



House of Lords  
House of Commons  
Joint Committee on  
Statutory Instruments

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# Fifth Report of Session 2009-10

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20 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](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 20 January 2010 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>	Electronic Commerce Directive (Hatred against Persons on Religious Grounds or the Grounds of Sexual Orientation) Regulations 2010
<b>Draft S.I.</b>	National Employment Savings Trust Order 2010
<b>Draft S.I.</b>	Passengers' Council (Non-Railway Functions) Order 2010
<b>Draft S.I.</b>	Personal Accounts Delivery Authority Winding Up Order 2010
<b>Draft S.I.</b>	Rail Vehicle Accessibility (London Underground Metropolitan Line S8 Vehicles) Exemption Order 2010
<b>Draft S.I.</b>	Regulation of Investigatory Powers (Communications Data) Order 2010
<b>Draft S.I.</b>	Regulation of Investigatory Powers (Covert Surveillance and Property Interference: Code of Practice) Order 2010
<b>Draft S.I.</b>	Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010
<b>Draft S.I.</b>	Regulation of Investigatory Powers (Extension of Authorisation Provisions: Legal Consultations) Order 2010
<b>Draft S.I.</b>	Welfare of Racing Greyhounds Regulations 2010

### Instruments subject to annulment

<b>S.I. 2009/3200</b>	General Teaching Council (Registration of Temporary Teachers from Relevant European States) (England and Wales) Regulations 2009
<b>S.I. 2009/3214</b>	European Communities (Designation) (No. 5) Order 2009
<b>S.I. 2009/3228</b>	Social Security (Miscellaneous Amendments) (No. 5) Regulations 2009
<b>S.I. 2009/3229</b>	Social Security (Miscellaneous Amendments) (No. 6) Regulations 2009
<b>S.I. 2009/3230</b>	Food (Jelly Mini-Cups) (Emergency Control) (England) Regulations 2009

<b>S.I. 2009/3235</b>	Food Enzymes Regulations 2009
<b>S.I. 2009/3238</b>	Food Additives (England) Regulations 2009
<b>S.I. 2009/3243</b>	Quality Contracts Schemes (QCS Boards) (England) Regulations 2009
<b>S.I. 2009/3244</b>	Quality Contracts Schemes (Tendering Requirements) (England) Regulations 2009
<b>S.I. 2009/3245</b>	Public Service Vehicles (Registration of Local Services) (Quality Contracts Schemes) (England and Wales) Regulations 2009
<b>S.I. 2009/3246</b>	Quality Contracts Schemes (Application of TUPE) Regulations 2009
<b>S.I. 2009/3247</b>	Quality Contracts Schemes (Pension Protection) Regulations 2009
<b>S.I. 2009/3248</b>	Quality Partnership Schemes (England) (Amendment) Regulations 2009
<b>S.I. 2009/3251</b>	Food Supplements (England) and Addition of Vitamins, Minerals and Other Substances (England) (Amendment) Regulations 2009
<b>S.I. 2009/3255</b>	Official Feed and Food Controls (England) Regulations 2009
<b>S.I. 2009/3257</b>	Social Security (Housing Costs Special Arrangements) (Amendment) Regulations 2009
<b>S.I. 2009/3264</b>	Agriculture (Cross compliance) Regulations 2009
<b>S.I. 2009/3266</b>	Motor Cycles Etc. and Tractors Etc. (EC Type Approval) (Amendment) Regulations 2009
<b>S.I. 2009/3267</b>	Occupational Pensions (Revaluation) Order 2009
<b>S.I. 2009/3268</b>	Child Benefit and Guardian's Allowance (Miscellaneous Amendments) Regulations 2009
<b>S.I. 2009/3269</b>	International Joint Investigation Teams (International Agreement) Order 2009
<b>S.I. 2009/3275</b>	Environmental Damage (Prevention and Remediation) (Amendment) Regulations 2009
<b>S.I. 2009/3277</b>	Biofuel (Labelling) (Amendment) Regulations 2009
<b>S.I. 2009/3283</b>	Petroleum Licensing (Amendment) Regulations 2009
<b>S.I. 2009/3298</b>	Civil Enforcement of Parking Contraventions (County of Oxfordshire) (District of West Oxfordshire) Designation Order 2009
<b>S.I. 2009/3307</b>	Blood Safety and Quality (Modification) Regulations 2009
<b>S.I. 2009/3312</b>	Community Legal Service (Financial) (Amendment No. 3) Regulations 2009
<b>S.I. 2009/3319</b>	Allocation and Transfer of Proceedings (Amendment) Order 2009

<b>S.I. 2009/3322</b>	Accounts and Audit (Amendment No. 2) (England) Regulations 2009
<b>S.I. 2009/3334</b>	Police Act 1997 (Criminal Records) (Disclosure) (Amendment No. 3) Regulations (Northern Ireland) 2009
<b>S.I. 2009/3335</b>	Railways (East London Railway Services) Exemption Order 2009
<b>S.I. 2009/3336</b>	Railways (Transport for London) (Exemptions) Order 2009
<b>S.I. 2009/3337</b>	School Support Staff Negotiating Body (Prescribed Organisations) Regulations 2009
<b>S.I. 2009/3340</b>	National Health Service (Pharmaceutical Services) (Appliances) (Amendment) Regulations 2009
<b>S.I. 2009/3345</b>	Marine and Coastal Access Act 2009 (Commencement No. 1 and Transitional Provisions) Order 2009
<b>S.I. 2009/3352</b>	Criminal Defence Service (Recovery of Defence Costs Orders) (Amendment) Regulations 2009
<b>S.I. 2009/3361</b>	Crown Court (Amendment) Rules 2009
<b>S.I. 2009/3362</b>	Magistrates' Courts (Amendment) Rules 2009
<b>S.I. 2009/3363</b>	British Nationality (General) (Amendment) Regulations 2009
<b>S.I. 2009/3365</b>	Agriculture (Cross compliance) (No. 2) Regulations 2009
<b>S.I. 2009/3367</b>	Cosmetic Products (Safety) (Amendment No. 4) Regulations 2009
<b>S.I. 2009/3389</b>	Housing Benefit and Council Tax Benefit (War Pension Disregards) (Amendment) Regulations 2009
<b>S.I. 2009/3390</b>	Civil Procedure (Amendment No. 2) Rules 2009
<b>S.I. 2009/3391</b>	Sea Fishing (Illegal, Unreported and Unregulated Fishing) Order 2009
<b>S.I. 2009/3403</b>	Regulation of Investigatory Powers (Authorisations Extending to Scotland) (Amendment) Order 2009

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

<b>S.R. 2009/391</b>	Police Reserve Trainee (Amendment) Regulations (Northern Ireland) 2009
<b>S.R. 2009/393</b>	Police Service of Northern Ireland Reserve (Part-Time) (Amendment) Regulations 2009
<b>S.R. 2009/404</b>	Insolvency (Amendment) Rules (Northern Ireland) 2009

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

<b>S.I. 2009/3213</b>	North Korea (United Nations Sanctions) (Amendment) Order 2009
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- S.I. 2009/3274** Employment Rights (Revision of Limits) Order 2009
- S.I. 2009/3320** Civil Courts (Amendment No. 2) Order 2009

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

- S.I. 2009/3143** European Union (Amendment) Act 2008 (Commencement No.1) Order 2009
- S.I. 2009/3203** Nuclear Material (Offences) Act 1983 (Isle of Man) Order 2009
- S.I. 2009/3204** St Helena Court of Appeal (Appeal to Privy Council) (Amendment) Order 2009
- S.I. 2009/3205** Falkland Islands (Appeals to Privy Council) (Amendment) Order 2009
- S.I. 2009/3206** Cayman Islands (Appeals to Privy Council) (Amendment) Order 2009
- S.I. 2009/3207** Gibraltar (Appeals to Privy Council) (Amendment) Order 2009
- S.I. 2009/3208** Chief Regulator of Qualifications and Examinations Order 2009
- S.I. 2009/3212** Export of Goods, Transfer of Technology and Provision of Technical Assistance (Control) (Overseas Territories) (Amendment) Order 2009
- S.I. 2009/3271** Control of Salmonella in Turkey Flocks Order 2009
- S.I. 2009/3273** Designation of Schools having a Religious Character (England) Order 2009
- S.I. 2009/3297** Police Act 1997 (Criminal Records and Registration) (Guernsey) Regulations 2009
- S.I. 2009/3316** Education and Skills Act 2008 (Commencement No. 5) Order 2009
- S.I. 2009/3317** Apprenticeships, Skills, Children and Learning Act 2009 (Commencement No. 1 and Saving Provision) Order 2009
- S.I. 2009/3318** Local Democracy, Economic Development and Construction Act 2009 (Commencement No. 2) Order 2009
- S.I. 2009/3323** Identity Cards Act 2006 (Commencement No. 6) Order 2009
- S.I. 2009/3346** Designation of Rural Primary Schools (England) Order 2009
- S.I. 2009/3354** Children and Young Persons Act 2008 (Commencement No. 2) Order 2009
- S.I. 2009/3380** Protection of Military Remains Act 1986 (Designation of Vessels and Controlled Sites) Order 2009