



House of Lords
House of Commons

Joint Committee on Statutory Instruments

Fifth Report of Session 2026–27

HC 172-v / HL Paper 25

The Merchant Shipping (Accident Reporting and Investigation) Regulations 2026

The Education (Student Support) (Amendment) Regulations 2026

The Local Government Pension Scheme (Pooling, Management and Investment of Funds) Regulations 2026

The draft Register of Overseas Entities (Protection and Trusts) and Limited Liability Partnerships (Application of Company Law) (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)

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House of Commons

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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 24 June 2026, to be printed.

It was published on 26 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 24 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. 2026/430: Reported for defective drafting

The Merchant Shipping (Accident Reporting and Investigation) Regulations 2026

Procedure: Made negative

- 1.1 The Committee draws the special attention of both Houses to these Regulations on the ground that they are defectively drafted in two respects.**
- 1.2** These Regulations update the UK framework for marine accident investigations. Regulation 10(1) imposes a duty on specified persons to preserve certain information and evidence in respect of a reportable accident. The persons subject to that duty are specified in regulation 10(2), and regulation 10(3) sets out the period for which the duty continues. The Committee noted that the drafting of regulation 10(3) appears unclear as to the duration of the duty where persons are served with a notice by the Chief Inspector under regulation 10(2)(c) that they are subject to it, and asked the Department for Transport to explain the intention of this provision.
- 1.3** In a memorandum printed at Appendix 1, the Department explains that the period specified in regulation 10(3)(b) is intended to apply to those persons served a notice under regulation 10(2)(c), and only to such persons. The 30-day period specified in regulation 10(3)(a) will apply to the person who notified the accident, and the Department explains that there is no intention to extend that period where a notice may later be served on some other person under regulation 10(2)(c). The Department asserts that this reading is “implicit from the drafting”. The Committee disagrees. Legislation should

not need to rely on interpretation by implication for it to be effective. In this case, the Department's stated intention could have been achieved by expressly drafting regulation 10(3)(b) to make its intended effect clear. The Committee accordingly reports regulation 10(3)(b) of this instrument for defective drafting.

- 1.4** The Committee also noted that the transitional provision at regulation 25(3) provides that, where an investigation has begun under the previous investigation regime (set out in S.I. 2012/1743) but not concluded before the coming into force of this instrument, it is to continue as if it had been started under these Regulations. Given that these Regulations provide, at regulation 24(4), for an offence that did not exist under S.I. 2012/1743 (the offence of failing to comply with a recommendation imposed under regulation 21(3)), the Committee asked the Department to explain whether such an offence could be committed where the failure pre-dated the commencement of these Regulations and, if so, what power was relied on to enable that retrospective effect.
- 1.5** In its memorandum, the Department explains that the new offence in regulation 24(4) cannot be committed in respect of failures pre-dating the commencement of these Regulations and that the intention is, therefore, that the provision in regulation 25(3) does not have retrospective effect. The Department's position is that the current drafting is sufficient in this respect, given in particular the presumption against retrospective effect in relation to criminal offences. The Committee, however, takes the view that drafting that has to rely on such presumptions to achieve its intended effect is deficient. In this instance, given that the transitional provision provides for the substitution of the new regime for the old in relation to investigations that have already started, the drafting should be express as to the applicability of any new offence. The Committee accordingly reports regulation 25(3) for defective drafting.

2 S.I. 2026/459: Reported for defective drafting and requiring elucidation

The Education (Student Support) (Amendment) Regulations 2026

Procedure: Made negative

- 2.1** The Committee draws the special attention of both Houses to these Regulations on the grounds that they are defectively drafted in one respect, and require elucidation in a further respect.

- 2.2** These Regulations amend the Education (Student Support) Regulations 2011 (S.I. 2011/1986, the “2011 Regulations”) in order to remove eligibility for student finance from courses that are provided on behalf of registered providers by unregistered providers, subject to certain exemptions. The 2011 Regulations provide for the eligibility of courses for student finance by designating defined courses for the purposes of section 22 of the Teaching and Higher Education Act 1998 (the “1998 Act”). The Committee noted that the effect of the amendments made to regulations 5, 139 and 161 of the 2011 Regulations by regulations 5, 7 and 8 of this instrument is to provide that, from 1 September 2028, courses provided on behalf of a registered provider will only be designated for the purposes of section 22 of the 1998 Act where they are provided by a “qualifying franchised provider”. Given that effect, the Committee was unclear as to the intended purpose of new regulation 7C of the 2011 Regulations, inserted by regulation 6 of this instrument, which appears to have an identical effect, and asked the Department for Education to explain.
- 2.3** In a memorandum printed at Appendix 2, the Department acknowledges that the effect of the provisions in regulations 5, 7 and 8 and new regulation 7C is the same, but considered that the inclusion of the “clear prohibition” in new regulation 7C was necessary to signal the “significant change in policy” to a reader of the instrument. The Committee agrees that clarity for readers is a laudable aim but considers that in the case of legislation the key point is legal clarity. Inserting multiple provisions that have the same effect has the potential to introduce confusion rather than clarity. In this case, for example, as the Committee’s question to the Department indicated, the inclusion of new regulation 7C casts doubt on the intended effect of the amendments made by regulations 5, 7 and 8. The Committee accordingly reports regulation 6 of this instrument, insofar as it inserts new regulation 7C into S.I. 2011/1986, for defective drafting.
- 2.4** The Committee also noted that the amendments made by regulation 4 to paragraphs (5), (6) and (7) of regulation 2A of the 2011 Regulations appear to exclude from the definitions of course designation event set out in regulation 2A the circumstance whereby, for courses beginning on or after 1 September 2028, the provider that is providing the course directly becomes a registered provider. The Committee asked the Department to explain if this was the intention.
- 2.5** In its memorandum, the Department does not address this point directly. It explains that the instrument “retains the current position for courses beginning before 1 September 2028” and points to the amendments made by regulation 4(b). However, this is not a complete explanation because regulation 4(b) only deals with the definition of “postgraduate course designation event” and not the other definitions amended by this instrument. The Department goes on to say that for courses that begin on or

after 1 September 2028 the amendment made to regulation 2A of the 2011 Regulations by regulation 4(a)(iii) includes “the circumstances in which a course can become designated where the English higher education provider becomes registered, provided the course is provided by a qualifying franchised provider”. The Committee agrees that that is the effect of that amendment, but remains unclear as to why those amendments do not deal with the circumstance in which, after 1 September 2028, an English higher education that is itself providing the course becomes a registered provider. It may be that there is some policy reason why there is no need to provide for that situation for courses beginning on or after 1 September 2028, but the Department has not explained that in its memorandum. On that basis, it is not possible to determine whether the apparent drafting defect is indeed a defect, or correctly reflects the Department’s intention. The Committee accordingly reports regulation 4 for requiring elucidation, not provided by the Department’s memorandum.

- 2.6** The Committee also asked the Department on what power it had relied to authorise the sub-delegation in new regulation 7B(12) of the 2011 Regulations, as inserted by regulation 6. The Department provides a satisfactory response in its memorandum.

3 S.I. 2026/544: Reported for failure to comply with proper legislative practice and for requiring elucidation

The Local Government Pension Scheme (Pooling, Management and Investment of Funds) Regulations 2026

Procedure: Made negative

- 3.1 The Committee draws the special attention of both Houses to these Regulations on the grounds that they fail to comply with proper legislative practice in one respect and require elucidation in a further respect.**
- 3.2** These Regulations set out arrangements for the management of investments in the Local Government Pension Scheme (“LGPS”), including through the exercise of new powers under the Pensions Schemes Act 2026 to make provision for the management of LGPS investments by asset pool companies with the intention of harnessing the benefits of scale. The Committee noted that the Regulations at various points attach legal significance to guidance to be issued by the Secretary of State (for example

in the consequences of a failure to comply with such guidance set out in regulations 16 and 20, and in determining the meaning of certain terms within the instrument). The instrument does not, however, set out how a reader of the instrument may access such guidance, which appears not yet to have been published. The Committee asked the Ministry of Housing, Communities and Local Government to explain this omission.

3.3 In a memorandum printed at Appendix 3, the Department explains that the relevant guidance will be published on gov.uk (and available in hard copy on request), and that it will take steps to communicate the guidance to the authorities and asset pool companies to which it applies. The Department asserts that it is not possible to link directly to the guidance from the legislation, since it may be updated from time to time, but undertakes to update the Explanatory Memorandum to the Regulations to provide that general publication information. The Committee's view is that this highlights a broader concern about the efficacy of giving such legal significance to guidance, even where doing so may strictly be within the powers granted by Parliament. In this instance, the as-yet-unpublished guidance is material to the meaning of key terms within the instrument (see the definition of "the relevant strategic authority" in regulation 2(1) and the meaning of "exceptional circumstances" in regulation 10(3)), and failure to comply with guidance has the legal consequences set out in regulations 16(2) and 20(2). While the Committee does not consider that the reliance on guidance is likely to be of doubtful vires in this instance, given the scope of the enabling powers, these circumstances do demonstrate the need for the ready accessibility of such guidance or at least some indication of what the guidance will contain. The Committee considers that where an instrument places such significant reliance on guidance, it would be desirable for the first version of such guidance (or at least a draft of that version) to be published contemporaneously with the laying of the instrument. That would allow the instrument to direct readers to the guidance (via a footnote in the usual way), albeit subject to a caveat regarding its future updating. Furthermore, it would allow the Committee to better understand the intended legal effect of the instrument. Without access to the guidance, the overall legal effect of the instrument is unclear. **The Committee accordingly reports these Regulations for failure to comply with proper legislative practice.**

3.4 The Committee also noted that the enabling powers for this instrument in both the Public Service Pensions Act 2013 and the Pension Schemes Act 2026 confer powers on the Secretary of State in respect of the functions of "scheme managers" (as defined in section 4 of the Public Sector Pensions Act 2013). However, these Regulations make such provision in respect of "authorities" (as defined in regulation 2(1)). The Committee asked the Department to explain that apparent discrepancy.

- 3.5** In its memorandum, the Department explains that this approach to the drafting of instruments of this kind reflects a long-established practice in regulations relating to the LGPS. In particular, there is provision within the principal regulations governing the LGPS (S.I. 2013/2356) that grants the duties of “scheme managers” (as defined in primary legislation) to “administering authorities”. In this instrument, an “authority” is defined in relation to “administering authorities” as provided for in S.I. 2013/2356, and therefore the provision made in this instrument is appropriately made in respect of “authorities”, notwithstanding the use of the term “scheme manager” within the enabling powers. The Department helpfully explains that the use of the different terms between the relevant primary and secondary legislation was considered and deliberately retained in the drafting of the Pension Schemes Act 2026, for continuity and clarity. The Department undertakes to update the Explanatory Memorandum to this instrument to explain the relationship between the terms. The Committee is grateful for the Department’s detailed explanation and is **therefore content to report these Regulations for requiring elucidation, provided by the Department’s memorandum.**

4 Draft S.I.: Reported for failure to comply with proper legislative practice

The draft Register of Overseas Entities (Protection and Trusts) and Limited Liability Partnerships (Application of Company Law) (Amendment) Regulations 2026

Procedure: Draft affirmative

- 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.**
- 4.2** These Regulations make amendments in relation to information on the register of overseas entities kept by the registrar of companies for England and Wales. They also make an amendment to the Companies Act 2006 as it is applied to Limited Liability Partnerships, in relation to information requirements. Article 36(4) of the UK General Data Protection Regulation ((EU) 2016/679) (“the GDPR”) requires the Department for Transport to consult the Information Commissioner during the preparation of a proposal for a legislative measure which relates to data processing. Noting that this consultation did take place during the preparation of these Regulations, the Committee asked the Department to explain why this was not cited in the preamble to the instrument.

- 4.3** In a memorandum printed at Appendix 4, the Department explains that, in line with paragraph 3.11.28 of Statutory Instrument Practice, only the fulfilment of conditions set out in the enabling Act should be set out in the preamble and as a result, it was not necessary to recite consultation under article 36(4) of the GDPR in the preamble to this instrument. The Committee has set out its position on this paragraph of Statutory Instrument Practice in previous reports and reiterates that in its view, article 36(4) is a condition precedent which should be cited in the preamble. The provision requires a certain step to have occurred before the power to make legislative measures relating to processing can be exercised. The Committee further notes that the Government's practice on limiting the citation of conditions precedent to those set out in the enabling Act is inconsistent. See for example SI 2026/389 and SI 2026/488, which cite article 36(4).
- 4.4** Whilst the Department has on this occasion confirmed in the Explanatory Memorandum that such consultation took place, the Committee considers that as a matter of proper legislative practice, compliance with article 36(4) should also be cited in the preamble. **The Committee accordingly reports the preamble for failure to comply with proper legislative practice.**

Instruments not reported

At its meeting on 24 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/	Greater Cambridge Development Corporation (Establishment) Order 2026
S.I. 2026/613	Misuse of Drugs Act 1971 (Temporary Class Drug) Order

Draft instruments requiring affirmative approval

S.I. Numbers	S.I. Title
Draft	Criminal Justice Act 1988 (Offensive Weapons) (Amendment) (England and Wales) Order 2026

Instruments subject to annulment

S.I. Numbers	S.I. Title
S.I. 2026/513	The Infrastructure Planning (Fees) (Amendment) Regulations 2026

S.I. Numbers	S.I. Title
S.I. 2026/518	The European Communities (Immunities and Privileges of the North Atlantic Salmon Conservation Organization and North-East Atlantic Fisheries Commission) (Revocation) Regulations 2026
S.I. 2026/521	The Biodiversity Beyond National Jurisdiction Act 2026 (Meaning of “Digital Sequence Information”) Regulations 2026
S.I. 2026/550	The Securitisation (Overseas STS Equivalence) (European Union, Iceland, Liechtenstein and Norway) Regulations 2026
S.I. 2026/561	The Insolvency (England and Wales) (Amendment) Rules 2026
S.I. 2026/593	The Court Funds (Amendment) Rules 2026
S.I. 2026/597	The Police (Conduct) (Amendment) Regulations 2026
S.I. 2026/611	The Public Service Pensions Act 2013 (Amendment of Section 3) Order 2026
S.I. 2026/614	The Branded Health Service Medicines (Costs) (Amendment) Regulations 2026

Appendix 1: Memorandum from the Department for Transport

S.I. 2026/430

The Merchant Shipping (Accident Reporting and Investigation) Regulations 2026

1. The Committee has asked the Department for Transport for a memorandum on the following point(s):
 1. *In regulation 10 (3), explain whether the period set out in sub-paragraph (b) is intended to apply to all persons to whom the duty applies, or only to those on whom a notice has been served under regulation 10(2)(c). If the former, how will persons on whom no notice has been served be aware of the point at which the 30-day period begins? If the latter, explain how the drafting achieves that intent.*
 2. *Given that regulation 25(3) provides that an investigation commenced under S.I. 2012/1743 is to continue as if it had been started under these Regulations, explain whether the new offence in regulation 24(4) of failing to comply with a recommendation can be committed for such a failure that pre-dated the commencement of these Regulations and, if so, what power is relied upon to achieve this retrospective effect.*
2. In relation to the first point, the Department confirms that the period in regulation 10(3)(b) is intended to apply only to those on whom a notice is served under regulation 10(2)(c), and considers this implicit from the drafting. The notice will confirm when the 30-day period expires.
3. Regulation 10(3)(a) will apply in parallel to a person (the master/senior surviving officer or owner) who notified the accident under regulation 6(2). In practice, such a person will be sent a letter confirming the notification, including when their 30-day period expires. The master/senior surviving officer will, by virtue of the qualifications they are required to hold, be aware of the period for which evidence must be retained. In addition, this provision

is well-understood in the industry due to the drafting of regulation 10 of the Merchant Shipping (Accident Reporting and Investigation) Regulations 2012, which these Regulations replace.

4. It may be that notice(s) are served later under regulation 10(2)(c) because the existence of particular evidence comes to light later, but there is no intent that a later notice period extends one commenced earlier.
5. The result is that the periods referred to in regulations 10(3)(a) and (b) are in practice mutually exclusive. Each 30-day period following notification received under regulation 6(2) or a notice given under regulation 10(2)(c) will run in parallel, expiring on different days.
6. On the second point, the Department confirms that the new offence in regulation 24(4) of failing to comply with a requirement imposed under regulation 21(4) cannot be committed in respect of failures that pre-dated commencement of the new regulations. Regulation 25(3) provides for ongoing investigations to be continued under this SI. The Department did not intend, and the drafting does not provide, for failures that pre-dated commencement to be treated as offences under the new regulations (whether in respect of closed or ongoing investigations). Given the strong presumption against retrospection in relation to criminal offences, the Department considers that no further drafting is needed to clarify that the offence does not have retrospective effect.

Department for Transport

16 June 2026

Appendix 2: Memorandum from the Department for Education

S.I. 2026/459

The Education (Student Support) (Amendment) Regulations 2026

1. The Committee has asked the Department for Education for a memorandum on the following point(s):
 1. *Given that the effect of the amendments made by regulations 5, 7 and 8 of this instrument is to require that, after 1 September 2028, courses provided on behalf of a registered provider must be provided by a “qualifying franchised provider” to be designated for the purposes of section 22(1) of the Teaching and Higher Education Act 1988 (and hence be eligible for student finance), explain the intention of new regulation 7C (inserted by regulation 6), which appears to have the same effect.*
 2. *Explain whether the amendments made by regulation 4 to paragraphs (5), (6) and (7) of regulation 2A of the Education (Student Support) Regulations 2011 intentionally exclude from the definition of “course designation event” the circumstance whereby, for courses that begin on or after 1 September 2028, the English higher education provider which is itself providing the course becomes a registered provider (as sub-paragraph (b) of paragraphs (5), (6) and (7), as amended, provides for courses that begin before 1 September 2028).*
 3. *Explain what power is relied upon to authorise the sub-delegation in new regulation 7B(12) which purports to allow for the amendment of new regulation 7B(11)(b) by non-legislative means.*
2. Taking each point in turn, regulations 5, 7 and 8 of this instrument deal with who is able to deliver courses from 1 September 2028. Until now, unregistered providers have previously been entitled to deliver designated courses on behalf of registered providers. The Department considered that

it would be clearer for providers if there was a clear prohibition included in the instrument, which is contained in the new regulation 7C. This was also considered to be necessary given regulations 5, 139 and 161 of the Education (Student Support) Regulations 2011 are particularly long regulations, dealing with a number of other criteria. The Department considered that without the inclusion of regulation 7C, there was a risk that such a significant change in policy would not be clear to the reader.

3. The amendments made to regulation 2A of the Education (Student Support) Regulations 2011 retain the current position for courses beginning before 1 September 2028 – please see regulation 4(b). For courses that begin after that date, regulation 4(a)(iii) includes in the definition of “course designation event” the circumstances in which a course can become designated where the English higher education provider becomes registered, provided the course is provided by a qualifying franchised provider.
4. We relied on section 22(2)(aa) of the Teaching and Higher Education Act 1998 to authorise the sub-delegation in new regulation 7B(12). In particular the reference to “or other persons”.

Section 22(2)(aa) of the Teaching and Higher Education Act 1998 states:

“(2) Regulations under this section may, in particular, make provision—

(aa) for the designation of a higher education course for the purposes of this section to be determined by reference to matters determined or published by the Office for Students or other persons (whether before or after the regulations are made);”

5. We are of the view that section 22(2)(aa) must include the Secretary of State in “other persons” because they are not specifically excluded from that section. Further the Department’s position is that the syntax of section 22(2)(aa) is such that the word “other” in that paragraph must be read by reference to the Office for Students as that body is named immediately before the word “other”. Therefore “other persons” will include the Secretary of State and that power enables courses to be designated by virtue of matters determined or published after the regulations are made. The Secretary of State also has a long-held power under the Education (Student Support) Regulations 2011 and other equivalent legislation to exercise discretion in designating any courses. Please see for example regulation 5(10) of those regulations.

Department for Education

16 June 2026

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

S.I. 2026/544

The Local Government Pension Scheme (Pooling, Management and Investment of Funds) Regulations 2026

1. The Committee has asked the Ministry of Housing, Communities and Local Government for a memorandum on the following point(s):
 1. *Noting the legal significance attached by these Regulations to guidance to be issued by the Secretary of State, explain why the Regulations do not set out the form in which the guidance is to be issued and published nor how a reader of this instrument will be able to locate such guidance as it is issued from time to time.*
 2. *Given that the enabling provisions for this instrument confer powers on the Secretary of State in respect of the functions of “scheme managers” (as defined in section 4 of the Public Sector Pensions Act 2013), explain why this instrument makes such provision in respect of “authorities” (as defined in regulation 2(1) of this instrument), rather than “scheme managers”.*
2. The Department thanks the Committee for drawing these points to its attention.
3. In relation to the Committee’s first point, any guidance that is issued under these Regulations will be published on GOV.UK and hard copies may be obtained by writing to the Ministry of Housing, Communities and Local Government, 2 Marsham Street, London SW1P 4DF. The Department will also take steps to communicate any such guidance (or changes in the

guidance) to the administering authorities and asset pool companies to which it applies. It is not possible to provide a specific link to this guidance or refer to a specific version given that it may be updated from time to time (and indeed no such link was given in respect of the equivalent guidance in the Local Government Pension Scheme (Management and Investment of Funds) Regulations 2016 (S.I. 2016/946), which these Regulations revoke and replace). However, the Department will update the Explanatory Memorandum to this instrument to reflect the publication information referred to above.

4. In relation to the Committee's second point, this reflects a long-established practice in regulations relating to the Local Government Pension Scheme ("LGPS"). As the Committee has noted, the relevant primary legislation for the LGPS, the Public Service Pensions Act 2013, uses the terminology of "scheme manager" (as set out in section 4). Regulation 53 of the Local Government Pension Scheme Regulations 2013 (S.I. 2013/2356) provides that the bodies which are the scheme managers in relation to the LGPS are to be referred to as "administering authorities". This reflects the historic terminology which has been used consistently for over 50 years – see for example:
 - a. Schedule 1 to the Local Government Pension Scheme (Administration) Regulations 2008 (S.I. 2008/239);
 - b. Schedule 1 to the Local Government Pension Scheme Regulations 1997 (S.I. 1997/1612);
 - c. Schedule A1 to the Local Government Pension Scheme Regulations 1995 (S.I. 1995/1019);
 - d. Schedule 1 to the Local Government Superannuation Regulations 1986 (S.I. 1984/24);
 - e. Regulation A3(1) of the Local Government Superannuation Regulations 1974 (S.I. 1974/520).
5. When the Local Government Pension Scheme (Management and Investment of Funds) Regulations 2016 (S.I. 2016/946) were made under these same powers, the term "administering authorities" was shortened to "authorities" for the purposes of those regulations (on the basis that the matters contained therein were only of relevance to administering authorities, not any other local authorities, and therefore it was clear throughout which authorities were being referred to).
6. When new powers were taken in the Pension Schemes Act 2026, which referred specifically to the managers of LGPS funds in England and Wales, consideration was given as to whether to continue to use the terminology of "scheme managers" as used in the primary legislation or "administering

authorities” as used in the secondary legislation. For consistency, the decision was taken to continue to use the terminology of “scheme managers” in the primary legislation and to use the existing terminology of “administering authorities” in the relevant secondary legislation as it was thought to be more helpful for likely users of the legislation. In addition, as these Regulations revoke and replace the Local Government Pension Scheme (Management and Investment of Funds) Regulations 2016 it was considered appropriate to continue using this definition for continuity and clarity. However, for further clarity the Department will update the Explanatory Memorandum to this instrument to explain that administering authorities are the “Scheme managers” for the purposes of the primary legislation.

Ministry of Housing, Communities and Local Government

16 June 2026

Appendix 4: Memorandum from the Department for Business and Trade

Draft S.I.

The Register of Overseas Entities (Protection and Trusts) and Limited Liability Partnerships (Application of Company Law) (Amendment) Regulations 2026

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

Noting that consultation in accordance with Article 36 (4) of the UK Gen Data Protection Regulation ((EU) 2016/679) took place during the preparation of these Regulations, explain why this was not cited in the preamble to the instrument.
2. In line with paragraph 3.11.28 of Statutory Instrument Practice, only the fulfilment of conditions set out in the enabling Act should be set out in the preamble.
3. Since the UK General Data Protection Regulation is not an enabling Act, the Department does not believe that it is necessary to recite consultation under article 36(4) of the GDPR in the preamble to this instrument.
4. We have confirmed in the Explanatory Memorandum that consultation with the Information Commissioner took place in accordance with the requirements of article 36(4).

Department for Business and Trade

15 June 2026

Formal Minutes

Wednesday 24 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

Baroness Miller of Chilthorne Domer

Gareth Snell

Lord Stewart of Dirleton KC

Report consideration

Draft Report (*Fifth 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 4.4 read and agreed to.

Annex agreed to.

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

Resolved, That the Report be the Fifth 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 1 July 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
4th	1 Statutory Instrument Reported	HC 172-iv
3rd	4 Statutory Instruments Reported	HC 172-iii
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

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

Number	Title	Reference
23rd	2 Statutory Instruments Reported	HC 291-xxiii
22nd	3 Statutory Instruments Reported	HC 291-xxii
21st	2 Statutory Instruments Reported	HC 291-xxi
20th	5 Statutory Instruments Reported	HC 291-xx
19th	No Statutory Instruments Reported	HC 291-xix
18th	2 Statutory Instruments Reported	HC 291-xviii
17th	No Statutory Instruments Reported	HC 291-xvii
16th	1 Statutory Instrument Reported	HC 291-xvi
15th	1 Statutory Instrument Reported	HC 291-xv
14th	No Statutory Instruments Reported	HC 291-xiv
13th	8 Statutory Instruments Reported	HC 291-xiii
12th	2 Statutory Instruments Reported	HC 291-xii
11th	2 Statutory Instruments Reported	HC 291-xi
10th	2 Statutory Instruments Reported	HC 291-x
9th	2 Statutory Instruments Reported	HC 291-ix
8th	4 Statutory Instruments Reported	HC 291-viii
7th	1 Statutory Instrument Reported	HC 291-vii
6th	4 Statutory Instruments Reported	HC 291-vi
5th	5 Statutory Instruments Reported	HC 291-v
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