



House of Lords
House of Commons
Joint Committee on
Statutory Instruments

Eighteenth Report of Session 2010-11

*Ordered by the House of Lords to be printed
16 March 2011*

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Joint Committee on Statutory Instruments

Current membership

House of Lords

Lord Campbell of Alloway (*Conservative*)
Lord Clinton-Davis (*Labour*)
Baroness Eccles of Moulton (*Conservative*)
Lord Kennedy (*Labour*)
Earl of Mar and Kellie (*Liberal Democrat*)
Lord Rees-Mogg (*Crossbench*)
Baroness Stern (*Crossbench*)

House of Commons

Mr George Mudie MP (*Labour, Leeds East*) (Chairman)
Mr Robert Buckland MP (*Conservative, South Swindon*)
Michael Ellis MP (*Conservative, Northampton North*)
John Hemming MP (*Liberal Democrat, Birmingham, Yardley*)
Mr Ian Liddell-Grainger MP (*Conservative, Bridgwater and West Somerset*)
Toby Perkins MP (*Labour, Chesterfield*)

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 and Peter Brooksbank (*Commons*); Allan Roberts, Nicholas Beach and Peter Milledge (*Lords*).

Contacts

All correspondence should be addressed to the Clerk of the Joint Committee on Statutory Instruments, 7 Millbank, London SW1P 3JA. The telephone number for general inquiries is: 020 7219 2026; the Committee's email address is: jcsi@parliament.uk.

Contents

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

Instruments not reported

At its meeting on 16 March 2011 the Committee considered the Instruments set out in the Annex to this Report, none of which were required to be reported to both Houses.

- *denotes written evidence has been submitted but not printed*

Annex

Instruments requiring affirmative approval

S.I. 2011/580 Export Control (Amendment) (No. 2) Order 2011

Draft Instruments requiring affirmative approval

Draft S.I. Charities (Pre-consolidation Amendments) Order 2011

Draft S.I. Companies Act 2006 (Consequential Amendments and Transitional Provisions) Order 2011

Draft S.I. Guardian's Allowance Up-Rating (Northern Ireland) Order 2011

Draft S.I. Guardian's Allowance Up-Rating Order 2011

Draft S.I. Immigration and Nationality (Fees) Regulations 2011

Draft S.I. Legal Services Act 2007 (Approved Regulators) Order 2011

Instruments subject to annulment

- **S.I. 2011/136** Official Feed and Food Controls (England) (Amendment) Regulations 2011
- S.I. 2011/371** School Finance (England) Regulations 2011
- S.I. 2011/425** Air Traffic Services (Exemption) Order 2011
- S.I. 2011/427** Road Vehicles (Construction and Use) (Amendment) Regulations 2011
- S.I. 2011/432** Student Fees (Amounts) (England) (Amendment) Regulations 2011
- S.I. 2011/434** Valuation Tribunal for England, Non-Domestic Rating and Council Tax (England) (Amendment) Regulations 2011
- S.I. 2011/447** Misuse of Drugs (Designation) (Amendment) (England, Wales and Scotland) Order 2011
- S.I. 2011/448** Misuse of Drugs (Amendment) (England, Wales and Scotland) Regulations 2011
- S.I. 2011/451** Natural Mineral Water, Spring Water and Bottled Drinking Water (England) (Amendment) Regulations 2011
- S.I. 2011/452** Poultrymeat (England) Regulations 2011

- S.I. 2011/454** Bovine Semen (England) (Amendment) Regulations 2011
- S.I. 2011/456** Reporting of Prices of Milk Products (England) (Amendment) Regulations 2011
- S.I. 2011/475** Social Security Revaluation of Earnings Factors Order 2011
- S.I. 2011/477** Social Security Pensions (Low Earnings Threshold) Order 2011
- S.I. 2011/503** National Health Service (Functions of Strategic Health Authorities and Primary Care Trusts and Administration Arrangements) (England) (Amendment) Regulations 2011
- S.I. 2011/517** Armed Forces and Reserve Forces (Compensation Scheme) Order 2011
- S.I. 2011/520** Personal Injuries (NHS Charges) (Amounts) Amendment Regulations 2011
- S.I. 2011/547** Immigration (Designation of Travel Bans) (Amendment) Order 2011
- S.I. 2011/586** Civil Proceedings Fees (Amendment) Order 2011
- S.I. 2011/587** Family Proceedings Fees (Amendment) Order 2011
- S.I. 2011/588** Non-Contentious Probate Fees (Amendment) Order 2011

Instruments not subject to Parliamentary proceedings laid before Parliament

- S.I. 2011/548** Libya (Financial Sanctions) Order 2011

Instruments not subject to Parliamentary proceedings not laid before Parliament

- S.I. 2011/438** Wireless Telegraphy (Crown Recognised Spectrum Access) (Amendment) Regulations 2011
- S.I. 2011/439** Wireless Telegraphy (Register) (Amendment) Regulations 2011
- S.I. 2011/440** Wireless Telegraphy (Recognised Spectrum Access and Licence) (Spectrum Trading) (Amendment) Regulations 2011
- S.I. 2011/441** Wireless Telegraphy (Limitation of Number of Grants of Crown Recognised Spectrum Access) Order 2011
- S.I. 2011/473** Northern Ireland Assembly Elections (Returning Officer's Charges) Order 2011
- S.I. 2011/576** Scottish Parliament (Regional Returning Officers) Orders 2011