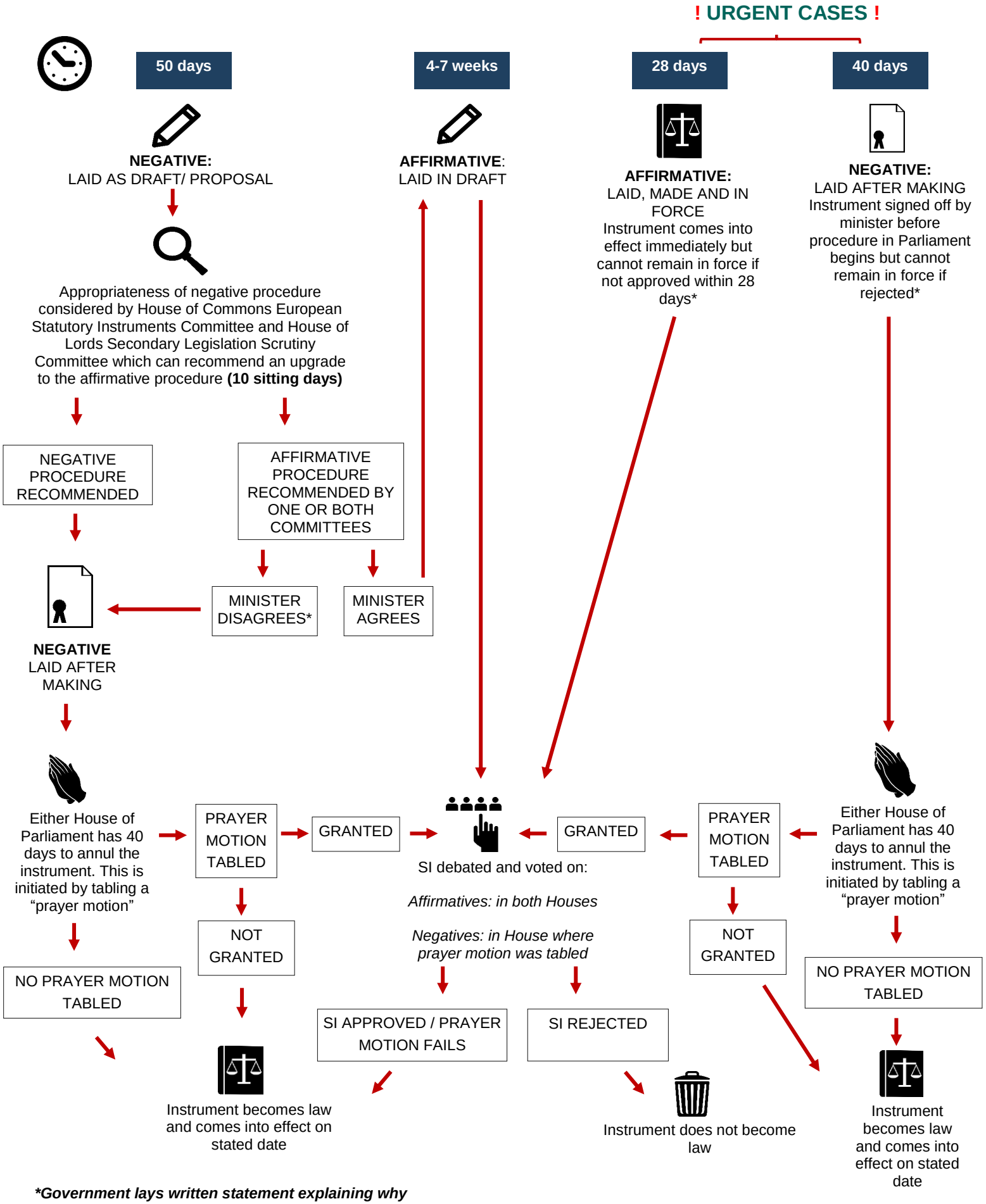
EU WITHDRAWAL SI PROCEDURE FLOWCHART

(SIs made under sections 8, 9 and 23(1) of the EU (Withdrawal) Act 2018)



Government lays written statement explaining why

NEGATIVE PROCEDURE FLOWCHART

There are **two** types of negative instrument:

LAID AFTER MAKING

Instrument signed off by Minister before procedure in Parliament begins

LAID IN DRAFT

Instrument can only be signed off after **40 day** scrutiny period ends without annulment

Considered by the Joint Committee on Statutory Instruments (JCSI) and the House of Lords Secondary Legislation Scrutiny Committee (SLSC)

40 days

Either House of Parliament has 40 days to annul the instrument. This is initiated by tabling a "prayer motion"

PRAYER TABLED AND GRANTED

Prayer motion debated for up to one and a half hours (not time limited in Lords) and followed by a vote to annul instrument

ANNUL MOTION FAILS

Instrument becomes law and comes into, or remains in, effect on stated date

ANNUL MOTION SUCCEEDS

Instrument does not become law if either House annuls instrument

NO PRAYER TABLED

AFFIRMATIVE PROCEDURE FLOWCHART

There are **three** types of affirmative instrument:

LAID IN DRAFT

Instrument can only be signed off if approved by both Houses

LAID AFTER MAKING

Instrument signed off by Minister before procedure in Parliament begins

LAID, MADE AND IN FORCE

Instrument comes into effect immediately but cannot remain in force if rejected

Considered by the Joint Committee on Statutory Instruments (JCSI) and the House of Lords Secondary Legislation Scrutiny Committee (SLSC)

4 - 7 weeks

Instrument debated by MPs and peers

Vote in both Houses to approve instrument

SI approved

Instrument becomes law and comes into effect on stated date

SI rejected

Instrument does not become law if either House rejects instrument