



House of Lords  
House of Commons  
Joint Committee on  
Statutory Instruments

---

# Twenty-second Report of Session 2008-09

---

*Ordered by the House of Lords to be printed  
21 October 2009*

*Ordered by the House of Commons to be printed  
21 October 2009*

**HL Paper 162**

**HC 3-xxii**

Published on 27 October 2009  
by authority of the House of Lords  
and the House of Commons  
London: The Stationery Office Limited  
£0.00

# Joint Committee on Statutory Instruments

## Current membership

### House of Lords

Lord Campbell of Alloway (*Conservative*)  
Lord Clinton-Davis (*Labour*)  
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](http://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](http://www.parliament.uk/jcsi).

## Committee staff

The current staff of the Committee are John Whatley (*Commons Clerk*), Kath Kavanagh (*Lords Clerk*) and Jennifer Steele (*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](mailto:jcsi@parliament.uk).

# Contents

---

<b>Report</b>	<i>Page</i>
Instruments not reported	<b>2</b>
<b>Annex</b>	<b>3</b>

## Instruments not reported

---

At its meeting on 21 October 2009 the Committee considered the Instruments set out in the Annex to this Report, none of which were required to be reported.

# 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

## Instruments requiring affirmative approval

- S.I. 2009/2615** Company, Limited Liability Partnership and Business Names (Sensitive Words and Expressions) Regulations 2009
- S.I. 2009/2725** Financial Restrictions (Iran) Order 2009

## Draft Instruments requiring affirmative approval

- Draft S.I.** Company, Limited Liability Partnership and Business Names (Public Authorities) Regulations 2009
- Draft S.I.** Legislative and Regulatory Reform (Regulatory Functions) (Amendment) Order 2009
- Draft S.I.** Ministry of Defence Police (Conduct) Regulations 2009
- Draft S.I.** Ministry of Defence Police Appeals Tribunals Regulations 2009
- Draft S.I.** Private Security Industry Act 2001 (Amendment) (Northern Ireland) Order 2009
- Draft S.I.** Private Security Industry Act 2001 (Amendments to Schedule 2) Order 2009
- Draft S.I.** Provision of Services Regulations 2009
- Draft S.I.** Rail Vehicle Accessibility (Networks) Exemption Order 2009
- Draft S.I.** Saving Gateway Accounts Regulations 2009
- Draft S.I.** Scottish and Northern Ireland Banknote Regulations 2009
- Draft S.I.** Social Security (Contributions Credits for Parents and Carers) Regulations 2009
- Draft S.I.** Government of Wales Act 2006 (Consequential Modifications, Transitional Provisions and Saving) Order 2009
- Draft S.I.** Welsh Ministers (Transfer of Functions) (No. 2) Order 2009

## Instruments subject to annulment

- S.I. 2009/1541** Explanatory Memorandum to the Social Security (Incapacity Benefit Work-focused Interviews) (Amendment) Regulations 2009
- S.I. 2009/1584** Food Irradiation (England) Regulations 2009
- S.I. 2009/1586** Education (Outturn Statements) (England) Regulations 2009

<b>S.I. 2009/1596</b>	Education (School and Local Education Authority Performance Targets) (England) (Amendment) Regulations 2009
<b>S.I. 2009/1597</b>	Non-Domestic Rating (Deferred Payments) (England) Regulations 2009
<b>S.I. 2009/1599</b>	National Health Service (Travel Expenses and Remission of Charges) Amendment Regulations 2009
<b>S.I. 2009/1600</b>	Electricity (Exemption from the Requirement for a Generation Licence) (Rhyl Flats) (England and Wales) Order 2009
<b>S.I. 2009/1602</b>	Adult Skills (Specified Qualifications) Regulations 2009
<b>S.I. 2009/1603</b>	Supreme Court Rules 2009
<b>S.I. 2009/1609</b>	Ministry of Defence Police (Committee) Regulations 2009
<b>S.I. 2009/1610</b>	Environmental Noise (England) (Amendment) Regulations 2009
<b>S.I. 2009/1611</b>	Horse Passports Regulations 2009
<b>S.I. 2009/1632</b>	Companies (Shareholders' Rights) Regulations 2009
<b>S.I. 2009/1633</b>	Education (Independent Educational Provision in England) (Unsuitable Persons) Regulations 2009
<b>S.I. 2009/1675</b>	Lyme Bay Designated Area (Fishing Restrictions) (Amendment) Order 2009
<b>S.I. 2009/1676</b>	Social Security (Deemed Income from Capital) Regulations 2009
<b>S.I. 2009/1677</b>	Data Protection (Notification and Notification Fees) (Amendment) Regulations 2009
<b>S.I. 2009/1735</b>	Air Navigation (Single European Sky) (Penalties) Order 2009
<b>S.I. 2009/1739</b>	Criminal Jurisdiction (Application to Offshore Renewable Energy Installations etc.) Order 2009
<b>S.I. 2009/1741</b>	Commonwealth Countries and Ireland (Immunities and Privileges) (Amendment) Order 2009
<b>S.I. 2009/1742</b>	Air Navigation (Amendment) Order 2009
<b>S.I. 2009/1743</b>	Civil Jurisdiction (Application to Offshore Renewable Energy Installations etc.) Order 2009
<b>S.I. 2009/1744</b>	Public Records (Designation of Bodies) Order 2009
<b>S.I. 2009/1750</b>	Health and Safety at Work etc. Act 1974 (Application outside Great Britain) (Variation) Order 2009
<b>S.I. 2009/1768</b>	Local Authority Social Services and National Health Service Complaints (England) (Amendment) Regulations 2009
<b>S.I. 2009/1771</b>	Common Agricultural Policy Single Payment and Support Schemes (Horticulture) Regulations 2009
<b>S.I. 2009/1773</b>	Control of Trade in Endangered Species (Enforcement) (Amendment) Regulations 2009
<b>S.I. 2009/1797</b>	Safeguarding Vulnerable Groups Act 2006 (Miscellaneous Provisions) Order 2009
<b>S.I. 2009/1806</b>	Road Vehicles (Construction and Use) (Amendment) (No. 2) Regulations 2009

<b>S.I. 2009/1808</b>	General Dental Council (Constitution) Order 2009
<b>S.I. 2009/1809</b>	Licensing Act 2003 (Premises Licences and Club Premises Certificates) (Miscellaneous Amendments) Regulations 2009
<b>S.I. 2009/1810</b>	Dunfermline Building Society Independent Valuer Order 2009
<b>S.I. 2009/1814</b>	Motorways Traffic (M42 Motorway) (Junctions 10 to 11 Northbound) (Restriction on Use of Offside Lane) Regulations 2009
<b>S.I. 2009/1816</b>	Home Energy Efficiency Scheme (England) (Amendment) Regulations 2009
<b>S.I. 2009/1829</b>	Working Tax Credit (Entitlement and Maximum Rate) (Amendment) Regulations 2009
<b>S.I. 2009/1833</b>	Limited Liability Partnerships (Amendment) Regulations 2009
<b>S.I. 2009/1837</b>	Gambling (Operating Licence and Single-Machine Permit Fees) (Amendment) Regulations 2009
<b>S.I. 2009/1839</b>	Violent Crime Reduction Act 2006 (Drinking Banning Orders) (Approved Courses) Regulations 2009
<b>S.I. 2009/1843</b>	Criminal Defence Service (Funding) (Amendment) Order 2009
<b>S.I. 2009/1846</b>	General and Specialist Medical Practice (Education, Training and Qualifications) Amendment Order 2009
<b>S.I. 2009/1847</b>	Sea Fishing (Enforcement of Community Control Measures) (Amendment) Order 2009
<b>S.I. 2009/1850</b>	Sea Fishing (Landing and Weighing of Herring, Mackerel and Horse Mackerel) Order 2009
<b>S.I. 2009/1884</b>	Lasting Powers of Attorney, Enduring Powers of Attorney and Public Guardian (Amendment) Regulations 2009
<b>S.I. 2009/1887</b>	Community Care, Services for Carers and Children's Services (Direct Payments) (England) Regulations 2009
<b>S.I. 2009/1888</b>	Pensions Regulator (Delegation of Powers) Regulations 2009
<b>S.I. 2009/1900</b>	Energy Performance of Buildings (Certificates and Inspections) (England and Wales) (Amendment) Regulations 2009
<b>S.I. 2009/1901</b>	Planning (Hazardous Substances) (Amendment) (England) Regulations 2009
<b>S.I. 2009/1906</b>	Occupational Pension Schemes (Scottish Parliamentary Pensions Act 2009) Regulations 2009
<b>S.I. 2009/1907</b>	Occupational Pension Schemes (Public Service Pension Schemes) Regulations 2009
<b>S.I. 2009/1911</b>	Financial Restrictions Proceedings (UN Terrorism Orders) Order 2009
<b>S.I. 2009/1912</b>	Terrorism (United Nations Measures) Order (Consequential Amendments) Regulations 2009
<b>S.I. 2009/1917</b>	Overseas Companies (Execution of Documents and Registration of Charges) Regulations 2009
<b>S.I. 2009/1919</b>	Local Authorities (Overview and Scrutiny Committees) (England) Regulations 2009
<b>S.I. 2009/1920</b>	Parliamentary Pensions (Amendment) Regulations 2009

<b>S.I. 2009/1925</b>	Animals and Animal Products (Examination for Residues and Maximum Residue Limits) (Amendment) Regulations 2009
<b>S.I. 2009/1927</b>	Major Accident Off-Site Emergency Plan (Management of Waste from Extractive Industries) (England and Wales) Regulations 2009
<b>S.I. 2009/1931</b>	Solicitors' (Non-Contentious Business) Remuneration Order 2009
<b>S.I. 2009/1968</b>	Welsh Authority (Digital Switchover) Order 2009
<b>S.I. 2009/1969</b>	Glasgow Commonwealth Games Act 2008 (Games Association Right) Order 2009
<b>S.I. 2009/1970</b>	Gambling Act 2005 (Gaming Tables in Casinos) (Definitions) Regulations 2009
<b>S.I. 2009/1971</b>	Gambling (Personal Licence Fees) (Amendment) Regulations 2009
<b>S.I. 2009/1975</b>	Tribunal Procedure (Amendment No. 2) Rules 2009
<b>S.I. 2009/1976</b>	Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009
<b>S.I. 2009/1996</b>	Land Registration (Amendment) Rules 2009
<b>S.I. 2009/2024</b>	Commonhold (Land Registration) (Amendment) Rules 2009

#### **Instruments subject to annulment (Northern Ireland)**

<b>S.R. 2009/248</b>	Manufacture and Storage of Explosives (Amendment) Regulations (Northern Ireland) 2009
<b>S.R. 2009/265</b>	Sexual Offences (Northern Ireland) Order 2008 (Transitional Provisions) Order 2009
<b>S.R. 2009/267</b>	Legal Aid for Crown Court Proceedings (Costs) (Amendment) Rules (Northern Ireland) 2009

#### **Instruments not subject to Parliamentary proceedings laid before Parliament**

<b>S.I. 2009/1737</b>	Falkland Islands Courts (Overseas Jurisdiction) (Amendment) Order 2009
<b>S.I. 2009/1746</b>	North Korea (United Nations Measures) (Overseas Territories) (Amendment) Order 2009
<b>S.I. 2009/1751</b>	St Helena, Ascension and Tristan da Cunha Constitution Order 2009
<b>S.I. 2009/1755</b>	Turks and Caicos Islands Constitution (Interim Amendment) (Amendment) Order 2009

#### **Instruments not subject to Parliamentary proceedings not laid before Parliament**

<b>S.I. 2009/1604</b>	Constitutional Reform Act 2005 (Commencement No. 11) Order 2009
<b>S.I. 2009/1606</b>	Education and Skills Act 2008 (Commencement No. 4, Commencement No. 3 (Amendment), Transitory and Saving Provisions) Order 2009
<b>S.I. 2009/1608</b>	Welfare Reform Act 2007 (Commencement No. 11) Order 2009
<b>S.I. 2009/1678</b>	Criminal Justice and Immigration Act 2008 (Commencement No. 9) Order 2009
<b>S.I. 2009/1679</b>	Police and Justice Act 2006 (Commencement No. 11) Order 2009
<b>S.I. 2009/1740</b>	Inspectors of Education, Children's Services and Skills (No. 2) Order 2009
<b>S.I. 2009/1745</b>	Consular Fees (Amendment) Order 2009
<b>S.I. 2009/1812</b>	Wireless Telegraphy (Short Range Devices) (Exemption) Regulations 2009
<b>S.I. 2009/1840</b>	Violent Crime Reduction Act 2006 (Commencement No. 7) Order 2009



**S.I. 2009/1842** Criminal Justice and Immigration Act 2008 (Commencement No. 10) Order 2009