



House of Lords
House of Commons
Joint Committee on
Statutory Instruments

Second Report of Session 2008-09

*Ordered by the House of Lords to be printed
17 December 2008*

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Joint Committee on Statutory Instruments

Current membership

House of Lords

Lord Campbell of Alloway (*Conservative*)
Baroness Jones of Whitchurch (*Labour*)
Lord Kimball (*Conservative*)
Countess of Mar (*Crossbench*)
Earl of Mar and Kellie (*Liberal Democrat*)
Lord Walpole (*Crossbench*)

House of Commons

David Maclean MP (*Conservative, Penrith and The Border*)
(Chairman)
Dr Roberta Blackman-Woods MP (*Labour, City of Durham*)
Mr Peter Bone MP (*Conservative, Wellingborough*)
Michael Jabez Foster MP (*Labour, Hastings and Rye*)
Mr David Kidney MP (*Labour, Stafford*)
David Simpson MP (*Democratic Unionist, Upper Bann*)

Powers

The full constitution and powers of the Committee are set out in House of Commons Standing Order No. 151 and House of Lords Standing Order No. 74, available on the Internet via www.parliament.uk/jcsi.

Remit

The Joint Committee on Statutory Instruments (JCSI) is appointed to consider statutory instruments made in exercise of powers granted by Act of Parliament. Instruments not laid before Parliament are included within the Committee's remit; but local instruments and instruments made by devolved administrations are not considered by JCSI unless they are required to be laid before Parliament.

The role of the JCSI, whose membership is drawn from both Houses of Parliament, is to assess the technical qualities of each instrument that falls within its remit and to decide whether to draw the special attention of each House to any instrument on one or more of the following grounds:

- i. that it imposes, or sets the amount of, a charge on public revenue or that it requires payment for a licence, consent or service to be made to the Exchequer, a government department or a public or local authority, or sets the amount of the payment;
- ii. that its parent legislation says that it cannot be challenged in the courts;
- iii. that it appears to have retrospective effect without the express authority of the parent legislation;
- iv. that there appears to have been unjustifiable delay in publishing it or laying it before Parliament;
- v. that there appears to have been unjustifiable delay in sending a notification under the proviso to section 4(1) of the Statutory Instruments Act 1946, where the instrument has come into force before it has been laid;
- vi. that there appears to be doubt about whether there is power to make it or that it appears to make an unusual or unexpected use of the power to make;
- vii. that its form or meaning needs to be explained;
- viii. that its drafting appears to be defective;
- ix. any other ground which does not go to its merits or the policy behind it.

The Committee usually meets weekly when Parliament is sitting.

Publications

The reports of the Committee are published by The Stationery Office by Order of both Houses. All publications of the Committee are on the Internet at www.parliament.uk/jcsi.

Committee staff

The current staff of the Committee are John Whatley (*Commons Clerk*), Kath Kavanagh (*Lords Clerk*) and Jacqueline Cooksey (*Committee Assistant*). Advisory Counsel: Peter Davis, Peter Brooksbank and Christine Cogger (*Commons*); Allan Roberts and Peter Milledge (*Lords*).

Contacts

All correspondence should be addressed to the Clerk of the Joint Committee on Statutory Instruments, Delegated Legislation Office, 7 Millbank, London SW1P 3JA. The telephone number for general inquiries is: 020 7219 2830; the Committee's email address is: jcsi@parliament.uk.

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Instruments not reported

At its meeting on 17 December 2008 the Committee considered the Instruments set out in the Annex to this Report, none of which were required to be reported to the respective Houses.

Annex

Instruments to which the Committee does not draw the special attention of both Houses

- *denotes that the written evidence submitted in connection with the instrument is printed with this Report*
- *denotes written evidence has been submitted but not printed*

Draft instruments requiring affirmative approval

Draft S.I.	Criminal Justice and Police Act 2001 (Amendment) Order 2009
Draft S.I.	European Communities (Definition of Treaties) (Agreements concluded under Article XXI GATS) Order 2008
Draft S.I.	Merchant Shipping and Fishing Vessels (Port Waste Reception Facilities) (Amendment) Regulations 2009
Draft S.I.	Northern Ireland Arms Decommissioning Act 1997 (Amnesty Period) Order 2009
Draft S.I.	Open-Ended Investment Companies (Amendment) Regulations 2009
Draft S.I.	Postponement of Local Elections (Northern Ireland) Order 2009
Draft S.I.	Statistics and Registration Service Act 2007 (Disclosure of Pupil Information) (England) Regulations 2009
Draft S.I.	Unit Trusts (Electronic Communications) Order 2009

Instruments subject to annulment

S.I. 2008/2936	Medical Devices (Amendment) Regulations 2008
S.I. 2008/2939	Education (Student Support) (Amendment) (No. 3) Regulations 2008
S.I. 2008/2945	Education (Special Educational Needs Co-ordinators) (England) Regulations 2008
S.I. 2008/2946	Medicines (Pharmacies) (Applications for Registration and Fees) Amendment Regulations 2008
S.I. 2008/2947	Judicial Pensions and Retirement Act 1993 (Addition of Qualifying Judicial Offices) (No. 2) Order 2008
S.I. 2008/2989	Local Government Pension Scheme (Amendment) (No. 2) Regulations 2008
S.I. 2008/2992	Rodbaston College, Cannock Chase Technical College and Tamworth and Lichfield College (Dissolution) Order 2008
S.I. 2008/2999	Charges for Residues Surveillance (Amendment) Regulations 2008

- S.I. 2008/3000** Companies Act 2006 (Annual Return and Service Addresses) Regulations 2008
- S.I. 2008/3006** Companies (Company Records) Regulations 2008
- S.I. 2008/3007** Companies (Fees for Inspection of Company Records) Regulations 2008
- S.I. 2008/3008** Race Relations Act 1976 (Amendment) Regulations 2008
- S.I. 2008/3010** Mutual Recognition of Driving Disqualifications (Great Britain and Ireland) Regulations 2008
- S.I. 2008/3013** Removal, Storage and Disposal of Vehicles (Prescribed Sums and Charges) (Amendment) (England) Regulations 2008
- S.I. 2008/3015** Allocation of Housing (England) (Amendment) (Family Intervention Tenancies) Regulations 2008
- S.I. 2008/3016** North Yorkshire County Council (School Meals) Order 2008
- S.I. 2008/3019** Excise Duties (Road Fuel Gas) (Reliefs) (Revocation) Regulations 2008
- S.I. 2008/3022** Local Government (Structural Changes) (Finance) Regulations 2008
- S.I. 2008/3045** Electricity (Exemption from the Requirement for a Generation Licence) (Little Cheyne Court) (England and Wales) Order 2008
- S.I. 2008/3046** Electricity (Exemption from the Requirement for a Generation Licence) (Gunfleet Sands II) (England and Wales) Order 2008
- S.I. 2008/3047** General Chiropractic Council (Constitution) Order 2008
- S.I. 2008/3052** Immigration (Designation of Travel Bans) (Amendment) Order 2008
- S.I. 2008/3053** Definition of Financial Instrument Order 2008
- S.I. 2008/3054** Education (Student Support) (European Institutions) (Amendment) (No. 2) Regulations 2008
- S.I. 2008/3055** Employment Rights (Increase of Limits) Order 2008
- S.I. 2008/3063** Export Control (Iran) (Amendment) Order 2008
- S.I. 2008/3064** Christmas Bonus (Relevant Week) Order 2008
- S.I. 2008/3067** Human Tissue Act 2004 (Ethical Approval, Exceptions from Licensing and Supply of Information about Transplants) (Amendment) Regulations 2008
- S.I. 2008/3069** Financial Assistance Scheme (Amendment) Regulations 2008
- S.I. 2008/3070** Occupational Pensions (Revaluation) Order 2008
- **S.I. 2008/3073** Takeover Code (Concert Parties) Regulations 2008

Instruments subject to annulment (Northern Ireland)

- S.R. 2008/444** Pensions Appeal Tribunals (Northern Ireland) (Amendment) Rules 2008
- S.R. 2008/452** Prison and Young Offenders Centre (Amendment) Rules (Northern Ireland) 2008
- S.R. 2008/457** Victims of Mentally Disordered Offenders Information (Northern Ireland) Scheme 2008
- S.R. 2008/466** Family Proceedings (Amendment No. 3) Rules (Northern Ireland) 2008

Instruments not subject to Parliamentary proceedings not laid before Parliament

- S.I. 2008/1882** Pensions Act 2004 (Code of Practice) (Dispute Resolution) Appointed Day Order 2008
- S.I. 2008/1922** Water Act 2003 (Commencement No. 8) Order 2008
- S.I. 2008/2888** Education (Listed Bodies) (England) (Amendment) Order 2008
- S.I. 2008/2993** Criminal Justice and Immigration Act 2008 (Commencement No. 4 and Saving Provision) Order 2008
- S.I. 2008/2994** Health and Social Care Act 2008 (Commencement No. 4) Order 2008
- S.I. 2008/2996** Companies (Particulars of Company Charges) Regulations 2008
- S.I. 2008/3011** Offshore Installations (Safety Zones) (No. 4) Order 2008
- S.I. 2008/3014** Companies (Registration) Regulations 2008
- S.I. 2008/3023** Income Tax (Indexation) (No. 3) Order 2008
- S.I. 2008/3068** Housing and Regeneration Act 2008 (Commencement No. 2 and Transitional, Saving and Transitory Provisions) Order 2008
- S.I. 2008/3076** Channel Tunnel Rail Link (Nomination) Order 2008