



House of Lords  
House of Commons  
Joint Committee on  
Statutory Instruments

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# Forty-fifth Report of Session 2017–19

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*Ordered by the House of Lords  
to be printed 23 January 2019*

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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 23 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

<b>Draft S.I.</b>	Farriers and Animal Health (Amendment) (EU Exit) Regulations 2019
<b>Draft S.I.</b>	Pesticides (Maximum Residue Levels) (Amendment etc.) (EU Exit) Regulations 2019
<b>Draft S.I.</b>	Air Quality (Taxis and Private Hire Vehicles Database) (England and Wales) Regulations 2019
<b>Draft S.I.</b>	Solvency 2 and Insurance (Amendment, etc.) (EU Exit) Regulations 2019
<b>Draft S.I.</b>	Packaged Retail and Insurance-based Investment Products (Amendment) Regulations 2019
<b>Draft S.I.</b>	Companies, Limited Liability Partnerships and Partnerships (Amendment etc.) (EU Exit) Regulations 2019
<b>Draft S.I.</b>	Buckinghamshire (Structural Changes) (Modification of the Local Government and Public Involvement in Health Act 2007) Regulations 2019
<b>Draft S.I.</b>	Drivers' Hours and Tachographs (Amendment etc.) (EU Exit) Regulations 2019
<b>Draft S.I.</b>	Employment Rights (Amendment) (EU Exit) Regulations 2019
<b>Draft S.I.</b>	Employment Rights (Amendment) (Northern Ireland) (EU Exit) Regulations 2019

### Instruments subject to annulment

<b>S.I. 2018/1344</b>	Scotland Act 1998 (Agency Arrangements) (Specification) (No. 2) Order 2018
<b>S.I. 2018/1370</b>	Health and Safety (Amendment) (EU Exit) Regulations 2018
<b>S.I. 2018/1377</b>	Health and Safety (Amendment) (Northern Ireland) (EU Exit) Regulations 2018
<b>S.I. 2018/1380</b>	Feed-in Tariffs (Closure, etc.) Order 2018
<b>S.I. 2018/1383</b>	Misuse of Drugs and Misuse of Drugs (Safe Custody) (Amendment) (England and Wales and Scotland) Regulations 2018
<b>S.I. 2018/1386</b>	Local Government (Miscellaneous Amendments) (EU Exit) Regulations 2018

- S.I. 2018/1387** Weighing and Measuring Equipment and Meters (Amendment of Secondary Legislation) (EU Exit) Regulations 2018
- S.I. 2018/1391** European Institutions and Consular Protection (Amendment etc.) (EU Exit) Regulations 2018
- S.I. 2018/1395** Road Transport (International Passenger Services) Regulations 2018
- S.I. 2018/1400** Merchant Shipping (Accident Reporting and Investigation) and the Railways (Accident Investigation and Reporting) (Amendment) (EU Exit) Regulations 2018

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

- S.I. 2018/1351** Burma and Somalia (Sanctions) (Overseas Territories) (Amendment) Order 2018
- S.I. 2018/1361** Chemical Weapons (Sanctions) (Overseas Territories) Order 2018

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

- S.I. 2018/1368** Wireless Telegraphy (Licence Charges for the 900 MHz Frequency Band and the 1800 MHz Frequency Band) Regulations 2018
- S.I. 2018/1379** Investigatory Powers Act 2016 (Commencement No. 10 and Transitional Provision) Regulations 2018