House of Commons

Select Committee on Statutory Instruments

Eleventh Report of Session 2023–24

Drawing special attention to

Pensions (Abolition of Lifetime Allowance Charge etc) Regulations 2024 (**S.I. 2024/356**)

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Select Committee on Statutory Instruments

Current membership

Jessica Morden MP *(Labour, Newport East)* (Chair)

Peter Grant MP (*Scottish National Party, Glenrothes*)

Paul Holmes MP *(Conservative, Eastleigh)*

Gareth Johnson MP (*Conservative, Dartford*)

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, available on the Internet via https://www.parliament.uk/business/publications/commons/standing-orders-public11/.

The Select Committee on Statutory Instruments (SCSI) is appointed to consider statutory instruments made in exercise of powers granted by Act of Parliament. It carries out the same duties as the Joint Committee on Statutory Instruments in respect of those instruments laid before and subject to proceedings in the House of Commons only.

The role of the SCSI, whose membership is drawn from the House of Commons, is to assess the technical qualities of each instrument that falls within its remit and to decide whether to draw the special attention of the 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 or on 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

The reports of the Committee are published in print by Order of the House. All publications of the Committee are available on the Internet from www.parliament.uk/scsi.

Committee staff

The current staff of the Committee are Sue Beeby (Committee Operations Officer), Rebecca Kirby (Committee Operations Officer), Ines Nizigama (Committee Operations Officer) and Joe Watt (Clerk). Advisory Counsel: Sarita Arthur-Crow, Rupert Grist, Justin Leslie, Vanessa MacNair and Hannah Stewart.

Contacts

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Contents

Instruments reported

At its meeting on 8 May 2024 the Committee scrutinised a number of instruments in accordance with Standing Orders. It was agreed that the special attention of the House of Commons should be drawn to one of those considered. The instruments and the grounds for reporting are given below. The relevant departmental memoranda are published as appendices to this report.

1 S.I. 2024/356: Reported for defective drafting

Pensions (Abolition of Lifetime Allowance Charge etc) Regulations 2024

Procedure: Made negative

1.1 The Committee draws the special attention of this House to these Regulations on the ground that they are defectively drafted in one respect.

1.2 These Regulations make a number of amendments to primary and secondary legislation arising from the abolition of the lifetime allowance charge by section 18 of the Finance (No. 2) Act 2023. Regulation 4(21) inserts a new paragraph 130A into Schedule 9 to the Finance Act 2024 which requires the amendments made by that Schedule and "these regulations" to be disregarded for the purposes of the lump sum rule (section 166 of the Finance Act 2004). Given that new paragraph 130A forms part of primary legislation, the Committee asked the Department to explain what is meant by "these regulations".

1.3 In a memorandum printed at Appendix 1, the Department explains that the reference to "these regulations" should have been to the instrument under consideration by the Committee, the Pensions (Abolition of Lifetime Allowance Charge etc) Regulations 2024. The Department undertakes to correct this error at the first available opportunity.

1.4 **The Committee accordingly reports regulation 4 (21) for defective drafting, acknowledged by the Department.**

Instruments not reported

The Committee has considered the instruments set out in the Annex to this Report, none of which were required to be reported.

Annex

Instruments subject to annulment

S.I. Number	S.I. Title
S.I. 2024/335	Authorised Surplus Payments Charge (Variation of Rate) Order 2024
S.I. 2024/348	Research and Development (Chapter 2 Relief) Regulations 2024
S.I. 2024/350	Individual Savings Account (Amendment) Regulations 2024
S.I. 2024/380	Designation of Special Tax Sites (Inverness and Cromarty Firth Green Freeport) Regulations 2024
S.I. 2024/383	Designation of Special Tax Sites (Liverpool City Region, West Midlands and North East Investment Zones) Regulations 2024

Appendix 1: Memorandum from His Majesty's Revenue Customs

S.I. 2024/356

Pensions (Abolition of Lifetime Allowance Charge etc) Regulations 2024

1. The Committee has asked His Majesty's Revenue and Customs for a memorandum on the following point(s):

> In relation to new paragraph 130A(2) of Schedule 9 to the Finance Act 2024 (inserted by regulation 4(21)), explain what is meant by the reference to "these regulations".

2. The reference to "these regulations" should have been to the Pensions (Abolition of Lifetime Allowance Charge etc) Regulations 2024.

3. We are grateful to the Committee for pointing out this error and will correct it at the first available opportunity.

His Majesty's Revenue and Customs

25 April 2024

Formal Minutes

Wednesday 8 May 2024

Members present

Jessica Morden, in the Chair

Peter Grant

Damien Moore

Report consideration

Draft Report (*Eleventh 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 1.4 read and agreed to.

Annex agreed to.

A Paper was appended to the Report as an Appendix.

Resolved, That the Report be the Eleventh Report of the Committee to the House.

Ordered, That the Chair make the Report to the House.

Adjournment

Adjourned till a day and time to be fixed by the Chair.