



House of Lords
House of Commons

Joint Committee on Statutory Instruments

Forty-sixth Report of Session 2024–26

HC 291-xlvi / HL Paper 257

The Parole Board (Amendment) Rules 2025

*The Safeguarding Vulnerable Groups Act 2006 (Prescribed
Purposes) Regulations 2025*

*The Levelling-Up and Regeneration Act 2023 (Commencement
No.8 and Transitional Provision) 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 Carter of Haslemere](#) (Crossbench; Life peer)

[Baroness Kennedy of Cradley](#) (Labour; Life peer)

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

[Baroness Miller of Chilthorne Domer](#) (Liberal Democrat; Life peer)

[Lord Stewart of Dirleton](#) (Conservative; Life peer)

[Lord Young of Norwood Green](#) (Labour; Life peer)

House of Commons

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

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

[Charlotte Cane](#) (Liberal Democrat; Ely and East Cambridgeshire)

[Helena Doolimore](#) (Labour; Hastings and Rye)

[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 28 January 2026, to be printed.

It was published on 30 January 2026. All publications of the Committee are on the Internet at www.parliament.uk/jcsi.

© Parliamentary Copyright House of Commons 2026.

This publication may be reproduced under the terms of the Open Parliament Licence, which is published at www.parliament.uk/copyright.

Contacts

All correspondence should be addressed to the Clerk of the Joint Committee on Statutory Instruments, House of Commons, London SW1A 0AA. The telephone number for general enquiries is 020 7219 0316; the Committee's email address is jcsi@parliament.uk.

Contents

Instruments reported	1
1 S.I. 2025/1231: Reported for defective drafting	1
<i>The Parole Board (Amendment) Rules 2025</i>	
2 S.I. 2025/1239: Reported for failure to comply with proper legislative practice	2
<i>The Safeguarding Vulnerable Groups Act 2006 (Prescribed Purposes) Regulations 2025</i>	
3 S.I. 2025/1262: Reported for defective drafting	3
<i>The Levelling-Up and Regeneration Act 2023 (Commencement No.8 and Transitional Provision) Regulations 2025</i>	
Instruments not reported	5
Annex	5
Appendix 1: Memorandum from the Ministry of Justice	7
S.I. 2025/1231	7
<i>The Parole Board (Amendment) Rules 2025</i>	
Appendix 2: Memorandum from the Home Office	8
S.I. 2025/1239	8
<i>The Safeguarding Vulnerable Groups Act 2006 (Prescribed Purposes) Regulations 2025</i>	
Appendix 3: Memorandum from the Ministry for Housing, Communities and Local Government	9
S.I. 2025/1262	9
<i>The Levelling-Up and Regeneration Act 2023 (Commencement No.8 and Transitional Provision) Regulations 2025</i>	

Formal Minutes	11
List of Reports from the Committee during the current Parliament	12

Instruments reported

At its meeting on 28 January 2026 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 three 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. 2025/1231: Reported for defective drafting

The Parole Board (Amendment) Rules 2025

Procedure: Made negative

- 1.1 **The Committee draws the special attention of both Houses to to these Rules on the ground that they are defectively drafted in one respect.**
- 1.2 These Rules amend the Parole Board Rules 2019 (S.I. 2019/1038, the “2019 Rules”). Rule 2(8) of these Rules adds paragraph (1ZA) to rule 19 of the 2019 Rules, which provides that where a panel appointed under the Rules is considering specified kinds of case, the case must not be directed to an oral hearing unless “the panel is of the opinion that there are exceptional circumstances to justify an oral hearing.” The Explanatory Memorandum accompanying these Rules sets out at paragraph 5.10 that while this amendment establishes “*a default position in favour of paper decisions in certain circumstances*” it is intended to align with the approach of the Supreme Court in *R (Osborn) v Parole Board* [2013] UKSC 61 which “*confirmed that the right to an oral hearing is grounded in common law fairness and must be considered whenever there is a risk that a paper decision could lead to an unjust outcome.*” The Committee was unclear as to whether the drafting of new paragraph (1ZA) in rule 19 achieves this stated intention, noting that the requirement for there to be “exceptional circumstances” to justify an oral hearing does not *prima facie* align with the position in *Osborn* that panels are under an ordinary common law duty of fairness in respect of the right to an oral hearing. The Committee asked the Ministry of Justice to explain.

- 1.3** In a memorandum printed at Appendix 1, the Department expands briefly on the explanation set out in the Explanatory Memorandum to the instrument. It states that, after *Osborn*, the Parole Board became concerned that the decision in that case was being misinterpreted by prisoners as meaning that hearings should be the default position in all cases. This amendment to the 2019 Rules was therefore intended to clarify that this is not the case, and that the presumption is normally in favour of no hearing, while maintaining consistency with the *Osborn* judgment in that the presumption can be displaced, and a hearing held, “*where the circumstances would require it*”. The Committee does not disagree with that explanation, but remains unconvinced that it is consistent with how rule 19(1ZA) is drafted, as amended by this instrument, which specifically precludes the direction of an oral hearing unless there are “exceptional circumstances”. In the Committee’s view, this appears to go further than the position set out in *Osborn*, in which the court expressed the view that an oral hearing should be held whenever fairness to the prisoner requires one, considering the facts of the case and the importance of what is at stake (see the judgment in *Osborn* at [2] and [81]). While such an approach does require an assessment of individual circumstances, which may vary significantly from case to case, there is no suggestion that those circumstances need to be “exceptional” – in the ordinary meaning of that word – to justify the holding of an oral hearing. Therefore, on the basis that the drafting of new rule 19(1ZA) fails to achieve the stated policy intention of aligning with the decision in *Osborn*, **the Committee reports rule 2(8) for defective drafting.**

2 S.I. 2025/1239: Reported for failure to comply with proper legislative practice

The Safeguarding Vulnerable Groups Act 2006 (Prescribed Purposes) Regulations 2025

Procedure: Made negative

- 2.1 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.**
- 2.2** These Regulations prescribe an additional purpose under section 50A(1)(d) of the Safeguarding Vulnerable Groups Act 2006 (the “2006 Act”). Section 50A of the 2006 Act gives the Disclosure and Barring Service (“DBS”) the power to provide its barred list information to a chief officer of police for specified purposes. These Regulations prescribe a new such purpose, enabling DBS to share information from the barred list regarding the status of an individual for the purpose of it being disclosed on UK criminal

record checks issued by police, to inform recruitment decisions made by overseas employers. The Committee noticed that the preamble to this instrument cited section 61(1) of the 2006 Act as an enabling power. Section 61(1) provides only that any power under the 2006 Act to make orders or regulations is exercisable by statutory instrument and is not, therefore, an enabling power. The Committee asked the Home Office to explain.

- 2.3** In a memorandum printed at Appendix 2, the Department acknowledges that the citation of section 61(1) in the preamble was unnecessary and an error. It asserts nonetheless that the instrument remains validly made. The Committee agrees that inclusion of unnecessary provisions within the preamble to an instrument does not in and of itself undermine the validity of an instrument, assuming that the citation of enabling powers is otherwise correct. However, compliance with proper legislative practice requires that enabling powers included in the preamble to an instrument should be limited to those provisions on which the validity of the instrument relies. While that requirement does include provisions that specify to whom the power is granted, and in what specific form of subordinate legislation it must be exercised, it does not include provisions that merely state that the power is exercisable by statutory instrument (in line with the guidance at paragraphs 3.11.21–22 of Statutory Instrument Practice). **The Committee accordingly reports the preamble to this instrument for failure to comply with proper legislative practice, acknowledged by the Department.**

3 S.I. 2025/1262: Reported for defective drafting

The Levelling-Up and Regeneration Act 2023 (Commencement No.8 and Transitional Provision) Regulations 2025

Procedure: Not subject to Parliamentary procedure

- 3.1 The Committee draws the special attention of both Houses to these Regulations on the ground that they are defectively drafted in one respect.**
- 3.2** These Regulations commence certain provisions of the Levelling-up and Regeneration Act 2023 (the “2023 Act”) and make related transitional provision. The Committee noticed that, unusually for commencement regulations, these Regulations include a commencement provision (regulation 1(2)) specifying that regulations 1 and 3 of this instrument came

into force on the day after these Regulations were made. Further, the effect of that provision is that regulation 2 (which specifies the day appointed for certain provisions of the Act to come into force) came into force earlier than regulations 1 and 3. This is because in the absence of any other provision (regulation 2 being excluded from the commencement provision in regulation 1(2)), regulation 2 came into force on the day the instrument was made. This produces a confusing effect because regulation 2 refers to defined terms that are contained within regulation 1. The Committee asked the Ministry of Housing, Communities and Local Government to explain.

3.3 In a memorandum printed at Appendix 3, the Department explains that the inclusion of a commencement provision in this instrument was intended to deal with the fact that it also contains transitional provision (at regulation 3). The Department refers to the Committee's report on S.I. 2025/57 (in its 15th Report of Session 2024–26), which also commenced provisions of the 2023 Act and in which the failure to specify an appropriate date for the coming into force of the transitional provision was reported for defective drafting. The Committee notes the Department's explanation, but considers that the position with respect to S.I. 2025/57 is different. In that instrument, the effect of the transitional provision coming into force nine days before the day appointed in that instrument for the commencement of the relevant provisions of the 2023 Act was that it modified separate legislation in a way that meant that legislation was incorrect for that nine-day period. In contrast, the transitional provision in this instrument does not amend or modify other legislation, but simply disapplies in certain circumstances the amendments made by the provisions of the 2023 Act brought into force by regulation 2 of the instrument. In this case, therefore, the failure to provide separately for the commencement of the transitional provision would not have had the same problematic effect.

3.4 However, the Department's memorandum goes on to acknowledge that the drafting of the commencement provision that has been included at regulation 1(2) is nonetheless defective, because it has the effect that regulation 2 came into force a day before regulations 1 and 3. That is incoherent where regulation 1 includes interpretation provisions on which regulation 2 relies. The Committee concurs with the Department's conclusion that regulation 1(2), given that such a provision had been included even if that was not strictly necessary, should have been drafted to specify the commencement date for regulation 3 only. The Committee also agrees that correction is now unnecessary, because both regulation 1 and 2 are now in force. However, on the basis of the original error, **the Committee reports regulation 1(2) for defective drafting, acknowledged by the Department.**

Instruments not reported

At its meeting on 28 January 2026 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	The Social Security (Contributions) (Rates, Limits and Thresholds Amendments, National Insurance Funds Payments and Extension of Veteran's Relief) Regulations 2026
Draft	The Bereaved Partner's Paternity Leave Regulations 2026
Draft	The Employment Rights Act 1996 (Application of Section 80B to Adoptions from Overseas) (Amendment) Regulations 2026
Draft	The Employment Rights Act 1996 (Application of Section 80B to Parental Order Cases) (Amendment) Regulations 2026
Draft	The Greenhouse Gas Emissions Trading Scheme (Amendment) (Extension to Maritime Activities) Order 2026
Draft	The Surrey (Structural Changes) Order 2026
Draft	The Armed Forces Commissioner (Family Definition, and Consequential and Transitional Provision etc.) Regulations 2026

S.I. Numbers	S.I. Title
Draft	The Mesothelioma Lump Sum Payments (Conditions and Amounts) (Amendment) Regulations 2026
Draft	The Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) (Amendment) Regulations 2026
Draft	The Procurement Act 2023 (Specified International Agreements and Saving Provision) (Amendment) Regulations 2026

Instruments subject to annulment

S.I. Numbers	S.I. Title
S.I. 2025/1276	The Ozone-Depleting Substances (Grant of Halon Derogations) Regulations 2025
S.I. 2025/1279	The Immigration (Passenger Transit Visa) (Amendment) (No. 4) Order 2025
S.I. 2025/1287	The Childcare (Free of Charge for Working Parents) (England) (Amendment) Regulations 2025
S.I. 2025/1314	The Old Trafford Regeneration Mayoral Development Corporation (Establishment) Order 2025

Instruments not subject to Parliamentary proceedings not laid before Parliament

S.I. Numbers	S.I. Title
S.I. 2025/1283	The Power to Award Degrees etc. (LTE Group Limited) (Revocation) Order 2025
S.I. 2025/1286	The Football Governance Act 2025 (Commencement No. 2) Regulations 2025
S.I. 2025/1293	The Financial Services and Markets Act 2023 (Commencement No. 10 and Saving Provisions) (Amendment) Regulations 2025
S.I. 2025/1326	The Product Security and Telecommunications Infrastructure Act 2022 (Commencement No. 4, Saving and Transitional Provisions) Regulations 2025

Appendix 1: Memorandum from the Ministry of Justice

S.I. 2025/1231

The Parole Board (Amendment) Rules 2025

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

In relation to the amendment made to rule 19 of the Parole Board Rules 2019 by rule 2(8) of this instrument, explain how that amendment achieves the apparent policy intention of introducing a test that is consistent with the Supreme Court's decision in R (Osborn) v Parole Board [2013] UKSC 61 (see paragraph 5.10 of the Explanatory Memorandum).
2. The Department thanks the Committee for their interest in this instrument and for giving the Department a chance to explain and responds as follows.
3. The Supreme Court in Osborn emphasised the importance of conducting oral hearings whenever fairness to the prisoner necessitates it, based on the particular facts of the case. Following Osborn, the Parole Board had concerns that Osborn had been misinterpreted by prisoners as setting an expectation that oral hearings would be the default in all cases, making it difficult to resist requests for oral hearings without greater clarity in the legislation. The amendment to rule 19 in rule 2(8) therefore sets out a presumption against oral hearings in specified circumstances where ordinarily an oral hearing will not be necessary to ensure fairness. However, consistent with Osborn, it specifies that the presumption does not apply and an oral hearing should be held where the circumstances would require it.

Ministry of Justice

19 January 2026

Appendix 2: Memorandum from the Home Office

S.I. 2025/1239

The Safeguarding Vulnerable Groups Act 2006 (Prescribed Purposes) Regulations 2025

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

Explain why section 61(1) of the Safeguarding Vulnerable Groups Act 2006 is cited in the pre-ambles to this instrument.
2. This instrument adds a prescribed purpose under sections 50A(1)(d) and 60(1) of the Safeguarding Vulnerable Groups Act 2006 (“the 2006 Act”).
3. We have concluded that the citation of section 61(1) of the 2006 Act in the preamble was unnecessary and made in error, for which we apologise. Although this error has been identified, we are satisfied that the instrument was validly made.
4. The memorandum puts on record that the citation was an error, and we are committed to ensuring that it is not repeated in future.

Home Office

20 January 2026

Appendix 3: Memorandum from the Ministry for Housing, Communities and Local Government

S.I. 2025/1262

The Levelling-Up and Regeneration Act 2023 (Commencement No.8 and Transitional Provision) Regulations 2025

1. The Committee has asked the Ministry for Housing, Communities and Local Government for a memorandum on the following point(s):
 1. *Explain why this instrument includes a commencement provision in regulation 1(2) (noting what is said at paragraph 3.12.17 of Statutory Instrument Practice).*
 2. *Explain the intended effect of regulation 1(2) given that this appears to bring into force regulation 2 before regulations 1 and 3.*
2. Regarding point 1: the Committee has referred to paragraph 3.12.17 of Statutory Instrument Practice, which provides as follows:

3.12.17 Such clauses are also inappropriate for certain types of SI that do not need to be laid before Parliament or the House of Commons, such as Commencement Orders/Regulations, Appointed Day Orders and Declaratory Orders. Commencement clauses are omitted from some Orders/Regulations that are (or may be) subject to special Parliamentary procedure.
3. However, this SI also includes transitional provision. If the Department did not include a commencement provision in respect of the transitional provision, then it would be treated as coming into force on the day that the

regulations were made – which is before the date on which the relevant provisions of the Levelling Up and Regeneration Act 2023 were brought into force.

4. The Committee has previously reported the Department, in respect of a set of commencement regulations for the Leasehold and Freehold Reform Act 2024, on the basis that for making transitional provision which came into force before the substantive provision of the Act that was being commenced was defective drafting. (See the fifteenth report of session 2024–25, in respect of S.I. 2025/57.)
5. As such, in order to avoid any such confusion in this case, regulation 1(2) was intended to put it beyond doubt that the transitional provision made by these Regulations comes into force at the same time as the substantive provisions of the Levelling Up and Regeneration Act 2023 commenced by these Regulations (rather than beforehand).
6. Regarding point 2: The Department accepts that the drafting of regulation 1(2) is technically defective because it specifies an earlier commencement date in respect of both regulation 1 and regulation 3 (being the day after the SI was made) than regulation 2 (being the day the SI was made as per SIP 3.12.17). The Department apologises for this error.
7. Regulation 2 should not have come into force before regulation 1 given regulation 1 includes citation and interpretation clauses that affect regulation 2. Technically therefore, regulation 2 was in force without the benefit of the citation for the SI or the definitions that serve that regulation. Regulation 1(2) should have been drafted to specify commencement for regulation 3 only, rather than also for regulation 1 itself.
8. The Department is grateful to the Committee for drawing this point to its attention. However, we do not believe that it would be possible to correct the error as it is now in the past. It was only an issue on the day the SI was made before regulation 1 came into force. From the following day, when regulation 1 came into force, the measure now works as intended: the relevant provisions of the Levelling-up and Regeneration Act 2023 (c. 55) (“**LURA**”) came into effect with the benefit of the citation and interpretation clauses.

Ministry for Housing, Communities and Local Government

20 January 2026

Formal Minutes

Wednesday 28 January 2026

Members present

Sir Bernard Jenkin, in the Chair

Lord Brady of Altrincham

Lord Carter of Haslemere

Helena Dollimore

Baroness Kennedy of Cradley

Lord Meston

Baroness Miller of Chilthorne Domer

Gareth Snell

Lord Stewart of Dirleton KC

Report consideration

Draft Report (Forty-sixth 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 3.4 read and agreed to.

Annex agreed to.

Papers were appended to the Report as Appendices 1 to 3.

Resolved, That the Report be the Forty-sixth 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 February 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 2024–26

Number	Title	Reference
45th	4 Statutory Instruments Reported	HC 291-xlv
44th	No Statutory Instruments Reported	HC 291-xliv
43rd	3 Statutory Instruments Reported	HC 291-xliii
42nd	1 Statutory Instrument Reported	HC 291-xlii
41st	1 Statutory Instrument Reported	HC 291-xli
40th	2 Statutory Instruments Reported	HC 291-xl
39th	1 Statutory Instrument Reported	HC 291-xxxix
38th	5 Statutory Instruments Reported	HC 291-xxxviii
37th	8 Statutory Instruments Reported	HC 291-xxxvii
36th	2 Statutory Instruments Reported	HC 291-xxxvi
35th	8 Statutory Instruments Reported	HC 291-xxxv
34th	2 Statutory Instruments Reported	HC 291-xxxiv
33rd	1 Statutory Instrument Reported	HC 291-xxxiii
32nd	No Statutory Instruments Reported	HC 291-xxxii

Number	Title	Reference
31st	2 Statutory Instruments Reported	HC 291-xxxi
30th	2 Statutory Instruments Reported	HC 291-xxx
29th	2 Statutory Instruments Reported	HC 291-xxix
28th	1 Statutory Instrument Reported	HC 291-xxviii
27th	3 Statutory Instruments Reported	HC 291-xxvii
26th	3 Statutory Instruments Reported	HC 291-xxvi
25th	2 Statutory Instruments Reported	HC 291-xxv
24th	2 Statutory Instruments Reported	HC 291-xxiv
23rd	2 Statutory Instruments Reported	HC 291-xxiii
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

Number	Title	Reference
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
2nd Special	Scrutinising Statutory Instruments: Departmental Returns, October 2024 – September 2025: Government response	HC 1501
1st Special	Scrutinising Statutory Instruments: Departmental Returns, October 2024 – September 2025	HC 1342