



House of Lords
House of Commons

Joint Committee on Statutory Instruments

Forty-seventh Report of Session 2024–26

HC 291-xlvii / HL Paper 260

The Public Record Office (Fees) Regulations 2025

The Court Funds (Amendment) Rules 2025

*The Central African Republic (Sanctions) (EU Exit)
(Amendment) Regulations 2025*

*The Schools (Recording and Reporting of Seclusion and
Restraint) (England) Regulations 2025*

*The Schools (Recording and Reporting of Seclusion and
Restraint) (No.2) (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 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 4 February 2026, to be printed.

It was published on 6 February 2026. All publications of the Committee are on the Internet at www.parliament.uk/jcsi.

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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 five 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. 2025/1243: Reported for requiring elucidation

The Public Record Office (Fees) Regulations 2025

Procedure: Not subject to Parliamentary procedure

- 1.1 **The Committee draws the special attention of both Houses to these Regulations on the ground that they require elucidation in one respect.**
- 1.2 These Regulations provide for fees for searches of public records and for authenticated copies or extracts from those records. Some of the fees have increased substantially since 2018. Noting that paragraph 3.23.11 of Statutory Instrument Practice (5th Edition) indicates that the policy behind fee increases should be explained, the Committee asked the Department for Culture, Media and Sport to confirm whether the fees are set at cost recovery levels. In a memorandum printed at Appendix 1, the Department gives the requested confirmation. **The Committee accordingly reports these Regulations for requiring elucidation, provided by the Department's memorandum.**

2 S.I. 2025/1275: Reported for defective drafting

The Court Funds (Amendment) Rules 2025

Procedure: Made negative

- 2.1 The Committee draws the special attention of both Houses to these Rules on the ground that they are defectively drafted in one respect.**
- 2.2** These Rules amend the Courts Fund Rules 2011. Rule 7 substitutes the words in rule 27 of the 2011 Rules from “either” to the end of rule 27. However, in rule 27 the word “either” is used in three places and it was unclear to which of these rule 7 is intended to refer. The first “either” is in paragraph (2) of rule 27 and it seemed to the Committee that the intention was to substitute the words from “either” to the end of paragraph (2) rather than to substitute, in addition, the remaining paragraphs of rule 27. The Committee asked the Ministry of Justice to confirm its intention.
- 2.3** In a memorandum printed at Appendix 2, the Department acknowledges the error and confirms that its intention was to substitute the words from “either” in paragraph (2) to the end of paragraph (2) only. The Department undertakes to correct the error at the earliest opportunity. **The Committee accordingly reports rule 7 for defective drafting, acknowledged by the Department.**

3 S.I. 2025/1327: Reported for defective drafting

The Central African Republic (Sanctions) (EU Exit) (Amendment) Regulations 2025

Procedure: Made negative

- 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 amend existing Central African Republic sanctions regulations to ensure continued compliance with the UK’s UN obligations. The various prohibitions in the Regulations relating to trade in military goods and military technology prohibit trade to “an armed group operating in the Central African Republic or an associated individual”. A criminal

offence is committed if the prohibitions are contravened. The definition of “associated individual” (regulation 2(5) inserted paragraph (5)) is not exhaustive. It states:

“For the purposes of this Part, an “associated individual” includes an individual who—

(a) is a member of an armed group operating in the Central African Republic; or

(b) takes part in any activities that the individual knows or reasonably suspects are activities of the armed group or will help the armed group carry out its activities.”

Without an exhaustive definition of “associated individual”, the Committee is concerned whether readers will be able to determine in advance whether a particular trading activity will or will not incur criminal liability. The Committee therefore asked the Foreign and Commonwealth Office to explain why the definition is not exhaustive and what other individuals the Department envisages may fall within that definition.

- 3.3** In a memorandum printed at Appendix 3, the Department explains that it was not considered possible to provide an exhaustive definition of “associated individual” where the UN resolution being implemented does not itself provide a definition of the term. The Department gives examples of other individuals who may fall within the term and asserts that a non-exhaustive definition balances the need for clarity whilst ensuring that the UK fulfils the obligation to give effect to the UN arms embargo in relation to the Central African Republic.
- 3.4** Whilst the Committee appreciates the difficulties in implementing the wording of the UN resolution, the Committee believes that it is a fundamental requirement of the rule of law that criminal offences are cast with sufficient clarity and certainty to enable readers to determine in advance whether particular kinds of activity will or will not incur criminal liability; Parliament could not have expected potential criminal liability to be conferred with this lack of clarity. **The Committee accordingly reports regulation 2(5) inserted paragraph (5) for defective drafting.**

4 S.I. 2025/1340 and S.I.2025/1348: Reported for failure to comply with proper legislative practice in one respect

The Schools (Recording and Reporting of Seclusion and Restraint) (England) Regulations 2025

The Schools (Recording and Reporting of Seclusion and Restraint) (No.2) (England) Regulations 2025

Procedure: Made negative

- 4.1 **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.**
- 4.2 These instruments impose duties relating to the recording of incidents where pupils are secluded or restrained by members of staff and the notification of parents of such incidents. Paragraph 11.1 of the Explanatory Memorandum to S.I. 2025/1348 explains that S.I. 2025/1348 revokes and replaces S.I. 2025/1340 because that instrument was unfinished and was made in error. The Committee asked the Department for Education to explain how procedures within the Department allowed unfinished regulations to be made.
- 4.3 In a memorandum printed at Appendix 4, the Department explains that human error in generating the signature copy from the Government's legislative drafting platform resulted in the Minister signing unfinished regulations. The Committee considers this error to be poor practice. Given that an instrument becomes law the moment it is signed, it is of paramount importance that subordinate legislation is subject to careful internal checking before signature. The Department undertakes to change its internal procedures to protect against this error happening again. **The Committee accordingly reports these Regulations for failure to comply with proper legislative practice, 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	Draft Immigration and Nationality (Fees) (Amendment) Order 2026
Draft	Draft Further Education (Initial Teacher Training) Regulations 2026
Draft	Draft Digital Markets, Competition and Consumers Act 2024 (Alternative Dispute Resolution) (Conferral of Functions) Regulations 2026
Draft	Draft Digital Markets, Competition and Consumers Act 2024 (Alternative Dispute Resolution) (Consequential Amendments) Regulations 2026
Draft	Draft Electricity and Gas (Energy Company Obligation) (Amendment) (Specified Period) Order 2026
Draft	Draft Goods Vehicles (Testing, Drivers' Hours and Tachographs etc.) (Amendment) Regulations 2026
Draft	Draft Procurement (Amendment) Regulations 2026

Instruments subject to annulment

S.I. Numbers	S.I. Title
S.I. 2025/1073	The Noise Emission in the Environment by Equipment for Use Outdoors (Amendment and Transitional) Regulations 2025
S.I. 2026/6	The Universal Credit (Transitional Provisions) (Amendment) Regulations 2026
S.I. 2026/8	The Public Lending Right Scheme 1982 (Commencement of Variation) Order 2026
S.I. 2026/10	The Heat Networks (Market Framework) (Great Britain) (Amendment) (No. 2) Regulations 2026
S.I. 2026/15	The Employment Rights Act 2025 (Parental and Paternity Leave) (Removal of Qualifying Periods etc.) (Consequential Amendments) Regulations 2026
S.I. 2026/18	The Football Governance Act 2025 (Suitability Determination Period for Owners and Officers) Regulations 2026
S.I. 2026/19	The Compulsory Purchase of Land (Vesting Declarations) (England) (Amendment) Regulations 2026
S.I. 2026/23	The Cosmetic Products Regulation (EC) No 1223/2009 (Restriction of Chemical Substances) (Amendment and Transitional Provisions) Regulations 2026
S.I. 2026/26	The Air Navigation (Restriction of Flying) (Mountain Ash) (Emergency) (Revocation) Regulations 2026

Draft instruments subject to annulment

S.I. Numbers	S.I. Title
Draft	The Westmorland and Furness (Electoral Changes) Order 2026

Instruments not subject to Parliamentary proceedings not laid before Parliament

S.I. Numbers	S.I. Title
S.I. 2025/1332	The Power to Award Degrees etc. (Royal Northern College of Music) Order 2025
S.I. 2025/1354	The Renters' Rights Act 2025 (Commencement No. 1) Regulations 2025

S.I. Numbers	S.I. Title
S.I. 2026/3	The Employment Rights Act 2025 (Commencement No. 1 and Transitional and Saving Provisions) Regulations 2026
S.I. 2026/29	The Power to Award Degrees etc. (Lamda Limited) (Amendment) Order 2026

Appendix 1: Memorandum from the Department for Culture, Media and Sport

S.I. 2025/1243

The Public Record Office (Fees) Regulations 2025

1. The Committee has asked the Department for Culture, Media and Sport for a memorandum on the following point:

Confirm whether the fees in this instrument are set at cost recovery levels.

2. The Department is grateful to the Committee for having considered this instrument and drawing its attention to the specified issue.
3. The Department can confirm that the fees within the instrument were calculated as direct costs plus an apportionment of the overhead costs of The National Archives, in line with Managing Public Money. The direct costs include staff costs, equipment cost and consumables (for example paper and ink).
4. Time and motion studies were undertaken to determine the average staff time taken to complete each of the services described in the Schedule to these Fees Regulations where this was not already well established. The time was then used to calculate cost for staffing using pay rate and on-costs e.g. National Insurance and pension. Calculations as to the cost of equipment took into account its original cost and how long that equipment is expected to be in use. Consumable costs were based on actuals.
5. The new MoD Service Personnel Records service is constrained by what is chargeable under the Freedom of Information Act, namely search and copying, but not sensitivity review. Calculations in relation to fees for the new MoD Service Personnel Records service have been approached in the same way as for other services, and reflect the resources required for searching and copying as necessary.

6. We are therefore able to confirm that the fees in this instrument are set on a cost recovery basis.

Department for Culture, Media and Sport

27 January 2026

Appendix 2: Memorandum from the Ministry of Justice

S.I. 2025/1275

The Court Funds (Amendment) Rules 2025

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

Given that Rule 7 does not refer to a particular paragraph of Rule 27 and the first “either” is in paragraph (2), confirm whether the intention is that:

i. the words from “either” in paragraph (2) to the end of paragraph (2) are substituted; or

ii. the words from “either” in paragraph (2) to the end of rule 27 are substituted.
2. The Department is grateful for the Committee’s consideration of this instrument and for bringing this point to its attention.
3. The Department confirms that the intention is that the words from ‘either’ in paragraph (2) to the end of paragraph (2) are substituted.
4. The Department acknowledges the error in not referring to a particular paragraph of Rule 27.
5. The Department intends to correct this error at the earliest opportunity.

Ministry of Justice

26 January 2026

Appendix 3: Memorandum from the Foreign, Commonwealth and Development Office

S.I. 2025/1327

The Central African Republic (Sanctions) (EU Exit) (Amendment) Regulations 2025

1. The Committee has asked the Foreign, Commonwealth and Development Office for a memorandum on the following point(s):

Explain why the definition of “associated individual” (in regulation 2(5) inserted paragraph (5)) is not exhaustive and what other individuals the Department envisages may fall within that definition.
2. The definition of “associated individual”, inserted into Regulation 20(5) of the Central African Republic (Sanctions) (EU Exit) Regulations 2020 by Regulation 2(5) of this S.I. is necessary to give effect to the arms embargo set out in UN Security Council Resolution 2745 (2024) in relation to “armed groups and associated individuals operating in” the Central African Republic (“CAR”).
3. The inserted definition is intended to provide sufficient clarity on what constitutes an “associated individual.” However, it was not considered possible to provide an exhaustive definition of this term where Resolution 2745 (2024) does not itself provide a definition of this term.
4. FCDO’s view is that the definition used is likely to cover most instances of an “associated individual.” However, there might be other situations where, in light of the overall intention of the UN arms embargo, an individual could be considered “associated” with an armed group but would not be covered by this definition. This might include a contractual or familial connection where the individual is not a direct member or participating in the activities of the armed group. A non-exhaustive definition balances the need for clarity

whilst ensuring that the UK fulfils the obligation to give effect to the UN arms embargo which is designed to ensure that arms and related material do not reach armed groups operating in the CAR.

Foreign, Commonwealth and Development Office

27 January 2026

Appendix 4: Memorandum from the Department for Education

S.I. 2025/1340

S.I.2025/1348

The Schools (Recording and Reporting of Seclusion and Restraint) (England) Regulations 2025

The Schools (Recording and Reporting of Seclusion and Restraint) (No.2) (England) Regulations 2025

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

Explain how procedures within the Department allowed unfinished regulations (S.I. 2025/1340) to be made.

2. The Regulations were drafted using Lawmaker, the government's digital platform for legislative drafting. One of the useful functions of Lawmaker is that it stores successive versions of a draft. It is normally clear which version is the final version that should be signed but, on this occasion, due to human error, the signature copy was mistakenly generated from an earlier version, used in a training session, and given to the minister to sign. As the Committee can see, that version was quite close to the final version and it was not obvious to those involved that it was not a final draft.
3. It was not until the Regulations had already been signed by the minister that they were identified as an unfinished draft (see paragraph below). At that point the department considered that, since the Regulations had been signed and were therefore law, they must be published and laid in each House as usual in accordance with section 569(2) of the Education Act 1996 and section 5(1) of the Statutory Instruments Act 1946.

4. The explanatory note to the draft that was signed included a line in square brackets as an internal reminder to insert some missing text. When the Regulations had been signed, they were sent to the SI Registrar for registration in the usual manner, and the Registrar alerted the department to the square brackets as improper formatting. This led to an internal check that identified that the version that had been provided to the minister for signature was not the final draft.
5. The matter was immediately investigated and the sequence of events leading to the error has been identified. Procedures are being changed to protect against this happening again, including adding a final check by the drafting lawyer to confirm that the correct version of the SI is being sent to the Minister for signature.

Department for Education

27 January 2026

Formal Minutes

Wednesday 28 January 2026

Members present

Sir Bernard Jenkin, in the Chair

Lewis Atkinson

Lord Brady of Altrincham

Charlotte Cane

Lord Carter of Haslemere

Baroness Kennedy of Cradley

Lord Meston

Gareth Snell

Lord Stewart of Dirleton KC

Lord Young of Norwood Green

Report consideration

Draft Report (Forty-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 4.3 read and agreed to.

Annex agreed to.

Papers were appended to the Report as Appendices 1 to 4.

Resolved, That the Report be the Forty-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 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
46th	3 Statutory Instruments Reported	HC 291-xlvi
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

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32nd	No Statutory Instruments Reported	HC 291-xxxii
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

Number	Title	Reference
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
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