



House of Lords
House of Commons
Joint Committee on
Statutory Instruments

Twenty-fifth Report of Session 2007–08

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Joint Committee on Statutory Instruments

Current membership

House of Lords

Lord Brett (*Labour*)
Lord Campbell of Alloway (*Conservative*)
Lord Dykes (*Liberal Democrat*)
Baroness Jones of Whitchurch (*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. 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 John Whatley (*Commons Clerk*), Kath Kavanagh (*Lords Clerk*) and Jacqueline Cooksey (*Committee Secretary*). Advisory Counsel: Peter Davis, Peter Brooksbank and Christine Cogger (*Commons*); Allan Roberts and Peter Milledge (*Lords*).

Contacts

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Instruments not reported

At its meeting on 9 July 2008 the Committee considered the Instruments set out in the Annex to this Report, none of which were required to be reported to the respective Houses.

A memorandum from HM Treasury in connection with the Whole of Government Accounts (Designation of Bodies) Order 2008 (S.I. 2008/1440) is printed at the Appendix.

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.** Fixed-term Employees (Prevention of Less Favourable Treatment) (Amendment) Regulations 2008
- Draft S.I.** Maternity and Parental Leave etc. and the Paternity and Adoption Leave (Amendment) Regulations 2008
- Draft S.I.** Terrorism Act 2000 (Proscribed Organisations) (Amendment) (No. 2) Order 2008

Instruments subject to annulment

- **S.I. 2008/1440** Whole of Government Accounts (Designation of Bodies) Order 2008
- S.I. 2008/1523** Feeding Stuffs (England) (Amendment) Regulations 2008
- S.I. 2008/1552** Social Security (Industrial Injuries) (Prescribed Diseases) Amendment (No. 2) Regulations 2008
- S.I. 2008/1554** Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008
- S.I. 2008/1572** West Northamptonshire Joint Committee Order 2008
- S.I. 2008/1575** Education (Outturn Statements) (England) Regulations 2008
- S.I. 2008/1585** Air Force Act 1955 (Part 1) (Amendment) Regulations 2008
- S.I. 2008/1587** Criminal Justice and Immigration Act 2008 (Transitory Provisions) Order 2008
- S.I. 2008/1590** Planning (National Security Directions and Appointed Representatives) (Scotland) Rules 2008
- S.I. 2008/1595** Mesothelioma Lump Sum Payments (Claims and Reconsiderations) Regulations 2008
- S.I. 2008/1642** Plastic Materials and Articles in Contact with Food (England) (Amendment) Regulations 2008
- S.I. 2008/1644** Safety of Sports Grounds (Designation) (No.2) Order 2008
- S.I. 2008/1647** European Parliament (House of Lords Disqualification) Regulations 2008

Instruments subject to annulment (Northern Ireland)

- S.R. 2008/259** Family Proceedings (Amendment No. 2) Rules (Northern Ireland) 2008

Instruments not subject to Parliamentary proceedings not laid before Parliament

- S.I. 2008/1484** Inspectors of Education, Children's Services and Skills (No. 2) Order 2008
- S.I. 2008/1487** Air Navigation (Isle of Man) (Amendment) Order 2008
- S.I. 2008/1588** Taxation of Chargeable Gains (Gilt-edged Securities) Order 2008
- **S.I. 2008/1591** Legal Services Act 2007 (Commencement No. 2 and Transitory Provisions) (Amendment) Order 2008
- S.I. 2008/1592** Data Protection Act 1998 (Commencement No. 2) Order 2008

Appendix

S.I. 2008/1440: memorandum from HM Treasury

<i>Whole of Government Accounts (Designation of Bodies) Order 2008 (S.I. 2008/1440)</i>

The Clerk requested in a letter of 25 June 2008 a memorandum addressing the following point:

Given the amendment of section 10(7) of the Government Resources and Accounts Act 2000 by paragraph 57 of Schedule 10 to the Government of Wales Act 2006 (as referred to in footnote (a) to this Order), explain why the preamble refers to consultation with the National Assembly for Wales.

2. We accept that the reference to the Assembly is incorrect. The preamble should have referred instead to our consultation with the Welsh Ministers.
3. The Treasury regrets this error and will correct the Order as soon as possible.

HM Treasury
30 June 2008