



House of Lords
House of Commons
Joint Committee on Statutory
Instruments

**Sixteenth Report of
Session 2023–24**

Drawing special attention to:

Building (Registered Building Control Approvers etc.) (England) Regulations
2024 (S.I. 2024/110)

*Ordered by the House of Lords
to be printed 20 March 2024*

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Joint Committee on Statutory Instruments

Current membership

House of Lords

[Lord Beith](#) (*Liberal Democrat*)

[Lord Haselhurst](#) (*Conservative*)

[Lord Chartres](#) (*Crossbench*)

[Lord Meston](#) (*Crossbench*)

[Lord Sahota](#) (*Labour*)

[Baroness Sater](#) (*Conservative*)

[Lord Watson of Wyre Forest](#) (*Labour*)

House of Commons

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[Peter Grant MP](#) (*Scottish National Party, Glenrothes*)

[Paul Holmes MP](#) (*Conservative, Eastleigh*)

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[Maggie Throup MP](#) (*Conservative, Erewash*)

[Liz Twist MP](#) (*Labour, Blaydon*)

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](#), relating to Public Business.

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

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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.

Committee staff

The current staff of the Committee are Sue Beeby (Committee Operations Officer), Jennifer Mills (Lords Clerk), Ines Nizigama (Committee Operations Officer), Joe Watt (Commons Clerk), Advisory Counsel: Sarita Arthur-Crow, Rupert Grist, Justin Leslie, Vanessa MacNair, and Hannah Stewart (Commons); Nicholas Beach, James Cooper, Ché Diamond (Lords).

Contacts

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Instruments reported

At its meeting on 20 March 2024 the Committee scrutinised a number of instruments in accordance with Standing Orders. It was agreed that the special attention of both Houses should be drawn to one of those considered. The instrument and the grounds for reporting are given below. The relevant departmental memorandum is published as an appendix to this report.

1 S.I. 2024/110: Reported for failure to comply with proper legislative practice

Building (Registered Building Control Approvers etc.) (England) Regulations 2024

Procedure: Made negative

1.1 The Committee draws the special attention of both Houses to these Regulations on the ground that they fail to comply with proper legislative practice in one respect.

1.2 These Regulations consolidate and replace the Building (Approved Inspectors etc.) Regulations 2010 following amendments made to the Building Act 1984 by the Building Act 2022. Regulation 32(3) prescribes cases for the purposes of section 58Z4(5) of the 1984 Act (namely cases where a regulatory authority must give a copy of an improvement notice and a statement of reasons for giving the notice to a local authority). Section 58Z4(5) is not cited as an enabling power in the preamble and the Committee asked the Department for Levelling Up, Housing and Communities to explain. In a memorandum printed at Appendix 1, the Department explains that it should have cited section 58Z4(5) as an enabling power and undertakes to address the issue at the earliest opportunity. Given it is clear that the drafter intended to rely on the power in section 58Z4(5), **the Committee accordingly reports the preamble for failure to comply with proper legislative practice, acknowledged by the Department.**

Instruments not reported

At its meeting on 20 March 2024 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

Draft instruments requiring affirmative approval

S.I. Numbers	S.I. Title
Draft	Economic Growth (Regulatory Functions) (Amendment) Order 2024
Draft	Growth Duty: Statutory Guidance Refresh
Draft	Immigration (Leave to Enter and Remain) (Amendment) Order 2024

Instruments subject to annulment

S.I. Numbers	S.I. Title
S.I. 2024/150	Communications (Television Licensing) (Amendment) Regulations 2024
S.I. 2024/178	Haiti (Sanctions) (Amendment) Regulations 2024
S.I. 2024/187	Social Security (Contributions) (Amendment) Regulations 2024
S.I. 2024/195	Electricity (Individual Exemption from the Requirement for a Generation Licence) (Slough Multifuel) (England) Order 2024
S.I. 2024/209	Education (Information About Individual Pupils) (England) (Amendment) Regulations 2024
S.I. 2024/220	Personal Injuries (NHS Charges) (Amounts) (Amendment) Regulations 2024
S.I. 2024/231	Sea Fisheries (Amendment) Regulations 2024
S.I. 2024/239	Misuse of Drugs and Misuse of Drugs (Designation) (England and Wales and Scotland) (Amendment) Regulations 2024
S.I. 2024/248	Misuse of Drugs and Misuse of Drugs (Designation) (England and Wales and Scotland) (Amendment and Revocation) Regulations 2024

Instruments not subject to parliamentary proceedings laid before Parliament

S.I. Numbers	S.I. Title
S.I. 2024/191	Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions (Amendment) Order 2024

Instruments not subject to parliamentary proceedings not laid before Parliament

S.I. Numbers	S.I. Title
S.I. 2024/159	Universal Credit (Work-Related Requirements) In Work Pilot Scheme (Extension) Order 2024
S.I. 2024/188	Visiting Forces (Designation) Order 2024
S.I. 2024/250	Financial Services and Markets Act 2023 (Commencement No. 5) Regulations 2024

Appendix 1: Memorandum from the Department for Levelling Up, Housing and Communities

S.I. 2024/110

Building (Registered Building Control Approvers etc.) (England) Regulations 2024

1) The Committee has asked the Department for Levelling Up, Housing and Communities for a memorandum on the following point:

Given regulation 32(3), explain why section 58Z4(5) of the Building Act 1984 is not cited as an enabling power in the preamble.

2) The Department acknowledges that this is a drafting error and that the Department should have cited section 58Z4(5) of the Building Act 1984 as an enabling power in the preamble to the Regulations. The Department apologises for this error and will look to address it at the earliest opportunity.

Department for Levelling Up, Housing and Communities

12 March 2024

Formal Minutes

Wednesday 20 March 2024

Members present

Jessica Morden, in the Chair

Lord Beith

Lord Chartres

Lord Haselhurst

Peter Grant

Damien Moore

Lord Sahota

Baroness Sater

Liz Twist

Lord Watson

Report consideration

Draft Report (*Sixteenth Report*), proposed by the Chair, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1.1 to 1.2 read and agreed to.

Annex agreed to.

A paper was appended to the Report as Appendix 1.

Resolved, That the Report be the Sixteenth Report of the Committee to both Houses.

Ordered, That the Chair make the Report to the House of Commons and that the Report be made to the House of Lords.

Adjournment

Adjourned till Wednesday 17 April at 3.40 p.m.