



House of Lords
House of Commons

Joint Committee on Statutory Instruments

Second Report of Session 2026–27

HC 172-ii / HL Paper 10

The Merchant Shipping (Light Dues) (Amendment) Regulations 2026

The Personal Injuries (Civilians) Scheme (Amendment) Order 2026

The Ecodesign for Energy-Related Products and Energy Information (Household Tumble Dryers) Regulations 2026

The Universal Credit, Personal Independence Payment and Employment and Support Allowance (Amendment) 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)

[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 3 June 2026, to be printed.

It was published on 5 June 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 3 June 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 four 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. 2026/234: Reported for failure to comply with proper legislative practice

The Merchant Shipping (Light Dues) (Amendment) Regulations 2026

Procedure: Made negative

- 1.1 **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.**
- 1.2 These Regulations amend the Merchant Shipping (Light Dues) Regulations 2025 (S.I. 2025/278). The Committee drew the attention of both Houses to that instrument in its Twenty-Second Report of Session 2024–26, for doubt as to whether one of its provisions (the revocation of provisions in S.I. 2005/2114) was *intra vires*. In its memorandum to the Committee in respect of S.I. 2025/278, the Department for Transport accepted that an error had been made in relation to that provision and undertook to rectify the position “at the earliest opportunity”. Noting that this instrument appeared to afford such an opportunity, the Committee asked the Department to explain why it had not taken any steps to rectify the issue in these Regulations.

In a memorandum printed at Appendix 1, the Department accepts that this instrument did provide an opportunity to address the issue identified by the Committee in respect of S.I. 2025/278, and apologises for the fact that the opportunity was not taken. The Department undertakes to make the necessary correcting amendment within a future instrument that is currently in the process of being drafted. The Committee notes and welcomes this further undertaking, but given that the Department’s original commitment

to Parliament was not met on this occasion, **the Committee reports this instrument for failure to comply with proper legislative practice, acknowledged by the Department.**

2 S.I. 2026/261: Reported for doubtful vires

The Personal Injuries (Civilians) Scheme (Amendment) Order 2026

Procedure: Made negative

- 2.1 The Committee draws the special attention of both Houses to this Order on the ground that there is doubt as to whether it is *intra vires* in one respect.**
- 2.2** This Order amends the Personal Injuries (Civilians) Scheme 1983 (S.I. 1983/686) to provide for the uprating of pensions and allowances payable under that Scheme. The Order purports to be made under section 1 of the Personal Injuries (Emergency Provisions) Act 1939 (the “1939 Act”). That section grants the Minister (now the Secretary of State) power to make a scheme for pensions and allowances in respect of war injuries. The Committee noted that the Order was not made in reliance on section 2 of the 1939 Act, in particular subsection (2), which provides that a scheme “may be amended or revoked by a subsequent scheme or by an order made by the Minister with the consent of the Treasury.” Given that this Order is such an amending instrument, and noting that previous such orders had relied on section 2 of the 1939 Act, the Committee asked the Ministry of Defence to explain why section 2(2) of that Act was not relied on in this instance.
- 2.3** In a memorandum printed at Appendix 2, the Department states that the omission of section 2(2) of the 1939 Act as an enabling power was an oversight, amounting to a failure of proper legislative practice. The Committee notes the Department’s acknowledgment that section 2(2) should have been cited, but disagrees that this amounts merely to a matter of poor practice. Section 1 of the 1939 Act – being the general power to make schemes - cannot be relied on for amendments to any such scheme. The implied power to make amendments under the original enabling power that is provided for by section 14 of the Interpretation Act 1978 and on which many amending instruments rely, does not apply to enabling Acts before 1978. The similar implied power of amendment in the Interpretation Act 1889 that might otherwise apply does not apply in this case: it only provides for an implied power of amendment in relation to powers to make rules, regulations or bye-laws. Section 1 of the 1939 Act – being a power to make a scheme - is not such a power. Further, even if an implied power of amendment under section 1 were available, the existence of the express

amendment power in section 2(2) of the 1939 Act arguably displaces it. Failure to have exercised section 2(2) of the 1939 Act in the making of this Order is therefore more fundamental than the Department's response suggests, and **the Committee accordingly reports this instrument for doubt as to whether it is *intra vires*.**

3 S.I. 2026/318: Reported for defective drafting

The Ecodesign for Energy-Related Products and Energy Information (Household Tumble Dryers) Regulations 2026

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 two related respects.**
- 3.2** These Regulations establish updated ecodesign and energy labelling requirements for household tumble dryers. The instrument includes transitional provisions at regulations 15 and 16. The Committee noted that the drafting of regulation 15(1) was unclear as to when the transitional period for which it provides was intended to end, referring to a period "... beginning with 10 April 2026 and 19th January 2027...". The Committee also noted that the transitional provisions within regulation 16 were differentially commenced by regulation 2(2)(b) and (3)(b), and that those commencement provisions referred to provisions of regulation 16 (16(4)(a) to (c)) that did not exist in the instrument as it was made. The Committee asked the Department for Energy Security and Net Zero to explain.
- 3.3** In a memorandum printed at Appendix 3, the Department acknowledges that regulation 15 was drafted incorrectly in respect of the intended end date of the transitional period, and further that the reference to regulation 16(4)(a) to (c) in regulation 2(2)(b) and (3)(b) was an error. The Department undertakes to correct those errors at the earliest opportunity. The Department's memorandum also explains the purpose of the differential commencement of regulation 16. The Committee is grateful for that explanation, which it accepts, but on the basis of the drafting errors identified **reports regulation 2(2)(b) and (3)(b) and regulation 15(1) of this instrument for defective drafting, acknowledged by the Department.**

4 S.I. 2026/395: Reported for defective drafting

The Universal Credit, Personal Independence Payment and Employment and Support Allowance (Amendment) Regulations 2026

Procedure: Made negative

- 4.1 The Committee draws the special attention of both Houses to these Regulations on the ground that they are defectively drafted in one respect.**
- 4.2** These Regulations make amendments to the provisions regarding work capability assessments for certain social security benefits. Regulation 1(2) provides that any amendment has the same extent as the provision amended. Regulation 3 makes relevant amendments to the Social Security (Personal Independence Payment) Regulations 2013 (S.I. 2013/377, the “PIP Regulations”). Those Regulations as originally made extend to England and Wales and Scotland. In accordance with regulation 1(2), therefore, regulation 3 of this instrument extends to England and Wales and Scotland. However, the Committee noted that the Explanatory Memorandum asserts (at paragraph 4.2) that the extent of the amendment made by regulation 3 is England and Wales. However, the Explanatory Memorandum later notes that the PIP Regulations extend also to Scotland, albeit that legislative competence for disability benefits in Scotland is now devolved (see paragraph 6.1). The Committee asked the Department for Work and Pensions to explain this discrepancy and the intention in respect of the extent of the amendment to S.I. 2013/377 made by regulation 3.
- 4.3** In a memorandum printed at Appendix 4, the Department explains that, given the devolution of personal independence payment to Scotland, the intention was to confine the extent of regulation 3 to England and Wales. Accordingly, there is a technical error in regulation 1(2) insofar as it fails to provide for this narrower extent of regulation 3. The Department goes on to explain that it believes this defect will have no practical effect because of the operation of the residence conditions in the PIP Regulations, and undertakes therefore to correct the technical error at the earliest convenient opportunity. **The Committee accordingly reports regulation 1(2) of this instrument for defective drafting, acknowledged by the Department.**

Instruments not reported

At its meeting on 3 June 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	Contracts for Difference (Definition of Eligible Generator) (Amendment) Regulations 2026
Draft	Electricity Capacity (Amendment and Transitional Provision) Regulations 2026
Draft	Immigration (Leave to Enter and Remain) (Amendment) Order 2026
Draft	Local Government (Structural and Boundary Changes) (Control of Disposals etc.) (Amendment) Order 2026
Draft	Pollution Prevention and Control (Fees) (Miscellaneous Amendments) Regulations 2026
Draft	Lifelong Learning (Fee Limits) Regulations 2026
Draft	Wireless Telegraphy Act 2006 (Directions to OFCOM) (Revocation) Order 2026
Draft	Combined Authorities (Mayoral Elections) (Amendment) Order 2026

Instruments subject to annulment

S.I. Numbers	S.I. Title
S.I. 2026/407	The Electronic Commerce (Amendment and Consequential Provision) Regulations 2026
S.I. 2026/410	The Local Government Pension Scheme (Elected Member Pensions) (Consequential Amendment) Regulations 2026
S.I. 2026/412	The Nutrition (Amendment etc.) (EU Exit) (Amendment) Regulations 2026
S.I. 2026/431	The Statutory Auditors and Third Country Auditors (Amendment) Regulations 2026
S.I. 2026/435	The Provision of Services (Amendment and Transitional Provision) Regulations 2026
S.I. 2026/443	The Sanctions (EU Exit) (Miscellaneous Amendments) Regulations 2026
S.I. 2026/457	The Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Decisions and Appeals) (Amendment) Regulations 2026
S.I. 2026/458	The Windsor Framework (Retail Movement Scheme: Plant Health) (Amendment) Regulations 2026
S.I. 2026/478	The Public Interest Disclosure (Prescribed Persons) (Amendment) Order 2026

Instruments not subject to Parliamentary proceedings not laid before Parliament

S.I. Numbers	S.I. Title
S.I. 2025/437	The Automated Vehicles Act 2024 (Commencement No. 2) Regulations 2026
S.I. 2025/440	The Avian Influenza and Influenza of Avian Origin in Mammals (England) (Amendment) Order 2026
S.I. 2025/466	The Animal Health Act 1981 (Extension of Definition of Disease) (England) Order 2026
S.I. 2025/482	The English Devolution and Community Empowerment Act 2026 (Transitional and Saving Provisions) (England) Regulations 2026

Appendix 1: Memorandum from the Department for Transport

S.I. 2026/234

Merchant Shipping (Light Dues) (Amendment) Regulations 2026

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

Noting that the Department undertook to rectify an error identified in S.I. 2025/278 “at the earliest opportunity” (see the Committee’s Twenty-Second Report of this session), explain why this instrument does not rectify that error.

2. S.I. 2025/278 revoked S.I. 1997/562. It also made a number of consequential amendments to other instruments which had amended S.I. 1997/562. One of the consequential amendments which S.I. 2025/278 intended to make was to S.I. 2005/2114. However, S.I. 2025/278 did not cite the power needed to make the amendment to S.I. 2005/2114. The effect of this error is that a now otiose provision has been left in S.I. 2005/2114.
3. The Department undertook to address the above issue at the earliest opportunity. The Department accepts that S.I. 2026/234 would have provided such an opportunity and apologises for the fact that this opportunity was not taken. In view of this oversight, the Department undertakes to ensure that the rectifying amendment can be addressed via an ongoing SI drafting project in order that the issue can be rectified as soon as possible.

Department for Transport

5 May 2026

Appendix 2: Memorandum from the Ministry of Defence

S.I. 2026/261

The Personal Injuries (Civilians) Scheme (Amendment) Order 2026

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

Explain why section 2(2) of the Personal Injuries (Emergency Provisions) Act 1939 is not relied on for the making of this Order.

2. The omission of section 2(2) of the Personal Injuries (Emergency Provisions) Act 1939 was an oversight. We fully accept that the failure to cite it as an enabling power in the preamble is a failure to comply with proper legislative practice.

Ministry of Defence

1 May 2026

Appendix 3: Memorandum from the Department for Energy Security and Net Zero

S.I. 2026/318

The Ecodesign for Energy-Related Products and Energy Information (Household Tumble Dryers) Regulations 2026

1. The Committee has asked the Department for Energy Security and Net Zero for a memorandum on the following point(s):
 1. *In relation to regulation 15(1), explain whether the intention is expressly to end the period on 19 January 2027.*
 2. *Explain—*
 - i. *the intention of the differential commencement by regulation 2(2)(b) and (3)(b) of the transitional provisions in regulation 16 (regulation 16(2)(c) to (i) coming into force only on 19 January 2027); and*
 - ii. *the reference in those commencement provisions to provisions of regulation 16 that do not exist in the instrument as made (regulation 16(4)(a) to (c)).*
2. In respect of point 1, the Department confirms that the intention in relation to regulation 15(1) is to end the specified period on 18 January 2027 and accepts that the current wording does not deliver this.
3. In respect of point 2(i), it may be helpful to first set out some of the background to this provision:
 - a. Regulation 16 concerns obligations on suppliers of household tumble dryers. “Suppliers” means manufacturers, as well as importers and authorised representatives: as defined at Article 2(14) of [assimilated](#)

Appendix 4: Memorandum from the Department for Work and Pensions

S.I. 2026/395

The Universal Credit, Personal Independence Payment and Employment and Support Allowance (Amendment) Regulations 2026

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

Noting that the Explanatory Memorandum to this instrument—

- i. states at paragraph 4.2 that the extent of the amendment in regulation 3 to the Social Security (Personal Independence Regulations) 2013 is England and Wales; and*
- ii. states at paragraph 6.1 that legislative competence for disability benefits in Scotland is devolved although those Regulations extend to Scotland,*

explain why, in accordance with regulation 1(2), regulation 3 extends to England and Wales, and Scotland.

2. We are grateful to the Committee for highlighting this issue and acknowledge that there is a technical error in regulation 1(2) of S.I. 2026/395 insofar as it relates to regulation 3. Regulation 1(2) extends regulation 3 to England and Wales and Scotland, which is incorrect as personal independence payment is now devolved in Scotland under exception 1 to section F1 (social security schemes) in Schedule 5 to the Scotland Act 1998 (as inserted by the Scotland Act 2016). Although the Social Security (Personal Independence Payment) Regulations 2013 (S.I. 2013/377) still extend to Scotland as originally made, the extent of regulation 3 should have been confined to England and Wales.

3. We do not think this has any impact in practice because entitlement to personal independence payment for any person present in Scotland is excluded by the existing residence conditions at regulation 16 of S.I. 2013/377. As a result, we propose to correct the error at the earliest convenient opportunity.

Department for Work and Pensions

5 May 2026

Formal Minutes

Wednesday 3 June 2026

Members present

Sir Bernard Jenkin (in the chair)

Lord Brady of Altrincham

Charlotte Cane

Lord Carter of Haslemere

Baroness Kennedy of Cradley

Baroness Miller of Chilthorne Domer

Gareth Snell

Lord Stewart of Dirleton

Report consideration

Draft Report (*Second 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 Second 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 10 June at 3.50 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 2026–27

Number	Title	Reference
1st	4 Statutory Instruments Reported	HC 172-i

Session 2024–26

Number	Title	Reference
55th	2 Statutory Instruments Reported	HC 291-lv
54th	2 Statutory Instruments Reported	HC 291-liv
53rd	2 Statutory Instruments Reported	HC 291-liii
52nd	2 Statutory Instruments Reported	HC 291-lii
51st	2 Statutory Instruments Reported	HC 291-li
50th	No Statutory Instruments Reported	HC 291-l
49th	3 Statutory Instruments Reported	HC 291- xlx
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

Number	Title	Reference
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
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

Number	Title	Reference
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
3rd Special	Scrutinising Statutory Instruments: Departmental Returns, Session 2024–26	HC 1851
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