

# Statutory Instrument Practice

## Circular No.4 (06)

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### STATUTORY INSTRUMENT PRACTICE – 4TH EDITION

1. This Circular announces that a new edition of *Statutory Instrument Practice* is now available for downloading from the OPSI website at:

[www.opsi.gov.uk/si/statutory-instrument-practice.htm](http://www.opsi.gov.uk/si/statutory-instrument-practice.htm)

Also available on the website are links to guidance documents issued by the Better Regulation Executive and the Small Business Service which are relevant to anybody considering the making of or preparing a statutory instrument.

2. The new edition of *Statutory Instrument Practice* contains the following changes from the previous edition:
  - Paragraph 2.3.6: announces the production of a new Index of SI Headings on the OPSI website which should be made available on the OPSI website early in December 2006.
  - Paragraph 2.3.7 clarifies the headings to be used for instruments made under section 2 of the European Communities Act 1972.
  - Paragraphs 2.5.11 – 2.5.13 introduces guidance in relation to Common Commencement Dates
  - Paragraph 2.13.5 amends the guidance in relation references to other documents in Explanatory Notes
  - Paragraphs 2.15.4 – 2.15.5 and Appendix I introduce the guidance on Modernising Drafting announced in SIP Circular No.4(05).
  - Paragraph 2.17.8 advises the arrangements for notification of transposition measures to the European Commission.
  - Sections 2.18 and 4.7 introduces up to date guidance on *Regulatory reform orders* (which will be replaced in January 2007)
  - Paragraph 3.1.2 updates the guidance on the SI Template.
  - Paragraph 3.2.2 updates the guidance on the distinction between local and general instruments.

- Table F (page 46) provides details of revised requirements for the supply of copies of instruments and drafts for Members of Parliament.
- Paragraphs 3.4.11 – 3.4.14 introduces new guidance on the correction of defective instruments and the issue of free copies.
- Paragraph 3.6.6 updates the guidance on the arrangements for the printing and publishing of draft instruments.
- Paragraphs 4.2.5 and 4.2.7 updates the guidance on the laying of instruments before both Houses of Parliament.
- Paragraphs 4.5.10 and 4.6.13 have been updated to reflect current practice in relation to the proceedings on instruments on the floor of the House of Commons.
- Section 4.10.2 and 4.10.3 updates guidance on Orders in Council laid after being made.
- Section 4.12 introduces the guidance on Explanatory Memoranda for instruments laid before Parliament.
- Section 4.13 introduces revised guidance on the '21 day rule'.
- Section 4.14 introduces revised guidance on compatibility with the European Convention on Human Rights.
- Section 5.3 has been amended to reflect the replacement of Standing Committees by Delegated Legislation Committees.
- Paragraphs 5.4.10 – 5.4.22 have been updated to reflect current practice in relation to the Joint and House of Commons Select Committees on Statutory Instruments.
- Section 5.5 introduces guidance in relation to the House of Lords Select Committee on the Merits of Statutory Instruments.
- Forms and Precedents (FP9) has been updated to include text of a certificate under Regulation 6 is being given after an instrument has been registered.
- Table 4 (page 124) has been updated to reflect current practice in relation to provision of papers for the Joint (or Commons) Committee.
- Appendix H introduces guidance on the preparation of Explanatory Memorandum for Statutory Instruments.
- Appendix J introduces details of the charges to departments for the production of Statutory Instruments.
- References to the role of the Lord Chancellor have been updated to reflect the creation of a Speaker of the House of Lords.

3. This edition will be updated in January 2007 to reflect changes arising from the coming into force of the Legislative and Regulatory Reform Act 2006 on 8 January 2007.
4. Enquiries regarding this circular and the new edition of *Statutory Instrument Practice* should be addressed to the SI Registrar at: [SIRegistrar@opsi.x.gsi.gov.uk](mailto:SIRegistrar@opsi.x.gsi.gov.uk)