BRIEFING PAPER

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Knaves and Fawkes

Should we reform Parliament or just blow it up?

By Tim Ambler & Keith Boyfield

Executive Summary

If a latter day Guy Fawkes were to blow up the UK Parliament, would we notice any difference? The EU now frames our major laws and prefers to deal directly with the regions, while the executive, secure in their departmental offices, deals with much of the remaining legislation through regulations and Statutory Instruments. Ministers are more accountable to the media than to the legislature. Significantly, over 80% of UK voters think Parliament is not working. This has nothing to do with the relatively trivial matter of expenses. Parliament has, so to speak, lost the plot.

After examining the alternatives, this paper opts for reform rather than demolition. Our main recommendations are:

1. Parliament should re-assert its role as the UK's primary legislative body and as the place where government ministers are called to account.

2. Fewer MPs should allocate their time so as to ensure better focus on important issues, notably proposed EU legislation, while delegating minor issues to secondary legislation (Statutory Instruments) and nodding through commonsensical amendments.

3. House time devoted to proposed UK and EU legislation should be proportionate, individually and overall, to the importance of the legislation.

4. Legislative Statutory Instruments should be more effectively scrutinised and debated where appropriate. Their function and purpose should be clarified and distanced from the vast number of administrative orders. Private Members and Opposition parties should be able to initiate them. Excessive regulation should be challenged in the House.

5. Regulators should return political responsibilities to their departments and then be accountable to the relevant Commons Select Committee on the model of the NAO and Public Accounts Committee. On the same model, such committees should have chairmen from Opposition parties.

6. Constituents should be better represented by eliminating written questions and providing direct access for MPs and Assistant MPs to Departments.

Parliament today has lost its power and significance. It should reform itself and not wait for direction from Whitehall or Brussels, both of whom would be quite happy without it.

Introduction

If a latter day Guy Fawkes were to blow up the UK Parliament, would we notice any difference? The EU now frames our major laws and the government, secure in their departmental offices, deals with much of the remaining legislation through regulations and Statutory Instruments (SIs). Ministers are accountable to the media and the media, not Parliament, are often the first to hear legislative intentions, notably as party conference briefings. "Just 19 per cent of the public think parliament is working, according to the Hansard Society... a recent Europe-wide survey... showed Westminster to be one of the least trusted."[1]

Parliamentarians and Parliament as a whole are busy. The reduced share of law-making has been offset, as Parkinson would have predicted, by other, often trivial, matters. In the 25 years since the UK joined what is now the EU, and as the executive progressively took over lawmaking, there has been no serious review of what Parliament, and MPs in particular, should achieve or of how their performance should be measured. Fiddling their expense claims, which

rocked Westminster, is a mere trifle compared with the total cost of Parliament, its lack of productivity and, more importantly, its abdication of authority.

Yes, we do need a Parliament, but not necessarily in its present form. We need to clarify its purpose in the 21st century context and examine how it can be made fit for that purpose between the EU, Whitehall and local government. This paper raises some questions and makes some suggestions but, more importantly, we outline some empirical research needed before interim conclusions are drawn.

We start by looking at the origins of the British Parliament and discuss what it is for. In doing so, we focus on MPs and the House of Commons. The second chamber has an important role in revising poorly drafted bills. And while their committees and challenges to government could be regarded as merely duplicating the Commons, they are frequently more effective in practice. Accordingly, this paper does not discuss the Lords.

What is Parliament for?

England claims to have begotten the "Mother of Parliaments",[2] even though Iceland had one three centuries earlier.[3] During its first 300 or so years, the monarch was the chief executive of government and Parliament's main role was to restrain government expenditure. Lawmaking was subsidiary to finance. In the early 18th Century Britain moved to a Parliamentary democracy in the sense that the chief executive (prime minister) and ministers were drawn from the Lords and the Commons and were accountable to Parliament rather than the monarch. Parliament became much more involved in government and ministers spent as much time in Parliament as in their ministries. Parliament was consulted before major decisions were made.

In the 21st Century, the UK moved to a presidential style government with ministers spending more time with the media than in Parliament. As a result, the main chamber of the Commons is today virtually empty during most "debates". This is not necessarily a criticism. MPs have better things to do than sit through the recital of long and dreary pre-written speeches.

There are, of course, exceptions. Prime Minister's questions can be lively, albeit predicable, and the same is true for the questioning of other ministers. The Finance Bill receives thorough examination by the Commons. Occasionally, as with the Gurkhas and the withdrawal of the 10p tax rate, the government is defeated or so embarrassed it has to change tack. But these events are rare and MPs need the strong public opinion generated by the media in order to succeed.

Governments routinely claim that the authority of Parliament will be restored but it has yet to happen. We believe Parliament now needs a radical overhaul, not the 10 percent tinkering David Cameron proposed in September 2009. First, let's begin by examining the five main roles of Parliament:

- **Lawmaking**. Apart from financial and other matters reserved for member states, the upper and nether millstones of EU legislation and UK secondary legislation have reduced the need for, and scope of, UK primary legislation.[4] Where the EU has been granted competence, we question the need for additional UK legislation – which inevitably tends to represent 'gold plate'.

- **Financial restraint**. The original purpose of Parliament may still be the most important. This is Parliamentary responsibility has not been usurped by government or the EU. Only Parliament can restrain, and provide the wherewithal for, government spending.

- **Holding government to account on other matters**. A major part of the time of both Houses is devoted to questioning ministers on government performance. This is not so much to gain the answers as to make them uncomfortable when performance is lacking. There is, however, some overlap.

- **Representing constituents and dealing with government on their behalf**. A key feature of democracy is that elected representatives battle for the weak, i.e. their constituents, against the strong, i.e. government departments. Almost all this takes place informally, outside Parliament itself.

Although one might expect Parliament to deal directly with regulators, publicly owned corporations such as the BBC or Bank of England, and quangos, these all report to government save one: the National Audit Office (NAO), which reports to the Public Accounts Committee of the House of Commons. The NAO excepted, all these bodies can be seen as part of government.

Lawmaking

UK lawmaking takes place at three levels:

- **EU legislation**, i.e. Directives and Regulations. Both Houses of Parliament have EU legislation scrutiny committees, but neither have any direct impact on the legislation. The Lords Committee does have an advisory role to some extent as it is less party-dominated and has more experience to offer. But "scrutiny" essentially means that the committee members have the opportunity to read a great deal of EU and Whitehall paper. The extent to which they actually do so is open to question, as is whether it would make much difference if they did. Whips often have difficulty in finding MPs prepared to sit on the EU Scrutiny Committee. Moreover, ministers are free to deal with the EU as they wish – regardless of the committees' opinions – and the governing party generally uses its majority on committees to prevent debate or dissent. Only EU treaties require actual Parliamentary debate. They happen every five years or so but for the most recent – the Lisbon Treaty – most of that time was devoted to technicalities.

- **UK primary legislation** is debated in both chambers of Parliament. The extent to which the time of the House of Commons should be eaten up by some of the Bills considered is open to question. Were it not for convention and technicalities, much of their current primary legislation could, we contend, be better dealt with by secondary legislation. Further research is required but a preliminary analysis, attached as Appendix 1, shows that only about one third of the 122 Bills presented in 2008-09 are likely to succeed and, prima facie, 14 were minor enough to merit secondary legislation.[5] More seriously, should there not be better ways of gaining government attention than by proposing no-hope Bills? In the three-year parliament of 1907/9 only 22 Bills became law. In recent times, the Act rate is 30 – 50 p.a., a number that does not seem to have been changed by accession to the EU/EEC.[6]

- **UK secondary legislation** (or Statutory Instruments) is devised by government departments and rubber-stamped by Parliament. In theory, Statutory Instruments merely allow primary legislation to be implemented and Parliament has the authority and means to block them. In practice, these arrangements have become outmoded. Statutory Instruments are used to transpose EU legislation into UK law. Some Acts have "Henry VIII clauses" which allow SIs to amend the "parent" primary legislation. The Legislative and Regulatory Reform Act 2006 gives sweeping powers to ministers to revise primary legislation allowing – though this is controversial – new primary legislation to be created via amendment.

Thus the need for UK primary legislation is squeezed between two millstones of increasing weight: EU legislation and Statutory Instruments. Apart from on financial and other matters specifically reserved from the EU for member states, there appears to be no real need for Parliamentary lawmaking at all. Indeed, one could easily argue that UK lawmaking has gone as far as it should. By general consent we are over-regulated – hardly surprising after 800 years of statutes.

The John Major government permitted Statutory Instruments to be used for amending or repealing primary legislation (see Appendix 2). We feel that the role of Statutory Instruments could now be further clarified and broadened, subject to proper House of Commons challenge. At present, access to the Statutory Instrument route is not available for Private Members and Opposition bills. We argue below that this is worth reconsidering.

This brings us to the power of the whips. Where one party has a significant majority, no more than two or three Opposition/Private Members' Bills a year can have any success, either in changing the law or being adopted by government in some other form. Much the same applies to amendments, beyond polishing the wording/meaning in the House of Lords.

As noted above, much Parliamentary time is devoted to primary legislation for minor and/or local matters which could be delegated to Statutory Instruments. In drafting this paper, an analysis of Hansard was sought to establish exactly how the House of Commons spends its collective time. If Parliament is to be reformed as both main parties now suggest, we need this empirical base, along with similar analyses for comparable assemblies, to compare with the new proposals. The only major reform of the Commons in the last quarter century has been to make opening hours more family friendly. The time does seem right for a radical review.

Financial restraint

This paper has no serious criticism of the process of budgets and finance bills are proposed by government and steered through the House of Commons. Having the Treasury Committee chaired by a government trusty is a weakness, which ought to be addressed. However, it is worth noting that while opposition parties regularly call for Select Committees to be chaired by opposition MPs, they consistently forget to put this into practice when they come to power.

Holding government to account on other matters

Again, the questioning of ministers is largely an effective system which works well enough in the Chamber. Less satisfactory is the process for written questions and answers. It is clearly sensible not to waste the time of the House on detailed matters which are of interest only to a few. On the other hand, the process has become so routine that it yields very little. An MP puts down a question on behalf of one or more constituents, a lobby group, or his or her own interest and believes that the job has been done. The civil servants are so well versed in providing meaningless answers that one wonders why the questions were asked.

Government also complains that answering these questions, which are often technical minutiae, wastes senior civil servant time and costs a great deal of money.[7] They have a point: "PQs" should be the subject of reform.

Representing constituents and dealing with government on their behalf

Are MPs there to represent their constituents or support their parties? Idealists will say "both" but MPs face fundamental conflicts in their role. How does an MP of the governing party challenge the government and its departments on behalf of constituents whilst at the same time seeking to portray government actions in a favourable light? The Commons' European Scrutiny Committee is a case in point. British voters would like to see new law and regulations thoroughly examined before we accept them, and yet the majority party MPs on the committee ensure it is ineffective in order to give ministers a free hand.[8]

Behind the scenes, many MPs (and some peers) do well for the public. The convention has emerged that ministers and government departments only have to bother with questions from Parliamentarians and the media. The rest of us, supplying personal details aside, have to deal with unresponsive call centres. Government information remains only free to the privileged.

The behind-the-scenes representation to correct unfairness to individuals is largely non-partisan, mostly well used and a fine example of democracy in action. On the other hand, representation of the public as a whole on the big issues is ineffective. With very rare exceptions, "politicians know best" and the government of the day does as it pleases. Throughout 2009, the public, for example, wanted UK troops out of Afghanistan. MPs in the House did nothing about that and in reality it would have made little difference if they had: a vote of confidence in the Government's military strategy would have automatically triggered a three line whip.

Similarly, public opinion on immigration from 1997 to 2007 was ignored: now, without any debate in Parliament, the population of the UK will rise from 61m to 71.6m by 2033 if current trends in growth continue. Just over two-thirds of the increase is likely to be related directly or indirectly to migration to the UK.[9]

Meanwhile, the promised referendum on the EU Lisbon treaty was denied and Parliamentary time on the matter was largely technical, not substantive, with voting on party lines.

As noted above, there are some examples of Parliamentary outrage causing government to backtrack. The removal of the 10p tax rate in 2008 was one such instance. However, the evidence is almost all in the direction of democracy being ill-served by Parliamentary procedure as it now stands.

How many MPs do we need?

The Conservative Party (September 2009) has suggested a 10% reduction in the number of MPs, which appears a half-hearted stab at reform. On the one hand, far fewer MPs are needed for business in the House, perhaps half the number, but against that, the present numbers provide good access for constituents. Research indicates that

larger constituencies make representatives more distant from constituents and less trusted as a result.[10] These relationships are important for democracy. What principle should guide the identification of the right number of MPs? The Conservative proposals provide an inadequate answer.

The US lower house has 435 congressmen for a population five times larger than the UK.[11] China (albeit not a democracy) has 300 for a population 20 times larger. France, which perhaps is more comparable, has 577 Deputies for much the same population – equivalent to the Conservatives' 10% reduction.[12]

A related question is constituency boundary determination. At present there is a wide disparity between the sizes of constituencies. As of today, this disparity favours Labour but that has not always been the case. The process of gathering data and then long, infrequent consideration by the Boundary Commission means that the boundaries are always 10 years out of date.[13] And yet changing boundaries is disruptive, expensive and confusing for voters.[14] No one would like that to be too frequent.

The paper returns to this subject in the next section on proposed reforms.

Proposed Reforms

One conclusion from all this could be that it would be best to demolish Parliament and sell the land to reduce our escalating public debt. By starting afresh, a new assembly could focus on three roles:

- Financial matters: budgets, finance bills, Public Accounts Committee etc.
- Questioning ministers on the floor of the House and in committees chaired by opposition MPs. This would include challenging new government bills.
- Proposing Private Members' and Opposition bills on the floor of the House.

In addition, we need to consider how constituents concerns with departments could be handled. Assuming the above business could be handled by half the present number of MPs, then each would require an extra assistant to pursue these matters with Departments in the name of the MP. The truth of the matter is that most constituents' letters get standard answers written by assistants and merely signed by the MPs. The new assistant role would be an excellent training ground for future parliamentarians.

Note that, on this basis, the Commons would have virtually no legislative responsibility, finance aside, and written questions would be gone. In practice, that is very nearly the status quo.

But that conclusion is a "straw man". A better conclusion is reform. Some ideas are listed below but we first need thorough research on how the House and how MPs (these are different questions) spend their time, as well as levels of productivity achieved for the time spent on these different activities. We know the House and MPs are immensely busy but Parkinson's Law explains much of that. Much of the busy-ness, like the scrutiny committees, simply involves going through the motions, while much of it is based on what used to be valuable but no longer is. Old habits die hard and any visitor to Parliament can testify to its monastic culture and rhythms. The final section lists some specific areas for research.

Meanwhile, and before summarising our main recommendations, we list below 14 detailed areas where reform might be appropriate:

1. Parliament's role as the primary UK legislative body should be restored. That means making time for proper scrutiny of EU legislation and legislative Statutory Instruments (see below) and following that through to ensure Parliamentary wishes prevail. This can be measured by the number of Statutory Instruments rejected, and the amount and extent of EU legislation amended as a result of UK Parliamentary intervention directly with the EU Commission. Direct communication, albeit not robust, already takes place between the EU and the Lords. This should be extended to the Commons, with the two Houses working together to maximise the muscle applied by the UK. Ministers should be required to follow the Parliamentary line, as some EU Member States – like Denmark – now require, rather than the other way about.

2. At present, proposed EU legislation (about 100 Directives and legislative Regulations per year) is given only cursory attention in the Commons by its European Scrutiny Committee. Treaties aside, it is not considered at all by the House as a whole. The Committee is diligent but consideration of those 100 pieces of legislation is buried beneath 900 other EU documents. Neither EU nor UK Impact Assessments are considered as they should be to determine if the new law is justified. The House as a whole should

give proposed EU legislation time proportionate to its importance relative to proposed UK legislation.

3. Arrangements should be made for the Leader of the House, acting jointly with the two main Shadow Leaders, to streamline the proposed legislative programme by transferring minor matters to Statutory Instruments, or to local government where they are too minor or too uncontroversial to take up the time of the House. Commonsensical amendments to existing laws should not be opposed for the sake of it. The full 2008-09 legislative programme is not yet available for analysis but Appendix 1 provides an analysis of the programme up to the summer recess.

4. The status of Statutory Instruments, i.e. what can be dealt with by Statutory Instruments and what requires primary legislation, should be clarified, not least so that the more streamlined Statutory Instrument processes can be used for minor legislative matters. To the outsider, the line between where Statutory Instruments can be used and where primary legislation is required seems arbitrary and artificial.

5. At the same time, Statutory Instruments should be divided into two classes as the Treaty of Lisbon proposes for EU Regulations, namely secondary legislation and administrative orders. Only about 5% of the 3,500 or so UK Statutory Instruments are legislative: treating them all the same loses the attention that should be given to new regulations, i.e. secondary legislation, amid the forest of administrative orders.

6. Whilst it is sensible to give administrative orders the low attention they now receive, primarily in the Lords, that is not the case for secondary legislation which should be challenged by the relevant select committees using the Impact Assessments that are, regrettably, not currently prepared.[15] Legislative Statutory Instruments that fail to satisfy the relevant select committee that they are (a) necessary, (b) effective, and (c) an efficient way to achieve the agreed policy, should be rejected.

7. To improve the balance between effective government and challenge, Commons select committees should be chaired by opposition MPs (as the Public Accounts Committee is) and conduct their business in public, whilst continuing to have a majority of governing party MPs. Sunlight is the best guarantee of responsibility.

8. Opposition parties should be given a new facility to propose legislative SIs in the same way as government can. This procedure would mostly be used to amend/repeal redundant regulations and legislation. To avoid confusion, the preliminary draft SI would need to be agreed by 90% of opposition whips in order to proceed.

9. The independence of regulators, such as Ofcom or Ofwat, should be underlined by having them report to the relevant select committee just as the NAO reports to the Public Accounts Committee. Their non-political role should be firmed by returning any quasi-governmental responsibilities, such as reducing fuel poverty, to the relevant government departments.

10. As noted above, constituency boundaries have long failed to provide consistent numbers of voters. In this century, the boundaries give substantial advantage to Labour, who in 2005 won 56.5% of the seats with 36.2% of the votes.[16] Part of this is due to the first past the post system, but the rest is due to the Boundary Commission working very slowly with data which is out of date before they even start. Quite why they take years to decide matters which modern computers could resolve in a day, is a matter for another paper. We suggest only that their decisions are based on the projections of population shifts to the election dates for which they are used. These projections will not be perfect but they would be much closer to reality than the 10 year data used currently.

11. We should recognise that most topics do not interest most MPs and therefore greater use of fewer committees should improve efficiency and effectiveness. MPs should be paid extra for membership of committees. An MP not showing up to three committee meetings in a row should (subject to illness and special circumstances) cease to be a member of that committee.

12. Having given priority to legislative matters, the remaining House (chamber and committee) time should be allocated to challenging ministers and asking substantive questions.

13. The number of MPs should be radically reduced but that should be offset by each nominating an Assistant MP, i.e. one of the members of the MP's staff, who can deal with Whitehall or local government in the MP's name.

14. Finally, written parliamentary questions should be discontinued but the research and constituents' interests that they now serve should be replaced by email direct to the relevant Whitehall or local government public servant with, where relevant, copy to the constituent(s) concerned, leaving them to follow the matter up or return to the Assistant MPs where required.

Areas for future research

We need outline data on how the Commons and how MPs spend their time and on productivity. How many Bills are considered in each parliamentary session? How effective is directly challenging ministers in the House, as opposed to other uses of parliamentary time? What proportion of time was spent on (a) proposed EU legislation and (b) other EU matters? How much primary legislation was trivial enough to have been handled through Statutory Instruments?

Those findings should be compared with "best practice" Parliaments in other countries such as Denmark. They all have similar problems and deciding with is the best and most relevant would itself be difficult. Nevertheless, the "mother of Parliaments" needs to learn from others.

Comparison should also be made with British practices in the 19th Century, when Parliament had more power, more authority, and a large Empire to run.

This subject should be discussed with a cross section of EU Commission staff to identify how Parliament and EU government can work together, in the interests of UK constituents, most productively.

Main Recommendations

1. Parliament should re-assert its role as the UK's primary legislative body and as the place where government ministers are called to account.

2. Fewer MPs should allocate their time to give better focus on important issues, notably proposed EU legislation, while delegating minor issues to secondary legislation (Statutory Instruments) and nodding through commonsensical amendments. This requires research into current use of time and comparable national assemblies.

3. House time devoted to proposed UK and EU legislation should be proportionate individually and overall, to the importance of the legislation.

4. Legislative Statutory Instruments should be more effectively scrutinised and debated where appropriate. Their function and purpose should be clarified and distanced from the vast number of administrative orders. Private Members and Opposition parties should be able to initiate them. Excessive regulation should be challenged in the House.

5. Regulators should return political responsibilities to their departments and then be accountable to the relevant Commons Select Committee on the model of the National Audit Office and the Public Accounts Committee. On the same model, such committees should have chairmen from Opposition parties.

6. Constituents should be better represented by eliminating written questions and providing direct access for MPs and Assistant MPs to government departments.

Interim Conclusion

Parliamentary reform would be better than reaching for the dynamite. In undertaking this task, we should start from first principles. The status quo is that the executive, notably the Civil Service, do not want "interference" from Parliament and MPs – a view sustained by MPs' claim that they are too busy to provide an effective check. The EU is keen to remove powers, seen as obstructive, from member state national governments and transfer them to regions which are increasingly on Brussels' direct payroll. Why else would the EU be so enthusiastic about regional subsidies for rich countries well able to subsidise their own regions?[17]

The fundamental reform proposed in this paper is that a slimmer Parliament should recover its legislative authority and reorganise its time to deal properly with EU and secondary legislation, giving less time to trivial primary legislation, some of which can be handled through the more streamlined secondary process and some of which can simply be nodded through.

Parliament today has lost its power and significance. It should reform itself and not wait for direction from Whitehall or Brussels, both of whom would be quite happy without it.

Endnotes

1 Spectator leader, 17 October 2009, p.7.
2 John Bright (16 November 1811 - 27 March 1889).
3 The Althing dates from 930 but, as writing had not yet come to Iceland, the only laws were the ones they could remember. This has much to commend it. Simon de Montfort called the first elected English Parliament in 1265.
4 Statutory Instruments are created by government departments and nodded through by both Houses albeit the Lords do try to ensure that they are well drafted. Parliament can, in theory, block SIs but does not do so in practice.
5 By the summer recess, most of the 26 government Bills had been endorsed.
6 Data from The UK Statute Database: http://www.statutelaw.gov.uk
7 See the questions in 2007/9 put down by the Liberal Democrats' Heath Spokesman for examples of minutiae.
8 BCC 2009 report
9 The Office for National Statistics data, reported by BBC News 21st October 2009.
10 Bowen, Daniel C. (2007) "The Effect of Constituency Size on Public Attitudes About State Governments in the U.S." Paper presented at the annual meeting of the American Political Science Association, Chicago, IL, 30th August.
11 http://clerk.house.gov/art_history/house_history/congApp/
12 http://www.assemblee-nationale.fr/english/8al.asp
13 "Disproportionality and bias in the results of the 2005 general election in Great Britain: evaluating the electoral system's impact," Ron Johnston, David Rossiter and Charles Pattie, Journal of Elections, Public Opinion & Parties, 2006.
14 In a Channel 4/Telegraph debate at the October 2009 Conservative Party conference in October 2009, Simon Heffer claimed the latest review of constituency boundaries had cost the UK taxpayer "many millions of pounds".
15 For historical reasons, MPs use, occasionally, the "Explanatory Memoranda" provided for new regulations and not the more explicit "Impact Assessments". The two should be combined and the duplication eliminated.
16 "Disproportionality and bias in the results of the 2005 general election in Great Britain: evaluating the electoral system's impact," Ron Johnston, David Rossiter and Charles Pattie, Journal of Elections, Public Opinion & Parties, 2006.
17 Tim Ambler, "Future Financing of the EU," Future Financing of the EU: Report with Evidence, 6th Report of Session 2004-05, European Union Committee, House of Lords (9 March 2005), HL Paper 62, 131-133.

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Appendix 1 – Analysis of Public Bill list

Section 2008-09 Wednesday 22 July 2009

Category	Number
Total Bills listed	122
Government Bills (almost all passed, some delayed until October)	26
Dropped, Lapsed or withdrawn	22
2nd Reading in October (there is a very limited facility for carrying uncompleted Bills though to the next session starting in November)	65

When the full details are available for the year, it would be interesting to complete the analysis and compare previous years before and after accession to the EU/EEC. Meanwhile, it looks likely that about 50 or 60 Bills will become legislation in the year as a whole, because they have government initiation or support. Private or opposition Bills almost all fail which raises the question of why anyone should bother with them. Primarily they are a way of drawing attention to particular issues. Some influence future government Bills. But that raises the question of whether this attention could be achieved in other ways, which are less burdensome for Parliamentary time.

For example, if opposition parties and private members could propose legislation in the form of Statutory Instruments, negotiation could take place with government off line, with the issue ultimately decided by Parliament.

Bills listed in this document which, prima facie, appear suitable for Statutory Instrument treatment are:

- Armenian Genocide Remembrance [43]
- Bankers' Pensions (Limits) [73] – The FSA should be able to deal with this.
- British Museum Act 1963 (Amendment) [32]
- Dangerous Dogs (Amendment) [128]
- Food Labelling Regulations (Amendment) [75]
- Illegally Logged Timber (Prohibition of Sale) [41]
- Lending (Regulation) [24]
- Pedlars (Amendment) [48]
- Pharmaceutical Labelling [30]
- Road Signs (Tourist Destinations and Facilities) [107]
- School Bus (Safety) [95]
- Scottish Banknotes (Acceptability in the United Kingdom) [16]
- Teaching of British History in Schools [71]
- Theft from Shops (Use of Penalty Notices for Disorders) [74]

Appendix 2 – Extract from the Deregulation and Contracting Out Act 1994 (c. 40)

1. Power to remove or reduce certain statutory burdens on businesses, individuals etc.

(1) If, with respect to any provision made by an enactment, a Minister of the Crown is of the opinion—

(a) that the effect of the provision is such as to impose, or authorise or require the imposition of, a burden affecting any person in the carrying on of any trade, business or profession or otherwise, and

(b) that, by amending or repealing the enactment concerned and, where appropriate, by making such other provision as is referred to in subsection (4)(a) below, it would be possible, without removing any necessary protection, to remove or reduce the burden or, as the case may be, the authorisation or requirement by virtue of which the burden may be imposed, he may, subject to the following provisions of this section and sections 2 to 4 below, by order amend or repeal that enactment.

(2) The reference in subsection (1)(b) above to reducing the authorisation or requirement by virtue of which a burden may be imposed includes a reference to shortening any period of time within which the burden may be so imposed.

(3) In this section and sections 2 to 4 below, in relation to an order under this section,—

(a) "the existing provision" means the provision by which the burden concerned is imposed or, as the case may be, is authorised or required to be imposed; and

(b) "the relevant enactment" means the enactment containing the existing provision.

(4) An order under this section shall be made by statutory instrument