



House of Lords  
House of Commons  
Joint Committee on  
Statutory Instruments

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# First Report of Session 2017–19

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*Ordered by The House of Lords  
to be printed 1 November 2017*

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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

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

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

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

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

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

[Lee Rowley](#) (*Conservative, North East Derbyshire*)

[Sir Robert Syms](#) (*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). Daniel Greenberg, Advisory Counsel; Peter Brooksbank, Philip Davies and Vanessa MacNair (Commons); James Cooper, Nicholas Beach and John Crane (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 1 November 2017 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>	International Headquarters and Defence Organisations (Designation and Privileges) Order 2017
<b>Draft S.I.</b>	Unified Patent Court (Immunities and Privileges) Order 2017
<b>Draft S.I.</b>	Pension Schemes Act 2015 (Transitional Provisions and Appropriate Independent Advice) (Amendment No. 2) Regulations 2017
<b>Draft S.I.</b>	Banking Act 2009 (Service Providers to Payment Systems) Order 2017
<b>Draft S.I.</b>	Misuse of Drugs Act 1971 (Amendment) (No. 2) Order 2017
<b>Draft S.I.</b>	Renewables Obligation (Amendment) (Energy Intensive Industries) Order 2017
<b>Draft S.I.</b>	Scotland Act 2016 (Onshore Petroleum) (Consequential Amendments) Regulations 2017
<b>Draft S.I.</b>	Small Business Commissioner (Scope and Scheme) Regulations 2017
<b>Draft S.I.</b>	Greater Manchester Combined Authority (Public Health Functions) Order 2017
<b>Draft S.I.</b>	Charitable Incorporated Organisations (Consequential Amendments) Order 2017
<b>Draft S.I.</b>	Government Resources and Accounts Act 2000 (Audit of Public Bodies) Order 2017
<b>Draft S.I.</b>	Scottish Banknote (Designation of Authorised Bank) Regulations 2017
<b>Draft S.I.</b>	Criminal Justice (Scotland) Act 2016 (Consequential Provisions) Order 2017
<b>Draft S.I.</b>	Business Contract Terms (Assignment of Receivables) Regulations 2017
<b>Draft S.I.</b>	Community Drivers' Hours Offences (Enforcement) Regulations 2017
<b>Draft S.I.</b>	Regulation of Social Housing (Influence of Local Authorities) (England) Regulations 2017
<b>Draft S.I.</b>	Scotland Act 1998 (Insolvency Functions) Order 2017
<b>Draft S.I.</b>	Scotland Act 1998 (Specification of Devolved Tax) (Wild Fisheries) Order 2017
<b>Draft S.I.</b>	Selection of the President of Welsh Tribunals Regulations 2017

- Draft S.I.** Drug Dealing Telecommunications Restriction Orders Regulations 2017
- Draft S.I.** Risk Transformation Regulations 2017
- Draft S.I.** Communications Act 2003 and the Digital Economy Act 2017 (Consequential Amendments to Primary Legislation) Regulations 2017
- Draft S.I.** Designs (International Registration of Industrial Designs) Order 2017
- Draft S.I.** Electronic Communications Code (Jurisdiction) Regulations 2017
- Draft S.I.** Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2017
- Draft S.I.** Proceeds of Crime Act 2002 (Cash Searches: Code of Practice) Order 2018
- Draft S.I.** Criminal Finances Act 2017 (Consequential Amendment) Regulations 2018
- Draft S.I.** Proceeds of Crime Act 2002 (Investigations: Code of Practice) Order 2018
- Draft S.I.** Proceeds of Crime Act 2002 (Investigative Powers of Prosecutors: Code of Practice) Order 2018
- Draft S.I.** Proceeds of Crime Act 2002 (Recovery of Listed Assets: Code of Practice) (England and Wales and Scotland) Regulations 2018
- Draft S.I.** Proceeds of Crime Act 2002 (Search, Seizure and Detention of Property: Code of Practice) Order 2018
- Draft S.I.** Terrorism Act 2000 (Code of Practice for Authorised Officers) Order 2018
- Draft S.I.** Justice and Security (Northern Ireland) Act 2007 (Extension of duration of non-jury trial provisions) Order 2017 (S.I. 2017/798)