



House of Lords  
House of Commons  
Joint Committee on  
Statutory Instruments

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# Ninth Report of Session 2008-09

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18 March 2009*

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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](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 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](mailto:jcsi@parliament.uk).

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## Instruments not reported

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At its meeting on 18 March 2009 the Committee considered the Instruments set out in the Annex to this Report, none of which were required to be reported.

# Annex

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## 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

<b>Draft S.I.</b>	Categories of Gaming Machine (Amendment) Regulations 2009
<b>Draft S.I.</b>	European Parliamentary Elections (Amendment) (No. 2) Regulations 2009 <sup>1</sup>
<b>Draft S.I.</b>	Health Care and Associated Professions (Miscellaneous Amendments and Practitioner Psychologists) Order 2009

## Instruments subject to annulment

<b>S.I. 2009/222</b>	London Summit (Immunities and Privileges) Order 2009
<b>S.I. 2009/223</b>	Gas Importation and Storage Zone (Designation of Area) Order 2009
<b>S.I. 2009/229</b>	Secretary of State for Energy and Climate Change Order 2009
<b>S.I. 2009/321</b>	Local Authorities (Capital Finance and Accounting) (England) (Amendment) Regulations 2009
<b>S.I. 2009/326</b>	Civil Enforcement of Parking Contraventions (City of Bradford) Designation Order 2009
<b>S.I. 2009/350</b>	Bank Administration (Scotland) Rules 2009
<b>S.I. 2009/351</b>	Bank Insolvency (Scotland) Rules 2009
<b>S.I. 2009/352</b>	Exercise of Functions by Local Councillors (Written Records) Regulations 2009
<b>S.I. 2009/353</b>	Non-Domestic Rating (Unoccupied Property) (England) Regulations 2009
<b>S.I. 2009/354</b>	Non-Domestic Rating (Small Business Rate Relief) (England) (Amendment) Order 2009
<b>S.I. 2009/355</b>	Council Tax and Non-Domestic Rating (Demand Notices) (England) (Amendment) Regulations 2009
<b>S.I. 2009/357</b>	Bank Administration (England and Wales) Rules 2009
<b>S.I. 2009/362</b>	Social Security (Habitual Residence) (Amendment) Regulations 2009
<b>S.I. 2009/364</b>	Rotherham Doncaster and South Humber Mental Health NHS Foundation Trust (Transfer of Trust Property) Order 2009
<b>S.I. 2009/365</b>	Section 19 Permit Regulations 2009
<b>S.I. 2009/366</b>	Community Bus Regulations 2009
<b>S.I. 2009/372</b>	Blood Safety and Quality (Fees Amendment) Regulations 2009
<b>S.I. 2009/373</b>	Safety of Sports Grounds (Designation) Order 2009

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<sup>1</sup> This instrument was considered by the Committee at its meeting on 11 March 2009

- S.I. 2009/383** Medical Devices (Fees Amendments) Regulations 2009
- S.I. 2009/386** Wine Regulations 2009
- S.I. 2009/388** Companies (Shares and Share Capital) Order 2009
- S.I. 2009/408** Parole Board (Amendment) Rules 2009

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

- S.R. 2009/38** Safeguarding Vulnerable Groups (Transitory Provisions) Order (Northern Ireland) 2009
- S.R. 2009/39** Safeguarding Vulnerable Groups (Prescribed Criteria and Miscellaneous Provisions) Regulations (Northern Ireland) 2009
- S.R. 2009/40** Safeguarding Vulnerable Groups (Prescribed Information) Regulations (Northern Ireland) 2009
- S.R. 2009/63** Bank Administration Rules (Northern Ireland) 2009

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

- S.I. 2009/323** Children and Young Persons Act 2008 (Commencement No. 1) (England) Order 2009
- S.I. 2009/325** Pensions Act 2004 (Commencement No.12) Order 2009
- S.I. 2009/359** Water Act 2003 (Commencement No. 9 and Saving Provisions) (England) Order 2009
- S.I. 2009/382** Tribunals, Courts and Enforcement Act 2007 (Commencement No. 7) Order 2009
- S.I. 2009/402** Finance Act 2008, Schedule 37 (Appointed Day) Order 2009
- S.I. 2009/403** Finance Act 2008, Schedule 39 (Appointed Day, Transitional Provision and Savings) Order 2009
- S.I. 2009/404** Finance Act 2008, Schedule 36 (Appointed Day and Savings) Order 2009
- S.I. 2009/405** Finance Act 2008, Section 119 (Appointed Day) Order 2009
- S.I. 2009/446** Justice and Security (Northern Ireland) Act 2007 (Commencement No. 3) Order 2009
- S.I. 2009/448** Northern Ireland (Miscellaneous Provisions) Act 2006 (Commencement No. 5) Order 2009