



House of Lords  
House of Commons  
Joint Committee on  
Statutory Instruments

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# Forty-fourth Report of Session 2010-12

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# Joint Committee on Statutory Instruments

## Current membership

### House of Lords

Baroness Berridge (*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](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 Simon Patrick (*Commons Clerk*), Jane White (*Lords Clerk*) and Liz Booth (*Committee Assistant*). Advisory Counsel: Peter Davis, Peter Brooksbank, Philip Davies and Daniel Greenberg (*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](mailto:jcsi@parliament.uk).

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## Instruments not reported

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At its meeting on 25 April 2012 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

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### Instruments requiring affirmative approval

**S.I. 2012/980** Misuse of Drugs Act 1971 (Temporary Class Drug) Order 2012

### Draft Instruments requiring affirmative approval

**Draft S.I.** Draft Greater London Authority Act 1999 (Amendment) Order 2012

**Draft S.I.** Draft Automatic Enrolment (Earnings Trigger and Qualifying Earnings Band) Order 2012

**Draft S.I.** Draft Infrastructure Planning (Waste Water Transfer and Storage) Order 2012

**Draft S.I.** Draft Health and Social Care Act 2008 (Regulated Activities) (Amendment) Regulations 2012

**Draft S.I.** Draft Police (Collaboration: Specified Function) Order 2012

**Draft S.I.** Draft Criminal Justice and Police Act 2001 (Amendment) Order 2012

### Instruments subject to annulment

**S.I. 2012/489** Judicial Pensions (European Court of Human Rights) (Amendment) Order 2012

**S.I. 2012/511** Her Majesty's Chief Inspector of Education, Children's Services and Skills (Fees and Frequency of Inspections) (Children's Homes etc.) (Amendment) Regulations 2012

**S.I. 2012/515** National Health Service (Optical Charges and Payments) (Amendment) Regulations 2012

**S.I. 2012/516** Judicial Pensions (Contributions) Regulations 2012

**S.I. 2012/523** Police Act 1997 (Criminal Records) (Amendment) Regulations 2012

**S.I. 2012/528** Pension Protection Fund and Occupational Pension Schemes (Levy Ceiling and Compensation Cap) Order 2012

**S.I. 2012/532** Statistics of Trade (Customs and Excise) (Amendment) Regulations 2012

**S.I. 2012/534** Thurrock Development Corporation (Transfer of Property, Rights and Liabilities) Order 2012

<b>S.I. 2012/535</b>	Urban Development Corporations (Planning Functions) Order 2012
<b>S.I. 2012/536</b>	Police Authority (Amendment) Regulations 2012
<b>S.I. 2012/539</b>	Occupational and Personal Pension Schemes (Levies – Amendment) Regulations 2012
<b>S.I. 2012/542</b>	Occupational Pension Schemes (Contracting-out and Modification of Schemes) (Amendment) Regulations 2012
<b>S.I. 2012/573</b>	Social Security (Contributions) (Amendment) Regulations 2012
<b>S.I. 2012/619</b>	School Behaviour (Determination and Publicising of Measures in Academies) Regulations 2012
<b>S.I. 2012/630</b>	Environmental Permitting (England and Wales) (Amendment) Regulations 2012
<b>S.I. 2012/640</b>	Police Pensions (Amendment) Regulations 2012
<b>S.I. 2012/641</b>	Localism Act 2011 (Regulation of Social Housing) (Consequential Provisions) Order 2012
<b>S.I. 2012/663</b>	National Assistance (Sums for Personal Requirements) Amendment (England) Regulations 2012
<b>S.I. 2012/664</b>	Non-Domestic Rating Contributions (England) (Amendment) Regulations 2012
<b>S.I. 2012/666</b>	Localism Act 2011 (Housing and Regeneration Functions in Greater London) (Consequential, Transitory, Transitional and Saving Provisions) Order 2012
<b>S.I. 2012/668</b>	Standards Board for England (Abolition) Order 2012
<b>S.I. 2012/670</b>	Personal Injuries (Civilians) Scheme (Amendment) Order 2012
<b>S.I. 2012/671</b>	Feed-in Tariffs (Specified Maximum Capacity and Functions (Amendment) Order 2012
<b>S.I. 2012/672</b>	Council Tax (Administration and Enforcement) (Amendment) (England) Regulations 2012
<b>S.I. 2012/673</b>	Teachers' Pensions (Amendment) Regulations 2012
<b>S.I. 2012/674</b>	Consistent Financial Reporting (England) Regulations 2012
<b>S.I. 2012/690</b>	Authorised Officers (Meat Inspection) (Revocation) (England) Regulations 2012
<b>S.I. 2012/691</b>	Pensions Act 2004 (Disclosure of Restricted Information by the Pensions Regulator – Amendment) Order 2012
<b>S.I. 2012/692</b>	Pensions (Institute and Faculty of Actuaries and Consultation by Employers – Amendment) Regulations 2012

<b>S.I. 2012/694</b>	Education (School Teacher's Prescribed Qualifications, etc) (Amendment) Order 2012
<b>S.I. 2012/696</b>	Transfer of Tenancies and Right to Acquire (Exclusion) Regulations 2012
<b>S.I. 2012/697</b>	Plant Health (Miscellaneous Amendments) (England) Regulations 2012
<b>S.I. 2012/698</b>	Marine and Coastal Access Act 2009 (Transitional Provisions) Order 2012
<b>S.I. 2012/702</b>	Localism Act 2011 (Housing and Regeneration Functions in Greater London) (Consequential, Transitional and Saving Provisions) (No. 2) Order 2012
<b>S.I. 2012/710</b>	Competition Act 1998 (Public Policy Exclusion) Order 2012
<b>S.I. 2012/712</b>	Child Support (Miscellaneous Amendments) Regulations 2012
<b>S.I. 2012/716</b>	Humber Bridge (Debts) Order 2012
<b>S.I. 2012/718</b>	Building (Amendment) Regulations 2012
<b>S.I. 2012/742</b>	Merchant Shipping (Ship-to-Ship Transfers) (Amendment) Regulations 2012
<b>S.I. 2012/747</b>	Further Education Teachers' Qualifications, Continuing Professional Development and Registration (England) (Amendment) Regulations 2012
<b>S.I. 2012/748</b>	Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2012
<b>S.I. 2012/749</b>	Town and Country Planning (Compensation) (England) Regulations 2012
<b>S.I. 2012/751</b>	Measuring Instruments (EEC Requirements) (Fees) (Amendment) Regulations 2012
<b>S.I. 2012/757</b>	Social Security (Miscellaneous Amendments) Regulations 2012
<b>S.I. 2012/760</b>	Registration of Births, Deaths and Marriages (Fees) (Amendment) Order 2012
<b>S.I. 2012/761</b>	Registration of Civil Partnerships (Fees) (Amendment) Order 2012
<b>S.I. 2012/771</b>	Immigration (Passenger Transit Visa) (No. 2) (Amendment) Order 2012
<b>S.I. 2012/782</b>	Pensions Increase (Review) Order 2012
<b>S.I. 2012/787</b>	Infrastructure Planning (Environmental Impact Assessment) (Amendment) Regulations 2012
<b>S.I. 2012/795</b>	National Savings Bank (Investment Deposits) (Limits) (Amendment) Order 2012
<b>S.I. 2012/799</b>	Copyright and Performances (Application to Other Countries) Order 2012

<b>S.I. 2012/808</b>	Ministry of Defence Police (Performance) Regulations 2012
<b>S.I. 2012/809</b>	Energy Performance of Buildings (Certificates and Inspections) (England and Wales) (Amendment) Regulations 2012
<b>S.I. 2012/810</b>	Export Control (Syria Sanctions) and (Miscellaneous Amendments) Order 2012
<b>S.I. 2012/811</b>	Controlled Waste (England and Wales) Regulations 2012
<b>S.I. 2012/813</b>	Immigration and Nationality (Cost Recovery Fees) Regulations 2012
<b>S.I. 2012/814</b>	Smoke Control Areas (Authorised Fuels) (England) Regulations 2012
<b>S.I. 2012/816</b>	Social Security (Categorisation of Earners) (Amendment) Regulations 2012
<b>S.I. 2012/817</b>	Social Security (Contributions) (Amendment No. 2) Regulations 2012
<b>S.I. 2012/818</b>	Child Benefit (General) (Amendment) Regulations 2012
<b>S.I. 2012/819</b>	Social Security Benefits Up-rating Regulations 2012
<b>S.I. 2012/823</b>	Social Security (Industrial Injuries) (Dependency) (Permitted Earnings Limits) Order 2012
<b>S.I. 2012/824</b>	Social Security (Suspension of Payment of Benefits and Miscellaneous Amendments) Regulations 2012
<b>S.I. 2012/829</b>	Gambling (Operating Licence and Single-Machine Permit Fees) (Amendment) Regulations 2012
<b>S.I. 2012/833</b>	Workmen's Compensation (Supplementation) (Amendment) Scheme 2012
<b>S.I. 2012/846</b>	Bus Lane Contraventions (Approved Local Authorities) (England) (Amendment) and Civil Enforcement of Parking Contraventions Designation Order 2012
<b>S.I. 2012/872</b>	London Thames Gateway Development Corporation (Transfer of Property, Rights and Liabilities) (Greater London Authority) Order 2012
<b>S.I. 2012/874</b>	Social Security (Lone Parents and Miscellaneous Amendments) Regulations 2012
<b>S.I. 2012/878</b>	School Teachers' Incentive Payments (England) Order 2012
<b>S.I. 2012/897</b>	Qualifications for Appointment of Members to the First-tier Tribunal and Upper Tribunal (Amendment) Order 2012

### Instruments subject to annulment (Northern Ireland)

**S.R. 2012/123** Identification and Traceability of Explosives (Amendment) (Northern Ireland) Regulations 2012

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

**S.I. 2012/361** Sudan and South Sudan (Restrictive Measures) (Overseas Territories) Order 2012

**S.I. 2012/681** Closure of Prisons (H.M. Prison Latchmere House) Order 2012

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

**S.I. 2012/503** Offshore Installations (Safety Zones) Order 2012

**S.I. 2012/584** Crime and Security Act 2010 (Commencement No. 5) Order 2012

**S.I. 2012/601** Planning Act 2008 (Commencement No.2) (England) Order 2012

**S.I. 2012/628** Localism Act 2011 (Commencement No. 4 and Transitional, Transitory and Saving Provisions) Order 2012

**S.I. 2012/669** Armed Forces Act 2011 (Commencement No. 1, Transitional and Transitory Provisions) Order 2012

**S.I. 2012/736** Finance Act 2010, Schedule 6, Part 2 (Commencement) Order 2012

**S.I. 2012/779** National Health Service Trusts (Originating Capital) Order 2012

**S.I. 2012/786** Isle of Wight National Health Service Trust (Establishment) Order 2012

**S.I. 2012/788** Torbay and Southern Devon Health and Care National Health Service Trust (Establishment) Order 2012

**S.I. 2012/796** Barts Health National Health Service Trust (Establishment) and the Barts and The London National Health Service Trust, the Newham University Hospital National Health Service Trust and the Whipps Cross University Hospital National Health Service Trust (Dissolution) Order 2012

**S.I. 2012/803** Trafford Healthcare National Health Service Trust (Dissolution) Order 2012

**S.I. 2012/825** Criminal Justice Act 2003 (Commencement No. 27) Order 2012

**S.I. 2012/838** Education (National Curriculum) (Key Stage 2 Assessment Arrangements) (England) (Amendment) Order 2012

**S.I. 2012/879** Flood and Water Management Act 2010 (Commencement No. 6 and Transitional Provisions) Order 2012

**S.I. 2012/881** Capital Gains Tax (Annual Exempt Amount) Order 2012