



House of Commons

CONSIDERATION OF BILL

LEGISLATIVE AND REGULATORY REFORM BILL

- Mr Jim Murphy 1
- Page 1, line 4, leave out clause 1
- Mr Jim Murphy 2
- Page 2, line 10, leave out clause 2
- Power to remove or reduce burdens*
- Mr Jim Murphy 3
- To move the following Clause:—
- (1) A Minister of the Crown may by order under this section make any provision which he considers would serve the purpose in subsection (2).
 - (2) That purpose is removing or reducing any burden, or the overall burdens, resulting directly or indirectly for any person from any legislation.
 - (3) In this section “burden” means any of the following—
 - (a) a financial cost;
 - (b) an administrative inconvenience;
 - (c) an obstacle to efficiency, productivity or profitability; or
 - (d) a sanction, criminal or otherwise, for doing or not doing anything in the course of any activity.
 - (4) Provision may not be made under subsection (1) in relation to any burden which affects only a Minister of the Crown or government department, unless it affects the Minister or department in the exercise of a regulatory function.
 - (5) For the purposes of subsection (2), a financial cost or administrative inconvenience may result from the form of any legislation (for example, where the legislation is hard to understand).
 - (6) In this section “legislation” means any of the following or a provision of any of the following—
 - (a) a public general Act or local Act (whether passed before or after the commencement of this section), or
 - (b) any Order in Council, order, rules, regulations, scheme, warrant, byelaw or other subordinate instrument made at any time under an Act referred to in paragraph (a),

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but does not include any instrument which is, or is made under, Northern Ireland legislation.

- (7) Subject to this Part, the provision that may be made under subsection (1) includes—
 - (a) provision conferring functions on any person (including functions of legislating or functions relating to the charging of fees),
 - (b) provision modifying the functions conferred on any person by any enactment,
 - (c) provision transferring, or providing for the transfer or delegation of, the functions conferred on any person by any enactment,
 - (d) provision abolishing a body or office established by or under an enactment, and provision made by amending or repealing any enactment.
- (8) An order under this section may contain such consequential, supplementary, incidental or transitional provision (including provision made by amending or repealing any enactment or other provision) as the Minister making it considers appropriate.
- (9) An order under this section may bind the Crown.
- (10) An order under this section must be made in accordance with this Part.’

Power to promote regulatory principles

Mr Jim Murphy

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To move the following Clause:—

- ‘(1) A Minister of the Crown may by order under this section make any provision which he considers would serve the purpose in subsection (2).
- (2) That purpose is securing that regulatory functions are exercised so as to comply with the principles in subsection (3).
- (3) Those principles are that—
 - (a) regulatory activities should be carried out in a way which is transparent, accountable, proportionate and consistent;
 - (b) regulatory activities should be targeted only at cases in which action is needed.
- (4) Subject to this Part, the provision that may be made under subsection (1) for the purpose in subsection (2) includes—
 - (a) provision modifying the way in which a regulatory function is exercised by any person,
 - (b) provision amending the constitution of a body exercising regulatory functions which is established by or under an enactment,
 - (c) provision transferring, or providing for the transfer or delegation of, the regulatory functions conferred on any person,
 - (d) provision creating a new body to which, or a new office to the holder of which, functions are transferred under paragraph (c),
 - (e) provision abolishing a body or office established by or under an enactment, and provision made by amending or repealing any enactment.
- (5) An order under this section may contain such consequential, supplementary, incidental or transitional provision (including provision made by amending or

Consideration of Bill:

Legislative and Regulatory Reform Bill, *continued*

repealing any enactment or other provision) as the Minister making it considers appropriate.

- (6) An order under this section may bind the Crown.
- (7) An order under this section must be made in accordance with this Part.’

Power to implement Law Commission recommendations

Mr Jim Murphy

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To move the following Clause:—

- ‘(1) A Minister of the Crown may by order under this section make any provision which he considers would serve the purpose in subsection (2).
- (2) That purpose is the implementation of recommendations of any one or more of the United Kingdom Law Commissions, with or without changes.
- (3) In this Part “the United Kingdom Law Commissions” means—
 - (a) the Law Commission;
 - (b) the Scottish Law Commission; and
 - (c) the Northern Ireland Law Commission.
- (4) Subject to this Part, the provision that may be made under subsection (1) includes—
 - (a) provision amending or abolishing any rule of law,
 - (b) provision codifying rules of law,
 - (c) provision conferring functions on any person (including functions of legislating or functions relating to the charging of fees),
 - (d) provision modifying the functions conferred on any person by any enactment,
 - (e) provision transferring, or providing for the transfer or delegation of, the functions conferred on any person by any enactment,
 - (f) provision abolishing a body or office established by or under an enactment, and provision made by amending or repealing any enactment.
- (5) An order under this section may contain such consequential, supplementary, incidental or transitional provision (including provision made by amending or repealing any enactment or other provision) as the Minister making it considers appropriate.
- (6) An order under this section may bind the Crown.
- (7) An order under this section must be made in accordance with this Part.’

Mr Jim Murphy

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Page 2, line 32 [*Clause 3*], leave out from ‘make’ to end of line 35 and insert ‘provision under section (*Power to remove or reduce burdens*)(1), (*Power to promote regulatory principles*)(1) or (*Power to implement Law Commission recommendations*)(1)’

Mr Jim Murphy

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Page 3, line 3 [*Clause 3*], at end insert—

- ‘(2A) Subsection (1) does not apply in relation to—

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- (a) provision under section (*Power to remove or reduce burdens*)(1), (*Power to promote regulatory principles*)(1) or (*Power to implement Law Commission recommendations*)(1) which merely restates an enactment; or
- (b) provision under section (*Power to implement Law Commission recommendations*)(1) which codifies a rule of law.'

Mr Jim Murphy

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Page 3, line 4 [*Clause 3*], leave out from 'make' to end of line 6 and insert—

- '(a) provision under section (*Power to remove or reduce burdens*)(1), (*Power to promote regulatory principles*)(1) or (*Power to implement Law Commission recommendations*)(1) which merely restates an enactment, or
- (b) provision under section (*Power to implement Law Commission recommendations*)(1) which codifies a rule of law,'

Mr Jim Murphy

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Page 3, line 13 [*Clause 4*], leave out from beginning to 'confer' and insert 'An order under this Part may not make provision to'

Mr Jim Murphy

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Page 3, line 23 [*Clause 4*], leave out 'legislation' and insert 'an enactment'

Mr Jim Murphy

11

Page 3, line 25 [*Clause 5*], leave out from beginning to 'impose' and insert 'An order under this Part may not make provision to'

Mr Jim Murphy

12

Page 3, line 26 [*Clause 5*], leave out 'legislation' and insert 'an enactment'

Mr Jim Murphy

13

Page 3, line 28 [*Clause 6*], leave out from beginning to 'create' and insert 'An order under this Part may not make provision to'

Mr Jim Murphy

14

Page 4, line 9 [*Clause 6*], leave out from 'under' to 'creating' and insert 'this Part making provision'

Mr Jim Murphy

15

Page 4, line 15 [*Clause 6*], leave out from 'under' to 'creating' and insert 'this Part making provision'

Mr Jim Murphy

16

Page 4, line 22 [*Clause 6*], leave out 'legislation' and insert 'an enactment'

Mr Jim Murphy

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Page 4, line 23 [*Clause 6*], leave out paragraph (b)

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Legislative and Regulatory Reform Bill, *continued*

Mr Jim Murphy	18
Page 4 [Clause 7], leave out line 26 and insert ‘An order under this Part may not make provision to—’	
Mr Jim Murphy	19
Page 4, line 29 [Clause 7], leave out ‘section 1’ and insert ‘this Part’	
Mr Jim Murphy	20
Page 4, line 33 [Clause 7], leave out ‘legislation’ and insert ‘an enactment’	
Mr Jim Murphy	21
Page 4, line 34 [Clause 7], leave out paragraph (b)	
Mr Jim Murphy	22
Page 4, line 38 [Clause 8], leave out from ‘under’ to ‘make’ and insert ‘this Part may not, except by virtue of section (<i>Power to remove or reduce burdens</i>)(8), (<i>Power to promote regulatory principles</i>)(5) or (<i>Power to implement Law Commission recommendations</i>)(5),’	
Mr Jim Murphy	23
Page 4, line 42 [Clause 9], leave out ‘section 1’ and insert ‘this Part’	
<i>Northern Ireland</i>	
Mr Jim Murphy	24
To move the following Clause:—	
‘An order under this Part may not, except by virtue of section (<i>Power to remove or reduce burdens</i>)(8), (<i>Power to promote regulatory principles</i>)(5) or (<i>Power to implement Law Commission recommendations</i>)(5), make provision to amend or repeal any Northern Ireland legislation.’	
Mr Jim Murphy	25
Page 5, line 7 [Clause 10], leave out ‘section 1’ and insert ‘this Part’	
Mr Jim Murphy	26
Page 5, line 8 [Clause 10], leave out ‘section 1’ and insert ‘this Part’	
Mr Jim Murphy	27
Page 5, line 18 [Clause 11], leave out ‘section 1’ and insert ‘this Part’	
Mr Jim Murphy	28
Page 5, line 28 [Clause 11], leave out paragraph (d) and insert—	
‘(d) in the case of an order made under section (<i>Power to implement Law Commission recommendations</i>), consult the Commission or Commissions whose recommendation or recommendations he is proposing to implement, and’	

Consideration of Bill:

Legislative and Regulatory Reform Bill, *continued*

Mr Jim Murphy	29
Page 5, line 33 [<i>Clause 11</i>], leave out ‘section 1’ and insert ‘section (<i>Power to implement Law Commission recommendations</i>)’	
Mr Jim Murphy	30
Page 6, line 4 [<i>Clause 11</i>], leave out ‘section 1’ and insert ‘this Part’	
Mr Jim Murphy	31
Page 6, line 17 [<i>Clause 12</i>], leave out ‘section 1’ and insert ‘this Part’	
Mr Jim Murphy	32
Page 6, line 22 [<i>Clause 12</i>], leave out from ‘explain’ to end of line 23 and insert ‘under which power or powers in this Part the provision contained in the order is made’	
Mr Jim Murphy	33
Page 6, line 28 [<i>Clause 12</i>], leave out paragraph (d) and insert— ‘(d) in the case of an order under section (<i>Power to remove or reduce burdens</i>), include, so far as appropriate, an assessment of the extent to which the provision made by the order would remove or reduce any burden or burdens (within the meaning of subsection (2) of that section);’	
Mr Jim Murphy	34
Page 6, line 40 [<i>Clause 12</i>], leave out subsection (3)	
Mr Jim Murphy	35
Page 7, line 1 [<i>Clause 12</i>], leave out from ‘of’ to ‘the’ in line 2 and insert ‘an order under section (<i>Power to implement Law Commission recommendations</i>)’	
Mr Jim Murphy	36
Page 7, line 34 [<i>Clause 13</i>], leave out ‘21-day’ and insert ‘30-day’	
Mr Jim Murphy	37
Page 7, line 43 [<i>Clause 13</i>], leave out ‘21-day’ and insert ‘30-day’	
Mr Jim Murphy	38
Page 8, line 4 [<i>Clause 13</i>], leave out ‘21-day’ and insert ‘30-day’	
Mr Jim Murphy	39
Page 8, line 11 [<i>Clause 13</i>], leave out ‘21-day’ and insert ‘30-day’	
Mr Jim Murphy	40
Page 8, line 11 [<i>Clause 13</i>], leave out ‘21’ and insert ‘30’	
Mr Jim Murphy	41
Page 8, line 17 [<i>Clause 14</i>], leave out subsection (2) and insert—	

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- (2) The Minister may make an order in the terms of the draft order subject to the following provisions of this section.
- (2A) The Minister may not make an order in the terms of the draft order if either House of Parliament so resolves within the 40-day period.
- (2B) A committee of either House charged with reporting on the draft order may, at any time after the expiry of the 30-day period and before the expiry of the 40-day period, recommend under this subsection that no further proceedings be taken in relation to the draft order.
- (2C) A recommendation may be made under subsection (2B) only if the committee considers that—
- (a) the provision made by the draft order does not serve the purpose specified in section (*Power to remove or reduce burdens*)(2), (*Power to promote regulatory principles*)(2) or (*Power to implement Law Commission recommendations*)(2) (as the case may be);
 - (b) any relevant condition in section 3(2) is not satisfied in relation to any provision of the draft order referred to in section 3(1); or
 - (c) the condition in section 3(4) is not satisfied in relation to any provision of the draft order referred to in section 3(3).
- (2D) Where a recommendation is made by a committee of either House under subsection (2B) in relation to a draft order, the Minister may not make an order in the terms of the draft order unless the recommendation is, in the same Session, rejected by resolution of that House.’

Mr Jim Murphy

Page 8, line 20 [*Clause 14*], leave out ‘subsection (2)’ and insert ‘this section’ 42

Mr Jim Murphy

Page 8, line 22 [*Clause 14*], leave out ‘subsection (2)’ and insert ‘this section—
(a) the “30-day period” has the meaning given by section 13(7); and
(b) ’. 43

Mr Jim Murphy

Page 8, line 24 [*Clause 14*], at end insert— 44

- (5) For the purpose of calculating the 40-day period in a case where a recommendation is made under subsection (2B) by a committee of either House but the recommendation is rejected by that House under subsection (2D), no account shall be taken of any day between the day on which the recommendation was made and the day on which the recommendation was rejected.’

Mr Jim Murphy

Page 8, line 31 [*Clause 15*], at end insert— 45

- (2A) However, a committee of either House charged with reporting on the draft order may, at any time after the expiry of the 30-day period and before the expiry of the 40-day period, recommend under this subsection that no further proceedings be taken in relation to the draft order.
- (2B) A recommendation under subsection (2A) may be made only if the committee considers that—

Consideration of Bill:

Legislative and Regulatory Reform Bill, *continued*

- (a) the provision made by the draft order does not serve the purpose specified in section (*Power to remove or reduce burdens*)(2), (*Power to promote regulatory principles*)(2) or (*Power to implement Law Commission recommendations*)(2) (as the case may be);
 - (b) any relevant condition in section 3(2) is not satisfied in relation to any provision of the draft order referred to in section 3(1); or
 - (c) the condition in section 3(4) is not satisfied in relation to any provision of the draft order referred to in section 3(3).
- (2C) Where a recommendation is made by a committee of either House under subsection (2A) in relation to a draft order, no proceedings may be taken in relation to the draft order in that House under subsection (2) unless the recommendation is, in the same Session, rejected by resolution of that House.’

Mr Jim Murphy

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- Page 8, line 34 [*Clause 15*], leave out ‘subsection (2)’ and insert ‘this section—
- (a) the “30-day period” has the meaning given by section 13(7); and
 - (b) ’.

Mr Jim Murphy

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Page 8, line 34 [*Clause 15*], at end insert—

- ‘(5) For the purpose of calculating the 40-day period in a case where a recommendation is made under subsection (2A) by a committee of either House but the recommendation is rejected by that House under subsection (2C), no account shall be taken of any day between the day on which the recommendation was made and the day on which the recommendation was rejected.’

Mr Jim Murphy

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- Page 9, line 5 [*Clause 16*], leave out from ‘statement’ to end of line 6 and insert—
- ‘(a) stating whether any representations were made under subsection (2)(a); and
 - (b) if any representations were so made, giving details of them.’

Mr Jim Murphy

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Page 9, line 8 [*Clause 16*], after subsection (4) insert—

- ‘(4A) However, a committee of either House charged with reporting on the draft order may, at any time after the laying of a statement under subsection (3) and before the draft order is approved by that House under subsection (4), recommend under this subsection that no further proceedings be taken in relation to the draft order.
- (4B) A recommendation under subsection (4A) may be made only if the committee considers that—
- (a) the provision made by the draft order does not serve the purpose specified in section (*Power to remove or reduce burdens*)(2), (*Power to promote regulatory principles*)(2) or (*Power to implement Law Commission recommendations*)(2) (as the case may be);
 - (b) any relevant condition in section 3(2) is not satisfied in relation to any provision of the draft order referred to in section 3(1); or
 - (c) the condition in section 3(4) is not satisfied in relation to any provision of the draft order referred to in section 3(3).

Consideration of Bill:

Legislative and Regulatory Reform Bill, *continued*

- (4C) Where a recommendation is made by a committee of either House under subsection (4A) in relation to a draft order, no proceedings may be taken in relation to the draft order in that House under subsection (4) unless the recommendation is, in the same Session, rejected by resolution of that House.’

Mr Jim Murphy

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Page 9, line 18 [*Clause 16*], after subsection (6) insert—

- ‘(6A) However, a committee of either House charged with reporting on the revised draft order may, at any time after the revised draft order is laid under subsection (5) and before it is approved by that House under subsection (6), recommend under this subsection that no further proceedings be taken in relation to the revised draft order.
- (6B) A recommendation under subsection (6A) may be made only if the committee considers that—
- (a) the provision made by the revised draft order does not serve the purpose specified in section (*Power to remove or reduce burdens*)(2), (*Power to promote regulatory principles*)(2) or (*Power to implement Law Commission recommendations*)(2) (as the case may be);
 - (b) any relevant condition in section 3(2) is not satisfied in relation to any provision of the revised draft order referred to in section 3(1); or
 - (c) the condition in section 3(4) is not satisfied in relation to any provision of the revised draft order referred to in section 3(3).
- (6C) Where a recommendation is made by a committee of either House under subsection (6A) in relation to a revised draft order, no proceedings may be taken in relation to the revised draft order in that House under subsection (6) unless the recommendation is, in the same Session, rejected by resolution of that House.’

Mr Jim Murphy

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Page 9, line 30 [*Clause 18*], leave out ‘section 1’ and insert ‘this Part’

Mr Jim Murphy

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Page 9, line 35 [*Clause 18*], leave out ‘section 1’ and insert ‘this Part’

Mr Jim Murphy

53

Page 9 [*Clause 19*], leave out line 40

Mr Jim Murphy

54

Page 10, line 7 [*Clause 19*], leave out ‘section 1(4)’ and insert ‘section (*Power to implement Law Commission recommendations*)(3)’

Mr Jim Murphy

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Page 12, line 17, leave out clause 24

Mr Jim Murphy

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Page 18, line 33 [*Clause 31*], leave out ‘section 1’ and insert ‘section (*Power to remove or reduce burdens*) or (*Power to promote regulatory principles*)’

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Legislative and Regulatory Reform Bill, *continued*

Mr Jim Murphy

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Page 18, line 40 [*Clause 32*], at end insert—

“regulatory function” means—

- (a) a function under any enactment of imposing requirements, restrictions or conditions, or setting standards or giving guidance, in relation to any activity;
- (b) a function which relates to the securing of compliance with, or the enforcement of, requirements, restrictions, conditions, standards or guidance which under or by virtue of any enactment relate to any activity,

but does not include any function of conducting criminal or civil proceedings.

(2) In subsection (1), in the definition of “regulatory function”—

- (a) the references to a function include a function exercisable by or on behalf of the Crown;
- (b) the references to an activity include—
 - (i) providing any goods or services;
 - (ii) employing or offering employment to any person.’

Mr Jim Murphy

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Page 19, line 2 [*Clause 34*], leave out from ‘under’ to the end of the line and insert ‘Part 1 which amends or repeals any enactment’

Mr Jim Murphy

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Page 19, line 4 [*Clause 34*], leave out ‘legislation’ and insert ‘enactment’

Mr Jim Murphy

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Title, line 1, leave out ‘reforming legislation’ and insert ‘removing or reducing burdens resulting from legislation, promoting regulatory principles’