

SECONDARY LEGISLATION SCRUTINY COMMITTEE: GUIDANCE FOR DEPARTMENTS ON STATUTORY INSTRUMENTS

INTRODUCTION

1. The Secondary Legislation Scrutiny Committee, (formerly known as the Merits of Statutory Instruments Committee) was established in 2003 to scrutinise the policy aspects of all instruments laid before Parliament that are subject to negative or affirmative resolution. More recently it has also acquired responsibility for assessing Public Bodies Orders, and its name was changed to reflect this wider remit. This note covers

- How the SLSC Committee works
- Scrutiny of Statutory Instruments
- Some tips on what the Committee is looking for in supporting paper work.

2. Scrutiny of Public Bodies Orders is done on a slightly different basis, by checking conformity with the tests set out in the Public Bodies Act 2011: the Committee's approach is set out in our 50th report of session 2010-12 and in a separate guidance note on our website: www.parliament.uk/seclegscrutiny

3. The Explanatory Memorandum (EM) provided with each instrument is a key tool to help Members of Parliament and the public in general to understand how and why the instrument is intended to operate. Full information on how to complete an EM is given in Appendix H to *Statutory Instrument Practice* (SIP)¹. **This guidance expands on that Appendix to give civil servants more information about which elements of it are of particular interest to the Secondary Legislation Scrutiny Committee (SLSC) and to give some examples from past EMs that, in the Committee's view, illustrate good practice.**

HOW THE SECONDARY LEGISLATION SCRUTINY COMMITTEE WORKS

4. The Committee has eleven members with Lord Goodlad as its Chairman. It is supported by a Clerk, a Committee Assistant and two Advisers. Contact details for them are given at the end of this note.

5. The Committee meets weekly in term time, on Tuesday afternoons, to consider the policy aspects of the instruments. Its reports are usually available to the House in electronic form on Wednesday evening² and published on the internet and in hard copy on Thursday.³ Instruments laid on any day of week 1 will usually be considered by the Committee on the Tuesday of week 3, i.e. within 12 to 16 days of laying.

6. The Joint Committee on Statutory Instruments (JCSI) also considers statutory instruments (SIs) but looks at the legal drafting of the instrument with a technical eye,

¹ See <http://www.opsi.gov.uk/si/sip-circulars/sip-circ02-2010.pdf>

² Members of the House and anyone regularly dealing with secondary legislation may subscribe by emailing to seclegscrutiny@parliament.uk

³ See the SLSC website www.parliament.uk/seclegpublications

there is no overlap with the SLSC which looks at the policy intention and how the instrument aims to deliver it. Unlike the JCSI, the SLSC does not have a formal scrutiny reserve, however, by convention the Government seeks to avoid scheduling a debate to approve an instrument before the SLSC has reported.

7. The Committee sees about 1,100 SIs a year and its task is to draw any significant or flawed item⁴ to the attention of the House if it falls within these terms of reference:

- (a) it is politically or legally important or gives rise to issues of public policy likely to be of interest to the House;
- (b) it may be inappropriate in view of changed circumstances since the enactment of the parent Act;
- (c) it may inappropriately implement European Union legislation;
- (d) it may imperfectly achieve its policy objectives.

When the Committee draws an instrument to the attention of the House it may be in neutral terms and simply because the policy is topical but, particularly when reporting an instrument on grounds (b) to (d), the report may suggest that it is deficient in some aspect and propose questions which the House may wish to pursue.

8. The Committee has found that EMs are generally good at explaining what an instrument does but weaker when it comes to explaining why the legislation is required (the policy intention) or what the impact will be (the cost/benefit analysis). Where information in the EM is insufficient, the Advisers will initially approach the official named as the contact point in each EM by phone or e-mail but, due to the scrutiny timetable, deadlines for response will be very short. If the Committee is not satisfied with the explanation in the EM, it will delay the instrument for a week to seek further detail. Where there are significant concerns the Committee may write formally or ask for oral evidence from either officials or the Minister. **A good EM can prevent this, so this guidance sets out the Committee’s regular concerns and some examples of good practice.**

What is the purpose of the Report?

9. Although there may be extensive discussion in Committee, the reports clear 90% of SIs without formal comment. Committee meetings are not public, but where the Committee has obtained additional information that may be of wider interest to the House it may publish it as an Annex to the report or on its website.

10. The SLSC’s reports also act as a news service to the House. Information paragraphs published under “*Other instruments of interest*” often flag up a significant policy development such as the implementation of a contentious element of an Act but without implying that the House needs to take action. Such paragraphs may also commend or criticise departments on aspects of procedure, for example, on consultation or consolidation.

⁴ The term “SI” is used throughout this guidance for convenience, but the SLSC examines almost every instrument subject to parliamentary procedure, whether or not a Statutory Instrument. This includes most statutory codes of practice, orders, regulations and rules. Some minor exceptions are set out in paragraph 14 of this note, where another, more specialised, Committee considers the instrument.

11. When the Committee formally reports an SI, particularly where criticism is made, it is anticipated that Members of the House will follow it up, often by a motion for debate, or an oral or written question.

Government Responses

12. There is no need for the Government to respond to reports on an individual SI unless the Committee explicitly requests such a response by separate letter. Such letters may be either at official or ministerial level and will indicate a deadline (usually less than a week because of the need to publish the information before a debate takes place).

When and how should the Explanatory Memorandum be delivered?

13. As set out in SIP, the memorandum should be laid before the House at the same time as the instrument itself. **15 double-sided copies** of the instrument collated with the EM (and, where applicable, the IA) should be **delivered to the SLSC Committee secretariat on the day of laying**. Please also include copies of any codes or guidance necessary to the understanding of the instrument: for example when a short SI simply brings a code or set of construction standards into force but the code itself is not subject to parliamentary scrutiny.

What instruments does the SLSC not examine?

14. There is no need to send the Committee:
- instruments that are laid before the House of Commons only;
 - a remedial order, or draft remedial order, under section 10 of the Human Rights Act 1998 (which should be sent to the Joint Committee on Human Rights);
 - a draft order under the Legislative and Regulatory Reform Act 2006 (which should be sent to the Delegated Powers Committee);
 - a Measure under the Church of England Assembly (Powers) Act 1919 or instrument made under a Measure;
 - instruments not subject to parliamentary procedure
 - commencement orders
 - correction slips

TIMETABLING: MANAGING THE FLOW

15. Ministers may lay SIs before Parliament at any time⁵, but can adversely affect the progress of scrutiny if they lay them at a time of peak activity, for example, just before the end of the calendar or financial year, a common commencement date (CCD) or recess. A **negative instrument** laid during recess will be considered at the start of the next term and the Department may be criticised if significant regulations come into force when the House is not sitting.

⁵ Subject to the rules set out in the *Companion to the Standing Orders of the House of Lords*, 2010, paras 3.63-3.67 <http://www.publications.parliament.uk/pa/ld/ldcomp/compro2010/ldctso06.htm#a37>

16. It is a convention that Negative SIs should not come into effect until a **minimum of 21 calendar days** after they are laid; it is often helpful to industry or enforcement agencies to lay instruments well in advance of the date that they come into force. This is particularly relevant to common commencement dates, 6 April and 1 October: Government guidance states that “*working to a CCD timetable does not prevent you from laying instruments throughout the year, thereby allowing time for parliamentary scrutiny and, if appropriate, debate, well in advance of commencement*”⁶.

17. When calculating how much time to allow for an **affirmative instrument** to secure parliamentary approval, you are advised to find out when the SLSC and the Joint Committee on Statutory Instruments would be likely to consider the instrument, and then allow a further 3 – 4 sitting weeks after that. In total then, you may be looking to allow around 6 *sitting* weeks for the passage of the instrument through all its Parliamentary stages, but more time may be required if one of the Committees does not meet; if the instrument is not cleared on first consideration by one of the Committees; and/or if there is a high volume of affirmative instruments waiting for approval by the House (for example in the run-up to recesses). You are therefore strongly encouraged to liaise with the staff of the Committees and with the Whips Office in each House.

EXPLANATORY MEMORANDA

18. The memorandum should follow the format set out in Appendix H to Statutory Instrument Practice. All the headings referred to in this note relate to Appendix H, as does the electronic EM template provided by the SI Registrar and which appears on most Departmental intranets. What this guidance adds is some recent examples of good practice that illustrate how Appendix H’s requirements can be fulfilled. In addition, this Committee’s officials tell Departments about EMs which the Committee commend and so your Parliamentary Clerk’s office should be able to provide examples of good practice that relate more closely to your subject area.

Purpose of an EM

19. **The purpose of the EM is to provide members of Parliament with a plain English, free-standing, explanation of the effect of the instrument and why it is necessary.** It is not meant for lawyers, but to help people who may know nothing about the subject quickly to gain an understanding of the SI’s intent and purpose. Legal explanations of the changes are already given in the Explanatory Note which forms part of the instrument itself. Acronyms and jargon (eg *SIPP*, *NOx*, *credit repair*) should be explained or, better, avoided.

20. Don’t use “not applicable” under any heading. You need to explain the position briefly:

⁶ Small Business Service / Better Regulation Executive, *Common Commencement Dates: guidance for coordinators and officials*, paragraph 12. <http://www.bis.gov.uk/assets/biscore/enterprise/docs/c/10-1137-common-commencement-dates-august2010>

For example:

No separate consultation exercise was conducted as this instrument corrects minor drafting errors in the original regulations and does not change the policy. The consultation exercise conducted when preparing the original regulations can be found at [www.departmentof ...](#) *or*

This instrument sets the fees for the licensing provisions described in the main regulations, SI 2012/1234. The impact of the fee regime will be included in the overall evaluation of the effect of those regulations in December 2014.

Single memorandum for linked instruments

21. It can be helpful to produce a single memorandum for a group of SIs with a common theme. This prevents unnecessary duplication of common background and makes sure that the reader is aware of the links between instruments. In the policy section you should explain the special features of each SI and how it contributes to the overall policy objective. For laying purposes a copy of the group EM should be attached to each of the individual SIs to which it relates; but for scrutiny purposes we only need one copy of the EM attached to the whole batch of linked SIs. **Linked SIs should be laid on the same day and, ideally, numbered sequentially.**

22. Where a series of SIs is to be spread over several weeks or months each item or group will need its own SI. Each EM should explain under heading 4 *Legislative Content* how it is linked to an earlier SI or the later SIs that will follow for example to set fees or the enforcement procedures.

Description — *EM heading 2*

23. Plain English should be used to explain to the lay reader **in two or three sentences** what the instrument does and why. This is to help the reader to identify what the instrument is about and whether it is the item they are looking for. Many readers will be using on-line search engines, so it is helpful if the description uses the common key words that they might search for.

For example: three sentences but not plain English

This Order makes supplementary and transitional provision in respect of new provisions regarding police authority membership which are being commenced under the Police and Justice Act 2006 (“the 2006 Act”). The new regime will come into operation in the case of police authorities established under section 3 of the Police Act 1996 on 1 April 2008 and in the case of the Metropolitan Police Authority on 3 July 2008. This Order ensures that, until that new scheme comes into operation, existing lay justice members of police authorities in England and Wales whose appointments would otherwise expire on or after 15 January 2007 shall have their appointments extended until 31 March 2008 or, in the case of the Metropolitan Police Authority, 2 July 2008.

Better: This Order makes transitional provisions to extend existing lay justice appointments to police authorities until the new scheme under the Police and Justice Act 2006 takes effect in 2008.

Matters of special interest to the JCSI — EM heading 3

Timing

24. Although this section is mainly for the technical, legal aspects that are of interest to the JCSI, the SLSC is also interested in SIs that breach the **21-day rule** (which states that an instrument should not be laid before Parliament less than 21 days before it comes into force). If the instrument breaches the rule, the EM should explain why the policy requires such urgent action, why it could not be avoided, and what the impact of delaying the legislation to satisfy the rule would be. By reducing the 21 day period you are reducing the time Parliament has to scrutinise the instrument, and this should not be done for departmental convenience. Most departments require Ministerial clearance to lay an instrument that breaches the rule.

25. Similarly, if the instrument came into force before it was laid, the EM should explain why. In this case Departments are also required to send a letter to the Speaker of each House, with a copy to the Chairman of the SLSC to explain the circumstances (see section 4(1) of the Statutory Instruments Act 1946).

26. The SLSC's main concern will be about practical consequences: for example, whether those on whom the obligation falls, or those who have to enforce the policy, have been given sufficient information to be able to react within the time allowed. There are circumstances, such as tax changes, or public health measures where bringing an SI in with little notice is justifiable – but the Committee needs to have the circumstances explained.

27. If the instrument makes corrections in response to comments from the JCSI or simply corrects a drafting error in a previous version of an affirmative SI, it is helpful to mention key changes here so the SLSC consider if the change amends the policy in any way.

Legislative background — EM heading 4

28. The legal power under which the instrument is made will be clear from the instrument itself and there is no need to mention that power in the EM unless it is being used for the first time or in an unusual way. Nor is it necessary to list the changes that the instrument makes – that is normally a feature of the Explanatory Note at the end of the SI.

29. Use this section to set the instrument in its legislative context: for example, to explain if this instrument forms part of a group or a sequence of SIs that will appear over a few weeks or months, or implements provisions of a new Act. Sometimes a change to the legislation is required to clarify the law because a legal case has challenged the existing interpretation of it, where relevant, you should give a brief explanation of the judgment here.

30. If the instrument meets any specific undertakings that have been given to Parliament, whether in the course of a parliamentary debate, question or Committee appearance, please mention those here together with the relevant Hansard or report reference.

For example:

Concerns were also raised during the Courts Bill's passage through the House of Lords regarding the conditions to be met before a person was designated a court security officer. It was agreed during the debate that a criminal record check will be undertaken for all court security officers (HL Deb, 11 February 2003, col 592). These Regulations reflect this.

Implementing EU legislation

31. Legislation relating to European Union obligations should include a brief summary of the scrutiny history and a Transposition Note. Please explain if there have been any problems in interpreting the EU legislation and transposing it into British law.

32. The Legislative and Regulatory Reform Act 2006 enabled SIs to make “**ambulatory references**” to EC legislation, which allow updates to an underlying EC Directive to have automatic effect in the UK. This mechanism has been of concern to the Lords because it takes future SIs out of the normal legislative scrutiny process.⁷ This mechanism should only be used for technical updates, which usually appear in an Annex to the Directive, such as adding items to a list of banned chemicals. The agreed Whitehall position on the use of the power is set out in Appendix I of the Merits Committee's 25th Report of session 2008-09. **The Explanatory Memorandum should make it clear if an ambulatory reference is being introduced. If the power is applied to anything other than simple technical updates the Committee expects to see a full explanation of why this is proposed, including how any risks, including the potential for unintended consequences, are to be managed in the absence of further Parliamentary scrutiny.**

Extent — *EM heading 5*

33. It is helpful to indicate when a SI simply extends the geographical coverage of legislation which already exists in another part of the United Kingdom. In such cases the Committee will have already discussed any new policy issues when the first order came through.

European Convention on Human Rights – *EM heading 6*

34. This section is only required to be completed for affirmative instruments and negative instruments that amend primary legislation. When completed it must give the Minister's name. It is very rare but when an instrument, or parts of it, does not comply with the European Convention on Human Rights, a clear explanation should be given.

Policy Background — *EM heading 7**What is being done and why*

35. The Committee looks at about 30 SIs a week so **the EM's explanation of the policy and purpose of the SI is meant to be succinct, and able to be fully understood without having to look up other documents.** Where the changes are being made following a review or White Paper, refer to its title and include a web link to the report that led to law being changed, but remember to give the gist of the White Paper proposal and the outcome in couple of sentences.

⁷ See for example HL debate 28 October 2009 cols 1231-43

36. Similarly the explanation of the policy and its background should be addressed to the ordinary reader, who should not be expected to have any previous experience of the subject. For example, do not say “*this order extends the XYZ scheme*” without explaining briefly what the XYZ scheme does. Please avoid jargon and explain acronyms.

37. The Committee has found that EMs are generally good at explaining what the instrument does but often forget to explain **why**, so they read more like an announcement than an explanation. Although your proposal may have had Departmental approval, you need to remember that the EM is for Parliament which is composed of the government and the Opposition. So your EM needs to present a persuasive argument as to why it is necessary to legislate at all and why the solution proposed will be effective in addressing the problem identified. Simple assertions that all will go according to plan may be challenged, so support them with evidence wherever possible. Particularly where the new regulations amend existing ones, the SLSC will expect to see evidence of how the previous regulations have performed.

38. The policy section should cover the following elements:

- the policy objectives of the parent Act/Directive and how the instrument aims to fulfil them;
- the size and nature of the problem it is addressing;
- why legislation is necessary (could the same outcome not be achieved by self regulation or a voluntary agreement?);
- any evidence that indicates that this solution is likely to achieve the policy objective,
- whether the change is politically or legally important.

Closing off questions

39. Sometimes it is helpful to try and put yourself in the reader’s position. A simple statement of what the instrument does may still leave some questions in the reader’s mind. If you provide answers to predictable questions in the EM, you may save yourself the work that might otherwise arise from follow-up letters or Parliamentary questions. Such questions often arise when an instrument is one of a series – for example if this SI sets up a licensing system but a later one will set the fee: it would be helpful to let the reader know that the fee is currently subject to consultation and a further SI will follow in 3 months.

For example: Draft Code 10: Modification of Subsisting Rights (Pensions Regulator, laid June 2006) EM para 4.3

It is intended to bring the Code of Practice into effect as soon as possible, as sections 67 to 67(l) of the Pensions Act 1995 came into force on 6th April 2006. The Code will be published by the Pensions Regulator in draft form whilst Parliamentary approval for it is awaited. The Provisions of sections 67 to 67(l) are permissive, and the Code itself does not impose any legal obligations. There are, therefore, no adverse consequences arising from the different dates for coming into force.

Miscellaneous amendments

40. For “Miscellaneous amendments” SIs, the memorandum should briefly address each of the broad areas covered. If there is no obvious structure offered by the format

of the instrument itself, one way of doing this is to break the regulations down into associated groups e.g. “regulations 4(a), 5(b) and 6(c) amend the definition of “incapacity” because...”

Consolidation

41. Where an instrument amends another instrument, particularly if it is not for the first time, the memorandum should indicate the department’s intentions and timescale for consolidation. Although there may be good reasons for it happening at a later date, the Committee will tend to be unsympathetic if there is no such plan. Providing an informal consolidated text online to the public free of charge is regarded as good practice, if one is available that should be stated in the memorandum.⁸

For example: **National Health Service (Pension Scheme and Compensation for Premature Retirement) Amendment Regulations SI 2006 EM para 7.9**

The on-going review of the NHS pension scheme is expected to lead to a completely new scheme and regulations within two years. In the same timeframe there will also be a significant set of corresponding amendments to the current pension scheme regulations. We will only realistically be in a position to consider consolidation at that stage.

Consultation outcome — EM heading 8

42. The Committee considers that proper consultation is a crucial part of the process of getting an instrument right before it is laid. As the House cannot amend secondary legislation, it is important that each instrument should have been exposed to those who will be affected by its provisions and its suitability reviewed in the light of their reactions before it is laid before Parliament.

43. The EM should set out who was consulted, over what period and how many people responded. There should be some analysis of the key points raised in responses and a justification of why the department did or did not make changes to its policy in the light of the opinions expressed. A link to the full analysis on the department’s website is a useful supplement, but is not a substitute for summarising the conclusions in the EM itself. **The full analysis should be available on the Departmental website at the time the instrument is laid before Parliament.**

For example: **Dairy (Specific Market Support Measure) Regulations 2010 (SI 2010/1085)**

Across the UK we sought views on the mechanism for distributing payments from the EU dairy fund through public consultations in January and February 2010. The UK decision, Defra consultation letter and a summary of responses to Defra’s consultation (relating to England) can be found at – <http://defraweb/corporate/consult/dairy-fund/index.htm>. Roughly three-quarters of respondents (including all bar one representative organisation) favoured the same option (which is the option to be implemented).

⁸ As, for example, with the Home Office Immigration Rules website <http://www.ukba.homeoffice.gov.uk/policyandlaw/immigrationlaw/immigrationrules/> or the DWP’s Law on Social Security website (the Blue Books) <http://www.dwp.gov.uk/advisers/docs/lawvols/bluevol/>

The Smoke-free (Premises and Enforcement) Regulations SI 2006/3368

A three-month consultation on the draft regulations ran from July to October 2006. Around 550 responses were received {from what groups? what percentage supported the initiative?}, many of them very detailed, from a range of stakeholders. The Department of Health has made a number of changes to draft regulations based on consultation responses. The most notable changes to this instrument are that:

- enforcement responsibilities for smokefree legislation will be with the lower tier local authorities;
- Port Health Authorities have been included as enforcement authorities;

A full analysis of consultation responses is available on the Department's website at: <http://www.dh.gov.uk/Consultations/ResponsesToConsultations/fs/en>

44. Where an instrument has implications for members of the public, particularly if the legislation imposes fines or other penalties, the Committee looks closely for evidence of how they or representative organisations that might reasonably be considered to represent them were involved in the formulation of the policy. The Committee will expect the consultation to have included a wide range of interest groups, not just those that the legislation will benefit, but also those expected to enforce the proposed system or advise users, for example the Citizens' Advice Bureau.

45. The agreed procedure is that there will normally be a public consultation exercise for 12 weeks, at some stage during the formulation of the policy. Sometimes there will be more than one; for example a White Paper will examine the principles and then, later, a consultation on the detailed provisions of the draft regulations. Where there is no consultation, it is for less than 12 weeks, or is limited to a target group, an explanation should be given that illustrates why this alternative approach allowed sufficient opportunity for all affected to comment.

Guidance — EM heading 9

46. The Memorandum should set out what guidance the department or others⁹ are providing to the civil servants who will have to operate the system as well as to the public or industry sector that will be required to meet the new obligation.

For example: Beef and Pig Carcase Classification (England) Regulations 2010 (SI 2010/1090)

A detailed guidance note for the industry explaining how the new EU provisions on the beef and pig carcase classification will operate is being provided by Defra. It will be placed on the Rural Payments Agency (RPA) website as the Agency is responsible for the implementation and enforcement of the carcase classification rules. It will be available to users, stakeholders and enforcement agencies.

⁹ E.g. trade organisations or professional bodies with which the Government liaises.

Sanctions

47. There may need to be different versions of the guidance directed at enforcers and the public. Particularly where the legislation imposes a penalty or sanction there needs to be a clear statement of what behaviour will result in the penalty or fine being imposed. While it is acceptable for the SI to cross-refer to a long list of numbered European Directives, the EM and guidance needs to make a plain English explanation available to the groups affected so that they will know that if they do x the consequences will be y.

48. Where the guidance is important to understanding how the instrument will operate, but is not itself subject to Parliamentary scrutiny, **please send a copy to the libraries of both Houses and 2 copies to the SLSC Committee at the same time as the SI is laid.**

Impact — *EM heading 10*

49. Where an Impact Assessment (IA) has been prepared then **a hardcopy should be attached as an Annex** (do not simply include a weblink). You must make sure that the IA is the Final version and has been signed by a Minister. There is no need to duplicate the information but it is helpful to include a brief summary in the EM:

For example: End-of-Life Vehicles (Amendment) Regulations

The impact on business, charities or voluntary bodies is estimated to be of minimal cost because the Regulations are principally concerned with making technical changes that are already common across Europe and simplifying certain reporting requirements.

The impact on the public sector is estimated to be a small annual saving of £7,000 because the Regulations now give effect to future changes to a technical annex of the Directive meaning that no time will need to be spent amending UK legislation when these changes are made.

50. **Remember that an IA is now required for public sector costs.** If the legislation will need more civil servants or infrastructure to make it work, these costs should be set out.

Implementation of the new licensing system will require 20 new inspectors to be employed at an additional cost of £15m. An IA is attached.

51. If you are recycling the IA prepared for an Act which this instrument helps to implement, please **only include the relevant extracts** and confirm in the EM that the figures are still accurate.

Regulating Small Business - EM heading 11

52. This is mainly of interest to the Departments that promote or regulate industry (BIS, HSE, HMT). The Committee will expect to see a brief explanation of how Departments have complied with the overarching policy requirement.

Monitoring and review - EM heading 12

53. This section is of particular interest to the SLSC Committee since its terms of reference require it to consider whether an instrument imperfectly achieves its policy objective. To do this they need a clear statement of the Government's policy objective and the degree of change it expects to achieve. What are the success criteria for this instrument? Where possible please define the intended outcome in measurable terms.

For example:

The changes in the fee structure aim to achieve full cost recovery of the process of issuing and administering this licence by April 2014 or

The changes set out in this instrument aim to reduce identity theft by 10% over the next 3 years.

54. You should also explain when and how the legislation will be reviewed to see whether these targets have been achieved or what factors have affected the intended outcome. Secondary legislation will normally be reviewed after 3-5 years, although, particularly with an innovative scheme, there may be reasons for reviewing it sooner. **Here or in the Impact Assessment there should be a clear statement of the current position so the change against that benchmark can be assessed in the future.**

For example:

- The income from crime statistics will be subject to internal review after 12 months and the legislation may be amended accordingly or
- The University of London has conducted a benchmark study and will review the position again in 3 years; a report will be published towards the end of 2015 or
- As the instrument makes only consequential amendments to the Railways Act 1993 no monitoring or review is felt to be necessary. However, at the end of the transitional period for Regulation EC/1370/2007 on 3 December 2019 the European Commission must present a report on the implementation and developments in the provision of public passenger transport in the Community. As a result there are ongoing reviews of existing measures and consideration whether to enhance or bring forward additional legislation particularly in the rail sector.

Contact — EM heading 13

55. This should be the name and telephone number of a person who can provide additional information on the instrument if required. **Please make sure that the contact is actually there for at least three weeks after the instrument has been laid.** Although, outside of Recess, instruments are assessed within 12-16 days of being laid, further questions may arise at the Committee meeting and will need a prompt response so the instrument can progress.

COMMITTEE CONTACT DETAILS

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The Committee Assistant, to whom all paperwork should be sent, at the address given above, is **Mark Gladwell**. The Committee's Clerk is Kate Lawrence (contact as above). The Committee's Advisers, who are likely to contact you for further information, divide the responsibility for Government departments as follows:

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BIS	Department for Business, Innovation and Skills	CO	Cabinet Office
DCLG	Department for Communities and Local Government	DCMS	Department for Culture Media and Sport
DECC	Department for Energy and Climate Change	DH	Department of Health
DfE	Department for Education	DFID	Department for International Development
DEFRA	Department for Environment, Food and Rural Affairs	DfT	Department for Transport
HMRC	HM Revenue and Customs	DWP	Department of Work and Pensions
HMT	HM Treasury	FSA	Food Standards Agency
MOD	Ministry of Defence	FCO	Foreign and Commonwealth Office
NIO	Northern Ireland Office	HSE	Health and Safety Executive
SO	Scotland Office	HO	Home Office
WO	Wales Office	MOJ	Ministry of Justice