



House of Lords
House of Commons

Joint Committee on Statutory Instruments

Sixteenth Report of Session 2024–25

HC 291-xvi / HL Paper 89

Drawing special attention to:

The Criminal Procedure (Amendment) Rules 2025

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 Brady of Altrincham](#) (Conservative; Life peer)

[Lord Kakkar](#) (Crossbench; Life peer)

[Lord Meston](#) (Crossbench; Excepted Hereditary)

[Lord Sahota](#) (Labour; Life peer)

[Baroness Sater](#) (Conservative; Life peer)

[Lord Watson of Wyre Forest](#) (Labour; Life peer)

House of Commons

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

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

[Rachel Blake](#) (Labour; Cities of London and Westminster)

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

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

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

[David Pinto-Duschinsky](#) (Labour; Hendon)

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, 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 5 March 2025, to be printed.

It was published on 7 March 2025. All publications of the Committee are on the Internet at www.parliament.uk/jcsi.

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Contacts

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Instruments reported

At its meeting on 5 March 2025 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. 2025/60: Reported for failure to comply with proper legislative practice

The Criminal Procedure (Amendment) Rules 2025

Procedure: Made negative

- 1.1 The Committee draws the special attention of both Houses to these Rules on the ground that they fail to comply with proper legislative practice in one respect.**
- 1.2** These Rules amend the Criminal Procedure Rules 2020 (S.I. 2020/759) (“the 2020 Rules”). The Committee noticed that the Explanatory Memorandum for this instrument explains that part of its purpose is to correct two errors in the 2020 Rules, and to correct errors in amendments to the 2020 Rules made by the Criminal Procedure (Amendment No. 2) Rules 2024 (S.I. 2024/842) that were identified by the Committee during its scrutiny of that instrument (see the Committee’s Fifth Report of Session 2024–25). Current legislative practice requires that where an instrument introduces new amending provisions at the same time as correcting a defective instrument, the Department should consult with the S.I. Registrar as to whether to provide free replacement copies of the instrument to everyone who received the original instrument. The Committee asked the Ministry of Justice to explain whether this consultation took place.
- 1.3** In a memorandum printed at Appendix 1, the Department explains that it had not consulted with the S.I. Registrar regarding use of the free issue procedure while the instrument was being prepared. It has now consulted with the Registrar and the free issue procedure will be followed. **The Committee accordingly reports this instrument for failure to comply with proper legislative practice, acknowledged by the Department.**

Instruments not reported

At its meeting on 5 March 2025 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	Disclosure (Scotland) Act 2020 (Consequential Provisions and Modifications) Order 2025
Draft	Electronic Communications (Networks and Services) (Designated Vendor Directions) (Penalties) Order 2025
Draft	Agriculture (Delinked Payments) (Reductions) (England) Regulations 2025
Draft	Town and Country Planning (Fees and Consequential Amendments) Regulations 2025
Draft	Cornwall Council (Adult Education Functions) Regulations 2025
Draft	East Midlands Combined County Authority (Adult Education Functions) Regulations 2025
Draft	York and North Yorkshire Combined Authority (Adult Education Functions) Order 2025

Instruments subject to annulment

S.I. Numbers	S.I. Title
S.I. 2025/68	The Fixed Penalty Offences Order 2025
S.I. 2025/89	The Data Protection (Law Enforcement) (Adequacy) (Isle of Man) Regulations 2025
S.I. 2025/114	The Transfer of Undertakings (Protection of Employment) (Transfer of Staff to the Civil Nuclear Police Authority) Regulations 2025
S.I. 2025/132	The Early Years Foundation Stage (Welfare Requirements) (Amendment) Regulations 2025
S.I. 2025/137	The Local Authorities (Changes to Years of Ordinary Elections) (England) Order 2025

Instruments not subject to Parliamentary proceedings not laid before Parliament

S.I. Numbers	S.I. Title
S.I. 2024/755	The Victims and Prisoners Act 2024 (Commencement) Regulations 2024
S.I. 2024/846	The Victims and Prisoners Act 2024 (Commencement No. 2) Regulations 2024
S.I. 2024/966	The Victims and Prisoners Act 2024 (Commencement No. 3) Regulations 2024
S.I. 2025/95	The Victims and Prisoners Act 2024 (Commencement No. 4) Regulations 2025
S.I. 2025/131	The Leasehold and Freehold Reform Act 2024 (Commencement No. 3) Regulations 2025

Appendix 1: Memorandum from the Ministry of Justice

S.I. 2025/60

The Criminal Procedure (Amendment) Rules 2025

1. The Committee has asked the Ministry of Justice for a memorandum on the following point(s):

Noting, as set out in paragraph 11 of the Explanatory Memorandum, that this instrument corrects errors in the deficiency of the drafting of S.I. 2024/842, explain whether the S.I. Registrar was consulted as to whether the free issue procedure should apply.

2. The Ministry of Justice is grateful for the Committee's consideration of this instrument. The Ministry of Justice regrets that due to an oversight the S.I. Registrar was not consulted as to whether the free issue procedure should be used. The Ministry of Justice has now contacted the S.I. Registrar to discuss the position and, on the Registrar's recommendation, will reissue the S.I. using the free issue procedure and ensure that all known purchasers of the S.I. are refunded.

Ministry of Justice

18 February 2025

Formal Minutes

Wednesday 5 March 2025

Members present

Sir Bernard Jenkin, in the Chair

Lord Brady of Altrincham

Lord Kakkar

Lord Meston

Ms Julie Minns

David Pinto-Duschinsky

Baroness Sater

Lord Watson of Wyre Forest

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 1.3 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 12 March at 3.40 p.m.

List of Reports from the Committee during the current Parliament

All publications from the Committee are available on the [publications page](#) of the Committee's website.

Session 2024–25

Number	Title	Reference
15th	1 Statutory Instrument Reported	HC 291-xv
14th	No Statutory Instruments Reported	HC 291-xiv
13th	8 Statutory Instruments Reported	HC 291-xiii
12th	2 Statutory Instruments Reported	HC 291-xii
11th	2 Statutory Instruments Reported	HC 291-xi
10th	2 Statutory Instruments Reported	HC 291-x
9th	2 Statutory Instruments Reported	HC 291-ix
8th	4 Statutory Instruments Reported	HC 291-viii
7th	1 Statutory Instrument Reported	HC 291-vii
6th	4 Statutory Instruments Reported	HC 291-vi
5th	5 Statutory Instruments Reported	HC 291-v
4th	2 Statutory Instruments Reported	HC 291-iv
3rd	10 Statutory Instruments Reported	HC 291-iii
2nd	No Statutory Instruments Reported	HC 291-ii
1st	2 Statutory Instruments Reported	HC 291-i