



House of Lords  
House of Commons  
Joint Committee on  
Statutory Instruments

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# Forty-third Report of Session 2017–19

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## 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-Beedoe](#) (*Crossbench*)

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

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

#### House of Commons

[Jessica Morden MP](#) (*Labour, Newport East*) (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 Jeanne Delebarre (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).



# Instruments not reported

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At its meeting on 9 January 2019 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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### Draft instruments requiring affirmative approval

- Draft S.I.** Fisheries (Amendment) (EU Exit) Regulations 2019
- Draft S.I.** Air Services (Competition) (Amendment) (EU Exit) Regulations 2019
- Draft S.I.** Environment (Amendment etc.) (EU Exit) Regulations 2019
- Draft S.I.** Floods and Water (Amendment etc.) (EU Exit) Regulations 2019
- Draft S.I.** European Qualifications (Pharmacists) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2018
- Draft S.I.** Airports Slot Allocation (Amendment) (EU Exit) Regulations 2019
- Draft S.I.** Civil Jurisdiction and Judgments (Amendment) (EU Exit) Regulations 2019
- Draft S.I.** Civil Partnership and Marriage (Same Sex Couples) (Jurisdiction and Judgments) (Amendment etc.) (EU Exit) Regulations 2019
- Draft S.I.** Combined Authorities (Mayoral Elections) (Amendment) Order 2019
- Draft S.I.** Local Authorities (Mayoral Elections) (England and Wales) (Amendment) (England) Regulations 2019
- Draft S.I.** Mutual Recognition of Protection Measures in Civil Matters (Amendment) (EU Exit) Regulations 2019
- Draft S.I.** Broadcasting (Amendment) (EU Exit) Regulations 2019
- Draft S.I.** Carriage of Dangerous Goods (Amendment) Regulations 2019
- Draft S.I.** Credit Rating Agencies (Amendment, etc.) (EU Exit) Regulations 2019
- Draft S.I.** Defence and Security Public Contracts (Amendment) (EU Exit) Regulations 2019
- Draft S.I.** Equality (Amendment and Revocation) (EU Exit) Regulations 2018
- Draft S.I.** Financial Markets and Insolvency (Amendment and Transitional Provision) (EU Exit) Regulations 2019
- Draft S.I.** Public Procurement (Amendment etc.) (EU Exit) Regulations 2019
- Draft S.I.** Ship Recycling (Facilities and Requirements for Hazardous Materials on Ships) (Amendment) (EU Exit) Regulations 2019

<b>Draft S.I.</b>	Collective Investment Schemes (Amendment etc.) (EU Exit) Regulations 2019
<b>Draft S.I.</b>	Data Protection (Charges and Information) (Amendment) Regulations 2019
<b>Draft S.I.</b>	Long-term Investment Funds (Amendment) (EU Exit) Regulations 2019
<b>Draft S.I.</b>	Storage of Carbon Dioxide (Amendment and Power to Modify) (EU Exit) Regulations 2018
<b>Draft S.I.</b>	Representation of the People (Election Expenses Exclusion) (Amendment) Order 2019

### **Instruments subject to annulment**

<b>S.I. 2018/1275</b>	Quality Schemes (Agricultural Products and Foodstuffs) Regulations 2018
<b>S.I. 2018/1282</b>	Whole of Government Accounts (Designation of Bodies) Order 2018
<b>S.I. 2018/1288</b>	Securitisation Regulations 2018
<b>S.I. 2018/1295</b>	Road Vehicles (Registration, Registration Plates and Excise Exemption) (Amendment) (EU Exit) Regulations 2018
<b>S.I. 2018/1296</b>	Local Government (Structural and Boundary Changes) (Amendment) Regulations 2018
<b>S.I. 2018/1297</b>	Bank of England (Amendment) (EU Exit) Regulations 2018
<b>S.I. 2018/1298</b>	European Public Limited-Liability Company (Amendment etc.) (EU Exit) Regulations 2018
<b>S.I. 2018/1299</b>	European Economic Interest Grouping (Amendment) (EU Exit) Regulations 2018
<b>S.I. 2018/1307</b>	Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018
<b>S.I. 2018/1308</b>	Local Elections (Principal Areas) (England and Wales) (Amendment) (England) Rules 2018
<b>S.I. 2018/1309</b>	Local Elections (Parishes and Communities) (England and Wales) (Amendment) (England) Rules 2018
<b>S.I. 2018/1310</b>	European Parliamentary Elections Etc. (Repeal, Revocation, Amendment and Saving Provisions) (United Kingdom and Gibraltar) (EU Exit) Regulations 2018
<b>S.I. 2018/1311</b>	European Enforcement Order, European Order for Payment and European Small Claims Procedure (Amendment etc.) (EU Exit) Regulations 2018
<b>S.I. 2018/1322</b>	National Institute for Health and Care Excellence (Miscellaneous Amendments) Regulations 2018
<b>S.I. 2018/1324</b>	Northamptonshire (Changes to Years of Elections) Order 2018
<b>S.I. 2018/1329</b>	Provision of Services (Amendment etc.) (EU Exit) Regulations 2018

**S.I. 2018/1332** Rent Officers (Housing Benefit and Universal Credit Functions) (Amendment) Order 2018

### **Instrument subject to annulment (Northern Ireland)**

**S.R. 2018/209** Housing Benefit and Universal Credit Housing Costs (Executive Determinations) (Amendment) Regulations (Northern Ireland) 2018

### **Draft instruments subject to negative procedure**

**Draft S.I.** Crawley (Electoral Changes) Order 2019

**Draft S.I.** Norwich (Electoral Changes) Order 2019

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

**S.I. 2018/1306** Financial Services (Banking Reform) Act 2013 (Commencement No. 12) Order 2018

**S.I. 2018/1330** Rent Officers (Housing Benefit and Universal Credit Functions) (Amendment) Order 2018