



House of Lords  
House of Commons  
Joint Committee on Statutory  
Instruments

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**Twelfth Report of  
Session 2017–19**

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*Ordered by the House of Lords  
to be printed 7 February 2018*

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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 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*)

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

[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, 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 7 February 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

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### Draft instruments requiring affirmative approval

<b>Draft S.I.</b>	Waste Enforcement (England and Wales) Regulations 2018
<b>Draft S.I.</b>	Automatic Enrolment (Earnings Trigger and Qualifying Earnings Band) Order 2018
<b>Draft S.I.</b>	Industrial Training Levy (Construction Industry Training Board) Order 2018
<b>Draft S.I.</b>	Passport (Fees) Regulations 2018
<b>Draft S.I.</b>	Gambling Act 2005 (Operating Licence Conditions) (Amendment) Regulations 2018

### Instruments subject to annulment

<b>S.I. 2018/10</b>	School and Early Years Finance (England) Regulations 2018
<b>S.I. 2018/25</b>	Goods and Motor Vehicles (Miscellaneous Amendments) Regulations 2018
<b>S.I. 2018/26</b>	Seafarers (Transnational Information and Consultation, Collective Redundancies and Insolvency Miscellaneous Amendments) Regulations 2018
<b>S.I. 2018/52</b>	Road Vehicles (Registration and Licensing) (Amendment) Regulations 2018
<b>S.I. 2018/53</b>	Merchant Shipping (Safety Rules and Standards for Passenger Ships) (Miscellaneous Amendments) Regulations 2018
<b>S.I. 2018/56</b>	Scotland Act 2016 and Onshore Petroleum (Consequential, Transitional and Saving Provisions and Model Clauses) Regulations 2018
<b>S.I. 2018/59</b>	National Health Service (Quality Accounts) (Amendment) (No. 2) Regulations 2018
<b>S.I. 2018/65</b>	Universal Credit (Miscellaneous Amendments, Saving and Transitional Provision) Regulations 2018
<b>S.I. 2018/66</b>	Magistrates' Courts (Immigration Act 2014) (Freezing Orders) Rules 2018
<b>S.I. 2018/67</b>	Children and Family Court Advisory and Support Service (Reviewed Case Referral) (Amendment) Regulations 2018
<b>S.I. 2018/70</b>	Land Registration (Amendment) Rules 2018

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

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| <b>S.I. 2018/27</b> | Childcare Payments Act 2014 (Commencement No. 6) Regulations 2018  |
| <b>S.I. 2018/31</b> | Immigration Act 2016 (Commencement No. 7 and Transitional Provisions) (Amendment) Regulations 2018                     |
| <b>S.I. 2018/38</b> | Neighbourhood Planning Act 2017 (Commencement No. 3) Regulations 2018  |
| <b>S.I. 2018/44</b> | Wireless Telegraphy (Ultra-Wideband Equipment) (Exemption) (Amendment) Regulations 2018                                |
| <b>S.I. 2018/47</b> | Charities (Protection and Social Investment) Act 2016 (Commencement No. 2 and Transitional Provision) Regulations 2018 |
| <b>S.I. 2018/78</b> | Criminal Finances Act 2017 (Commencement No. 4) Regulations 2018   |