



House of Lords
House of Commons

Joint Committee on Statutory Instruments

Fifty-fourth Report of Session 2024–26

HC 291-liv / HL Paper 293

The Parole Board (Amendment) (No. 2) Regulations 2026

*The Levelling-Up and Regeneration Act 2023 (Consequential
Amendments and Transitional Provisions) (No. 3) (England)
Regulations 2026*

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)

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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)

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[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 22 April 2026, to be printed.

It was published on 24 April 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 22 April 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 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. 2026/204: Reported for failure to comply with proper legislative practice

The Parole Board (Amendment) (No. 2) Regulations 2026

Procedure: Made negative

- 1.1 **The Committee draws the special attention of both Houses to on the ground that they fail to comply with proper legislative practice in one respect.**
- 1.2 These Regulations amend rule 19 of the Parole Board Rules 2019 (S.I. 2019/1038, the “Parole Board Rules”) and revoke the Parole Board (Amendment) Rules 2026 (S.I. 2026/129, the “2026 Amendment Rules”). In so doing, they return the drafting of rules 19 and 20 of the Parole Board Rules to the form they were in before rule 19 was amended by the Parole Board (Amendment) Rules 2025 (S.I. 2025/1231, the “2025 Amendment Rules”). The 2025 Amendment Rules were reported by the Committee in its Forty-Sixth Report of Session 2024–26 on the ground of defective drafting.
- 1.3 The 2026 Amendment Rules, made on 11 February 2026 to come into force on 5 March 2026, were an attempt to deal with the matters raised in the Committee’s Report through a further amendment to rule 19 (and also made an amendment to rule 20). However, as the Explanatory Memorandum to this instrument explains, the Ministry of Justice’s view is now that further time and consideration is needed before proceeding with changes in this policy area. The Department explains that – given this position and to avoid any disruption and uncertainty – this instrument had to be made to come into force on 4 March 2026 only one day after it was laid before Parliament,

in order that it could take effect before the 2026 Amendment Rules had been due to take effect on 5 March 2026. In a letter to the Committee dated 3 March 2026, the Department set out some further detail as to the background for its decision-making and the need for this further instrument. The Committee asked the Department whether it had anything further to add to these explanations, in respect of this instrument's breach of the 21-day rule.

- 1.4** In a memorandum printed at Appendix 1, the Department reiterates those earlier explanations, and confirms that the need for the this instrument arose as a result of doubts that were raised in the Department, but only after the making and laying of the 2026 Amendment Rules, as to whether that instrument did sufficiently address the issues raised by the Committee in its report on the 2025 Amendment Rules. In those circumstances, and given the confusion that would have ensued had the 2026 Amendment Rules been in effect for only a short time, the Department considered it had to make this instrument to revoke the 2026 Amendment Rules before they took effect. That resulted in the breach of the 21-day rule. The Committee appreciates the Department's candour and engagement with the Committee in this matter. It recognises that there are circumstances in which a breach of the 21-day rule is unavoidable (see the Committee's First Special Report of Session 2019–2021 (Transparency and Accountability in Subordinate Legislation), at paragraphs 2.20 – 2.22). However, in this instance the need for this instrument to be made to take effect quickly and in breach of the normal rule was a result of the Department's failure to reflect on its policy intentions in a considered and timely fashion. **The Committee accordingly reports this instrument for failure to comply with proper legislative practice, acknowledged by the Department.**

2 S.I. 2026/206: Reported for defective drafting

*The Levelling-Up and Regeneration Act 2023
(Consequential Amendments and Transitional
Provisions) (No. 3) (England) Regulations 2026*

Procedure: Made negative

- 2.1** The Committee draws the special attention of both Houses to these Regulations on the ground that they are defectively drafted in one respect.

- 2.2** These Regulations provide for amendments consequential on the commencement of provisions in the Levelling-up and Regeneration Act 2023. In particular, they modify two orders that conferred planning functions on – respectively – the Old Oak and Park Royal Development Corporation and the Ebbsfleet Development Corporation, in order to confer additional planning functions on those entities. The Committee noticed that the definition of “the corporation” in regulation 2 was confusingly drafted, in that it appeared to refer to both of the Development Corporations simultaneously. The Committee was unclear as to how that definition could operate effectively in regulation 5 and the Schedule to the instrument, and asked the Ministry of Housing, Communities and Local Government to explain.
- 2.3** In a memorandum printed at Appendix 2, the Department explains that the intention of the definition was that it should include both Development Corporations. While it had initially considered that the definition as drafted would operate effectively in context, the Department accepts on reflection that the drafting may require clarification and undertakes to prepare an amending instrument at the earliest opportunity. The Committee concurs that clarification is required, and **accordingly reports the definition of “the corporation” in regulation 2 for defective drafting, acknowledged by the Department.**

Instruments not reported

At its meeting on 22 April 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	REACH (Amendment) (No. 2) Regulations 2026
Draft	Animals (Scientific Procedures) Act 1986 (Amendment) Regulations 2026
Draft	Money Laundering and Terrorist Financing (Amendment) Regulations 2026

Instruments subject to annulment

S.I. Numbers	S.I. Title
S.I. 2026/184	The Health and Safety at Work etc. Act 1974 (Application outside Great Britain) (Variation) Order 2026
S.I. 2026/185	The Carbon Capture Utilisation and Storage and Offshore Hydrogen Production (Miscellaneous Amendments) Regulations 2026
S.I. 2026/187	The Town and Country Planning (Costs of Independent Examinations for Local Planning etc.) (Standard Daily Amount) (England) Regulations 2026

S.I. Numbers	S.I. Title
S.I. 2026/208	The Immigration (Passenger Transit Visa) (Amendment) Order 2026
S.I. 2026/210	The Employment Rights Act 2025 (Statutory Sick Pay) (Consequential Amendments) Regulations 2026
S.I. 2026/212	The Social Security Revaluation of Earnings Factors Order 2026
S.I. 2026/260	The Merchant Shipping (Maritime Labour Convention and Miscellaneous Amendments) Regulations 2026
S.I. 2026/271	The Discretionary Financial Assistance and Discretionary Housing Payments (Amendment and Revocation) Regulations 2026
S.I. 2026/277	The Firefighters' Pension Scheme (England) (Amendment) Regulations 2026
S.I. 2026/294	The Social Security (Contributions) (Amendment No. 2) Regulations 2026
S.I. 2026/301	The Firefighters' Pension Scheme (England) (Amendment) (No. 2) Order 2026
S.I. 2026/302	The Employment Rights Act 2025 (Enforcement) (Consequential Amendments) Regulations 2026
S.I. 2026/312	The Traffic Management Permit Scheme (England) (Amendment) Regulations 2026
S.I. 2026/319	The Financial Penalties (Housing Offences and Breach of Banning Orders) Regulations 2026
S.I. 2026/321	The Housing Act 1988 (Assured Tenancies) (Definition of Legal Representative) (England) Regulations 2026
S.I. 2026/322	The Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Claims and Payments) (Amendment) Regulations 2026
S.I. 2026/326	The Motor Vehicles (Driving Licences) (Amendment) Regulations 2026

Instruments not subject to Parliamentary proceedings laid before Parliament

S.I. Numbers	S.I. Title
S.I. 2026/310	The Employment Rights (Increase of Limits) Order 2026

Instruments not subject to Parliamentary proceedings not laid before Parliament

S.I. Numbers	S.I. Title
S.I. 2026/217	The Sentencing Act 2026 (Commencement No. 2 and Transitional Provision) Regulations 2026
S.I. 2026/221	The Medical Training (Prioritisation) Act 2026 (Commencement) Regulations 2026
S.I. 2026/224	The Code of Practice (Picketing) Order 2026
S.I. 2026/284	The Digital Markets, Competition and Consumers Act 2024 (Commencement No. 3 and Transitional Provisions) Regulations 2026
S.I. 2026/333	The Levelling-up and Regeneration Act 2023 (Commencement No. 11 and Saving and Transitional Provisions) (Amendment) Regulations 2026

Appendix 1: Memorandum from the Ministry of Justice

S.I. 2026/204

The Parole Board (Amendment) (No. 2) Regulations 2026

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

Does the Department have anything to add to its explanation in paragraph 11 of the Explanatory Memorandum and to its letter to the Committee dated 3 March 2026 as to why this instrument breaches the 21-day rule.
2. The Department thanks the Committee for their interest in this instrument and for giving the Department a chance to explain and respond.
3. The Department considered it necessary to breach the 21-day laying rule to prevent a previous instrument (S.I. 2026/129) from coming into force.
4. S.I. 2026/129 was made with the intention of addressing a drafting issue which meant rule 19 of the Parole Board Rules applied more widely than intended, at the same time addressing related concerns raised by the Committee about the interaction of the rule with case law. The Department moved at pace to prepare S.I. 2026/129 to address the error and the Committee's concerns, to try to limit the number of prisoners who could be affected.
5. However, after S.I. 2026/129 had been laid, doubts were raised about whether it did, in fact, sufficiently address the issues raised in relation to the case law and it was decided that all the recent changes should be revoked. Given the potential impact on prisoners and the uncertainty and confusion in the application of rule 19 that would have arisen had S.I. 2026/129 come into force for a short period, as would have been the case if the 21-day rule had been observed, the Department felt it had no choice but to breach the 21-day rule

Ministry of Justice

1 April 2026

Appendix 2: Memorandum from the Ministry of Housing, Communities and Local Government

S.I. 2025/206

The Levelling-Up and Regeneration Act 2023 (Consequential Amendments and Transitional Provisions) (No. 3) (England) Regulations 2026

1. The Committee has asked the Ministry of Housing, Communities and Local Government for a memorandum on the following point(s):

Explain whether it is the policy intention that the definition of “the corporation” in regulation 2 should include both the Old Oak and Park Royal Development Corporation and the Ebbsfleet Development Corporation, and, if so, how that definition operates effectively in regulation 5 and the Schedule.

2. It is MHCLG’s policy intention that the definition of “the corporation” in regulation 2 of the instrument, includes both the Old Oak and Park Royal Development Corporation and the Ebbsfleet Development Corporations.
3. The Ministry thought that the definition worked in context, however, on reflection accept that it may require clarification. In light of this, at the earliest opportunity we will prepare an amendment to the instrument.
4. The Ministry is grateful to the Committee for drawing attention to this.

Ministry of Housing Communities and Local Government

1 April 2026

Formal Minutes

Wednesday 22 April 2026

Members present

Sir Bernard Jenkin, in the Chair

Lord Carter of Haslemere

Baroness Kennedy of Cradley

Lord Meston

Baroness Miller of Chilthorne Domer

Gareth Snell

Lord Stewart of Dirleton KC

Report consideration

Draft Report (Fifty-fourth 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 Fifty-fourth 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 29 April 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
53rd	Fifty-third Report - 2 Statutory Instruments Reported	HC 291-liii
52nd	Fifty-second Report - 2 Statutory Instruments Reported	HC 291-lii
51st	Fifty-first Report - 2 Statutory Instruments Reported	HC 291-li
50th	No Statutory Instruments Reported	HC 291-l
49th	3 Statutory Instruments Reported	HC 291-xlix
48th	1 Statutory Instrument Reported	HC 291-xlviii
47th	5 Statutory Instruments Reported	HC 291-xlvii
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

Number	Title	Reference
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
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

Number	Title	Reference
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
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