

3. CONFIRMATORY POWERS

**The Statutory Instruments (Confirmatory Powers) Order,
1947****1948 No. 2**

<i>Made</i> - - - -	19th December, 1947
<i>Laid before Parliament</i>	7th November, 1947
<i>Coming into Operation</i>	1st January, 1948

At the Court at Buckingham Palace, the 19th day of December, 1947

Present,

The King's Most Excellent Majesty in Council

His Majesty, in pursuance of subsection (1) of section nine of the Statutory Instruments Act, 1946(a), and of all other powers enabling him in that behalf, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:—

1.—(1) Where any Minister of the Crown exercises any power conferred on him by any Act of Parliament passed before the commencement of the Statutory Instruments Act, 1946,* to confirm or approve any orders or rules or regulations or other subordinate legislation made by an authority who is not a rule-making authority as defined in the Rules Publication Act, 1893(b), and the subordinate legislation so confirmed or approved, being of a legislative and not an executive character, is required to be laid before Parliament or the House of Commons, then, subject to the provisions of paragraph (2) of this Article, any document by which that power is exercised after the coming into operation of this Order shall be known as a statutory instrument, and the provisions of the Statutory Instruments Act, 1946, shall apply to that document accordingly.

(2) This Article shall not apply to any document which by virtue of subsection (2) of section one of the Statutory Instruments Act, 1946, is a statutory instrument within the meaning of that Act otherwise than by virtue of this Order or would be such an instrument but for regulations made under paragraph (d) of subsection (1) of section eight of that Act†.

2. Any document by which any power conferred by an Act mentioned in the first column of the Schedule to this Order to confirm subordinate legislation of the description mentioned in the second column of that Schedule is exercised after the coming into operation of this Order by the Ministers specified in the third column of that Schedule shall be known as a statutory instrument, and the provisions of the Statutory Instruments Act, 1946, shall apply to that document accordingly.

3. In this Order references to a Minister of the Crown include references to the Treasury, the Admiralty, the Board of Trade, and any other Government department.

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

(a) 9 & 10 Geo. 6. c. 36. (b) 56 & 57 Vict. c. 66 (repealed by 9 & 10 Geo. 6. c. 36).

† See the Statutory Instruments Regulations, 1947 (S.I. 1948 No. 1, p. 4002 above).

4.—(1) This Order shall come into operation on the 1st day of January, 1948; and may be cited as the Statutory Instruments (Confirmatory Powers) Order, 1947.

(2) The Interpretation Act, 1889(a), shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

E. C. E. Leadbitter.

THE SCHEDULE

STATUTE	SUBORDINATE LEGISLATION	MINISTER WITH POWER TO CONFIRM OR APPROVE
1. Valuation (Metropolis) Act, 1869 (32 & 33 Vict. c. 67) <i>Section 27</i>	Orders by the County of London Quarter Sessions regulating proceedings on assessment appeals	Secretary of State.
2. Midwives Act, 1902 (2 Edw. 7. c. 17) <i>Section 3</i>	Rules made by Central Midwives Board	Minister of Health.
3. Midwives (Scotland) Act, 1915 (5 & 6 Geo. 5. c. 91) <i>Section 5</i>	Rules made by Central Midwives Board for Scotland	Secretary of State.
4. Education (Scotland) Act, 1946 (9 & 10 Geo. 6. c. 72) <i>Section 126</i>	Schemes made by Governing bodies of endowments of an annual value under £50	Secretary of State.
5. Local Government Act, 1921 (19 & 20 Geo. 5. c. 17) (a) <i>Section 4</i> (b) <i>Section 24</i>	Administrative Schemes ... Schemes for the administration of Registration Acts in counties and county boroughs	Minister of Health. Minister of Health.
6. Local Government (Scotland) Act, 1947 (10 & 11 Geo. 6. c. 43) <i>Section 38</i>	District Council schemes made by County Councils	Secretary of State.
7. Livestock Industry Act, 1937 (1 Edw. 8 & 1 Geo. 6. c. 50) <i>Section 17</i>	General (but not special) byelaws made by the Livestock Commission	Minister of Agriculture and Fisheries (in relation to byelaws applicable only to premises in England). Secretary of State (in relation to byelaws applicable only to premises in Scotland).

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

The Order subjects to the provisions of the Statutory Instruments Act, 1946, and the Treasury Regulations thereunder (see the Statutory Instruments Regulations, 1947 (S.I. 1948 No. 1)):

- (1) confirmations of subordinate legislation of a legislative and not an executive character, where the subordinate legislation is required to be laid before Parliament or the House of Commons and was not a statutory rule before the commencement of the Act; and
- (2) the confirmations set out in the Schedule.

By virtue of Regulation 3 of the Statutory Instruments Regulations the Order is allocated to the 1948 series of Statutory Instruments.

(a) 52 & 53 Vict. c. 63.