



PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA

**OPERATIONAL GUIDELINES FOR
INTERIM JOINT COMMITTEE ON SCRUTINY OF DELEGATED LEGISLATION**

(As finalised by NA and NCOP Table Staff)

The following guidelines are recommended for -

- (a) the referral of bills with delegating provisions to the Interim Joint Committee on Scrutiny of Delegated Legislation (Scrutiny Committee); and
- (b) determining the reporting requirements of, and liaison between, the Scrutiny Committee and other committees.

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- (1) When a bill is introduced and referred to the JTM in accordance with Joint Rule 160(1), the JTM must also make a finding on whether the bill contains delegating provisions and include the finding in its report.
 - (2) Should the JTM find that a bill contains delegating provisions, the bill must also be referred to the Interim Joint Committee on Scrutiny of Delegated Legislation (the Scrutiny Committee) for consideration and report in accordance with its mandate.
 - (3) The progress report on bills presented to the Programme Committees should now also include a report on matters before the Scrutiny Committee.
 - (4) If a portfolio or select committee considering a bill with delegating provisions intends amending those provisions, its intent to amend and the scope of the amendment must immediately be reported in writing to the relevant House Chairperson: Committees.

- (5) Upon receiving such notification, the House Chairperson: Committees must promptly inform the Scrutiny Committee and also report the matter to the corresponding Programme Committee.
- (6) A committee considering a bill with delegating provisions must give notice of at least three weeks to the Programme Committee of when it intends finalising that bill in order to allow the Scrutiny Committee sufficient time to publish its report on the delegating provisions.
- (7) A committee considering delegated legislation that requires approval, disapproval or consultation with Parliament or either of the Houses must give notice of at least three weeks to the Programme Committee of when it intends finalising that delegated legislation to allow the Scrutiny Committee sufficient time to publish its report on that delegated legislation.
- (8) The Scrutiny Committee must publish a report on the delegating provisions in a bill or on delegated legislation as soon as possible within the three-week notice period, unless an extension for the finalisation of the bill or the delegated legislation has been granted by the relevant Programme Committee.
- (9) When a portfolio or select committee reports on a bill with delegating provisions, it must indicate in its report whether consideration had been given to the recommendations of the Scrutiny Committee, if any, that were published in the ATC.
- (10) When a portfolio committee or select committee reports on delegated legislation that requires approval, disapproval or consultation with Parliament or either of the Houses, its report must state whether consideration had been given to the recommendations of the Scrutiny Committee, if any, that were published in the ATC.

PROCESS FOR APPROVAL OF GUIDELINES

- (1) It is proposed that the guidelines be presented to the Joint Rules Committee at its next meeting (provisionally scheduled for 4 September 2012) for approval as operational guidelines for the Scrutiny Committee, augmenting the interim rules that were adopted by the Houses.
- (2) Once the guidelines have been agreed by the Joint Rules Committee, they can be published in the ATC for the information of all members and portfolio and select committees.