



House of Lords
House of Commons
Joint Committee on
Statutory Instruments

Twenty-fifth Report of Session 2006–07

*Ordered by The House of Lords to be printed
25 July 2007*

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Joint Committee on Statutory Instruments

Current membership

House of Lords

Earl Attlee (*Conservative*)
Lord Dykes (*Liberal Democrat*)
Baroness Gale (*Labour*)
Lord Gould of Brookwood (*Labour*)
Lord Kimball (*Conservative*)
Countess of Mar (*Crossbench*)
Lord Walpole (*Crossbench*)

House of Commons

David Maclean MP (*Conservative, Penrith and The Border*)
(Chairman)
Dr Roberta Blackman-Woods MP (*Labour, City of Durham*)
Mr Peter Bone MP (*Conservative, Wellingborough*)
Michael Jabez Foster MP (*Labour, Hastings and Rye*)
Mr David Kidney MP (*Labour, Stafford*)
Mr John MacDougall MP (*Labour, Central Fife*)
David Simpson MP (*Democratic Unionist, Upper Bann*)

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. 74, available on the Internet via 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. or on 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 The Stationery Office by Order of both Houses. All publications of the Committee are available on the Internet from www.parliament.uk/jcsi.

Committee staff

The current staff of the Committee are Mick Hillyard (*Commons Clerk*), Kath Kavanagh (*Lords Clerk*) and Jacqueline Cooksey (*Committee Secretary*). Advisory Counsel: Peter Davis, Peter Brooksbank and Christine Cogger (*Commons*) and Peter Milledge (*Lords*).

Contacts

All correspondence should be addressed to the Clerk of the Joint Committee on Statutory Instruments, Delegated Legislation Office, 7 Millbank, London SW1P 3JA. The telephone number for general inquiries is: 020 7219 2830; the Committee's e-mail address is: jcsi@parliament.uk.

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Instruments not reported

The Committee considered the instruments set out in the Annex to this Report at its meeting on 25 July 2007 and determined that the special attention of both Houses does not require to be drawn to any of them.

Annex

Instruments to which the Committee does not draw the special attention of both Houses

- denotes that the written evidence submitted in connection with the instrument is printed with this Report
- denotes written evidence has been submitted but not printed

Draft instruments requiring affirmative approval

Draft S.I. Criminal Defence Service (Very High Cost Cases) Regulations 2007

Draft S.I. Traffic Management Permit Scheme (England) Regulations 2007

Instruments subject to annulment

- S.I. 2007/1764** Disability Discrimination (General Qualifications Bodies)(Relevant Qualifications, Reasonable Steps and Physical Features) Regulations 2007
- S.I. 2007/1860** Education (Special Educational Needs) (England) (Consolidation) (Amendment) Regulations 2007
- S.I. 2007/1862** Stonebridge Housing Action Trust (Dissolution) Order 2007
- S.I. 2007/1864** Further Education (Principals' Qualifications) (England) Regulations 2007
- S.I. 2007/1865** Student Fees (Amounts) (England) (Amendment) Regulations 2007
- S.I. 2007/1867** Education (Penalty Notices) (England) Regulations 2007
- S.I. 2007/1868** Education (Reintegration Interview) (England) Regulations 2007
- S.I. 2007/1869** Education (Parenting Contracts and Parenting Orders) (England) Regulations 2007
- S.I. 2007/1870** Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007
- S.I. 2007/1883** General Teaching Council for England (Registration of Teachers) (Amendment) Regulations 2007
- S.I. 2007/1893** Plant Health (England) (Amendment) Order 2007
- S.I. 2007/1894** Coal Mines (Control of Inhalable Dust) Regulations 2007
- S.I. 2007/1896** Competition Act 1998 (Public Policy Exclusion) Order 2007
- S.I. 2007/1898** Mental Capacity Act 2005 (Transitional and Consequential Provisions) Order 2007
- S.I. 2007/1902** Road Traffic (Permitted Parking Area and Special Parking Area) (County of North Yorkshire) (Borough of Scarborough) Order 2007
- S.I. 2007/1903** Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007
- S.I. 2007/1904¹** Houses in Multiple Occupation (Certain Converted Blocks of Flats) (Modifications to the Housing Act 2004 and Transitional Provisions for section 257 HMOs) (England) Regulations 2007

¹ S.I. 2007/1904 A correction slip is being issued by the Department to remove the word "Converted" from the title.

- S.I. 2007/1930** Occupational Pension Schemes (Winding Up, Winding Up Notices and Reports etc.) (Amendment) Regulations 2007
- S.I. 2007/1932** Police Pension Fund Regulations 2007
- S.I. 2007/1933** Mobile Roaming (European Communities) Regulations 2007
- S.I. 2007/1934** Road Traffic (Permitted Parking Area and Special Parking Area) (County of Northamptonshire) (Corby, Wellingborough, East Northamptonshire and South Northamptonshire) Order 2007
- S.I. 2007/1935** Road Traffic (Permitted Parking Area and Special Parking Area) (County of Warwickshire) (District of Warwick) Order 2007
- S.I. 2007/1942** Gambling Act 2005 (Gaming in Clubs) Regulations 2007
- S.I. 2007/1943** Common Agricultural Policy (Wine) (England and Northern Ireland) (Amendment) Regulations 2007
- S.I. 2007/1944** Gambling Act 2005 (Exempt Gaming in Clubs) Regulations 2007
- S.I. 2007/1945** Gambling Act 2005 (Club Gaming Permits) (Authorised Gaming) Regulations 2007
- S.I. 2007/1950** Local Authorities (Functions and Responsibilities) (England) (Amendment No. 3) Regulations 2007

Instruments subject to annulment (Northern Ireland)

- S.R. 2007/324** Family Proceedings (Amendment) Rules (Northern Ireland) 2007

Instruments not subject to Parliamentary proceedings laid before Parliament

- **S.I. 2007/1678** Virgin Islands Constitution Order 2007

Instruments not subject to Parliamentary proceedings not laid before Parliament

- S.I. 2007/1354** Scottish Parliamentary Elections (Returning Officers' Charges) Order 2007