



House of Lords
House of Commons

Joint Committee on Statutory Instruments

Seventh Report of Session 2024–25

291-vii / HL Paper 48

Drawing special attention to:

The Parole Board (Amendment) Rules 2024

Joint Committee on Statutory Instruments

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.

Current membership

House of Lords

[Lord Beith](#) (Liberal Democrat)

[Lord Chartres](#) (Crossbench)

[Lord Haselhurst](#) (Conservative)

[Lord Meston](#) (Crossbench)

[Lord Sahota](#) (Labour)

[Baroness Sater](#) (Conservative)

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

House of Commons

[Sir Bernard Jenkin](#) (Conservative, Harwich and North Essex) (Chair)

[Lewis Atkinson](#) (Labour, Sunderland Central)

[Mark Ferguson](#) (Labour, Gateshead Central and Whickham)

[Claire Hughes](#) (Labour, Bangor Aberconwy)

[Charlie Maynard](#) (Liberal Democrat, Witney)

[Gordon McKee](#) (Labour, Glasgow South)

[Ms Julie Minns](#) (Labour, Carlisle)

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.

Publication

This Report, together with formal minutes relating to the report, was Ordered by the House of Commons and by the House of Lords, on 27 November 2024, to be printed.

It was published on 29 November 2024. All publications of the Committee are on the Internet at www.parliament.uk/jcsi.

Committee reports are published on the Committee's website at www.parliament.uk/copyright and in print by Order of the House.

Contacts

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Instruments reported

At its meeting on 27 November 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. 2024/1011: Reported for definition and paragraph of Explanatory Memorandum being included in error

The Parole Board (Amendment) Rules 2024

Procedure: Made negative

- 1.1 **The Committee draws the special attention of both Houses to these Rules on the grounds that they are defectively drafted in one respect and fail to comply with proper legislative practice in another related respect.**
- 1.2 These Rules amend the Parole Board Rules 2019. Rule 1(4) includes a definition of “the 2024 Act” which is not used in this instrument. Paragraph 5.8 of the Explanatory Memorandum states that rule 27(8) of the 2019 Rules has been amended to reflect the legislative basis for a new Victims Code. However, there is no such amendment in this instrument. The Committee asked the Ministry of Justice to explain the unused definition and the absence of amendment to rule 27(8).
- 1.3 In a memorandum printed at Appendix 1, the Department explains that the instrument originally included an amendment to rule 27(8) to reflect the new Victims Code and the definition of “the 2024 Act” was used in that amendment. However, the amendment was removed because the Department considered it unnecessary; but the definition was not. In the Committee’s view, unused definitions can cause confusion because the reader can be misdirected about the definitions that need to be understood to interpret an instrument. The Department undertakes to

remove the definition at the next available opportunity. **The Committee accordingly reports rule 1(4) for defective drafting, acknowledged by the Department.**

- 1.4** Linked to this, the Department also explains that paragraph 5.8 of the Explanatory Memorandum was included in error. The Committee notes that Explanatory Memoranda prepared by Departments help both Parliament and the wider public understand what is intended by a particular instrument. Furthermore, they enable the Committee to assess whether the instrument achieves the policy intention and so whether it is technically effective. The Department undertakes to correct the Explanatory Memorandum as soon as possible. **The Committee accordingly reports paragraph 5.8 of the Explanatory Memorandum for failure to comply with proper legislative practice, acknowledged by the Department.**

Instruments not reported

At its meeting on 27 November 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. Number	S.I. Title
Draft S.I.	Home Detention Curfew and Requisite and Minimum Custodial Periods (Amendment) Order 2024
Draft S.I.	Electricity Capacity Mechanism (Amendment) Regulations 2024

Instruments subject to annulment

S.I. Number	S.I. Title
S.I. 2024/1023	The Child Trust Funds (Amendment) (No. 2) Regulations 2024
S.I. 2024/1028	The Sea Fisheries (Amendment) (No. 2) Regulations 2024
S.I. 2024/1037	The School Teachers' Pay and Conditions (England) Order 2024
S.I. 2024/1044	The Employment Appeal Tribunal (Amendment) Rules 2024
S.I. 2024/1046	The Regulation of Premium Rate Services Order 2024

S.I. Number	S.I. Title
S.I. 2024/1047	The Transfer of Undertakings (Protection of Employment) (Transfer of Staff to the Office of Communications) Regulations 2024
S.I. 2024/1049	The Internet Domain Registry (Prescribed Practices and Prescribed Requirements) Regulations 2024
S.I. 2024/1051	The Critical Benchmarks Regulations 2024
S.I. 2024/1055	The Price Marking (Amendment) Order 2024
S.I. 2024/1056	The Internet Television Equipment Regulations 2024
S.I. 2024/1060	The Court Martial Appeal Court (Amendment) Rules 2024
S.I. 2024/1064	The Medical Certificate of Cause of Death (Amendment) Regulations 2024
S.I. 2024/1067	The Sentencing Act 2020 (Magistrates' Court Sentencing Powers) (Amendment) Regulations 2024

Instruments not subject to Parliamentary proceedings not laid before Parliament

S.I. Number	S.I. Title
S.I. 2024/1000	The Levelling-up and Regeneration Act 2023 (Commencement No. 5 and Transitional Provision) Regulations 2024
S.I. 2024/1026	The Budget Responsibility Act 2024 (Commencement) Regulations 2024
S.I. 2024/1032	The Armed Forces Act 2016 (Commencement No. 5) Regulations 2024
S.I. 2024/1033	The Media Act 2024 (Commencement No. 2 and Transitional and Saving Provisions) Regulations 2024
S.I. 2024/1050	The Public Order Act 2023 (Commencement No. 5) (England and Wales) Regulations 2024
S.I. 2024/1071	The Financial Services and Markets Act 2023 (Commencement No. 8) Regulations 2024
S.I. 2024/1100	The Free Zone (Customs Site No. 5 Liverpool) Designation Order 2024
S.I. 2024/1102	The Free Zone (Customs Site No. 6 Liverpool) Designation Order 2024
S.I. 2024/1103	The Free Zone (Customs Site No. 4 Liverpool) Designation Order 2024

Appendix 1: Memorandum from the Ministry of Justice

S.I. 2024/1011

The Parole Board (Amendment) Rules 2024

1. The Committee has asked the Ministry of Justice for a memorandum on the following point(s):
 1. *Why these Rules do not appear to make the amendment referred to in paragraph 5.8 of the Explanatory Memorandum; and*
 2. *Whether the unused definition of “the 2024 Act” (article 1(4)(b)) was intended to be used in that amendment.*
2. The amendment referred to in paragraph 5.8 of the Explanatory Memorandum was an amendment that was originally part of the S.I. but was removed during the drafting process as it was considered unnecessary.
3. The definition of “the 2024” Act in article 1(4)(b) was used in the removed amendment.
4. The relevant amendment was purposefully removed but regrettably, the reference in the Explanatory Memorandum and the definition were left in in error. The Department apologises for these errors and will amend the Explanatory Memorandum as soon as possible and remove the definition from the Rules at the next available opportunity.

Ministry of Justice

19 November 2024

Formal Minutes

Wednesday 27 November 2024

Members present

Sir Bernard Jenkin, in the Chair

Lewis Atkinson

Lord Beith

Lord Chartres

Mark Ferguson

Claire Hughes

Charlie Maynard

Gordon McKee

Lord Meston

Lord Sahota

Baroness Sater

Lord Watson of Wyre Forest

Report consideration

Draft Report (Seventh 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 1.4 read and agreed to.

Annex agreed to.

A paper was appended to the Report as Appendix 1.

Resolved, That the Report be the Seventh 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 4 December at 3.40 p.m.