



House of Lords
House of Commons
Joint Committee on
Statutory Instruments

Thirteenth Report of Session 2010-11

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26 January 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 (*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.

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Instruments not reported

At its meeting on 26 January 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.

Annex

Draft Instruments requiring affirmative approval

- Draft S.I.** Control of Donations and Regulation of Loans etc. (Extension of the Prescribed Period) (Northern Ireland) Order 2011
- Draft S.I.** European Union (Definition of Treaties) (Stabilisation and Association Agreement) (Republic of Serbia) Order 2011
- Draft S.I.** Misuse of Drugs Act 1971 (Amendment) Order 2011

Instruments subject to annulment

- S.I. 2010/2914** Tax Credits (Miscellaneous Amendments) (No. 3) Regulations 2010
- S.I. 2010/2961** Data Protection (Processing of Sensitive Personal Data) (Elected Representatives) (Amendment) Order 2010
- S.I. 2010/2962** Plant Health (England) (Amendment) (No. 2) Order 2010
- S.I. 2010/2967** Transfer of Functions (Dormant Accounts) Order 2010
- S.I. 2010/2984** Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Asbestos) Regulations 2010
- S.I. 2010/2986** Family Procedure (Civil Partnership: Staying of Proceedings) Rules 2010
- S.I. 2010/2987** Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Artificial Optical Radiation) Regulations 2010
- S.I. 2010/2990** Council Tax (Demand Notices) (England) Regulations 2010
- S.I. 2010/2993** Financial Markets and Insolvency (Settlement Finality and Financial Collateral Arrangements) (Amendment) Regulations 2010
- S.I. 2010/2998** Prescription Only Medicines (Human Use) Amendment Order 2010
- S.I. 2010/3014** Education (Local Authority and School Performance Targets) (Revocation and Amendment) (England) Regulations 2010
- S.I. 2010/3018** Private Security Industry Act 2001 (Exemption) (Aviation Security) Regulations 2010
- S.I. 2010/3023** Financial Services and Markets Act 2000 (Administration Orders Relating to Insurers) Order 2010
- S.I. 2010/3026** Criminal Procedure (Amendment No. 2) Rules 2010

- S.I. 2010/3030** Police Authority (Amendment No. 3) Regulations 2010
- S.I. 2011/11** Consumer Credit (Amendment) Regulations 2011
- S.I. 2011/20** Motor Vehicles (Insurance Requirements) Regulations 2011

Instruments not subject to Parliamentary proceedings laid before Parliament

- S.I. 2010/2966** Turks and Caicos Islands Constitution (Interim Amendment) (Amendment) Order 2010
- S.I. 2010/2997** Greater London Authority (Consolidated Budget Requirement Procedure) Regulations 2010

Instruments not subject to Parliamentary proceedings not laid before Parliament

- S.I. 2010/2963** Geneva Conventions (Overseas Territories) Order 2010
- S.I. 2010/2981** Children and Young Persons Act 2008 (Commencement No. 3, Saving and Transitional Provisions) Order 2010
- S.I. 2010/3019** Finance Act 2010, Schedule 17 (Appointed Day) Order 2010
- S.I. 2010/3020** Higher Education (Higher Amount) (England) Regulations 2010
- S.I. 2010/3031** Designation of Schools Having a Religious Character (Independent Schools) (England) (No. 4) Order 2010
- S.I. 2010/3037** Academies Act 2010 (Commencement and Transitional Provisions) (Amendment) Order 2010
- S.I. 2010/3048** Submarine Pipelines (Designated Owners) Orders 2010
- S.I. 2011/19** Road Safety Act 2006 (Commencement no 6) Order 2011
- S.I. 2011/23** Finance Act 2008, Section 39 (7) (Commencement) Order 2011