



House of Lords
House of Commons

Joint Committee on Statutory Instruments

Twenty-third Report of Session 2024-25

HC 291-xxiii / HL Paper 120

Drawing special attention to:

The Government Resources and Accounts Act 2000 (Estimates and Accounts) Order 2025

The Certification of Fuels and Fireplaces (Charges) (England) Regulations 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)

[Andrew Pakes](#) (Labour; Peterborough)

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

[Gareth Snell](#) (Labour; Stoke-on-Trent Central)

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 7 May 2025, to be printed.

It was published on 9 May 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 7 May 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 two of those considered. The instruments and the grounds for reporting are given below. The relevant departmental memoranda are published as appendices to this report.

1 S.I. 2025/268: Reported for defective drafting

The Government Resources and Accounts Act 2000 (Estimates and Accounts) Order 2025

Procedure: Made negative

- 1.1 **The Committee draws the special attention of both Houses to this Order on the ground that it is defectively drafted in one respect.**
- 1.2 This Order designates bodies in relation to which government departments must provide information about their expected use of resources for the financial year ending 31st March 2026. Part 8 of the Schedule designates Festival 2022 Limited in relation to the Department for Culture, Media and Sport. The Committee asked HM Treasury to explain the inclusion of this company when it appears to have been dissolved in the financial year preceding the financial year covered by this instrument.
- 1.3 In a memorandum printed at Appendix 1, the Department agrees that Festival 2022 Limited no longer needs to be designated for the 2025–26 financial year and that the legislation contains an unnecessary provision with no legal effect. The Department undertakes to amend the company’s designation for 2025–26 by a routine amendment order later in the year. The Department notes that the company was dissolved on 11 March 2025 and that when the Order was made on 5 March 2025 dissolution had not yet been confirmed. While acknowledging this difficulty, **the Committee reports Part 8 of the Schedule for defective drafting, acknowledged by the Department.**

2 S.I. 2025/287: Reported for requiring elucidation

The Certification of Fuels and Fireplaces (Charges) (England) Regulations 2025

Procedure: Made negative

- 2.1 The Committee draws the special attention of both Houses to these Regulations on the ground that they require elucidation in one respect.**
- 2.2** These Regulations prescribe charges that may be made in connection with the certification of fuels and fireplaces for the purposes of smoke control measures in the Clean Air Act 1993 and the Air Quality (Domestic Solid Fuels Standards) (England) Regulations 2020. Regulation 4 defines wood fuel as “wood supplied for the purpose of combustion in domestic premises in England.” These Regulations use the definition of “domestic premises” contained in the 2020 Regulations which does not expressly include a garden or other land. The Committee noticed that the definition of “premises” in the 1993 Act did expressly include “other land”. The Committee asked the Department for Environment, Food and Rural Affairs to confirm whether it is the Department’s intention to exclude wood supplied, for example, for use in a garden fire pit, from the definition of “wood fuel” in these Regulations.
- 2.3** In a memorandum printed at Appendix 2, the Department confirms that use of wood fuel for combustion outside is excluded and that the Department has separately published non-statutory guidance on outdoor burning. **The Committee accordingly reports regulation 4 for requiring elucidation, provided by the Department’s memorandum.**

Instruments not reported

At its meeting on 7 May 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

Instruments requiring affirmative approval

S.I. Numbers	S.I. Title
S.I. 2025/504	Russia (Sanctions) (EU Exit) (Amendment) Regulations 2025
S.I. 2025/507	Syria (Sanctions) (EU Exit) (Amendment) Regulations 2025

Draft instruments requiring affirmative approval

S.I. Numbers	S.I. Title
Draft	Pollution Prevention and Control (Fees) (Miscellaneous Amendments) Regulations 2025
Draft	Payment Services and Payment Accounts (Contract Termination) (Amendment) Regulations 2025

Instruments subject to annulment

S.I. Numbers	S.I. Title
S.I. 2025/363	The Immigration, Nationality and Passport (Fees) (Amendment) Regulations 2025
S.I. 2025/367	The New Heavy-Duty Vehicles (Carbon Dioxide Emission Performance Standards) (Miscellaneous Amendments) Regulations 2025
S.I. 2025/369	The Merchant Shipping (Light Dues) (Amendment) Regulations 2025
S.I. 2025/387	The Universal Credit, Personal Independence Payment, Jobseeker’s Allowance and Employment and Support Allowance (Claims and Payments) (Modification) Regulations 2025
S.I. 2025/390	The Cattewater Harbour Revision Order 2025
S.I. 2025/408	The National Security Act 2023 (Foreign Activities and Foreign Influence Registration Scheme: Information and Disclosure) Regulations 2025
S.I. 2025/410	The Town and Country Planning (Crown Development Applications) (Hearings and Inquiries) Rules 2025
S.I. 2025/412	The Town and Country Planning (Consequential and Miscellaneous Amendments) Regulations 2025
S.I. 2025/413	The Cosmetic Products (Restriction of Chemical Substances) Regulations 2025
S.I. 2025/429	The Social Security (Contributions) (Amendment No. 5) Regulations 2025
S.I. 2025/431	The Student Accommodation (Codes of Management Practice and Specified Educational Establishments) (England) (Amendment) Regulations 2025
S.I. 2025/454	The Road Vehicles (Construction and Use) (Amendment) Regulations 2025
S.I. 2025/455	The Victim Support (Specified Roles) Regulations 2025
S.I. 2025/498	The Oil and Gas Authority (Carbon Storage) (Retention of Information and Samples) Regulations 2025

Instruments not subject to Parliamentary proceedings not laid before Parliament

S.I. Numbers	S.I. Title
S.I. 2023/5	The Power to Award Degrees etc. (National Film and Television School (The)) Order 2023
S.I. 2025/448	The Power to Award Degrees etc. (College of Legal Practice Limited) (Amendment) Order 2025
S.I. 2025/465	The Power to Award Degrees etc. (Architectural Association School of Architecture) Order of Council 2019 (Amendment) Order 2025

Appendix 1: Memorandum from HM Treasury

S.I. 2025/268

The Government Resources and Accounts Act 2000 (Estimates and Accounts) Order 2025

1. The Committee has asked HM Treasury for a memorandum on the following point(s):

Explain why part 8 of the Schedule contains Festival 2022 Limited when that company appears to have been dissolved in the financial year preceding the financial year covered by this instrument.
2. When preparing orders under section 4A(3) of the Government Resources and Accounts Act 2000 ('the GRAA'), HM Treasury works closely with other Government Departments to ensure that the bodies included in the Schedules to those orders are accurate for the financial years to which the orders relate.
3. Festival 2022 Limited ('the company') was first designated in relation to the Department for Digital Culture Media and Sport for the 2020–21 financial year by the Government Resources and Accounts Act 2000 (Estimates and Accounts) (Amendment) (No. 2) Order 2020 (SI 2020/1530). The company has similarly been designated for each financial year since. Those designations were made to ensure compliance with Clear Line of Sight ('CLOs') requirements, in particular the consolidation into departmental Estimates and accounts of expenditure by all bodies within the departmental group.
4. When this Order (SI 2025/268) was made on 5th March 2025 the dissolution of the company had not been confirmed. Consequently, to avoid any possible misalignment with CLOs requirements for that year the company was included in SI 2025/268.
5. As the company was subsequently dissolved before the start of the 2025–26 financial year (Companies House records the date of dissolution as 11 March 2025), we agree that it no longer needs to be designated for that year.

6. No practical problems arise from the company's inclusion in SI 2025/268. As the company is now dissolved, no resources will be used by the company in relation to the 2025–26 financial year. Further, the company's designation for 2025–26 will be ended by a routine Amendment Order later in the year which will refresh the designated bodies for that year.
7. Amendment Orders are routinely published towards the end of a financial year - normally December - to ensure bodies listed within them remain up-to-date and accurate. Usually one order and one amending order is made each financial year as detailed at 5.5 of the Explanatory Memorandum.
8. HM Treasury recognise that it is unfortunate that legislation has been made that contains a provision which is unnecessary and has no legal effect.

HM Treasury

29 April 2025

Appendix 2: Memorandum from the Department for Environment Food and Rural Affairs

S.I. 2025/287

The Certification of Fuels and Fireplaces (Charges) (England) Regulations 2025

1. The Committee has asked the Department for Environment Food and Rural Affairs for a memorandum on the following point(s):

Given that the definition of “domestic premises” in regulation 4 does not expressly include a garden or other land, explain whether it is the Department’s intention to exclude wood supplied, for example, for use in a garden fire pit, from the definition of “wood fuel” in regulation 4.
2. The Certification of Fuels and Fireplaces (Charges) (England) Regulations 2025 ([“Charges SI”](#)) prescribe the charges that may be made in connection with the certification of wood fuel, other solid fuels and fireplaces for the purposes of the [Clean Air Act 1993](#) and the Air Quality (Domestic Solid Fuels Standards) (England) Regulations 2020 (S.I. 2020/1095) ([“DSFS Regulations 2020”](#)).
3. The question from the Committee relates to the definition of “domestic premises” used in Regulation 4 of the Charges SI which states *““domestic premises” has the meaning given in regulation 2(1) of the DSFS Regulations”, and the definition of “wood fuel”, which means “wood supplied for the purpose of combustion in domestic premises in England”*. The question therefore concerns the scope of the DSFS Regulations 2020
4. The DSFS Regulations 2020 defines “domestic premises” as “premises which are used wholly or mainly as a private dwelling including boats designed or adapted for use solely as a place of permanent habitation”. The DSFS Regulations 2020 therefore currently regulate the supply of relevant solid

fuels for the purposes of combustion in domestic premises in England. This does not currently include the use of such wood for combustion outside (such as for use in a garden fire pit).

5. In November 2023, the Department [published](#) best practice non-statutory guidance on outdoor burning. The Department intends to publish a revised Environmental Improvement Plan in 2025 which will set out action it is taking to reduce harmful air quality emissions.

Department for Environment Food and Rural Affairs

28 April 2025

Formal Minutes

Wednesday 7 May 2025

Members present

Sir Bernard Jenkin, in the Chair

Lewis Atkinson

Lord Brady of Altrincham

Lord Meston

Andrew Pakes

Lord Sahota

Baroness Sater

Gareth Snell

Lord Watson of Wyre Forest

Report consideration

Draft Report (Twenty-third 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 2.3 read and agreed to.

Annex agreed to.

Papers were appended to the Report as Appendices 1 to 2.

Resolved, That the Report be the Twenty-third 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 14 May 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
22nd	3 Statutory Instruments Reported	HC 291-xxii
21st	2 Statutory Instruments Reported	HC 291-xxi
20th	5 Statutory Instruments Reported	HC 291-xx
19th	No Statutory Instruments Reported	HC 291-xix
18th	2 Statutory Instruments Reported	HC 291-xviii
17th	No Statutory Instruments Reported	HC 291-xvii
16th	1 Statutory Instrument Reported	HC 291-xvi
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