



House of Lords  
House of Commons  
Joint Committee on  
Statutory Instruments

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# Second Report of Session 2009-10

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9 December 2009*

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# 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*)  
Mr Nigel Dodds MP (*Democratic Unionist, Belfast North*)  
Jeff Ennis MP (*Labour, Barnsley East and Mexborough*)  
Judy Mallaber MP (*Labour, Amber Valley*)  
Chris Ruane MP (*Labour, Vale of Clwyd*)

## 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).

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## Instruments not reported

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At its meeting on 9 December 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>	National Assembly for Wales (Legislative Competence) (Environment) Order 2010
<b>Draft S.I.</b>	Representation of the People (Northern Ireland) (Amendment) Regulations 2010
<b>Draft S.I.</b>	State Pension Credit (Disclosure of Information) (Electricity Suppliers) Regulations 2010

### Instruments subject to annulment

<b>S.I. 2009/3022</b>	Companies Act 2006 (Amendment of Section 413) Regulations 2009
<b>S.I. 2009/3023</b>	Health and Social Care Act 2008 (Commencement No. 13, Transitory and Transitional Provisions and Electronic Communications) Order 2009
<b>S.I. 2009/3030</b>	Health Service Branded Medicines (Control of Prices and Supply of Information) Amendment Regulations 2009
<b>S.I. 2009/3033</b>	Social Fund (Applications and Miscellaneous Provisions) Amendment Regulations 2009
<b>S.I. 2009/3042</b>	Flood Risk Regulations 2009
<b>S.I. 2009/3045</b>	Weights and Measures (Metrication Amendments) Regulations 2009
<b>S.I. 2009/3046</b>	Units of Measurement Regulations 2009
<b>S.I. 2009/3048</b>	Private Security Industry Act 2001 (Designated Activities) (Northern Ireland) Order 2009
<b>S.I. 2009/3049</b>	Health and Social Care Act 2008 (NHS Blood and Transplant Periodic Review) Regulations 2009
<b>S.I. 2009/3051</b>	Food for Particular Nutritional Uses (Addition of Substances for Specific Nutritional Purposes) (England) Regulations 2009
<b>S.I. 2009/3061</b>	M60 Motorway (Junction 25) (Speed Limit) Regulations 2009

**S.I. 2009/3064** Law Applicable to Contractual Obligations (England and Wales and Northern Ireland) Regulations 2009

**S.I. 2009/3075** Financial Services and Markets Act 2000 (Law Applicable to Contracts of Insurance) Regulations 2009

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

**S.I. 2009/3008** Burma (Restrictive Measures) (Overseas Territories) Order 2009

**S.I. 2009/3044** Immigration (Designation of Travel Bans) (Amendment) Order 2009

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

**S.I. 2009/3007** Inspectors of Education, Children's Services and Skills (No. 4) Order 2009

**S.I. 2009/3009** Films Co-Production Agreements (Amendment) Order 2009

**S.I. 2009/3018** Carriage by Air (Revision of Limits of Liability under the Montreal Convention) Order 2009

**S.I. 2009/3074** Criminal Justice and Immigration Act 2008 (Commencement No. 13 and Transitory Provision) Order 2009

**S.I. 2009/3083** Specified Animal Pathogens (Amendment) Order 2009

**S.I. 2009/3084** Political Parties and Elections Act 2009 (Commencement No.2 and Transitional Provisions) Order 2009