

HOUSE OF LORDS

Delegated Powers and Regulatory Reform Committee

4th Report of Session 2010-11

Budget Responsibility and National Audit Bill [HL]

Legislative Reform:
Legislative Reform (Civil Partnership) Order 2010

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The Delegated Powers and Regulatory Reform Committee

The Committee is appointed by the House of Lords each session with the terms of reference “to report whether the provisions of any bill inappropriately delegate legislative power, or whether they subject the exercise of legislative power to an inappropriate degree of parliamentary scrutiny; to report on documents and draft orders laid before Parliament under sections 14 and 18 of the Legislative and Regulatory Reform Act 2006; and to perform, in respect of such draft orders, and in respect of subordinate provisions orders made or proposed to be made under the Regulatory Reform Act 2001, the functions performed in respect of other instruments and draft instruments by the Joint Committee on Statutory Instruments”.

Current membership

The members of the Delegated Powers and Regulatory Reform Committee are:

Baroness Andrews
Lord Blackwell
Rt Hon the Lord Butler of Brockwell
Lord Carlile of Berriew QC
Baroness Gardner of Parkes
Lord Haskel
Rt Hon. the Lord Mayhew of Twysden QC DL
Baroness O’Loan
Lord Soley
Baroness Thomas of Winchester (*Chairman*)

Registered Interests

Members’ registered interests may be examined in the online Register of Lords’ Interests at www.publications.parliament.uk/pa/ld/ldreg.htm. The Register may also be inspected in the House of Lords Record Office and is available for purchase from the Stationery Office. Declared interests for this Report are in Appendix 1.

Publications

The Committee’s reports are published by the Stationery Office by Order of the House in hard copy and on the internet at www.parliament.uk/business/committees/committees-a-z/lords-select/delegated-powers-and-regulatory-reform-committee/publications/

General Information

General information about the House of Lords and its Committees, including guidance to witnesses, details of current inquiries and forthcoming meetings is on the internet at www.parliament.uk/about_lords/about_lords.cfm.

Contacts for the Delegated Powers and Regulatory Reform Committee

Any query about the Committee or its work should be directed to the Clerk of the Delegated Powers and Regulatory Reform Committee, Delegated Legislation Office, House of Lords, London, SW1A 0PW. The telephone number is 020-7219 3103 and the fax number is 020-7219 2571. The Committee’s email address is dpr@parliament.uk.

Historical Note

In February 1992, the Select Committee on the Committee work of the House, under the chairmanship of Earl Jellicoe, noted that “in recent years there has been considerable disquiet over the problem of wide and sometimes ill-defined order-making powers which give Ministers unlimited discretion” (Session 1991–92, HL Paper 35–I, paragraph 133). The Committee recommended the establishment of a delegated powers scrutiny committee which would, it suggested, “be well suited to the revising function of the House”. As a result, the Select Committee on the Scrutiny of Delegated Powers was appointed experimentally in the following session. It was established as a sessional committee from the beginning of Session 1994–95. The Committee also has responsibility for scrutinising legislative reform orders under the Legislative and Regulatory Reform Act 2006.

Fourth Report

BUDGET RESPONSIBILITY AND NATIONAL AUDIT BILL [HL]

1. This Bill deals with Budget Responsibility (Part 1) and National Audit (Part 2). There is a very full memorandum for the Committee from H.M. Treasury which covers all of the delegated legislative powers and also some other powers of an administrative character.¹ There is nothing in the Bill to which the Committee wishes to draw the attention of the House.

LEGISLATIVE REFORM (CIVIL PARTNERSHIP) ORDER 2010

2. This Legislative Reform Order (LRO) was laid by the Foreign and Commonwealth Office on 25 October 2010, together with an Explanatory Document (ED).
3. Section 210 of the Civil Partnership Act 2004 (“the 2004 Act”) allows civil partnerships to be conducted in British posts overseas by “a prescribed officer of Her Majesty’s Diplomatic Service”. Many of the UK’s consular services are now being run by locally recruited staff, and this LRO would allow them to conduct and register civil partnership ceremonies. Locally employed staff appointed as “registration officers” are already allowed to perform marriages.
4. **The Committee considers that the proposal meets the tests set out for LROs in the Legislative and Regulatory Reform Act 2006; and is not otherwise inappropriate to proceed as an LRO.**
5. The Government have proposed the negative procedure for this LRO. Exceptionally, the Committee regard the Order as a very minor change and therefore accept the negative procedure as appropriate in this case.

¹ The memorandum is available via the Committee’s web pages, in the Printed Paper Office, and at: <http://www.parliament.uk/business/committees/committees-a-z/lords-select/delegated-powers-and-regulatory-reform-committee/bills-considered/>

APPENDIX 1: ATTENDANCE AND DECLARATION OF INTERESTS

Committee Members' registered interests may be examined in the online Register of Lords' Interests at www.publications.parliament.uk/pa/ld/ldreg.htm. The Register may also be inspected in the House of Lords Record Office and is available for purchase from The Stationery Office.

For the meeting on 10 November 2010, for the Budget Responsibility and National Audit Bill Lord Blackwell declared an interest as a member of a body audited by the NAO.

Attendance:

The meeting was attended by Baroness Andrews, Lord Blackwell, Lord Butler of Brockwell, Lord Carlile of Berriew, Baroness Gardner of Parkes, Lord Haskel, Lord Mayhew of Twysden, Baroness O'Loan, Lord Soley and Baroness Thomas of Winchester.