

## AFFIRMATIVE INSTRUMENTS

## 216 Hybrid instruments

- (1) Where in the opinion of the Chairman of Committees an affirmative instrument as defined by Public Business Standing Order 72 (Affirmative instruments) is such that, apart from the provisions of the Act authorising it to be made, it would require to be enacted by a private or hybrid bill, he shall report his opinion to the House and to the minister or other person responsible for the instrument. An instrument on which the Chairman of Committees has so reported is in these standing orders referred to as a “hybrid instrument”.

An order under section 1 of the Manoeuvres Act 1958 shall not be the subject of a report under this paragraph.

- (2) A petition to the House not to affirm a hybrid instrument shall be signed by the petitioner or his agent and be deposited or sent so as to be received in the office of the Clerk of the Parliaments within the 14 days following the day on which the Chairman’s report under paragraph (1) is laid before the House.
- (3) If no petition is received in the office of the Clerk of the Parliaments within the period allowed by paragraph (2), or if every petition, or the only petition, so received is withdrawn, the Chairman of Committees shall report that fact to the House.
- (4) Any petition received in the office of the Clerk of the Parliaments within that period shall, together with the instrument petitioned against, stand referred to a committee appointed at the commencement of every session and consisting of the Chairman of Committees and such other lords as the House shall name. The committee shall be known as the “Hybrid Instruments Committee”.
- (5) The Hybrid Instruments Committee, after considering any representations in writing by the parties to the proceedings, and after hearing, if they think fit, the parties in person or counsel or agents appearing for the parties—
- (a) shall decide whether the petitioner has a locus standi, and
  - (b) shall decide that question as if the instrument were a private bill and the committee were a select committee on the bill.
- (6) If the committee decide that the petitioner has no locus standi they shall report their decision to the House; but if they decide that he has a locus standi they shall report to the House—

- (a) whether the petition discloses substantial grounds of complaint,
- (b) whether the matters complained of in the petition have been so dealt with that no further inquiry is necessary,
- (c) whether the petitioner failed to avail himself of opportunities of having the matters complained of properly inquired into; and
- (d) whether or not, in the light of their findings on questions (a) to (c) above, there ought to be a further inquiry by a select committee into all or any of the matters complained of.

- (7) Where the Hybrid Instruments Committee have reported to the House that there ought to be such further inquiry into all or any of the matters complained of, the House may refer all or any of the matters on which the committee have so reported to a select committee consisting of five lords, named by the House on the proposal of the Committee of Selection; and the House shall specify the orders of reference of the select committee.
- (8) For the purposes of Public Business Standing Order 72 (Affirmative instruments) the proceedings on a hybrid instrument shall be terminated when—
- (a) there has been laid before the House a report by the Chairman of Committees under paragraph (3); or
  - (b) there has been laid before the House a report by the Hybrid Instruments Committee under paragraph (6) that no petitioner has a locus standi or that none of the matters complained of in petitions against the instrument ought to be inquired into by a select committee; or
  - (c) the House has decided that none of those matters be referred to a select committee; or
  - (d) there has been laid before the House the report of the select committee to whom any matter has been referred under this standing order.
- (9) Where proceedings under this standing order have not been completed in respect of a hybrid instrument which has expired or lapsed, a further affirmative instrument made or laid in draft to substantially the same effect may be substituted for the previous instrument for the purposes of those proceedings.
- (10) This standing order shall not, except in so far as it defines a hybrid instrument, apply to an “expedited hybrid instrument” as defined in paragraph (1) of Standing Order 216A (Expedited hybrid instruments)