



House of Lords

House of Commons

Joint Committee on Statutory
Instruments

FORMAL MINUTES

Session 2009–10

Joint Committee on Statutory Instruments

The Joint Committee on Statutory Instruments (JCSI) is appointed to consider all 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 do not fall to be considered by JCSI unless they are required to be laid before Parliament.

The Joint Committee is empowered to draw the special attention of both Houses to an instrument on any one of a number of grounds specified in the Standing Order under which it works; or on any other ground which does not impinge upon the merits of the instrument or the policy behind it.

Membership during 2008-09 Session

House of Lords

Lord Campbell of Alloway (*Conservative*)

Baroness Jones of Whitchurch (*Labour*)

Lord Kimball (*Conservative*)

Countess of Mar (*Crossbench*)

Earl of Mar and Kellie (*Liberal Democrat*)

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*)

Nigel Dodds MP (*Democratic Unionist, Belfast North*)

Michael Jabez Foster MP (*Labour, Hastings and Rye*)

Mr David Kidney MP (*Labour, Stafford*)

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.

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.

Committee staff

The current staff of the Committee are John Whatley (*Commons Clerk*), Kath Kavanagh (*Lords Clerk*) and Jennifer Steele (*Committee Assistant*). Advisory Counsel: Peter Davis, Peter Brooksbank and Christine Cogger (*Commons*); Allan Roberts 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 email address is: jcsi@parliament.uk.

Formal Minutes of the Committee

Wednesday 25 November 2009

Members present:

David Maclean MP (*in the Chair*)

Lord Clinton-Davis
Baroness Jones of Whitchurch
Lord Kimball
Countess of Mar
Earl of Mar and Kellie
Lord Walpole

Mr Allan Roberts, Mr Peter Milledge, Mr Peter Brooksbank and Mr Peter Davis in attendance.

Two Members of the Commons not being present, the Chairman adjourns the meeting until 2 December 2009.

Ordered, That the Joint Committee be adjourned to 2 December.

Wednesday 2 December 2009

Members present:

David Maclean MP (*in the Chair*)

Lord Campbell of Alloway Dr Roberta Blackman-Woods MP
Lord Clinton-Davis Peter Bone MP
Baroness Jones of Whitchurch Nigel Dodds MP
Lord Kimball
Countess of Mar
Earl of Mar and Kellie
Lord Walpole

Mr Allan Roberts, Mr Peter Milledge, Mr Peter Davis, Mr Peter Brooksbank and Ms Christine Cogger in attendance.

The Order of Adjournment is read.

The Proceedings of Wednesday 25 November 2009 are read.

The Joint Committee deliberate.

Resolved, That the special attention of both Houses be drawn to the Infrastructure Planning (Model Provisions) (England and Wales) Order 2009 (S.I. 2009/2265) on the ground that the instrument is defectively drafted.

Resolved, That the special attention of both Houses be drawn to the Valuation Tribunal for England (Membership and Transitional Provisions) Regulations 2009 (S.I. 2009/2267) on the ground that the instrument makes an unexpected use of enabling power.

Resolved, That the special attention of both Houses be drawn to the Financial Transparency (EC Directive) Regulations 2009 (S.I. 2009/2331) on the grounds that the instrument makes an unexpected use of enabling power and is defectively drafted.

Resolved, That the special attention of both Houses be drawn to the Business Rate Supplements (Transfers to Revenue Accounts) (England) Regulations 2009 (S.I. 2009/2543) on the ground that the instrument is defectively drafted.

Resolved, That the special attention of both Houses be drawn to the Identity Cards Act 2006 (Provision of Information with Consent) Regulations 2009 (S.I. 2009/2575) on the ground that the instrument is defectively drafted.

Resolved, That the special attention of both Houses be drawn to the Court Martial Appeal Court Rules 2009 (S.I. 2009/2657) on the ground that the instrument is defectively drafted.

Resolved, That the special attention of both Houses be drawn to the Highway Litter Clearance and Cleaning (Transfer of Responsibility) (England) Order 2009 (S.I. 2009/2677) on the ground that the instrument is defectively drafted.

Resolved, That the special attention of both Houses be drawn to the Magistrates' Courts and County Court Appeals (Criminal Legal Aid) (Costs) Rules (Northern Ireland) 2009 on the ground that the instrument fails to comply with proper drafting practice.

Ordered, That the written evidence submitted in relation to these instruments be reported to both Houses.

A draft Report is proposed by the Chairman.

It is moved that the draft Report before the Committee be read.

The same is agreed to.

Paragraphs 1.1 to 8.6 read and agreed to.

The Committee agrees that the Report be the First Report of the Joint Committee.

Ordered, That the Joint Committee be adjourned to 9 December.

Wednesday 9 December 2009

Members present:

David Maclean MP (*in the Chair*)

Lord Campbell of Alloway	Mr Nigel Dodds MP
Lord Clinton-Davis	Jeff Ennis MP
Baroness Jones of Whitchurch	Judy Mallaber MP
Lord Kimball	Chris Ruane MP
Countess of Mar	
Lord Walpole	

Mr Peter Milledge, Mr Peter Davis and Mr Peter Brooksbank in attendance.

The Order of Adjournment is read.

The Proceedings of Wednesday 2 December 2009 are read.

Jeff Ennis, Judy Mallaber and Chris Ruane declare their interests, in accordance with the Resolution of the House of Commons of 13 July 1992, (See Appendix):

The Joint Committee deliberate.

A draft Special Report, [Government Response to the Committee's Second Special Report of 2008-09: Scrutinising Statutory Instruments: Departmental Returns, 2008] (HL Paper 136, HC 884), is proposed by the Chairman.

It is moved that the draft Report before the Committee be read.

The same is agreed to.

Paragraph 1 is agreed to.

Ordered, That a paper is ordered to be appended to the Report.

The Committee agrees that the draft Special Report be the First Special Report of the Joint Committee.

Ordered, That the Chairman make the Report to the House of Commons and that Countess of Mar make the Report to the House of Lords.

A draft Report is proposed by the Chairman.

It is moved that the draft Report before the Committee be read.

The same is agreed to.

The Committee agrees that the Report be the Second Report of the Joint Committee.

The Joint Committee further deliberate.

Ordered, That the Joint Committee be adjourned to 16 December.

Wednesday 16 December 2009

Members present:

David Maclean MP (*in the Chair*)

Lord Campbell of Alloway	Mr Peter Bone MP
Lord Clinton-Davis	Jeff Ennis MP
Baroness Jones of Whitchurch	Chris Ruane MP
Earl of Mar and Kellie	
Lord Walpole	

Mr Peter Milledge, Mr Peter Davis, Mr Peter Brooksbank and Ms Christine Cogger in attendance.

The Order of Adjournment is read.

The Proceedings of Wednesday 9 December 2009 are read.

The Joint Committee deliberate.

Resolved, That the special attention of both Houses be drawn to the Draft Health and Social Care Act 2008 (Regulated Activities) Regulations 2009 on the grounds that the instrument makes unusual or unexpected use of powers, doubtful vires and requires elucidation.

Resolved, That the special attention of both Houses be drawn to the Magistrates' Courts (Drinking Banning Orders) Rules 2009 (S.I. 2009/2937) on the ground that the instrument does not accord with proper legislative practice.

Resolved, That the special attention of both Houses be drawn to the Audiovisual Media Services Regulations 2009 (S.I. 2009/2979) on the ground it is defectively drafted.

A draft Report is proposed by the Chairman.

It is moved that the draft Report before the Committee be read.

The same is agreed to.

Paragraphs 1.1 to 3.2 read and agreed to.

The Committee agrees that the Report be the Third Report of the Joint Committee.

The Joint Committee further deliberate.

Ordered, That the Joint Committee be adjourned to 13 January.

Wednesday 13 January 2010

Members present:

David Maclean MP (*in the Chair*)

Lord Campbell of Alloway	Mr Peter Bone MP
Lord Clinton-Davis	Nigel Dodds MP
Baroness Jones of Whitchurch	Jeff Ennis MP
Earl of Mar and Kellie	
Lord Walpole	

Allan Roberts, Mr Peter Milledge, Mr Peter Davis and Mr Peter Brooksbank in attendance.

The Order of Adjournment is read.

The Proceedings of Wednesday 16 December 2009 are read.

The Joint Committee deliberate.

A draft Report is proposed by the Chairman.

It is moved that the draft Report before the Committee be read.

The same is agreed to.

The Committee agrees that the Report be the Fourth Report of the Joint Committee.

The Joint Committee further deliberate.

Ordered, That the Joint Committee be adjourned to 20 January.

Wednesday 20 January 2010

Members present:

David Maclean MP (*in the Chair*)

Lord Campbell of Alloway	Nigel Dodds MP
Lord Clinton-Davis	Jeff Ennis MP
Baroness Jones of Whitchurch	Judy Mallaber MP
Lord Kimball	Chris Ruane MP
Lord Walpole	

Allan Roberts, Mr Peter Milledge, Mr Peter Davis and Ms Christine Cogger in attendance.

The Order of Adjournment is read.

The Proceedings of Wednesday 13 January 2010 are read.

The Joint Committee deliberate.

A draft Report is proposed by the Chairman.

It is moved that the draft Report before the Committee be read.

The same is agreed to.

The Committee agrees that the Report be the Fifth Report of the Joint Committee.

The Joint Committee further deliberate.

Ordered, That the Joint Committee be adjourned to 27 January.

Wednesday 27 January 2010

Members present:

David Maclean MP (*in the Chair*)

Lord Campbell of Alloway	Mr Peter Bone MP
Lord Clinton-Davis	Jeff Ennis MP
Lord Kimball	Judy Mallaber MP
Earl of Mar and Kellie	Chris Ruane MP
Lord Walpole	

Allan Roberts, Mr Peter Milledge, Mr Peter Davis and Mr Peter Brooksbank in attendance.

The Order of Adjournment is read.

The Proceedings of Wednesday 20 January 2010 are read.

The Joint Committee deliberate.

A draft Report is proposed by the Chairman.

It is moved that the draft Report before the Committee be read.

The same is agreed to.

The Committee agrees that the Report be the Sixth Report of the Joint Committee.

The Joint Committee further deliberate.

Ordered, That the Joint Committee be adjourned to 3 February.

Wednesday 3 February 2010

Members present:

David Maclean MP (*in the Chair*)

Lord Campbell of Alloway	Mr Peter Bone MP
Lord Clinton-Davis	Nigel Dodds MP
Baroness Jones of Whitchurch	Chris Ruane MP
Lord Kimball	
Earl of Mar and Kellie	
Lord Walpole	

Allan Roberts, Mr Peter Milledge, Mr Peter Davis and Ms Christine Cogger in attendance.

The Order of Adjournment is read.

The Proceedings of Wednesday 27 January 2010 are read.

The Joint Committee deliberate.

A draft Report is proposed by the Chairman.

It is moved that the draft Report before the Committee be read.

The same is agreed to.

The Committee agrees that the Report be the Seventh Report of the Joint Committee.

The Joint Committee further deliberate.

Ordered, That the Joint Committee be adjourned to 10 February.

Wednesday 10 February 2010

Members present:

David Maclean MP (*in the Chair*)

Lord Campbell of Alloway

Nigel Dodds MP

Lord Clinton-Davis

Judy Mallaber MP

Baroness Jones of Whitchurch

Lord Walpole

Allan Roberts, Mr Peter Milledge, Mr Peter Davis and Mr Peter Brooksbank in attendance.

The Order of Adjournment is read.

The Proceedings of Wednesday 3 February 2010 are read.

The Joint Committee deliberate.

A draft Report is proposed by the Chairman.

It is moved that the draft Report before the Committee be read.

The same is agreed to.

The Committee agrees that the Report be the Eighth Report of the Joint Committee.

The Joint Committee further deliberate.

Ordered, That the Joint Committee be adjourned to 3 March.

Wednesday 3 March 2010

Members present:

Lord Campbell of Alloway	Dr Roberta Blackman-Woods MP
Lord Clinton-Davis	Mr Peter Bone MP
Lord Kimball	Nigel Dodds MP
Countess of Mar	Jeff Ennis MP
Earl of Mar and Kellie	Chris Ruane MP
Lord Walpole	

In the temporary absence of the Chairman Dr Roberta Blackman-Woods was called to the Chair for the meeting.

Allan Roberts, Mr Peter Milledge, Mr Peter Davis and Ms Christine Cogger in attendance.

The Order of Adjournment is read.

The Proceedings of Wednesday 10 February 2010 are read.

The Joint Committee deliberate.

Lord Walpole declared a non-pecuniary interest in relation to the Norwich and Norfolk (Structural Changes) Order 2010.

A draft Report is proposed by the Chairman.

It is moved that the draft Report before the Committee be read.

The same is agreed to.

The Committee agrees that the Report be the Ninth Report of the Joint Committee.

The Joint Committee further deliberate.

Ordered, That the Joint Committee be adjourned to 10 March.

Wednesday 10 March 2010

Members present:

David Maclean MP (*in the Chair*)

Lord Campbell of Alloway	Mr Peter Bone MP
Lord Clinton-Davis	Jeff Ennis MP
Lord Kimball	Judy Mallaber MP
Countess of Mar	
Earl of Mar and Kellie	
Lord Walpole	

Mr Peter Milledge, Nicholas Beach, Mr Peter Davis and Mr Peter Brooksbank in attendance.

The Order of Adjournment is read.

The Proceedings of Wednesday 3 March 2010 are read.

The Joint Committee deliberate.

A draft Report is proposed by the Chairman.

It is moved that the draft Report before the Committee be read.

The same is agreed to.

The Committee agrees that the Report be the Tenth Report of the Joint Committee.

The Joint Committee further deliberate.

Ordered, That the Joint Committee be adjourned to 17 March.

Wednesday 17 March 2010

Members present:

David Maclean MP (*in the Chair*)

Lord Campbell of Alloway	Mr Peter Bone MP
Lord Clinton-Davis	Nigel Dodds MP
Baroness Jones of Whitchurch	Judy Mallaber MP
Lord Kimball	Chris Ruane MP
Earl of Mar and Kellie	
Lord Walpole	

Mr Peter Milledge, Allan Roberts, Mr Peter Davis and Ms Christine Cogger in attendance.

The Order of Adjournment is read.

The Proceedings of Wednesday 10 March 2010 are read.

The Joint Committee deliberate.

A draft Report is proposed by the Chairman.

It is moved that the draft Report before the Committee be read.

The same is agreed to.

The Committee agrees that the Report be the Eleventh Report of the Joint Committee.

The Joint Committee further deliberate.

Ordered, That the Joint Committee be adjourned to 24 March.

Wednesday 24 March 2010

Members present:

David Maclean MP (*in the Chair*)

Lord Campbell of Alloway	Mr Peter Bone MP
Lord Clinton-Davis	Judy Mallaber MP
Lord Kimball	
Countess of Mar	
Earl of Mar and Kellie	
Lord Walpole	

Mr Peter Milledge, Allan Roberts, Mr Peter Davis and Mr Peter Brooksbank in attendance.

The Order of Adjournment is read.

The Proceedings of Wednesday 17 March 2010 are read.

The Joint Committee deliberate.

A draft Report is proposed by the Chairman.

It is moved that the draft Report before the Committee be read.

The same is agreed to.

The Committee agrees that the Report be the Twelfth Report of the Joint Committee.

The Joint Committee further deliberate.

Ordered, That the Joint Committee be adjourned to 30 March.

Wednesday 30 March 2010

Members present:

David Maclean MP (*in the Chair*)

Lord Campbell of Alloway	Dr Roberta Blackman-Woods MP
Lord Clinton-Davis	Mr Peter Bone MP
Baroness Jones of Whitchurch	Jeff Ennis MP
Earl of Mar and Kellie	Judy Mallaber MP
Lord Walpole	

Mr Peter Milledge, Nicholas Beach, Mr Peter Davis, Ms Christine Cogger and Mr Peter Brooksbank in attendance.

The Order of Adjournment is read.

The Proceedings of Wednesday 24 March 2010 are read.

The Joint Committee deliberate.

A draft Report is proposed by the Chairman.

It is moved that the draft Report before the Committee be read.

The same is agreed to.

The Committee agrees that the Report be the Thirteenth Report of the Joint Committee.

The Joint Committee further deliberate.

Ordered, That the Joint Committee be adjourned to a day and time fixed by the
Chairman.
