



House of Lords  
House of Commons  
Joint Committee on  
Statutory Instruments

---

# Twenty-fourth Report of Session 2017–19

---

*Ordered by the House of Lords  
to be printed 23 May 2018*

*Ordered by the House of Commons  
to be printed 23 May 2018*

## Joint Committee on Statutory Instruments

### Current membership

#### House of Lords

[Baroness Bloomfield of Hinton Waldrist](#) (*Conservative*)

[Lord Lexden](#) (*Conservative*)

[Baroness Meacher](#) (*Crossbench*)

[Lord Morris of Handsworth](#) (*Labour*)

[Lord Rowe-Beddoe](#) (*Crossbench*)

[Lord Rowlands](#) (*Labour*)

[Baroness Scott of Needham Market](#) (*Liberal Democrat*)

#### House of Commons

[Derek Twigg MP](#) (*Labour, Halton*) (Chair)

[Dan Carden MP](#) (*Labour, Liverpool, Walton*)

[Vicky Foxcroft MP](#) (*Labour, Lewisham, Deptford*)

[Patrick Grady MP](#) (*Scottish National Party, Glasgow North*)

[John Lamont MP](#) (*Conservative, Berwickshire, Roxburgh and Selkirk*)

[Julia Lopez MP](#) (*Conservative, Hornchurch and Upminster*)

[Sir Robert Syms MP](#) (*Conservative, Poole*)

### 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. 73, 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 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 Mike Winter (Commons Clerk), Jane White (Lords Clerk) and Liz Booth (Committee Assistant). Advisory Counsel: Daniel Greenberg, Klara Banaszak, Peter Brooksbank, Philip Davies and Vanessa MacNair (Commons); James Cooper, Nicholas Beach, John Crane and Ché Diamond (Lords).

#### **Contacts**

All correspondence should be addressed to the Clerk of the Joint Committee on Statutory Instruments, House of Commons, London, SW1A 0AA. The telephone number for general inquiries is: 020 7219 2026; the Committee's email address is: [jcsi@parliament.uk](mailto:jcsi@parliament.uk).



# Contents

---

<b>Instruments not reported</b>	<b>3</b>
<b>Annex</b>	<b>3</b>
<b>Appendix</b>	<b>4</b>
S.I. 2018/488	4
Civil Enforcement of Traffic Contraventions (Consequential Amendments) (England) Regulations 2018	4



# Instruments not reported

---

At its meeting on 23 May 2018 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

---

### Instruments subject to annulment

<b>S.I. 2018/488<sup>1</sup></b>	Civil Enforcement of Traffic Contraventions (Consequential Amendments) (England) Regulations 2018
<b>S.I. 2018/521</b>	Terrorism Act 2000 (Enforcement in Different Parts of the United Kingdom) Order 2018
<b>S.I. 2018/522</b>	Registration (Entries of Overseas Births and Deaths) (Amendment) Order 2018
<b>S.I. 2018/546</b>	Insurance Distribution (Regulated Activities and Miscellaneous Amendments) Order 2018
<b>S.I. 2018/549</b>	Prison and Young Offender Institution (Amendment) Rules 2018
<b>S.I. 2018/553</b>	Rating Lists (Valuation Date) (England) Order 2018
<b>S.I. 2018/566</b>	Town and Country Planning (Pre-commencement Conditions) Regulations 2018
<b>S.I. 2018/575</b>	Environment, Food and Rural Affairs (Miscellaneous Amendments) (England) Regulations 2018
<b>S.I. 2018/587</b>	Criminal Legal Aid (Amendment) Regulations 2018

---

<sup>1</sup> Instrument to which the Committee does not draw the special attention of both Houses:  
The Committee asked the Department for Transport why the new paragraphs (h)(i) and (ha)(i) substituted by regulation 2(2)(b) and 3(c) do not include a reference to item 52 in the table or to a sign in item 51 placed for the purposes of a Puffin crossing. The Department rightly explained, in a memorandum printed as an Appendix, that the offences listed in regulation 2(2)(a) and (3)(a) already address the same contraventions in respect of the section 25 Puffin and Zebra crossings that regulation 2(2)(b) and (3)(c) do in respect of signal-controlled crossing facilities and parallel crossings.

# Appendix

---

## S.I. 2018/488

### ***Civil Enforcement of Traffic Contraventions (Consequential Amendments) (England) Regulations 2018***

1. In its letter to the Department of 9th May 2018, the Committee requested a memorandum on the following point:

*Explain why the new paragraphs (h)(i) and (ha)(i) substituted by regulation 2(2)(b) and (3)(c) do not include a reference to item 52 in the table or to a sign in item 51 placed for the purposes of a Puffin crossing.*

2. These Regulations make consequential amendments to road traffic primary legislation to ensure that civil enforcement in England of offences relating to traffic signs reflects the legislative regime set out in the Traffic Signs Regulations and General Directions 2016 (S.I. 2016/362) (“TSRGD”) which revoked and replaced the previous legislative regime relating to traffic signs. The provisions in question amend Schedule 7 to the Traffic Management Act 2004 (c.18) (“the 2004 Act”).

3. Section 25(5) of the Road Traffic Regulation Act 1984 (c.27) (“the 1984”) Act creates offences relating to pedestrian crossings referred to in regulations made under that section. Item 52 in the table in Part 2 of Schedule 14 to the TSRGD relates to the layout of Zebra crossings. Puffin and Zebra crossings both fall within section 25 of the 1984 Act and the definition of “section 25 crossing” in Schedule 1 to the TSRGD applies only to those crossings.

4. Paragraphs 1 and 3 of Part 5 of Schedule 14 to the TSRGD correspond to regulations 18 and 20 of the Zebra, Pelican and Puffin Pedestrian Crossings Regulations and General Directions (S.I. 1997/2400). Those Regulations were revoked and replaced by the TSRGD and the amendments at regulation 2(2)(a) and (3)(a) update the references for section 25 crossings in paragraph 3 of Schedule 7 to the 2004 Act.

5. Paragraph 3(2)(h) of Schedule 7 to the 2004 Act, as substituted by regulation 2(2)(b) of these Regulations, applies to the same type of offences as covered by paragraph 3(2)(c) of that Schedule, but in respect of the listed non-section 25 crossings: signal-controlled crossing facilities (defined by Schedule 1 to the TSRGD as equestrian crossings, signal-controlled pedestrian facilities and Toucan crossings) and parallel crossings.

6. Regulation 2(3)(a) and (c) make the same changes in respect of offences in England but outside London, by amending paragraph 4(2)(b) of Schedule 7 to the 2004 Act and inserting a new paragraph 4(2)(ha).

7. The Department therefore considers that there is no need to refer to Puffin (when referring to item 51) and Zebra crossings (item 53) in the amendments made by regulation 2(2)(b) and (3)(c). This is because the offences listed in regulation 2(2)(a) and (3)(a) already address the same contraventions in respect of the section 25 Puffin and Zebra crossings that regulation 2(2)(b) and (3)(c) do in respect of the other crossing types listed.

**Department for Transport**

**15 May 2018**