



House of Lords
House of Commons
Joint Committee on Statutory
Instruments

Thirteenth Report of Session 2023–24

Drawing special attention to:

Agricultural Holdings (Units of Production) (England) Order 2024
(S.I. 2024/30)

*Ordered by the House of Lords
to be printed 27 February 2024*

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Joint Committee on Statutory Instruments

Current membership

House of Lords

[Lord Beith](#) (*Liberal Democrat*)

[Lord Haselhurst](#) (*Conservative*)

[Lord Chartres](#) (*Crossbench*)

[Lord Meston](#) (*Crossbench*)

[Lord Sahota](#) (*Labour*)

[Baroness Sater](#) (*Conservative*)

[Lord Watson of Wyre Forest](#) (*Labour*)

House of Commons

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[Peter Grant MP](#) (*Scottish National Party, Glenrothes*)

[Paul Holmes MP](#) (*Conservative, Eastleigh*)

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[Damien Moore MP](#) (*Conservative, Southport*)

[Maggie Throup MP](#) (*Conservative, Erewash*)

[Liz Twist MP](#) (*Labour, Blaydon*)

Powers

The full constitution and powers of the Committee are set out in [House of Commons Standing Order No. 151](#) and [House of Lords Standing Order No. 73](#), relating to Public Business.

Remit

The Joint Committee on Statutory Instruments (JCSI) is appointed to consider statutory instruments made in exercise of powers granted by Act of Parliament. Instruments not laid before Parliament are included within the Committee's remit; but local instruments and instruments made by devolved administrations are not considered by JCSI unless they are required to be laid before Parliament.

The role of the JCSI, whose membership is drawn from both Houses of Parliament, is to assess the technical qualities of each instrument that falls within its remit and to decide whether to draw the special attention of each House to any instrument on one or more of the following grounds:

- i that it imposes, or sets the amount of, a charge on public revenue or that it requires payment for a licence, consent or service to be made to the Exchequer, a government department or a public or local authority, or sets the amount of the payment;
- ii that its parent legislation says that it cannot be challenged in the courts;
- iii that it appears to have retrospective effect without the express authority of the parent legislation;
- iv that there appears to have been unjustifiable delay in publishing it or laying it before Parliament;

- v that there appears to have been unjustifiable delay in sending a notification under the proviso to section 4(1) of the Statutory Instruments Act 1946, where the instrument has come into force before it has been laid;
- vi that there appears to be doubt about whether there is power to make it or that it appears to make an unusual or unexpected use of the power to make;
- vii that its form or meaning needs to be explained;
- viii that its drafting appears to be defective;
- ix any other ground which does not go to its merits or the policy behind it.

The Committee usually meets weekly when Parliament is sitting.

Publications

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The reports of the Committee are published by Order of both Houses. All publications of the Committee are on the Internet at www.parliament.uk/jcsi.

Committee staff

The current staff of the Committee are Sue Beeby (Committee Operations Officer), Jennifer Mills (Lords Clerk), Ines Nizigama (Committee Operations Officer), Joe Watt (Commons Clerk), Advisory Counsel: Sarita Arthur-Crow, Rupert Grist, Justin Leslie, Vanessa MacNair, and Hannah Stewart (Commons); Nicholas Beach, James Cooper, Ché Diamond (Lords).

Contacts

All correspondence should be addressed to the Clerk of the Joint Committee on Statutory Instruments, House of Commons, London SW1A 0AA. The telephone number for general inquiries is: 020 7219 3895; the Committee's email address is: jcsi@parliament.uk.

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Instruments reported

At its meeting on 28 February 2024 the Committee scrutinised a number of instruments in accordance with Standing Orders. It was agreed that the special attention of both Houses should be drawn to one of those considered. The instrument and the grounds for reporting are given below. The relevant departmental memorandum is published as an appendix to this report.

1 S.I. 2024/30: Reported for failure to comply with proper legislative practice

Agricultural Holdings (Units of Production) (England) Order 2024

Procedure: Made negative

1.1 **The Committee draws the special attention of both Houses to this Order on the ground that it fails to comply with proper legislative practice in one respect.**

1.2 This Order prescribes units of production for the assessment of the productive capacity of agricultural land situated in England. The Order defines “moorland” and “disadvantaged land” by reference to the England LFA maps and the Moorland Map of England 2009. Article 2 indicates where these maps are deposited and the Explanatory Note indicates where the maps can be accessed online, but no indication is given of where hard copies of the maps are available. The Committee asked the Department for Environment, Food and Rural Affairs to explain. In a memorandum printed at Appendix 1, the Department helpfully sets out two options for obtaining hard copies and undertakes to approach the S.I. Registrar with a view to inserting these details into the Explanatory Note. The Committee reiterates its view (as stated in its First Special Report of Session 2017–19, *Transparency and Accountability in Subordinate Legislation* at paragraphs 4.1 to 4.8) that documents given a significance by subordinate legislation should be available both to citizens who do not have access (or ready access) to the internet and to citizens who do have such access. **The Committee accordingly reports this Order for failure to comply with proper legislative practice, acknowledged by the Department.**

Instruments not reported

At its meeting on 28 February 2024 the Committee considered the instruments set out in the Annex to this Report, none of which were required to be reported to both Houses.

Annex

Draft instruments requiring affirmative approval

S.I. Numbers	S.I. Title
Draft	Energy Bills Discount Scheme (Amendment) Regulations 2024
Draft	North East Mayoral Combined Authority (Establishment and Functions) Order 2024
Draft	South Yorkshire Mayoral Combined Authority (Election of Mayor and Transfer of Police and Crime Commissioner Functions) Order 2024
Draft	West Midlands Combined Authority (Transfer of Police and Crime Commissioner Functions) Order 2024
Draft	Strikes (Minimum Service Levels: Fire and Rescue Services) (England) Regulations 2024
Draft	Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) (Amendment) Regulations 2024
Draft	Economic Crime and Corporate Transparency Act 2023 (Financial Penalty) Regulations 2024

Instruments subject to annulment

S.I. Numbers	S.I. Title
S.I. 2024/47	Biodiversity Gain Requirements (Exemptions) Regulations 2024
S.I. 2024/103	Public Interest Merger Reference (Telegraph Media Group Limited) (Pre-emptive Action) Order 2024
S.I. 2024/109	School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) (Amendment) Regulations 2024
S.I. 2024/127	Railways (Revocation and Consequential Provision) Regulations 2024
S.I. 2024/141	Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2024

Instruments not subject to parliamentary proceedings laid before Parliament

S.I. Numbers	S.I. Title
S.I. 2024/95	Parliamentary Elections and Recall Petition (Welsh Forms) (Amendment) Order 2024

Instruments not subject to parliamentary proceedings not laid before Parliament

S.I. Numbers	S.I. Title
S.I. 2024/130	Finance Act 2021, Section 95 and Schedule 18 (Distance Selling: Northern Ireland) (Appointed Day No. 2) Regulations 2024

Appendix: Memorandum from the Department for Environment, Food and Rural Affairs

S.I. 2024/30

Agricultural Holdings (Units of Production) (England) Order 2024

1) The Committee has asked Department for Environment, Food and Rural Affairs for a memorandum on the following point(s):

Explain where hard copies of the England LFA maps and Moorland Map of England 2009 are available.

2) The Department can confirm that hard copies of the England LFA maps and Moorland Map of England 2009 can be obtained by emailing agriculturaltenancies@defra.gov.uk or by writing to the Farm Tenancy Team at Innovation Productivity and Science Division, Department for Environment, Food and Rural Affairs, Seacole Building, 2 Marsham Street, London, SW1P 4DF.

3) The Department apologises for the oversight and will approach the SI Registrar with a view to inserting these details into the Explanatory Note.

Department for Environment, Food and Rural Affairs

13 February 2024

Formal Minutes

Wednesday 28 February 2024

Members present

Jessica Morden, in the Chair

Lord Beith

Lord Chartres

Peter Grant

Damien Moore

Baroness Sater

Lord Sahota

Lis Twist

Lord Watson

Report consideration

Draft Report (*Thirteenth Report*), proposed by the Chair, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1.1 to 1.2 read and agreed to.

Annex agreed to.

A paper was appended to the Report as Appendix 1.

Resolved, That the Report be the Thirteenth Report of the Committee to both Houses.

Ordered, That the Chair make the Report to the House of Commons and that the Report be made to the House of Lords.

Adjournment

Adjourned till Wednesday 6 March at 3.40 p.m.