



## Procedure Committee

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From Sir Charles Walker KBE MP, Chair of the Committee

Rt Hon Jacob Rees-Mogg MP  
Lord President of the Council  
and Leader of the House of Commons  
House of Commons

10<sup>th</sup> September 2019

### **Use of the urgent order-making procedure under the European Union (Withdrawal) Act 2018**

At its meeting on Monday the Committee asked me to thank you for the recent letter sent in your name and the name of the Parliamentary Under Secretary of State, Department for Exiting the European Union.

In it you notified me and the Committee of the proposed use of the made affirmative procedure for a number of statutory instruments. You explained that the Government considers it to be critical to enact these instruments shortly so that their provisions are available to be brought into force on exit day. The Committee takes 'exit day' to mean 31 October 2019, in line with existing legislative provision and the Government's stated policy.

It appears that eight such instruments were made and laid before Parliament last week, and a further three were laid and made on 9 September. The statutory period within which each of these instruments must be approved by both Houses expires in early November.

The Committee was concerned to note the further exercise of the urgent procedure, following its use in preparation for the exit day scheduled for 29 March 2019. It would be helpful to have an explanation of the factors which led the Government to conclude that it is now necessary to use that procedure, and of the reasons why the changes being made now were not identified and made before 29 March.

The Committee noted with interest your contribution at Business Questions on 5 September (col. 394) in which you said that

On the ability to leave on 31 October, all the legislation that is needed is in place. We have 580 statutory instruments to make sure it will all happen smoothly. That is all done. It is ready. It is prepared.

Committee members are therefore interested to know whether the Government plans to make further use of the urgent procedure in the new session of Parliament, and, if so, how many instruments subject to that procedure are to be made in order to be brought into force by 31 October.

You have indicated that the House of Commons “will have the opportunity to debate and approve these SIs within the required time.” The statutory period within which the first of the instruments in question must be approved by both Houses expires on 5 November 2019, in the week after exit day as presently scheduled: for any such instruments yet to be laid—for which the earliest date of laying is now 14 October—the period will expire later in November.

I am sure you will agree with me that it would be unacceptable for these legislative changes to be debated and approved by the House only after they have been brought into force. I expect you will, therefore, wish to reassure the Committee, at the earliest opportunity, that it is the Government’s policy to ensure that these changes are debated in full, either in committee or on the floor of the House, before exit day.

A copy of this letter goes to James Duddridge MP, Parliamentary Under Secretary of State, Department for Exiting the European Union, Sir Patrick McLoughlin MP, Chair of the European Statutory Instruments Committee, and Lord Hodgson of Astley Abbots, Chair of the House of Lords Select Committee on Secondary Legislation. In view of her Committee’s likely interest in the matter, I am also copying the correspondence to Jessica Morden MP, Chair of the Joint Committee on Statutory Instruments. The Committee has also agreed to report this correspondence to the House and publish it on its website.

A handwritten signature in blue ink, appearing to read 'Charles Walker', with a stylized flourish at the end.

**Charles Walker KBE MP**