Order No. 146 (Select Committee on Public Administration), Standing Order No. 151 (Statutory Instruments (Joint Committee) and Standing Order No. 152 (Select committees related to government departments).

*Reprinted from the
Votes and Proceedings of the House of Commons
of 7th February 2008 and 11th March 2008*

*The texts of the amended Standing Orders No. 119
(European Standing Committees) and No. 143
(European Scrutiny Committee) are as follows.*

The amendments have effect until 1st January 2009.

The amended text is in italics.

European Committees

5 **119.**—(1) There shall be three general committees, called *European Committees*, to which shall stand referred for consideration on motion, unless the House otherwise orders, such European Union documents as defined in Standing Order No. 143 (*European Scrutiny Committee*) as may be recommended by the European Scrutiny Committee for further consideration.

10 (2) If a motion that specified European Union documents as aforesaid shall not stand referred to a European Committee is made by a Minister of the Crown at the commencement of public business, the question thereon shall be put forthwith.

15 (3) *Each European Committee shall consist of thirteen Members nominated by the Committee of Selection in respect of any European Union document which stands referred to it, and the Committee of Selection may nominate the same membership in respect of several documents.*

20 (4) *In nominating the members of a European Committee, the Committee of Selection shall have regard to the qualifications of the Members nominated and to the composition of the House; and where practicable it shall nominate at least two members of the European Scrutiny Committee and at least two*

members of the select committee appointed under Standing Order No. 152 whose responsibilities most closely relate to the subject matter of the document or documents.

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(5) The quorum of a European Committee shall be three, excluding the chairman

(6) Any Member, though not nominated to a European Committee, may take part in the committee's proceedings and may move amendments to any motion made as provided in paragraphs (9) and (10) below, but such Member shall not make any motion, vote or be counted in the quorum; provided that a Minister of the Crown who is a Member of this House but not nominated to the committee may make a motion as provided in paragraphs (9) and (10) below.

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(7) The European Committees, and the principal subject matter of the European Union documents to be referred to each, shall be as set out below; and, in making recommendations for further consideration, the European Scrutiny Committee shall specify the committee to which in its opinion the documents ought to be referred; and, subject to paragraph (2) of this order, the documents shall be referred to that committee accordingly—

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<i>European Committees</i>	<i>Principal subject matter</i>
	Matters within the responsibility of the following Departments—
A	Environment, Food and Rural Affairs; Transport; Communities and Local Government; Forestry Commission; and analogous responsibilities of Scotland, Wales and Northern Ireland Offices.

<i>European Committees</i>	<i>Principal subject matter</i>
B	HM Treasury (including HM Revenue & Customs); Work and Pensions; Foreign and Commonwealth Office; International Development; Home Office; Ministry of Justice (excluding those responsibilities of the Scotland and Wales Offices which fall to European Committee A); together with any matters not otherwise allocated by this Order.
C	Business, Enterprise and Regulatory Reform; Children, Schools and Families; Culture, Media and Sport; Health; Innovation, Universities and Skills.

45 (8) *The chairman may permit a member of the European
Scrutiny Committee appointed to the committee under
paragraph (4) above to make a brief statement of no more than
five minutes, at the beginning of the sitting, explaining that
committee's decision to refer the document or documents to a
European Committee.*

50 (9) The chairman may permit Ministers of the Crown to make
statements and to answer questions thereon put by Members, in
respect of each motion relative to a European Union document
or documents referred to a European Committee of which a
Minister shall have given notice; but no question shall be taken
55 after the expiry of a period of one hour from the
commencement of the first such statement:

Provided that the chairman may, if he sees fit, allow
questions to be taken for a further period of not more than half
an hour after the expiry of that period.

60 (10) Following the conclusion of the proceedings under the
previous paragraph, the motion referred to therein may be
made, to which amendments may be moved; and, if
proceedings thereon have not been previously concluded, the
chairman shall interrupt the consideration of such motion and

amendments when the committee shall have sat for a period of two and a half hours, and shall then put forthwith successively— 65

(a) the question on any amendment already proposed from the chair; and

(b) the main question (or the main question, as amended).

The chairman shall thereupon report to the House any resolution to which the committee has come, or that it has come to no resolution, without any further question being put. 70

(11) If any motion is made in the House in relation to any European Union document in respect of which a report has been made to the House in accordance with paragraph (10) of this order, the Speaker shall forthwith put successively— 75

(a) the question on any amendment selected by him which may be moved;

(b) the main question (or the main question, as amended);

and proceedings in pursuance of this paragraph, though opposed, may be decided after the expiration of the time for opposed business. 80

(12) With the modifications provided in this order, the following Standing Orders shall apply to European Committees— 85

No. 85 (Chairman of general committees);

No. 88 (Meetings of general committees); and

No 89 (Procedure in general committees).

European Scrutiny Committee

143.—(1) There shall be a select committee, to be called the European Scrutiny Committee, to examine European Union documents and—

- 5 (a) to report its opinion on the legal and political importance of each such document and, where it considers appropriate, to report also on the reasons for its opinion and on any matters of principle, policy or law which may be affected;
- 10 (b) to make recommendations for the further consideration of any such document pursuant to Standing Order No. 119 (European Committees); and
- (c) to consider any issue arising upon any such document or group of documents, or related matters.

15 The expression ‘European Union document’ in this order and in Standing Order No. 16 (Proceedings under an Act or on European Union documents), No. 89 (Procedure in general committees) and No. 119 (European Committees) means—

- 20 (i) any proposal under the Community Treaties for legislation by the Council or the Council acting jointly with the European Parliament;
- (ii) any document which is published for submission to the European Council, the Council or the European Central Bank;
- 25 (iii) any proposal for a common strategy, a joint action or a common position under Title V of the Treaty on European Union which is prepared for submission to the Council or to the European Council;

- (iv) any proposal for a common position, framework decision, decision or a convention under Title VI of the Treaty on European Union which is prepared for submission to the Council; 30
- (v) any document (not falling within (ii), (iii) or (iv) above) which is published by one Union institution for or with a view to submission to another Union institution and which does not relate exclusively to consideration of any proposal for legislation; 35
- (vi) any other document relating to European Union matters deposited in the House by a Minister of the Crown.
- (2) The committee shall consist of sixteen Members. 40
- (3) The committee and any sub-committee appointed by it shall have the assistance of the Counsel to the Speaker.
- (4) The committee shall have power to appoint specialist advisers either to supply information which is not readily available or to elucidate matters of complexity within the committee's order of reference. 45
- (5) The committee shall have power to send for persons, papers and records, to sit notwithstanding any adjournment of the House, to adjourn from place to place, and to report from time to time. 50
- (6) The quorum of the committee shall be five.
- (7) The committee shall have power to appoint sub-committees and to refer to such sub-committees any of the matters referred to the committee.

55 (8) Every such sub-committee shall have power to send for persons, papers and records, to sit notwithstanding any adjournment of the House, to adjourn from place to place, and to report to the committee from time to time.

60 (9) The committee shall have power to report from time to time the minutes of evidence taken before such sub-committees.

(10) The committee, and every such sub-committee, shall sit in public unless it determines otherwise in relation to a particular meeting or part thereof.

65 (11) The quorum of every such sub-committee shall be two.

(12) The committee shall have power to seek from any committee specified in paragraph (13) of this order its opinion on any European Union document, and to require a reply to such a request within such time as it may specify.

70 (13) The committees specified for the purposes of this order are those appointed under Standing Order No. 152 (Select committees related to government departments) including any sub-committees of such committees, the Select Committee on Public Administration, the Committee of Public Accounts, and
75 the Environmental Audit Committee.

(14) Unless the House otherwise orders, each Member nominated to the committee shall continue to be a member of it for the remainder of the Parliament.

The texts of the amended Standing Orders No. 146 (Select Committee on Public Administration), No. 151 (Statutory Instruments (Joint Committee)) and No. 152 (Select Committees related to government departments) [Table only] are as follows.

They have permanent effect.

The amended text is in italics.

Select Committee on Public Administration

Select
Committee on
Public
Administration.

146.—(1) There shall be a select committee to examine the reports of the Parliamentary Commissioner for Administration *and the Health Service Commissioner for England*, which are laid before this House, and matters in connection therewith, and to consider matters relating to the quality and standards of administration provided by civil service departments, and other matters relating to the civil service; and the committee shall consist of eleven Members.

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(2) The committee shall have power—

(a) to send for persons, papers and records, to sit notwithstanding any adjournment of the House, to adjourn from place to place, and to report from time to time; and

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(b) to appoint specialist advisers to supply information which is not readily available or to elucidate matters of complexity within the committee's order of reference.

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(3) Unless the House otherwise orders, each Member nominated to the committee shall continue to be a member of it for the remainder of the Parliament.

20 (4) The committee shall have power to appoint a sub-committee, which shall have power to send for persons, papers and records, to sit notwithstanding any adjournment of the House, to adjourn from place to place, and to report to the committee from time to time.

25 (5) The committee shall have power to report from time to time the minutes of evidence taken before the sub-committee.

(6) The quorum of the sub-committee shall be three.

Statutory Instruments (Joint Committee)

151.—(1) A select committee shall be appointed to join with a committee appointed by the Lords to consider—

Statutory
Instruments
(Joint
Committee).

5 (A) every 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, in pursuance of an Act of Parliament, being—

(a) a statutory instrument, or a draft statutory instrument;

10 (b) a scheme, or an amendment of a scheme, or a draft thereof, requiring approval by statutory instrument;

15 (c) any other instrument (whether or not in draft), where the proceedings in pursuance of an Act of Parliament are proceedings by way of an affirmative resolution; or

(d) an order subject to special parliamentary procedure;

but excluding any *remedial order or draft remedial order under Schedule 2 to the Human Rights Act 1998, any draft order proposed to be made under Part 1 of the Legislative and Regulatory Reform Act 2006 and any subordinate provisions order made or proposed to be made under the Regulatory Reform Act 2001;* 20

(B) every general statutory instrument not within the foregoing classes, and not within paragraph (10) of this order, but not including any *Scottish statutory instrument or any statutory instrument made by the Welsh Ministers* unless it is required to be laid before Parliament or either House of Parliament and not including measures under the Church of England Assembly (Powers) Act 1919 and instruments made under such measures: 25

with a view to determining whether the special attention of the House should be drawn to it on any of the following grounds—

(i) that it imposes a charge on the public revenues or contains provisions requiring payments to be made to the Exchequer or any government department or to any local or public authority in consideration of any licence or consent or of any services to be rendered, or prescribes the amount of any such charge or payment; 35

(ii) that it is made in pursuance of any enactment containing specific provisions excluding it from challenge in the courts, either at all times or after the expiration of a specific period; 40

- 45 (iii) that it purports to have retrospective effect where the parent statute confers no express authority so to provide;
- (iv) that there appears to have been unjustifiable delay in the publication or in the laying of it before Parliament;
- 50 (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 an instrument has come into operation before it has been laid before Parliament;
- 55 (vi) that there appears to be a doubt whether it is *intra vires* or that it appears to make some unusual or unexpected use of the powers conferred by the statute under which it is made;
- 60 (vii) that for any special reason its form or purport calls for elucidation;
- (viii) that its drafting appears to be defective;

or on any other ground which does not impinge on its merits or on the policy behind it; and to report its decision with the reasons thereof in any particular case.

- 65 (2) The quorum of the committee shall be two.
- (3) The committee shall have power to appoint one or more sub-committees severally to join with any sub-committee or sub-committees appointed by the committee appointed by the Lords; and to refer to such sub-committee or sub-committees any of the matters referred to the committee.
- 70 (4) The committee and any sub-committee appointed by it shall have the assistance of the Counsel to the Speaker and, if

their Lordships think fit, of the Counsel to the Lord Chairman of Committees.

(5) The committee shall have power to sit notwithstanding any adjournment of the House and to report from time to time, and any sub-committee appointed by it shall have power to sit notwithstanding any adjournment of the House. 75

(6) The committee and any sub-committee appointed by it shall have power to require any government department concerned to submit a memorandum explaining any instrument which may be under its consideration or to depute a representative to appear before it as a witness for the purpose of explaining any such instrument. 80

(7) The committee and any sub-committee appointed by it shall have power to take evidence, written or oral, from Her Majesty's Stationery Office, relating to the printing and publication of any instrument. 85

(8) The committee shall have power to report to the House from time to time any memorandum submitted to it or other evidence taken before it or any sub-committee appointed by it from any government department in explanation of any instruments. 90

(9) It shall be an instruction to the committee that before reporting that the special attention of the House be drawn to any instrument the committee do afford to any government department concerned therewith an opportunity of furnishing orally or in writing to it or to any sub-committee appointed by it such explanations as the department think fit. 95

(10) It shall be an instruction to the committee that it shall consider any instrument which is directed by Act of Parliament to be laid before and to be subject to proceedings in this House only, being— 100

105 (a) a statutory instrument, or a draft of a statutory instrument;

(b) a scheme, or an amendment to a scheme, or a draft thereof, requiring approval by statutory instrument; or

110 (c) any other instrument (whether or not in draft), where the proceedings in pursuance of an Act of Parliament are proceedings by way of an affirmative resolution;

115 and that it have power to draw such instruments to the special attention of the House on any of the grounds on which the Joint Committee is empowered so to draw the special attention of the House; and that in considering any such instrument the committee do not join with the committee appointed by the Lords.

(11) Unless the House otherwise orders, each Member nominated to the committee shall continue to be a member of it for the remainder of the Parliament.

Standing Order No. 152 (Select committees related to government departments)

Table:

<i>Name of Committee</i>	<i>Principal government departments concerned</i>	<i>Maximum members</i>
1 <i>Business and Enterprise</i>	Department for Business, Enterprise and Regulatory Reform	11
2 Children, Schools and Families	Department for Children, Schools and Families	14

<i>Name of Committee</i>	<i>Principal government departments concerned</i>	<i>Maximum members</i>
3 Communities and Local Government	Department for Communities and Local Government	11
4 Culture, Media and Sport	Department for Culture, Media and Sport	11
5 Defence	Ministry of Defence	14
6 Environment, Food and Rural Affairs	Department for Environment, Food and Rural Affairs	14
7 Foreign Affairs	Foreign and Commonwealth Office	14
8 Health	Department of Health	11
9 Home Affairs	Home Office	14
10 <i>Innovation, Universities, Science and Skills</i>	Department for Innovation, Universities and Skills	14
11 International Development	Department for International Development	11
12 Justice	Ministry of Justice (including the work of staff provided for the administrative work of courts and tribunals, but excluding consideration of individual cases and appointments, and excluding the work of the Scotland and Wales Offices and of the Advocate General for Scotland); and administration and expenditure of the Attorney General's Office, the Treasury Solicitor's Department, the Crown Prosecution Service and the Serious Fraud Office (but excluding individual cases and appointments and advice given within government by Law Officers)	14

<i>Name of Committee</i>	<i>Principal government departments concerned</i>	<i>Maximum members</i>
13 Northern Ireland Affairs	Northern Ireland Office; administration and expenditure of the Crown Solicitor's Office (but excluding individual cases and advice given by the Crown Solicitor); and other matters within the responsibilities of the Secretary of State for Northern Ireland (but excluding the expenditure, administration and policy of the Office of the Director of Public Prosecutions, Northern Ireland and the drafting of legislation by the Office of the Legislative Counsel)	13
14 Scottish Affairs	Scotland Office (including (i) relations with the Scottish Parliament and (ii) administration and expenditure of the offices of the Advocate General for Scotland (but excluding individual cases and advice given within government by the Advocate General))	11
15 Transport	Department for Transport	11
16 Treasury	Treasury, HM Revenue & Customs	14
17 Welsh Affairs	Wales Office (including relations with the National Assembly for Wales)	11
18 Work and Pensions	Department for Work and Pensions	11