

Constitutional Affairs Committee

CA (3)-09-11 : Paper 1

Instruments Laid before the Assembly too late for Committee Consideration

Date : 25 March 2011

From Committee Clerk

Purpose

1.This paper asks the Constitutional Affairs Committee to approve reporting arrangements for those Statutory Instruments that are laid too late in the current Assembly to be considered properly by the Committee during its final meeting.

Background

2.The agenda for the final meeting of the Constitutional Affairs Committee includes all statutory instruments laid before the Assembly on or before 24 March 2011. It may also be possible that other instruments, laid after this date, can be added to the agenda if the Committee's legal advisers and clerking team are able to consider them fully.

3.However, it is likely that some instruments will be tabled after the Committee's final meeting or otherwise too late for legal and clerking teams to give proper advice about them to the Committee.

4.It is unlikely that the Committee's successor Committee in the fourth Assembly will be able to consider these instruments within the 20-day reporting deadline. It is also possible that it will not be able to consider them until after the 40-day annulment deadline has passed. This will mean that these instruments will effectively have bypassed the usual scrutiny procedure.

Proposal

3.To ensure that this group of instruments is drawn to the attention of the new Assembly, it is proposed that a standard merits report is laid before the current Assembly in the terms set out in the annexe to this paper. It is also proposed that this report is drawn to the attention of all incoming Assembly Members.

Recommendation

6.The Constitutional Affairs Committee is invited to approve these arrangements.

CA (3)-09-11(p1)Annexe

Proposed "standard" merits report to be used for all instruments received too late to have been properly considered by the Constitutional Affairs Committee before the dissolution of the Assembly.

Each of the following instruments was laid before the Assembly at a point that did not allow them to be properly considered by the third Assembly's Constitutional Affairs Committee.

In the fourth Assembly, the responsible Committee is not likely to be established until the 20-day deadline for reporting on the instruments has passed. The 40-day deadline, within which the Assembly is able to annul the instruments, may also have passed before the incoming Committee can consider these instruments.

In these circumstances, the instruments would not have been subject to any Assembly scrutiny procedure and the opportunity for Assembly Members to table motions to annul any of the instruments may be lost.

The Constitutional Affairs Committee has, therefore, agreed to report under Standing Order 15.3 that the National Assembly should pay special attention to these statutory instruments as giving rise to an issue of public policy likely to be of interest to the Assembly, namely that they may, because of when they were laid, by-pass the usual scrutiny arrangements for Statutory Instruments.

[Names of each instrument with brief explanation of purpose, coming into force date and deadline for the Assembly to agree a motion to annul.]"