



House of Lords
House of Commons

Joint Committee on Statutory Instruments

Seventh Report of Session 2026–27

HC 172-vii / HL Paper 33

The School Organisation (Establishment and Discontinuance of Schools) (Amendment) Regulations 2026

The Local Government Pension Scheme (Amendment) (Governance) 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 Hunter of Auchenreoch](#) (Labour; 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)

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 8 July 2026, to be printed.

It was published on 10 July 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 8 July 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. 2026/528: Reported for defective drafting

The School Organisation (Establishment and Discontinuance of Schools) (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 are defectively drafted in two related respects.**
- 1.2** These Regulations amend the School Organisation (Establishment and Discontinuance of Schools) Regulations 2013, which detail the process by which schools can be opened or closed. Regulation 13 of this instrument makes various amendments to regulation 12 of the 2013 Regulations, with regulation 13(a) substituting a new paragraph (1) as follows—

(1) In respect of proposals under section 15(1), the local authority must publish the proposals on their website.
- 1.3** However, it appeared to the Committee that this change created a need for two consequential amendments to regulation 12(2) and (4) as these refer to paragraph (1)(a) which no longer exists. The Committee asked the Department for Education to explain.
- 1.4** In a memorandum printed at Appendix 1, the Department agrees that these consequential amendments should have been made. The Department explains that these errors arose as a result of a change of approach to the drafting of regulation 13(a) late in the drafting and checking process, which

resulted in the overlooking of the consequential amendments required to references to regulation 12(1)(a) of the 2013 Regulations. The Committee notes the Department's explanation but reiterates its position that even relatively small-scale errors of this nature can be a source of confusion for readers of legislation, who are entitled to expect that legislation will not be enacted until it has been thoroughly checked. The Committee welcomes the Department's undertaking to make appropriate amendments at a suitable opportunity. **The Committee accordingly reports regulation 13 of this instrument for defective drafting in two related respects, acknowledged by the Department.**

2 S.I. 2026/545: Reported for failure to comply with proper legislative practice

The Local Government Pension Scheme (Amendment) (Governance) Regulations 2026

Procedure: Made negative

- 2.1 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.**
- 2.2** These Regulations update governance arrangements applying to administering authorities, which are responsible for maintaining pension funds contained in the Local Government Pension Scheme for England and Wales. At various points, the Regulations attach legal significance to guidance to be issued by the Secretary of State from time to time. This includes, at regulation 3, ensuring that an independent person who is appointed to support the discharge of scheme functions is both appointed and carries out their role in accordance with such guidance. At regulation 8, administering authorities are also required to prepare, revise and publish a pension administration strategy in accordance with guidance. The Committee noted that notwithstanding the provision made for such guidance in these, and other, regulations within the instrument, the Regulations do not detail how a reader of the instrument may access such guidance. The Committee asked the Ministry of Housing, Communities and Local Government to explain this omission.
- 2.3** In a memorandum printed at Appendix 2, the Department explains that the relevant guidance will be published on gov.uk (and also provides an address where hard copies may be requested) and confirms that steps will be taken to communicate such guidance, and any subsequent updates, to the administering authorities to which it applies. The Department asserts

that it is not possible to provide a specific link to the guidance within the instrument as it may be updated from time to time, noting that by publishing this on gov.uk and communicating it directly to administering authorities, this ensures that it is accessible to those to whom it is addressed. Notwithstanding this, the Department undertakes to update the Explanatory Memorandum for this instrument to provide the publication information described above.

- 2.4** The Committee reported a connected instrument (S.I. 2026/544) and its similar reliance on guidance in its Fifth Report of Session 2026–27. The Committee notes the Department’s acknowledgment in this memorandum, having reflected on the Committee’s recommendation within that report, that the publication of such guidance, even in draft, at the time the instrument is laid can only enhance accessibility and transparency. Whilst the Committee acknowledges that the relevant guidance has now been published online, without access to this at the time that the instrument was made, the Committee’s own scrutiny work was impeded as it was not possible to fully understand the implications of the guidance upon the Regulations without access to that guidance. Further, given the fact that this guidance plays a potentially significant role in the interpretation of these Regulations and the management of the Local Government Pension Scheme for England and Wales, Parliament and the general public (which would include the members of such schemes) are entitled to as much notice as the Government has itself of the contents of this guidance to enable them to fully comprehend the instrument as a whole. The Committee welcomes the Department’s undertaking to consider the Committee’s recommendation carefully in the preparation of future instruments, including whether earlier publication of draft guidance alongside consultation materials may be feasible. **The Committee accordingly reports these Regulations for failure to comply with proper legislative practice, acknowledged in part by the Department.**

Instruments not reported

At its meeting on 8 July 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	Code of Practice on Electronic and Workplace Ballots for Statutory Trade Union Ballots
Draft	Protection Against Detriment (Industrial Action) Regulations 2026
Draft	Armed Forces (Service Complaints Miscellaneous Provisions) (Amendment) Regulations 2026
Draft	Railways (Interoperability in Northern Ireland) (Convention on International Carriage by Rail) (Amendment) Regulations 2026

Instruments subject to annulment

S.I. Numbers	S.I. Title
S.I. 2026/569	The Product Security and Telecommunications Infrastructure Act 2022 (Conferral of Tribunal Jurisdiction under the Landlord and Tenant Act 1954 etc.) Regulations 2026
S.I. 2026/578	The M27 Motorway (Junctions 4 to 11) (Variable Speed Limits) (Amendment) Regulations 2026

S.I. Numbers	S.I. Title
S.I. 2026/602	The Dangerous Dogs (Exemption Schemes) (England and Wales) (Amendment) Order 2026
S.I. 2026/604	The Customs (Safety and Security Procedures) (Amendment) Regulations 2026

Draft instruments subject to annulment

S.I. Numbers	S.I. Title
Draft	North Yorkshire (Electoral Changes) Order 2026

Instruments not subject to Parliamentary proceedings not laid before Parliament

S.I. Numbers	S.I. Title
S.I. 2026/587	The Financial Services and Markets Act 2023 (Commencement No. 14) Regulations 2026
S.I. 2026/601	The Public Authorities (Fraud, Error and Recovery) Act 2025 (Commencement No. 3) Regulations 2026
S.I. 2026/656	The English Devolution and Community Empowerment Act 2026 (Commencement No. 1 and Saving) Regulations 2026
S.I. 2026/660	The Wireless Telegraphy (Direct to Device Satellite Communications) (Exemption) (Amendment) Regulations 2026

Appendix 1: Memorandum from the Department for Education

S.I. 2026/528

The School Organisation (Establishment and Discontinuance of Schools) (Amendment) Regulations 2026

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

In light of the amendment made by regulation 13(a) of this instrument, explain whether—

a. regulation 13(c) should also amend the reference to “paragraph (1)(a)” to “paragraph (1)”; and

b. regulation 12(4) of the School Organisation (Establishment and Discontinuance of Schools) Regulations 2013 also requires amendment.

2. We thank the Committee for bringing this to our attention. We agree that the reference to “paragraph (1)(a)” in regulation 13(c) ought to have been a reference to “paragraph (1)”. We also agree that references in the 2013 Regulations (such as the one in regulation 12(4)) to regulation 12(1)(a) of those Regulations ought to have been amended so as to make them references to regulation 12(1).
3. This was an oversight resulting from a change of approach to the drafting of regulation 13(a) of the 2026 Regulations late in the drafting and checking process. The Department regrets that the need for consequent changes to references to regulation 12(1)(a) of the 2013 Regulations was overlooked.
4. We will aim to make appropriate amendments at a suitable opportunity.

Department for Education

30 June 2026

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

S.I. 2026/545

The Local Government Pension Scheme (Amendment) (Governance) Regulations 2026

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

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. The Department thanks the Committee for drawing this point to its attention and recognises the Committee's broader concern regarding the accessibility of guidance to which legal significance is attached. The Department also notes the Committee's Fifth Report of Session 2026–27, in which a similar point was raised in relation to a connected SI (S.I. 2026/544) and its respective guidance. The Department addresses these points below.
3. In relation to the Committee's first point (why the Regulations do not set out the form in which the guidance is to be issued and published), as noted in the Department's previous memorandum on the S.I. 2026/544, 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, and any subsequent updates, to the administering authorities to which it applies. While the Regulations do not prescribe the form in

which such guidance must be issued or published, nor set out a mechanism within the instrument for locating it, the Department's established practice of publishing guidance on GOV.UK and communicating it directly to administering authorities ensures that it is accessible and can be readily identified by those to whom it is addressed.

4. In relation to the Committee's second point (how a reader of this instrument will be able to locate such guidance as it is issued from time to time), publication on GOV.UK ensures that the guidance is publicly accessible, and the Department's practice of notifying administering authorities will assist relevant stakeholders in identifying and accessing the most up-to-date version. It is not possible to provide a specific link to the guidance or refer to a fixed version within the instrument, given that it may be updated from time to time. The Department notes that a similar approach was taken in relation to equivalent guidance under the Local Government Pension Scheme Regulations 2013 (S.I. 2013/2356), where no specific links were included. However, the Department will update the Explanatory Memorandum for this instrument to reflect the publication arrangements described above.
5. The Department notes the Committee's recommendation that such guidance be published, even in draft, at the time the instrument is laid, which would enable a reference to be included in the initial documentation. The Department recognises the benefits of this approach in enhancing accessibility and transparency. The Department will consider the Committee's recommendation carefully in the preparation of future instruments, including whether earlier publication of draft guidance alongside consultation materials may be feasible.

Ministry of Housing, Communities and Local Government

30 June 2026

Formal Minutes

Wednesday 8 July 2026

Members present

Sir Bernard Jenkin, in the Chair

Lord Brady of Altrincham

Lord Carter of Haslemere

Baroness Kennedy of Cradley

Baroness Miller of Chilthorne Domer

Report consideration

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

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

Paragraphs 1.1 to 2.4 read and agreed to.

Annex agreed to.

Papers were appended to the Report as Appendices 1 and 2.

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

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

Adjournment

Adjourned till Wednesday 15 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
6th	1 Statutory Instrument Reported	HC 172-vi
5th	4 Statutory Instruments Reported	HC 172-v
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
1st Special	Scrutinising Statutory Instruments: Departmental Returns, Session 2024–26, April 2026: Government Response	HC 501

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

Number	Title	Reference
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
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

Number	Title	Reference
25th	2 Statutory Instruments Reported	HC 291-xxv
24th	2 Statutory Instruments Reported	HC 291-xxiv
23rd	2 Statutory Instruments Reported	HC 291-xxiii
22nd	3 Statutory Instruments Reported	HC 291-xxii
21st	2 Statutory Instruments Reported	HC 291-xxi
20th	5 Statutory Instruments Reported	HC 291-xx
19th	No Statutory Instruments Reported	HC 291-xix
18th	2 Statutory Instruments Reported	HC 291-xviii
17th	No Statutory Instruments Reported	HC 291-xvii
16th	1 Statutory Instrument Reported	HC 291-xvi
15th	1 Statutory Instrument Reported	HC 291-xv
14th	No Statutory Instruments Reported	HC 291-xiv
13th	8 Statutory Instruments Reported	HC 291-xiii
12th	2 Statutory Instruments Reported	HC 291-xii
11th	2 Statutory Instruments Reported	HC 291-xi
10th	2 Statutory Instruments Reported	HC 291-x
9th	2 Statutory Instruments Reported	HC 291-ix
8th	4 Statutory Instruments Reported	HC 291-viii
7th	1 Statutory Instrument Reported	HC 291-vii
6th	4 Statutory Instruments Reported	HC 291-vi
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