



House of Lords
House of Commons

Joint Committee on Statutory Instruments

Third Report of Session 2026–27

HC 172-iii / HL Paper 14

Assured Tenancies (Private Rented Sector) (Prescribed Forms and Transitional Provisions (England) Regulations 2026

Boiler Upgrade Scheme (England and Wales) (Amendment) Regulations 2026

Boiler Upgrade Scheme (England and Wales) (Amendment) Regulations 2026

Ports Of Fleetwood and Silloth (Transfer of Undertaking) Harbour Revision Order 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 Dollimore](#) (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 10 June 2026, to be printed.

It was published on 12 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 10 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. 2026/354: Reported for failure to comply with proper legislative practice

Assured Tenancies (Private Rented Sector) (Prescribed Forms and Transitional Provisions (England) Regulations 2026

Procedure: No Parliamentary procedure

- 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 four related respects.**
- 1.2** These Regulations prescribe certain forms relating to assured tenancies in the private rented sector. The guidance notes to Forms 1A, 4A, 5A and 9A indicate what action may be taken by a person who receives the notice disagrees with the proposed terms, for example, making an application to the Tribunal. In each case there is a link to an online application form. The Committee asked the Ministry of Housing, Communities and Local Government to explain why the notes do not indicate where hard copies of the application forms can be found.
- 1.3** In a memorandum printed at Appendix 1, the Department asserts that there is no requirement to provide accessibility details for hard copies of these forms as the additional information in the prescribed forms is provided to recipients to help them assess their options and is not mandating the recipient to take any action by reference to an external document. The Committee acknowledges that the prescribed form is not mandating the recipient to take any particular action but also considers that it should not be unnecessarily difficult for persons without easy access to the internet

to assert their legal rights. The Committee notes that corresponding prescribed forms in S.I. 2015/620 (which was replaced by this instrument) refer to obtaining hard copies of the application forms from a Tribunal or a law stationer and considers that a similar indication should have been included in this instrument. **The Committee accordingly reports forms 1A, 4A, 5A and 9A for failure to comply with proper legislative practice.**

2 S.I. 2026/368: Reported for failure to comply with proper legislative practice

S.I. 2026/390: Reported for unjustifiable delay in laying before Parliament

*Boiler Upgrade Scheme (England and Wales)
(Amendment) Regulations 2026*

*Boiler Upgrade Scheme (England and Wales)
(Amendment) Regulations 2026*

Procedure: Made negatives

- 2.1 The Committee draws the special attention of both Houses to these Regulations on the ground that the earlier regulations fail to comply with proper legislative practice in one respect and that there was an unjustifiable delay in laying the latter regulations before Parliament.**
- 2.2** These Regulations make changes to the boiler upgrade scheme which supports the installation of heat pumps and biomass boilers in certain buildings. S.I. 2026/390 replaced S.I. 2026/368 (before it came into force) as S.I. 2026/368 was not the version signed by the Minister. The Committee asked the Department of Energy Security and Net Zero to explain how procedures within the Department allowed a version of these Regulations not signed by the Minister to be published and laid.
- 2.3** In a memorandum printed at Appendix 2, the Department asserts that the usual procedures within the Department were followed and that issues with the validation functionality of Lawmaker (the platform used to draft and publish legislation) may have contributed to the incorrect version being published and laid. The Department states that it has reviewed improvements to the process to ensure that the version that is sent for registration is clearly identified and confirmed as the correct version. As the Committee has said before, it is a basic feature of the rule of law that the

law must be accessible. To allow a document to be published and laid as if it were the law when it is not is contrary to this principle. The Committee cannot emphasise enough that the published law must be the final, signed version of that legislation. **The Committee accordingly reports S.I. 2026/368 for failure to comply with proper legislative practice.**

- 2.4** The Committee also noted that S.I. 2026/390 was made on 19 March 2026 and laid before Parliament on 1 April 2026 (a delay of 13 days). The Committee asked the Department if it had any further information to add to explain this delay. In its memorandum, the Department sets out when the publication error was identified and the steps it took to correct that error. As set out in the Committee's First Special Report of Session 2017–19, *Transparency and Accountability in Subordinate Legislation* at paragraphs 2.2 to 2.14, the Committee considers that there is no reasonable excuse for delay in such a simple administrative step as laying before Parliament and that, as a general rule, a delay of 10 calendar days or more will amount to an unjustifiable delay. **The Committee accordingly reports S.I. 2026/390 for unjustifiable delay in laying before Parliament.**

3 S.I. 2026/404: Reported for doubt as to vires

Ports Of Fleetwood and Silloth (Transfer of Undertaking) Harbour Revision Order 2026

Procedure: Made negative

- 3.1 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.**
- 3.2** This Order transfers all powers, duties, undertakings and contracts from the current statutory harbour authority (Associated British Ports) for both the Ports of Fleetwood and Silloth to a new harbour authority. Article 3 allows the transfer date to be fixed by Associated British Ports within a specified period. The Committee was unclear whether Parliament intended to confer this legislative discretion and asked the Marine Management Organisation (in conjunction with the Department for Transport) to identify the enabling power that allows for this sub-delegation.
- 3.3** In a memorandum printed at Appendix 3, the Department asserts that section 14(3) of the Harbours Act 1964 taken together with section 14(1) and paragraphs 5, 16 and 17 of Schedule 2 provide the vires for the sub-delegation in article 3. The Committee notes that those provisions are

broad, general provisions relating to the transfer from one authority to another of property and duties relating to the harbour. The Committee refers to its First Special Report of Session 2021–22, *Rule of Law Themes from COVID-19 Regulations*, at paragraphs 11 to 28 and stresses that the presumption against sub-delegation of power is long-standing and strong. Where Parliament intends to confer legislative discretion it must do so by express words (and those express words are not contained in any of the powers referred to by the Department). General powers do not rebut the presumption against sub-delegation and that does not change if the discretion is within specified parameters. The wider the terms of a power, the more necessary it is to remember the constraints on apparently open powers applied by the courts (see the Supreme Court’s decision in *R (Public Law Project) v Lord Chancellor* [2016] UKSC 39 at [26]). **The Committee accordingly reports article 3 for doubt as to whether it is intra vires.**

Instruments not reported

At its meeting on 10 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

Instruments requiring affirmative approval

S.I. Numbers	S.I. Title
S.I. 2026/543	Russia (Sanctions) (EU Exit) (Amendment) Regulations 2026

Draft instruments requiring affirmative approval

S.I. Numbers	S.I. Title
Draft	West Midlands Combined Authority (Key Route Network) (Amendment) Order 2026
Draft	Airports Slot Allocation (Alleviation of Usage Requirements) Regulations 2026
Draft	Children's Wellbeing and Schools Act 2026 (Establishment of Schools) (Consequential Amendments) Regulations 2026
Draft	Environmental Permitting (Waste Controlling or Transporting) and Relevant Functions of Primary Authorities (Amendment) (England) Regulations 2026
Draft	Industrial Training Levy (Engineering Construction Industry Training Board) Order 2026

S.I. Numbers	S.I. Title
Draft	Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Legal Aid: Anti-social Behaviour and Prevention and Investigation Measures) (Miscellaneous Amendments) Order 2026
Draft	Supply of Machinery (Safety) (Amendment etc.) and the EU Machinery Regulation (Enforcement etc. in Northern Ireland) Regulations 2026
Draft	Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026

Instruments subject to annulment

S.I. Numbers	S.I. Title
S.I. 2026/384	The Cambridgeshire Community Services National Health Service Trust (Dissolution) Order 2026
S.I. 2026/427	The Charities Acts 1992 and 2011 (Substitution of Sums) Order 2026
S.I. 2026/428	The Ministry of Defence Police (Vetting) Regulations 2026
S.I. 2026/439	The Automated Vehicles (Permits for Automated Passenger Services) Regulations 2026
S.I. 2026/494	The Biodiversity Gain Site Register (Amendment) Regulations 2026
S.I. 2026/510	The Single Source Contract (Amendment) Regulations 2026
S.I. 2026/523	The Armed Forces Pension (Amendment) Regulations 2026
S.I. 2026/532	The National Health Service (General Medical Services Contracts and Personal Medical Services Agreements) (Amendment) Regulations 2026
S.I. 2026/535	The Health Protection (Notification) (Amendment) Regulations 2026

Instruments subject to annulment (Northern Ireland)

S.I. Numbers	S.I. Title
S.I. 2026/89	The Control of Explosives Precursors etc. (Amendment) Regulations (Northern Ireland) 2026

Instruments not subject to Parliamentary proceedings not laid before Parliament

S.I. Numbers	S.I. Title
S.I. 2026/409	The Welfare Reform Act 2012 (Commencement No. 35) (Abolition of Benefits) (Amendment) Order 2026
S.I. 2026/421	The Renters' Rights Act 2025 (Commencement No. 2 and Transitional and Saving Provisions) Regulations 2026
S.I. 2026/553	The Civil Aviation (Customs and Excise Airports) Order 2026

Appendix 1: Memorandum from the Ministry of Housing, Communities and Local Government

S.I. 2026/354

The Assured Tenancies (Private Rented Sector) (Prescribed Forms and Transitional Provisions) (England) Regulations 2026

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

In Forms 1A, 4A, 5A and 9A set out in the Schedule, explain why the sections indicating what a person receiving the form should do next do not give details of where hard copies of the application forms can be found.
2. The Ministry of Housing, Communities and Local Government is grateful for the Committee's careful consideration of this instrument and for drawing the Department's attention to this point.
3. The Department agrees that the accessibility of important documents to non-digital users is very important and is aware of the rules in Statutory Instrument Practice (SIP) section 3.17 References to publications, documents, maps and plans, regarding availability of hard copies of external publications cross-referenced in an instrument. However, it was not considered that those applied in this context, for the reasons given below.
4. As the Committee correctly notes Forms 1A, 4A, 5A and 9A all contain guidance to inform the recipient of action they may take upon receipt of the notice. This includes making an application to the Tribunal and signposting

to where the Tribunal application forms can be found. Forms 4A, 5A and 9A provide a link to the relevant Tribunal application form. Form 1A informs the recipient that the relevant Tribunal application form can be found at gov.uk.

5. The Department took the view that this additional information is not in the operative part of the forms. Rather, that it is additional information provided to recipients to help them assess their options having received a prescribed form, the relevant sections not mandating the recipient to take any action by reference to an external document.
6. The Department accepts that the corresponding forms prescribed under The Assured Tenancies and Agricultural Occupancies (Forms) (England) Regulations 2015 SI 2015/620 and revoked for use in the Private Rented Sector by this instrument, informed recipients that Tribunal application forms were available from the Tribunal or law stationers.
7. However, within the additional information sections in the relevant forms prescribed by the 2026 Regulations, the Department endeavoured to be as helpful as possible by providing recipients with signposting to services who may be able to assist further such as Citizens Advice, housing advice centres and law centres. It is envisaged that organisations such as these may assist by providing a hard copy if such a request were made.
8. The forms were shared in draft with stakeholders including the Law Society Housing Law Committee, Shelter and Generation Rent, and concerns about not signposting to hard copies of the Tribunal application forms were not raised.
9. Taking the above into account, the Department's view was that it was not necessary to explicitly state in the additional information sections within Forms 1A, 4A, 5A and 9A where hard copies of relevant Tribunal application forms can be obtained.
10. However, the Department is grateful to the Committee for raising this point and will take it into consideration for any future iterations of the forms.

Ministry of Housing, Communities & Local Government

26 May 2026

Appendix 2: Memorandum from the Department of Energy Security and Net Zero

S.I. 2026/368 and S.I. 2026/390

The Boiler Upgrade Scheme (England and Wales) (Amendment) Regulations 2026

1. The Committee has asked the Department of Energy Security and Net Zero for a memorandum on the following point(s):

“1. Explain how procedures within the Department allowed a version of these Regulations not signed by the Minister (S.I. 2026/368) to be published and laid.

2. Does the Department have anything to add to the answer to question 1 above to explain the long delay between the making and laying of S.I. 2026/390.”
2. The usual procedures within the Department were followed with S.I. 2026/368. During laying and registration Lawmaker software had not identified several minor validation issues that had to be addressed between the S.I. being made and published.
3. During this process, several versions of the S.I. were created and Lawmaker automatically recovered some old versions of the S.I. Our conclusion, on examination of the versions recorded on the lawmaker system, is that this may have contributed to the incorrect version being published and laid.
4. The Department has taken steps to address any issues with validation functionality of Lawmaker with the S.I. Hub. The Department has also reviewed improvements to the process to ensure that the version that is sent for Registration is clearly identified and confirmed as the correct version.
5. The error was not identified until the S.I. had been published. At the point it was identified it was then corrected as quickly as possible. This involved a thorough review of correspondence and the versions on the lawmaker

system as well as a period of correspondence with the S.I. registrar to confirm the appropriate process. This contributed to the delay between the making and laying of S.I. 2026/390.

Department of Energy Security and Net Zero

28 May 2026

Appendix 3: Memorandum from the Department for Transport

S.I. 2026/404

The Ports of Fleetwood and Silloth (Transfer of Undertaking) Harbour Revision Order 2026

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

Identify the power which allows the sub-delegation in article 3.

2. The Department respectfully informs the Committee that the responsibility for the consideration of the application and the making of any harbour revision order passed to the Marine Management Organisation (MMO) by virtue of the Harbours Act 1964 (Delegation of Functions) Order 2010 (S.I. 2010/674) which delegated the Secretary of State’s functions under Section 14 of the Harbours Act 1964 (c.40) (the Act) (Ministers’ powers, on application of harbour authorities, or others, to make orders for securing harbour efficiency) to the MMO except in relation to specified applications. This memorandum has therefore been prepared by the MMO in conjunction with the Department.
3. In response to the question raised by the Committee, it is the MMO’s position that Section 14(3) of the Act taken together with section 14(1) and paragraphs 5, 16 and 17 of Schedule 2, provides vires for the sub-delegation at article 3 of the Order.¹
4. Section 14(1) of the Act provides that a harbour revision order may be made by the appropriate Minister for “achieving all or any of the objects specified in Schedule 2 to this Act”.

¹ The MMO refers the Committee to the following order, which contains a similar provision in support of exercise of the vires in article 3 of the Order. See article 3 of [The Berwick upon Tweed \(Closure of Spittal Quay\) Harbour Revision Order 2009](#);

5. The application for the Ports of Fleetwood and Silloth (Transfer of Undertaking) Harbour Revision Order 2026 (the Order) was made principally in the achievement of paragraph 5 of Schedule 2 to the Act, which provides as follows:

“Transferring from the authority to another or to the authority from another all or any of the property vested in, as the case may be, the authority or that other and held for the purposes of the harbour and, so far as they relate to the transferred property, all or any of the duties and powers imposed and conferred on, as the case may be, the authority or that other by a statutory provision of local application affecting the harbour.”

6. Further, paragraphs 16 and 17 of Schedule 2 to the Act provide:

“16. Extending the time within which anything is required or authorised by a statutory provision of local application affecting the harbour to be done in relation to the harbour by the authority or fixing a time within which anything authorised by the order to be so done must be done.”

“17. Any object which, though not falling within any of the foregoing paragraphs, appears to the appropriate Minister to be one the achievement of which will conduce to the efficient functioning of the harbour.”.

7. Section 14(3) of the Act provides that a harbour revision order may include:

“... all such provision as appear to the appropriate Minister to be requisite or expedient for rendering of full effect any other provision of the order and any supplementary, consequential or incidental provisions appearing to him to be requisite or expedient for the purposes of, or in connection with, the order...”

Article 3 of the Order accordingly provides a consequential provision, , for the transfer date to be confirmed by AB Ports, within specified fixed parameters, following the coming into force of the Order, which enables AB Ports to manage and complete all necessary and administrative matters required for the efficient transfer of the operation of the two ports to the two new statutory harbour authorities.

Department for Transport

22 May 2026

Formal Minutes

Wednesday 10 June 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 Stewart of Dirleton

David Pinto-Duschinsky

Report consideration

Draft Report (*Third Report*), proposed by the Chair, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1.1 to 3.3 read and agreed to.

Annex agreed to.

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

Resolved, That the Report be the Third Report of the Committee to both Houses.

Ordered, That the Chair make the Report to the House of Commons and that the Report be made to the House of Lords.

Adjournment

Adjourned till Wednesday 17 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
2nd	4 Statutory Instruments Reported	HC 172-ii
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-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

Number	Title	Reference
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
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

Number	Title	Reference
22nd	3 Statutory Instruments Reported	HC 291-xxii
21st	2 Statutory Instruments Reported	HC 291-xxi
20th	5 Statutory Instruments Reported	HC 291-xx
19th	No Statutory Instruments Reported	HC 291-xix
18th	2 Statutory Instruments Reported	HC 291-xviii
17th	No Statutory Instruments Reported	HC 291-xvii
16th	1 Statutory Instrument Reported	HC 291-xvi
15th	1 Statutory Instrument Reported	HC 291-xv
14th	No Statutory Instruments Reported	HC 291-xiv
13th	8 Statutory Instruments Reported	HC 291-xiii
12th	2 Statutory Instruments Reported	HC 291-xii
11th	2 Statutory Instruments Reported	HC 291-xi
10th	2 Statutory Instruments Reported	HC 291-x
9th	2 Statutory Instruments Reported	HC 291-ix
8th	4 Statutory Instruments Reported	HC 291-viii
7th	1 Statutory Instrument Reported	HC 291-vii
6th	4 Statutory Instruments Reported	HC 291-vi
5th	5 Statutory Instruments Reported	HC 291-v
4th	2 Statutory Instruments Reported	HC 291-iv
3rd	10 Statutory Instruments Reported	HC 291-iii
2nd	No Statutory Instruments Reported	HC 291-ii
1st	2 Statutory Instruments Reported	HC 291-i
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