



House of Lords
House of Commons
Joint Committee on
Statutory Instruments

Fourth Report of Session 2009-10

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13 January 2010*

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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.

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 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.

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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

Draft S.I.	Asylum (Designated States) Order 2010
Draft S.I.	Gambling Act 2005 (Operating Licence Conditions) (Amendment) Regulations 2010
Draft S.I.	Infrastructure Planning (Decisions) Regulations 2010
Draft S.I.	Jobseeker's Allowance (Skills Training Conditionality Pilot) Regulations 2010
Draft S.I.	Motor Vehicles (International Circulation) (Amendment) Order 2010
Draft S.I.	National Assembly for Wales (Legislative Competence) (Health and Health Services and Social Welfare) Order 2010
Draft S.I.	Overhead Lines (Exempt Installations) Order 2010

Instruments subject to annulment

S.I. 2009/3113	Student Fees (Amounts) (England) (Amendment) Regulations 2009
S.I. 2009/3130	Greenhouse Gas Emissions Data and National Implementation Measures Regulations 2009
S.I. 2009/3144	Bolton Metropolitan Borough Council (School Meals) Order 2009
S.I. 2009/3145	Volatile Organic Compounds in Paints, Varnishes and Vehicle Refinishing Products (Amendment) (England) Regulations 2009
S.I. 2009/3146	Carbon Accounting (Amendment) Regulations 2009
S.I. 2009/3150	Local Government Pension Scheme (Miscellaneous) Regulations 2009
S.I. 2009/3151	Child Support (Management of Payments and Arrears) Regulations 2009
S.I. 2009/3152	Income Support (Prescribed Categories of Person) Regulations 2009
S.I. 2009/3153	Thurrock and Basildon College (Dissolution) Order 2009
S.I. 2009/3154	Parliamentary Pensions (Amendment) (No. 2) Regulations 2009
S.I. 2009/3155	Accreditation Regulations 2009
S.I. 2009/3156	Education (School Teachers' Qualifications) (England) (Amendment) Regulations 2009

S.I. 2009/3157	The INSPIRE Regulations 2009
S.I. 2009/3159	Licensing Act 2003 (Premises licences and club premises certificates) (Amendment) (Electronic Applications etc) Regulations 2009
S.I. 2009/3160	Nitrate Pollution Prevention (Amendment) Regulations 2009
S.I. 2009/3175	Non-Domestic Rating (Small Business Rate Relief) (England) (Amendment) (No. 2) Order 2009
S.I. 2009/3176	Non-Domestic Rating (Rural Settlements) (England) (Amendment) Order 2009
S.I. 2009/3177	Non-Domestic Rating (Stud Farms) (England) Order 2009
S.I. 2009/3182	Companies Act 2006 (Substitution of Section 1201) Regulations 2009
S.I. 2009/3184	Courts Boards Areas (Amendment) Order 2009
S.I. 2009/3193	Council Tax (Demand Notices) (England) Regulations 2009
S.I. 2009/3216	Waste Electrical and Electronic Equipment (Amendment) (No. 2) Regulations 2009
S.I. 2009/3220	Road Vehicles Lighting and Goods Vehicles (Plating and Testing) (Amendment) Regulations 2009
S.I. 2009/3221	Road Vehicles (Construction and Use) (Amendment) (No. 4) Regulations 2009
S.I. 2009/3222	Medicines (Products for Human Use) (Amendments to Fees for Variations) Regulations 2009
S.I. 2009/3226	Northern Rock plc Transfer Order 2009
S.I. 2009/3231	Price Marking (Amendment) Order 2009
S.I. 2009/3233	Legal Services Act 2007 (Approved Regulators) Order 2009
S.I. 2009/3236	Armed Forces and Reserve Forces (Compensation Scheme) (Amendment) Order 2009
S.I. 2009/3237	Yorkshire Coast College of Further and Higher Education, Scarborough (Dissolution) Order 2009
S.I. 2009/3239	Braintree College (Dissolution) Order 2009
S.I. 2009/3249	Legal Services Act 2007 (Maximum Penalty for Approved Regulators) Rules 2009
S.I. 2009/3250	Legal Services Act 2007 (Commencement No. 6 Transitory, Transitional and Saving Provisions) Order 2009
S.I. 2009/3259	Public Lending Right Scheme 1982 (Commencement of Variation) Order 2009
S.I. 2010/0034	Proscribed Organisations (Name Changes) Order 2010

Instruments not subject to Parliamentary proceedings not laid before Parliament

- S.I. 2009/3215** Police Act 1997 (Criminal Records) (Guernsey) Order 2009
- S.I. 2009/3219** Sheep and Goats (Records, Identification and Movement) (England) Order 2009
- S.I. 2009/3223** Employment Protection Code of Practice (Time Off for Trade Union Duties and Activities) Order 2009
- S.I. 2009/3253** Coroners and Justice Act 2009 (Commencement No. 1 and Transitional Provisions) Order 2009