



## BRIEFING PAPER

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# Prayers against Statutory Instrument in the House of Commons since 1997

By Sarah Priddy

This list notes the number of prayers made in the House of Commons since 1997 calling for Statutory Instruments to be annulled.

## What are Statutory Instruments?

[Statutory Instruments](#) (SIs) are a form of delegated legislation (also known as subordinate or secondary legislation) which allows Ministers (and, in some cases, others) to make specific changes to the law or set out detailed regulations under powers granted by an existing Act of Parliament.

Roughly half the three thousand plus SIs made each year are subject to some form of parliamentary control. The level of control depends on whether the SI is subject to the affirmative resolution procedure or the negative resolution procedure. Affirmative instruments require the approval of both Houses<sup>1</sup> before coming into force<sup>2</sup> whereas negative instruments come into force on the date stated unless a motion is passed by either House to annul it. The procedure that the SI is subject to is specified in the parent Act.

## What are prayers?

Motions to annul a negative instrument can be tabled by Members of the House of Commons or members of the House of Lords. In the Commons, the motion is generally tabled as an Early Day Motion<sup>3</sup> couched in the form of a **prayer**. An example tabled by the Leader of the Official Opposition is given below:

That an humble Address be presented to Her Majesty, praying that the Education (Student Support) (Amendment) Regulations 2015 (S.I., 2015, No. 1951), dated 29 November 2015, a copy of which was laid before this House on 2 December 2015, be annulled. EDM 892, 08.12.2015

In order for a negative SI to be annulled, a prayer must be tabled and passed within 40 days of the instrument being laid.<sup>4</sup> The 40 day period is known as **praying time**.

<sup>1</sup> Except for instruments of a financial instrument which need only Commons approval.

<sup>2</sup> With the exception of urgent affirmative instruments which come into force before approval but lapse unless approved within a certain time.

<sup>3</sup> EDMs are motions for which no time has been fixed and, in the vast majority of cases, for which no time is likely to be available.

<sup>4</sup> Excluding any time during which Parliament is dissolved or prorogued, or during which both Houses are adjourned for more than four days.

## 2 Prayers against Statutory Instrument in the House of Commons since 1997

The Government will typically find time to debate an EDM praying against an SI that has been signed by Shadow Ministers, but is not obliged to. It is very rare for a Negative Instrument to be annulled; 1979 was the last time an SI was annulled in the House of Commons, in the House of Lords it was 2000.

### Further information

The [House of Commons Background Paper: Statutory Instruments](#) details the parliamentary procedure for affirmative and negative SIs and other types of delegated legislation.

The [statutory instrument list on the parliament website](#) provides a weekly list of statutory instruments before the House; [section C lists negative instruments](#) and shows the number of 'praying' days remaining.

The Commons Library briefing, [Acts and Statutory Instruments: the volume of UK legislation](#) gives figures for the total number of SIs made (not including Northern Ireland SIs) from 1950 to 2015.

### Feedback

Please send comments or corrections to the: [Parliamentary Information Lists Editor](#), Parliament & Constitution Centre, House of Commons, London SW1A 0AA. Suggestions for new lists welcomed.

## Consideration of negative instruments in the House of Commons and in Standing Committee

Parliamentary session	No. laid before the House	No. prayed against	No. considered in the House	No. considered in DL Committee	No. considered in Scottish or NI Grand Committee	No. on which Question put forthwith in the House	Sessional Returns of the House of Commons
1997-98	1591	300	4	11	0	0	<a href="#">1997-98 Sessional Returns</a>
1998-99	1266	51	1	28	0	0	<a href="#">1998-99 Sessional Returns</a>
1999-2000	1241	28	4	16	0	0	<a href="#">1999-2000 Sessional Returns</a>
2000-01	717	24	4	6	0	0	<a href="#">2000-01 Sessional Returns</a>
2001-02	1468	54	3	41	0	0	<a href="#">2001-02 Sessional Returns</a>
2002-03	1158	42	0	40	0	0	<a href="#">2002-03 Sessional Returns</a>
2003-04	1038	18	0	16	0	0	<a href="#">2003-04 Sessional Returns</a>
2004-05	660	13	0	8	0	0	<a href="#">2004-05 Sessional Returns</a>
2005-06	1583	38	0	29*(2)	0	1	<a href="#">2005-06 Sessional Returns</a>
2006-07	1135	19	2	15*(3)	0	12	<a href="#">2006-07 Sessional Returns</a>
2007-08	1049	28	2*(1)	24	0	0	<a href="#">2007-08 Sessional Returns</a>
2008-09	1010	30	4	16	0	0	<a href="#">2008-09 Sessional Returns</a>
2009-10	626	8	0	6	0	0	<a href="#">2009-10 Sessional Returns</a>
2010-12	1371	27	0	8	0	0	<a href="#">2010-12 Sessional Returns</a>
2012-13	742	12	0	4	0	0	<a href="#">2012-13 Sessional Returns</a>
2013-14	882	2	1	1	0	0	<a href="#">2013-14 Sessional Returns</a>
2014-15	979	9	1	0	0	0	<a href="#">2014-15 Sessional Returns</a>
2015-16	585	19	1	5	0	1	<a href="#">2015-16 Sessional Returns</a>

\* Of which, the numbers shown in brackets are motions not laid as instruments but agreed by the House to be treated as such.

**Source:** House of Commons Sessional Returns

**Key:**

DL - Delegated Legislation

NI - Northern Ireland

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