



House of Lords
House of Commons
Joint Committee on
Statutory Instruments

Seventeenth Report of Session 2013-14

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15 January 2014*

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Joint Committee on Statutory Instruments

Current membership

House of Lords

Baroness Humphreys (*Liberal Democrat*)
Lord Kennedy (*Labour*)
Lord Lyell (*Conservative*)
Baroness Mallalieu (*Labour*)
Lord Selkirk (*Conservative*)
Baroness Stern (*Crossbench*)
Lord Walpole (*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 Simon Patrick (*Acting Commons Clerk*), Jane White (*Lords Clerk*) and Liz Booth (*Committee Assistant*). Advisory Counsel: Peter Davis, Peter Brooksbank, Philip Davies and Daniel Greenberg (*Commons*); Nicholas Beach, Peter Milledge and John Crane (*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 15 January 2014 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 Instrument requiring affirmative approval

Draft S.I.	Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014
Draft S.I.	Commons (Town and Village Greens) (Trigger and Terminating Events) Order 2013
Draft S.I.	Public Bodies (Merger of the Director of Public Prosecutions and the Director of Revenue and Customs Prosecutions) Order 2014
Draft S.I.	Immigration and Nationality (Fees) (Amendment) Order 2014
Draft S.I.	Road Safety (Financial Penalty Deposit) (Appropriate Amount) (Amendment) Order 2014
Draft S.I.	County Court Jurisdiction Order 2014
Draft S.I.	District Electoral Areas (Northern Ireland) Order 2014
Draft S.I.	National Minimum Wage (Amendment) Regulations 2014
Draft S.I.	Scottish Parliament (Constituencies and Regions) Order 2014
Draft S.I.	Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2014
Draft S.I.	Neighbourhood Planning (Referendums) (Amendment) Regulations 2014
Draft S.I.	Local Authorities (Mayoral Elections) (England and Wales) (Amendment) Regulations 2014
Draft S.I.	Localism Act 2011 (Consequential Amendments) Order 2014
Draft S.I.	Special Educational Needs (Direct Payments) (Pilot Scheme) (Extension and Amendment) Order 2014

Instruments subject to annulment

S.I. 2013/2932	Town and Country Planning (Development Management Procedure and Section 62A Applications) (England) (Amendment) Order 2013
S.I. 2013/2969	Borough of Doncaster (Scheme of Elections) Order 2013
S.I. 2013/2996	Food Safety and Hygiene (England) Regulations 2013

- S.I. 2013/3021** Armed Forces and Reserve Forces Compensation Scheme (Consequential Provisions: Subordinate Legislation) (Northern Ireland) Order 2013
- S.I. 2013/3026** Smoke Control Areas (Exempted Fireplaces) (England) (No. 2) (Amendment) Order 2013
- S.I. 2013/3031** Rail Vehicle Accessibility (Non-Interoperable Rail System) (London Underground Victoria Line 09TS Vehicles) Exemption Order 2013
- S.I. 2013/3050** Plant Health (Fees) (England) (Amendment) Regulations 2013
- S.I. 2013/3074** Port Security (Port of Barrow) Designation Order 2013
- S.I. 2013/3075** Port Security (Port of Cromarty Firth) Designation Order 2013
- S.I. 2013/3076** Port Security (Port of Fowey) Designation Order 2013
- S.I. 2013/3077** Port Security (Port of Glasgow) Designation Order 2013
- S.I. 2013/3078** Port Security (Port of Great Yarmouth) Designation Order 2013
- S.I. 2013/3079** Port Security (Port of Peterhead) Designation Order 2013
- S.I. 2013/3080** Port Security (Port of Troon) Designation Order 2013
- S.I. 2013/3081** Port Security (Port of Tyne) Designation Order 2013
- S.I. 2013/3104** School and Early Years Finance (England) Regulations 2013
- S.I. 2013/3106** Education (Fees and Student Support) (Amendment) Regulations 2013
- S.I. 2013/3111** Transfer of Functions Concerning School Lunches etc. (England) (Amendment) Order 2013
- S.I. 2013/3112** Civil Procedure (Amendment No.8) Rules 2013
- S.I. 2013/3133** Feed (Hygiene and Enforcement) and the Animal Feed (England) (Amendment) Regulations 2013
- S.I. 2013/3135** Greenhouse Gas Emissions Trading Scheme and National Emissions Inventory (Amendment) Regulations 2013
- S.I. 2013/3166** M25 Motorway (Junctions 27 to 30) (Variable Speed Limits) Regulations 2013
- S.I. 2013/3167** M25 Motorway (Junctions 16 to 23) (Variable Speed Limits) Regulations 2013

- S.I. 2013/3168** Enterprise Act 2002 (Part 8 EU Infringements) Order 2013
- S.I. 2013/3176** Crime and Courts Act 2013 (Commencement No. 7 and Saving and Consequential Provisions) Order 2013
- S.I. 2013/3187** Government Resources and Accounts Act 2000 (Estimates and Accounts) (Amendment) Order 2013

Draft instruments subject to annulment

- Draft S.I.** East Dorset (Electoral Changes) Order 2014
- Draft S.I.** Lancaster (Electoral Changes) Order 2014
- Draft S.I.** Three Rivers (Electoral Changes) Order 2014

Instruments not subject to Parliamentary proceedings not laid before Parliament

- S.I. 2013/2931** Localism Act 2011 (Commencement No. 3) Order 2013
- S.I. 2013/3055** Marine and Coastal Access Act 2009 (Commencement No. 6) Order 2013
- S.I. 2013/3088** Income Tax (Indexation) Order 2013
- S.I. 2013/3108** Postal Services (Universal Postal Service) (Amendment) Order 2013