



House of Lords
House of Commons
Joint Committee on
Statutory Instruments

Fourteenth Report of Session 2021–22

Drawing special attention to:

Finance Act 2021, Section 95 and Schedule 18 (Distance Selling: Northern Ireland) (Appointed Day No.1 and Transitory Provision) Regulations 2021 (S.I. 2021/770)

Marriages and Civil Partnerships (Approved Premises) (Amendment) Regulations 2021 (S.I. 2021/775)

Criminal Procedure (Amendment No.2) Rules 2021 (S.I. 2021/849)

Health Protection (Coronavirus, International Travel and Operator Liability) (England) (Amendment) (No. 10) Regulations 2021 (S.I. 2021/1003)

Corporate Insolvency and Governance Act 2020 (Coronavirus) (Amendment of Schedule 10) (No. 2) Regulations 2021 (S.I. 2021/1091)

*Ordered by the House of Lords
to be printed 3 November 2021*

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Joint Committee on Statutory Instruments

Current membership

House of Lords

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[Baroness Gale](#) (*Labour*)

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

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

[Lord Rowe-Beedoe](#) (*Crossbench*)

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House of Commons

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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. 74](#), 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), Apostolos Kostoulas (Committee Operations Officer), Luanne Middleton (Commons Clerk), Christine Salmon Percival (Lords Clerk). Advisory Counsel: Sarita Arthur-Crow, Klara Banaszak, Daniel Greenberg, and Vanessa MacNair (Commons); Nicholas Beach, James Cooper, and Ché Diamond (Lords).

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Instruments reported

At its meeting on 3 November 2021 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 five of those considered. The instruments and the grounds for reporting them are given below. The relevant departmental memoranda are published as appendices to this report.

1 S.I. 2021/770: Reported for defective drafting

Finance Act 2021, Section 95 and Schedule 18 (Distance Selling: Northern Ireland) (Appointed Day No.1 and Transitory Provision) Regulations 2021

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

1.2 These Regulations, which are not subject to Parliamentary procedure, bring into force provisions of Schedule 18 to the Finance Act 2021 related to value added tax and distance selling. The Committee asked Her Majesty's Revenue and Customs (on behalf of HM Treasury) to confirm whether regulation 7 is intended to refer to the expiry of the transitory provisions in regulations 5 and 6 (which modify references related to Import One Stop Shop) rather than the expiry of modifications made by regulation 8 and regulation 9 (which does not exist). In a memorandum printed at Appendix 1, the Department gives the required confirmation and apologises for the error. (The Department explains that regulations 5, 6 and 7 are revoked by regulation 35 of the Value Added Tax (Distance Selling and Miscellaneous Amendments) Regulations 2021 which will come into force on 1st December 2021.) **The Committee accordingly reports regulation 7 for defective drafting, acknowledged by the Department.**

2 S.I. 2021/775: Reported for requiring elucidation

Marriages and Civil Partnerships (Approved Premises) (Amendment) Regulations 2021

2.1 The Committee draws the special attention of both Houses to these Regulations on the ground that they require elucidation in one respect.

2.2 These Regulations, which are subject to the negative resolution procedure, permit civil marriage and civil partnership proceedings to take place outdoors in “linked outdoor areas”. Schedule 1 (paragraph 2 of inserted Schedule 2B) and Schedule 2 (paragraph 2 of inserted Schedule 2C) state that one of the conditions to be attached to the grant of approval must be that the location within the linked outdoor areas at which proceedings take place must be “identifiable by description”. (A notice must be displayed at each public entrance to the premises including a description of, and directions to, the location within the linked outdoor area at which proceedings are to take place, in order to allow public access.) The Committee could not understand how any area could not be “identifiable by description” and asked the Ministry of Justice to explain. In a memorandum printed at Appendix 2, the Department explains how it intends these provisions to work and, in particular, what it had in mind by requiring areas to be “identifiable by description”.

Although the objection remains that any area is technically capable of being described, the Committee finds the explanation in the Department’s memorandum helpful in explaining the legislative intention, and on that basis is content **to report Schedule 1 (paragraph 2 of inserted Schedule 2B) and Schedule 2 (paragraph 2 of inserted Schedule 2C) for requiring elucidation, provided by the Department.**

3 S.I. 2021/849: Reported for defective drafting and for requiring elucidation

Criminal Procedure (Amendment No.2) Rules 2021

3.1 **The Committee draws the special attention of both Houses to these Rules on the ground that they are defectively drafted in one respect and require elucidation in one respect.**

3.2 These Regulations, which are subject to the negative resolution procedure, amend the Criminal Procedure Rules 2020 (S.I. 2020/759).

3.3 Rule 3(a)(i) inserts wording so that temporary amendments made to certain rules cease to have effect when paragraph 6 of Schedule 8 to the Coronavirus Act 2020 expires “or is repealed”. As that provision expired on 10 December 2020 by virtue of regulation 2(1) of S.I. 2020/1467, the Committee asked the Ministry of Justice to explain why the amendment was made. In a memorandum printed at Appendix 3, the Department asserts that this was to avoid misleading readers of the Rules about the significance, if any, of the difference between the amended paragraph and the paragraph below it. Inserting amendments into a provision that no longer has effect simply for cosmetic parity with another provision can only be a source of confusion and is not good legislative practice. **The Committee accordingly reports rule 3(a)(i) for defective drafting.**

3.4 Rule 5(c) inserts new rules regarding access to information in court records. New rule 5.7 imposes duties on court officers and courts in addition to “furthering the overriding objective in accordance with rules 1.2 and 1.3”. Rule 1.2 applies to “participants” in a criminal case. In the context, the Committee thought the reference to rule 1.2 surprising and asked the Department whether the reference should instead have been to rule 1.1, which particularises the overriding objective. In its memorandum, the Department confirms that court officers are to be treated as “participants”. The Committee considers this slightly counter-intuitive but is grateful for the clarification of the legislative intention and **the Committee accordingly reports new rule 5.7(1), as inserted by rule 5(c), for requiring elucidation, provided by the Department.**

3.5 The Department’s memorandum also clarifies the meaning of the phrase “to such extent” in the context of serving a request for information.

4 S.I. 2021/1003: Reported for defective drafting

Health Protection (Coronavirus, International Travel and Operator Liability) (England) (Amendment) (No. 10) Regulations 2021

4.1 **The Committee draws the special attention of both Houses to these Regulations on the ground that they are defectively drafted in one respect.**

4.2 These Regulations, which are subject to the negative resolution procedure, amend the elite sports exemption in paragraph 44 of Schedule 4 of the Health Protection (Coronavirus, International Travel and Operator Liability) (England) Regulations 2021. The Committee asked the Department of Health and Social Care to confirm where the words inserted by regulation 2(2)(a)(ii) should be inserted given that the words “involved in the specified competition” do not appear in the paragraphs being amended. In a memorandum printed at Appendix 4, the Department confirms that, as a result of an error, the quoted words do not appear in any of the three specified paragraphs and that the references should have been to the phrase “involved in that elite sports event” in each case. The Department undertakes to correct this error as soon as possible. **The Committee accordingly reports regulation 2(2)(a)(ii) for defective drafting, acknowledged by the Department.**

5 S.I. 2021/1091: Reported for failure to comply with proper legislative practice

Corporate Insolvency and Governance Act 2020 (Coronavirus) (Amendment of Schedule 10) (No. 2) Regulations 2021

5.1 **The Committee draws the special attention of both Houses to these Regulations on the ground that they fail to comply with proper legislative practice in two respects.**

5.2 These Regulations, which are subject to the made affirmative resolution procedure, amend the Corporate Insolvency and Governance Act 2020 by extending, for a further limited period, restrictions on company winding-up proceedings (intended to help protect companies from insolvency during the coronavirus pandemic).

5.3 The same amendments had previously been made by S.I. 2021/1029, but a drafting error in that instrument meant there would be a brief period during which, contrary to the policy intent, no restrictions would apply. These Regulations correct the error and revoke the earlier instrument. The revocation provisions came into force at the beginning of 28 September by operation of sections 4(a) and 23(1) of the Interpretation Act 1978—before they were laid before Parliament. Consequently, section 4 of the Statutory Instruments Act 1946 requires that the Speaker and Lord Speaker be notified of this and of why it was necessary. The Committee asked the Department for Business, Energy and Industrial Strategy to confirm whether those requirements had been complied with. In a memorandum printed at Appendix 5, the Department acknowledges that they had not and apologises for the error. **The Committee accordingly reports these Regulations for failure to comply with proper legislative practice, acknowledged by the Department.**

5.4 Where an instrument is made to correct errors in an earlier one, it is standard practice for the new instrument to include a statement that it replaces, and is being issued free of charge to all recipients of, the earlier instrument. The Committee asked the Department

to confirm that the italic rubric at the head of this instrument, which contains that statement, ought to refer to S.I. 2021/1029 rather than “the SI of the same number”. In its memorandum, the Department acknowledges the error. **The Committee accordingly reports these Regulations for failure to comply with proper legislative practice in a second respect, acknowledged by the Department.**

Instruments not reported

At its meeting on 3 November 2021 the Committee considered the instruments set out in the Annex to this Report, none of which was required to be reported to both Houses.

Annex

Draft Instruments requiring affirmative approval

Draft	Motor Vehicles (Driving Licences) (Amendment) (No. 4) Regulations 2021
Draft	Eggs (England) Regulations 2021
Draft	Local Audit (Appointing Person) (Amendment) Regulations 2021

Instruments subject to annulment

S.I. 2021/897	Misuse of Drugs and Misuse of Drugs (Designation) (Amendment) (England, Wales and Scotland) Regulations 2021
S.I. 2021/904	REACH etc. (Amendment) Regulations 2021
S.I. 2021/912	Safety of Sports Grounds (Designation) (Amendment) (England) Order 2021
S.I. 2021/920	Benchmarks (Provision of Information and Documents) (Amendment) Regulations 2021
S.I. 2021/921	Drivers' Hours and Tachographs (Temporary Exceptions) (No. 2) Regulations 2021
S.I. 2021/929	Education (Student Fees, Awards and Support) (Amendment) (No. 2) Regulations 2021
S.I. 2021/941	Television Multiplex Services (Renewal of Multiplex Licences) Order 2021
S.I. 2021/953	School Discipline (Pupil Exclusions and Reviews) (England) (Coronavirus) (Amendment) (No. 2) Regulations 2021
S.I. 2021/962	Town and Country Planning (Napier Barracks) Special Development Order 2021
S.I. 2021/973	Heavy Commercial Vehicles in Kent (No. 3) (Amendment) (No. 2) Order 2021
S.I. 2021/974	Public Health England (Dissolution) (Consequential Amendments) Regulations 2021
S.I. 2021/975	Transfer of Undertakings (Protection of Employment) (Transfer of Public Health England Staff) Regulations 2021
S.I. 2021/985	Court Fees (Miscellaneous Amendments) Order 2021

S.I. 2021/1005	Education (Student Loans) (Repayment) (Amendment) (No. 3) Regulations 2021
S.I. 2021/1011	Customs (Safety and Security Procedures) Regulations 2021
S.I. 2021/1019	Childcare (Childminder Agencies) (Registration, Inspection and Supply and Disclosure of Information) and Her Majesty's Chief Inspector of Education, Children's Services and Skills (Fees and Frequency of Inspections) (Children's Homes etc.) (Coronavirus) (Amendment) Regulations 2021
S.I. 2021/1025	Insolvency (Scotland) (Receivership and Winding up) (Amendment) Rules 2021
S.I. 2021/1026	Insolvency (Scotland) (Company Voluntary Arrangements and Administration) (Amendment) Rules 2021
S.I. 2021/1028	Insolvency (England and Wales) (No.2) (Amendment) Rules 2021

Instruments not subject to parliamentary proceedings laid before Parliament

S.I. 2021/878	Turks and Caicos Islands Constitution (Amendment) Order 2021
S.I. 2021/895	St Helena, Ascension and Tristan da Cunha Constitution (Amendment) Order 2021

Instruments not subject to parliamentary proceedings not laid before Parliament

S.I. 2021/939	Immigration Act 2016 (Commencement and Transitional Provisions No. 1) (England and Wales) Regulations 2021
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Appendix 1

S.I. 2021/770

Finance Act 2021, Section 95 and Schedule 18 (Distance Selling: Northern Ireland) (Appointed Day No.1 and Transitory Provision) Regulations 2021

1. In its letter to HM Treasury of 20th October 2021, the Joint Committee requested a memorandum on the following point:

Confirm whether regulation 7 is intended to refer to the expiry of the modifications made by regulations 5 and 6 rather than by regulations 8 and 9.

2. This memorandum has been prepared by Her Majesty's Revenue and Customs on behalf of HM Treasury.

3. We confirm that regulation 7 was intended to refer to the expiry of the modifications made by regulations 5 and 6. We apologise for this error and regret it was not corrected before the instrument was made.

4. Regulation 7, and the temporary provisions to which it was intended to refer (regulations 5 and 6), are revoked by regulation 35 of the Value Added Tax (Distance Selling and Miscellaneous Amendments) Regulations 2021 (SI 2021/1164) which will come into force on 1st December 2021.

Her Majesty's Revenue and Customs

26 October 2021

Appendix 2

S.I. 2021/775

Marriages and Civil Partnerships (Approved Premises) (Amendment) Regulations 2021

1. By a letter dated 20 October 2021, the Committee sought a memorandum on the following point:

In order to demonstrate the legislative purpose of the condition in paragraph 2 of inserted Schedule 2B (Schedule 1) and paragraph 2 of inserted Schedule 2C (Schedule 2), give an example of a location that is not identifiable by description.

2. The Department is grateful for the Committee's consideration of this instrument and responds as set out below.

3. The condition in paragraph 2 of the inserted Schedule 2B¹ and paragraph 2 of inserted Schedule 2C² to the Marriages and Civil Partnerships (Approved Premises) Regulations 2005 (S.I. 2005/3168) (the 2005 Regulations) requires that the location within the linked outdoor areas at which the proceedings take place is identifiable by description. The conditions at paragraphs 4(b) and (c) of inserted Schedule 2B and paragraphs 4(b) and (c) of inserted Schedule 2C of the 2005 Regulations require that a suitable notice must be displayed at each public entrance to the premises and the built premises for one hour prior to and throughout the proceedings, which must include (i) the description of the location within the linked outdoor areas at which the proceedings are to take place; and (ii) directions to that location.

4. These conditions supplement those at paragraph 12 of Schedule 2 and paragraph 16 of Schedule 2A to the 2005 Regulations, which provide that public access to any proceedings in approved premises must be permitted without charge. They enable those who wish to attend a wedding in the linked outdoor areas of approved premises, including members of the public, to locate the proceedings easily. These measures are of key importance given that many existing approved premises, including castles, zoos and stately homes, have extensive outdoor grounds.

5. The question as to whether the location of the proceedings is identifiable by description will depend on the particular relevant features of the linked outdoor areas. Such features might include the size of the linked outdoor areas, the particular terrain and whether there are landmarks or clearly distinct or defined spaces within the linked outdoor areas to which the description could refer. It should also be borne in mind that the description of the location of the proceedings will need to be included in a suitable notice, the purpose of which is to enable members of the public, to whom the proceedings must be open, to locate them easily. An example of locations which are not identifiable by

1 Schedule 2B of the 2005 Regulations was inserted by Schedule 1 of this instrument.

2 Schedule 2C of the 2005 Regulations was inserted by Schedule 2 of this instrument.

description might be an obscure unmarked location in a vast field or extensive gardens. However, compliance with the conditions set out in inserted Schedule 2B and 2C is a matter between the relevant authority and approved premises.

Ministry of Justice

26 October 2021

Appendix 3

S.I. 2021/849

Criminal Procedure (Amendment No.2) Rules 2021

1. The Committee has requested a memorandum on the following points:

(1) Explain why the amendment in rule 3(a)(i) is made (in light of regulation 2 of S.I. 2020/1467).

(2) In relation to the substituted wording for rule 5.7(1), confirm whether the reference to rule 1.2 should instead be to rule 1.1.

(3) Explain what “and to such extent” is intended to mean in new rule 5.10(2)(a)(ii).

The Ministry of Justice is grateful for the Committee’s consideration of this instrument. The response to each of the three points raised is set out below.

(1) Explain why the amendment in rule 3(a)(i) is made (in light of regulation 2 of S.I. 2020/1467).

2. The amendment made by rule 3(a)(ii) is because of what is now clause 170 of the Police, Crime, Sentencing and Courts Bill presently before Parliament: see paragraph 7.26 of the Explanatory Memorandum laid before Parliament with S.I. 2021/849. The amendment made by rule 3(a)(i), which is the subject of the Committee’s question, is consequent upon that made by rule 3(a)(ii). It is to avoid misleading readers of the Criminal Procedure Rules about the significance, if any, of what otherwise would become a contrast between paragraphs (5) and (6) of rule 2.1 of the Criminal Procedure Rules 2020, S.I. 2020/759, pending eventual cessation of all the temporary amendments made by paragraph (4) of that rule and thereafter, as the Rule Committee intends, the revocation of paragraphs (4), (5) and (6) wholly and simultaneously.

3. To maintain the effect of the temporary amendments to the Criminal Procedure Rules 2015, S.I. 2015/1490, made by the Criminal Procedure (Amendment No. 2) (Coronavirus) Rules 2020, S.I. 2020/417, rule 2.1(4) of the Criminal Procedure Rules 2020 temporarily amends the provisions of the rules to which that paragraph refers, subject to paragraphs (5) and (6) of that rule. Those two paragraphs provide, with the amendments made by rule 3(a) of S.I. 2021/849 shown underlined:

“(5) The temporary amendments to rules 3.10 (Directions for commissioning medical reports, other than for sentencing purposes) and 28.8 (Directions for commissioning medical reports for sentencing purposes) to which paragraph (4) of this rule refers cease to have effect when paragraph 6 of Schedule 8 to the Coronavirus Act 2020 expires or is repealed.

(6) The other temporary amendments to which paragraph (4) of this rule refers cease to have effect when section 53 (and Schedule 23), section 54 (and Schedule 24) and section 55 (and Schedule 25) of the Coronavirus Act 2020 expire or are repealed.”

4. Section 10 of, and Part 2 of Schedule 8 to, the Coronavirus Act 2020 temporarily modified certain provisions of the Mental Health Act 1983, including, by paragraph 6 of that Schedule, provisions that require the evidence of two registered medical practitioners before a criminal court may exercise certain powers in relation to a defendant. Rules 3.10 and 28.8 of the Criminal Procedure Rules 2020 refer to the exercise of those powers, and hence the temporary amendments to those rules that were maintained by rule 2.1(4) of the 2020 Rules.

5. Sections 53, 54 and 55 of, and Schedules 23, 24 and 25 to, the Coronavirus Act 2020 temporarily modify a number of statutory provisions that relate to live audio and video links, that is (in summary) live telephone or television links by which a person may take part in a court hearing without being in the same place as other participants. Other provisions of the 2020 Rules to which rule 2.1(4) of those Rules applies refer to such live links, and hence the temporary amendments to those provisions maintained by that rule.

6. Sections 89 and 90 of the Coronavirus Act 2020 provide for the expiry of that Act. Regulation 2 of the Coronavirus Act 2020 (Expiry of Mental Health Provisions) (England and Wales) Regulations 2020, S.I. 2020/1467, made under section 90(1) and (5) of the 2020 Act, to which the Committee's request refers, provided for the expiry on 10th December, 2020, of the temporary modifications made by, among other things, paragraph 6 of Schedule 8 to the Act. On that date, therefore, the temporary amendments to rules 3.10 and 28.8 of the Criminal Procedure Rules 2020 ceased to have effect, by reason of rule 2.1(5) of those Rules.

7. On 9th March 2021, the Police, Crime, Sentencing and Courts Bill now before Parliament was introduced. Clause 170 of the Bill provides for the repeal, not expiry, of sections 53, 54 and 55 of, and Schedules 23, 24 and 25 to, the Coronavirus Act 2020. That, therefore, would be the effect, whether before or after those provisions of the 2020 Act expired. That repeal and expiry are distinct is evident from, among other things, section 16(2) of the Interpretation Act 1978 (which for the purposes of that section deems the effect of expiry to be that of repeal but does not equate the two). The Bill does not, and need not, provide for expiry or repeal in the alternative: for its purposes, repeal alone suffices. Nevertheless, to obviate potential debate about the effect of the expiry, or the finality of the expiry, for which S.I. 2020/1467 provides, for the purposes of the Criminal Procedure Rules 2020, the amendments to rule 2.1 make clear that either expiry or repeal may occur and that either eventuality will cause the relevant paragraph to operate: in circumstances in which, in the event, paragraph (5) of the rule already has operated, by reason of expiry, as was intended.

(2) In relation to the substituted wording for rule 5.7(1), confirm whether the reference to rule 1.2 should instead be to rule 1.1.

8. No, it should not. Duties to act in accordance with the overriding objective for which rule 1.1 of the Criminal Procedure Rules 2020 provides are imposed upon participants, including court officers, by rule 1.2 of those Rules, and upon the court by rule 1.3. Substituted rules 5.8, 5.9 and 5.11 apply to functions of court officers. Substituted rule 5.10 applies to functions of the court. Hence the references in rule 5.7(1) to both rules 1.2 and 1.3. Rule 6.2(1) of the 2020 Rules is comparably expressed, in that instance in relation to functions of the court only.

(3) Explain what “and to such extent” is intended to mean in new rule 5.10(2)(a)(ii).

9. It means as much of the request as the court directs to be served upon any person required by the court to be served with it; by contrast with an applicant to whom new rule 5.10(2)(a)(i) refers, upon whom the rule itself requires the court officer to serve the whole of the request. A corresponding expression is used in each of rules 3.11(2)(b), 47.61(2)(e) and 47.65(1)(f) of the Criminal Procedure Rules 2020, with a corresponding meaning in each instance.

Ministry of Justice

26 October 2021

Appendix 4

S.I. 2021/1003

Health Protection (Coronavirus, International Travel and Operator Liability) (England) (Amendment) (No. 10) Regulations 2021

1. In its letter to the Department of 20 October 2021, the Committee requested a memorandum on the following point:

Confirm where the words inserted by regulation 2(2)(a)(ii) are to be inserted given that the words “involved in the specified competition” do not appear in the paragraphs being amended.

2. The Department’s response is as follows.
3. The Department acknowledges that, as a result of an error, the quoted words do not appear in any of the three specified paragraphs.
4. The reference should have been to “involved in that elite sports event” in each case.
5. The Department apologises to the Committee for this error and commits to correcting this error as soon as possible.

Department of Health and Social Care

26 October 2021

Appendix 5

S.I. 2021/1091

Corporate Insolvency and Governance Act 2020 (Coronavirus) (Amendment of Schedule 10) (No. 2) Regulations 2021

1. The Joint Committee on Statutory Instruments has requested that the Department submit a memorandum on the following points:

(1) Confirm that the italic rubric which states that this instrument has been printed in substitution and issued to all known recipients of “the SI of the same number” ought to refer to substitution and issue to all known recipients of S.I. 2021/1029.

(2) Given that, by operation of sections 4(a) and 23(1) of the Interpretation Act 1978, this instrument came into force before it was laid before Parliament, confirm whether the requirements of section 4 of the Statutory Instruments Act 1946 have been complied with.

2. The Department can confirm that the italic rubric referring to “the SI of the same number” ought to refer to substitution and issue to all known recipients of SI 2021/1029 and apologises for the erroneous reference in the rubric. A further version of this instrument correcting this error was issued to all known recipients of the instrument bearing the incorrect rubric.

3. The Department agrees with the Committee that, as these Regulations came into force on the day on which they were laid, they came into force before being laid. A letter was sent to the Speaker of the House of Commons and the Lord Speaker explaining the circumstances in which these Regulations were laid (in particular to address an error in S.I. 2021/1029) and apologising for the Regulations being laid in recess. Whilst that letter referred to the fact that the Regulations would come into force immediately, the Department acknowledges that it should specifically have referred to the fact of the Regulations coming into force before being laid and apologises for this error.

Department for Business, Energy and Industrial Strategy

25 October 2021

Formal Minutes

Wednesday 3 November 2021

Virtual meeting

Members present:

Jessica Morden (*in the Chair*)

Baroness D’Souza	Lord Rowe-Beddoe
Dr James Davies	Baroness Scott of Needham Market
Baroness Gale	Lord Smith of Hindhead
Lord Haskell	

Draft 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 5.4 read and agreed to.

Annex agreed to.

Papers were appended to the Report as Appendices 1 to 5.

Resolved, That the Report be the Fourteenth 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.

[Adjourned till Wednesday 17 November at 3.40 p.m.]

