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## STATUTORY INSTRUMENTS

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**1948 No. 1**

### **2. REGULATIONS**

#### **The Statutory Instruments Regulations, 1947**

<i>Made</i>	- - - -	<i>15th December 1947</i>
<i>Laid before Parliament</i>		<i>16th December 1947</i>
<i>Coming into Operation</i>		<i>1st January 1948</i>

With the concurrence of the Lord Chancellor and of the Speaker of the House of Commons, the Lords Commissioners of His Majesty's Treasury, in exercise of the powers conferred upon Them by subsection (1) of Section 8 of the Statutory Instruments Act, 1946, and of all other powers enabling Them in that behalf, hereby make the following Regulations:—

#### **Interpretation, Citation and Commencement**

1.—(1) The Interpretation Act, 1889, shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

(2) In these Regulations—

(a) “Principal Act” means the Statutory Instruments Act, 1946:

(b) “responsible authority” means—

(i) in relation to an Order in Council, the Minister responsible for the preparation of the draft of the Order submitted to His Majesty in Council, and

(ii) in relation to any other instrument, the Minister by whom the instrument is made; and in this definition references to a Minister include references to the Treasury, the Admiralty, the Board of Trade, and any other Government department, and to any other authority making a document which by virtue of Regulation 2 of these Regulations is such a statutory rule as is referred to in subsection (2) of Section 1 of the Principal Act:

(c) “general instrument” and “local instrument” mean, respectively, an instrument classified as such under these Regulations: and

(d) “Reference Committee” means the Statutory Instruments Reference Committee provided for by these Regulations.

(3) These Regulations may be cited as the Statutory Instruments Regulations, 1947 and shall come into operation on the 1st day of January, 1948.

## **Application to Statutory Rules within 56 & 57 Vict. c. 66**

2.—(1) Subject to the provisions of this Regulation, the following documents, namely—

- (a) every document being of a legislative and not an executive character made after the commencement of the Principal Act<sup>(1)</sup> by a rule-making authority as defined in the Rules Publication Act, 1893<sup>(2)</sup>, in the exercise of a statutory power conferred on that authority by or under any Act of Parliament passed before the commencement of the Principal Act, and
- (b) every other document which, by virtue of any enactment other than the said Act of 1893, would be subject to the provisions of Section 3 of that Act if that Section had not been repealed,

are hereby determined to constitute such a statutory rule as is referred to in subsection (2) of Section 1 of the Principal Act.

(2) Without prejudice to any Order in Council made under subsection (1) of Section 9 of the Principal Act, the confirmation or approval by a rule-making authority of any scheme, regulations or other subordinate legislation made by a person not being a rule-making authority shall not be deemed to constitute the making of such a statutory rule as aforesaid unless it is required by the enactment under which it is made to be effected by means of an Order in Council or Order made by that authority.

(3) Notwithstanding anything in this Regulation, subsection (2) of Section 1 of the Principal Act shall not apply to—

- (a) any document which, although of a legislative character, applies only to a named person or premises and is not required to be laid before or subject to confirmation or approval by Parliament or the House of Commons; or
- (b) any Order in Council which, being an Order for which the Lord President of the Council is the responsible authority, confirms or approves subordinate legislation in the nature of a local and personal or private Act; or
- (c) any such document as is mentioned in the Schedule to these Regulations.

## *Numbering, Printing and Sale*

### **Numbering**

3. All statutory instruments received by the King's printer of Acts of Parliament under subsection (1) of Section 2 of the Principal Act shall be allocated to the series of the calendar year in which they are made and shall be numbered in that series consecutively as nearly as may be in the order in which they are received:

Provided that where any such instrument—

- (a) will not take effect unless it is confirmed or approved by Parliament or the House of Commons, or
- (b) is subject to special parliamentary procedure, or will become subject thereto in certain events,

the instrument may be allocated and numbered as if it had been made and received on the date on which the responsible authority notifies the King's printer that the instrument has become operative or will become operative: and

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(1) The Statutory Instruments Act, 1946, commenced January 1st, 1948 (S.I. 1948 No. 3, p. 4001 above).

(2) (repealed by the Statutory Instruments Act, 1946).

Provided also that any statutory instrument made before the commencement of the Principal Act shall be allocated to the series of the calendar year in which that Act commences<sup>(3)</sup>.

### **Classification**

4.—(1) For the purpose of these Regulations, statutory instruments shall be classified as local or general according to their subject matter.

(2) Unless there are special reasons to the contrary in any particular case, a statutory instrument which is in the nature of a local and personal or private Act shall be classified as local, and a statutory instrument which is in the nature of a Public General Act shall be classified as general.

(3) The responsible authority shall, on sending a statutory instrument to the King's printer of Acts of Parliament, certify it as local or general, as the case may be; and, unless the Reference Committee otherwise direct under these Regulations, the instrument shall be classified accordingly.

### **Exemption for local instruments and instruments otherwise regularly published**

5. The following statutory instruments shall, unless the Reference Committee in any particular case otherwise direct under these Regulations, be exempt from the requirements of subsection (1) of Section 2 of the Principal Act with respect to the printing and sale of copies, that is to say:—

- (a) any local instrument, and
- (b) any general instrument certified by the responsible authority to be of a class of documents which is or will be otherwise regularly printed as a series and made available to persons affected thereby:

Provided that the responsible authority may, on sending to the King's printer of Acts of Parliament any statutory instrument certified by that authority as local, request him to comply with the requirements aforesaid.

### **Exemption for temporary instruments**

6. If the responsible authority considers that the printing and sale of copies of a statutory instrument in accordance with the requirements of subsection (1) of Section 2 of the Principal Act is unnecessary having regard to the brevity of the period during which that instrument will remain in force and to any other steps taken or to be taken for bringing its substance to the notice of the public, he may, on sending it to the King's printer of Acts of Parliament, certify accordingly; and any instrument so certified shall, unless the Reference Committee otherwise direct under these Regulations, be exempt from the requirements aforesaid.

### **Exemption for certain schedules, etc**

7. If the responsible authority considers that the printing and sale in accordance with the requirements of subsection (1) of Section 2 of the Principal Act of any schedule or other document which is identified by or referred to in a statutory instrument and would, but for the provisions of this Regulation, be required to be included in the instrument as so printed and sold, is unnecessary or undesirable having regard to the nature or bulk of the document and to any other steps taken or to be taken for bringing its substance to the notice of the public, he may, on sending it to the King's printer of Acts of Parliament, certify accordingly; and any instrument so certified shall, unless the Reference Committee otherwise direct under these Regulations, be exempt from the requirements aforesaid so far as concerns the document specified in the certificate.

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(3) The Statutory Instruments Act, 1946, commenced January 1st, 1948 (S.I. 1948 No. 3, p. 4001 above).

### Exemption for confidential instruments

8. If the responsible authority considers that the printing and sale of copies of a statutory instrument in accordance with the requirements of subsection (1) of Section 2 of the Principal Act would, if effected before the coming into operation of that instrument, be contrary to the public interest, he may, on sending it to the King's printer of Acts of Parliament, certify accordingly; and any instrument so certified shall, so long as it has not come into operation, be exempt from the requirements aforesaid:

Provided that if at any time after the instrument has been so certified and before the instrument has come into operation it appears to the said authority that the printing and sale of copies of the instrument as aforesaid would no longer be contrary to the public interest, he shall notify the King's printer of Acts of Parliament to that effect, and there upon the foregoing provisions of this Regulation shall cease to apply to that instrument.

### *Lists of Statutory Instruments and Annual Editions*

#### Statutory Instrument Issue Lists

9. For the purposes of subsection (1) of Section 3 of the Principal Act, His Majesty's Stationery Office shall from time to time publish a list to be known as the "Statutory Instrument Issue List", showing the serial number and short title of each statutory instrument which has been issued for the first time by that Office during the period to which that list relates, and the date on which each such instrument was so issued.

#### Annual Edition

10.—(1) As soon as possible after the end of each calendar year the Treasury shall cause to be prepared from the series of statutory instruments up to the end of that year an edition of statutory instruments (in this Regulation called the "annual edition") including (inter alia) the following matter:—

- (a) copies of so much of all statutory instruments as has, at the time of the completion of the annual edition, been printed in compliance with the requirements of subsection (1) of Section 2 of the Principal Act and not been included in any previous annual edition;

Provided that copies of instruments which have ceased to be in operation at the time of the completion of the annual edition, and copies of local instruments which have been so printed, may be omitted:

- (b) an Annual Numerical and Issue List of Public Statutory Instruments showing, except for such local instruments as are exempt from the requirements of subsection (1) of Section 2 of the Principal Act with respect to the printing and sale of copies and instruments in respect of which a certificate under Regulation 8 of these Regulations is in force, the serial numbers of all statutory instruments which during that year either were made or were issued for the first time by His Majesty's Stationery Office, and in respect of the latter the date of such issue;
- (c) a classified list of local instruments;
- (d) tables showing the effect on statutes and previous statutory rules or statutory instruments of the statutory instruments included in that edition: and
- (e) an index.

(2) The annual edition shall be printed by the King's printer of Acts of Parliament and shall be published by His Majesty's Stationery Office; and so much of the Annual Numerical and Issue List

of Public Statutory Instruments therein as refers to the date upon which any statutory instrument was first issued by the Stationery Office shall be deemed to be published in accordance with subsection (1) of Section 3 of the Principal Act.

### *The Reference Committee*

#### **Constitution and powers of Reference Committee**

**11.**—(1) There shall be a Committee to be known as the Statutory Instruments Reference Committee consisting of such two or more persons as the Lord Chancellor and the Speaker of the House of Commons may nominate.

(2) The quorum of the Committee shall be such as the Lord Chancellor and the Speaker may determine; and subject to that determination the Committee shall regulate their own procedure.

(3) Where, under Regulation 6 or 7 of these Regulations, the responsible authority gives any certificate in respect of a statutory instrument, that authority shall notify the Committee; and the Committee may, if they consider that the requirements of subsection (1) of Section 2 of the Principal Act with respect to the printing and sale of copies ought to be complied with, direct that the instrument shall not be exempt from those requirements or, as the case may be, shall not be exempt therefrom so far as concerns the document specified in the certificate:

Provided that the Committee may direct that the notification required by this paragraph need not be given in respect of any specified class of instrument.

(4) Without prejudice to the provisions of the last foregoing paragraph, it shall be the duty of the Committee to determine any question referred to them—

- (a) as to the numbering, printing or publication of any statutory instrument or class or description of such instruments;
- (b) whether any statutory instrument or any class or description of statutory instruments is in the nature of a Public General Act or of a local and personal or private Act; and
- (c) whether any document whereby is exercised after the commencement of the Principal Act<sup>(4)</sup> any power conferred by or under any Act of Parliament passed before the commencement of that Act<sup>(5)</sup> does or does not constitute such a statutory rule as is referred to in subsection (2) of Section 1 of that Act.

Dated this Fifteenth day of December, 1947.

Concur.

*Jowitt, C*  
Lord Chancellor

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<sup>(4)</sup> The Statutory Instruments Act, 1946, commenced January 1st, 1948 (S.I. 1948 No. 3, P. 4001 above).

<sup>(5)</sup> The Statutory Instruments Act, 1946, commenced January 1st, 1948 (S.I. 1948 No. 3, p. 4001 above).

Concur.

*D. Clifton Brown*  
Speaker of the House of Commons

*R. J. Taylor*  
*Wm. Hannan*  
Two of the Lords Commissioners of His  
Majesty's Treasury

## THE SCHEDULE

(Reg. 2 (3)(c))

### DOCUMENTS EXCLUDED FROM SUBSECTION (2) OF SECTION 1 OF THE STATUTORY INSTRUMENTS ACT, 1946

#### Part I

Any document made under any of the following enactments:—

##### A

1. The Naval and Marine Pay and Pensions Act, 1865 (28 & 29 Vict. c. 73).
  - (a) (a) The Reserve Forces Act, 1882 (45 & 46 Vict. c. 48), Section 20 (2).
  - (b) The foregoing enactment as applied to the Air Force Reserve by the Air Force Reserve Order, 1924.
3. The Pensions and Yeomanry Pay Act, 1884 (47 & 48 Vict. c. 55), Section 2 (3).
  - (a) (a) The Territorial and Reserve Forces Act, 1907 (7 Edw. 7. c. 9), Sections 1 (2), 4, 4A, and 7(3).
  - (b) Sections 1(2), 1A(2), 4, 4A, and 7(3) of the aforesaid Act, as applied to the Auxiliary Air Force by the Auxiliary Air Force Order, 1924.
5. The Air Force Constitution Act, 1917 (7 & 8 Geo. 5. c. 71), Section 2(3).
6. The Army Act, *except* Sections 108A and 114 thereof.
7. The Air Force Act, *except* Sections 108A and 114 thereof.

##### B

The Diseases of Animals Act, 1894 (57 & 58 Vict. c. 57), Section 27.

#### Part II

Any document which by virtue of paragraph (2) of regulation 102A of the Defence (General) Regulations, 1939, is deemed to be a statutory rule to which the Rules Publication Act (Northern Ireland), 1925, applies.

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#### EXPLANATORY NOTE

The Regulations provide for the numbering, printing and sale of Statutory Instruments under the Statutory Instruments Act, 1946, and other matters in connection therewith. They come into force on the 1st January, 1948, on which day come also into force the Statutory Instruments (Confirmatory Powers) Order, 1947 (S.I. 1948 No. 2), and the Act itself (by the Statutory Instruments Act, 1946 (Commencement) Order, 1947 (S.I. 1948 No. 3)).

By virtue of Regulation 3 of the Regulations, the Regulations, the Confirmatory Powers Order, and the Commencement Order, are all allocated to the 1948 series of Statutory Instruments.

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