



House of Lords
House of Commons

Joint Committee on Statutory Instruments

Tenth Report of Session 2026–27

HC 172-x / HL Paper 55

*The Housing Health and Safety Rating System (England)
(Amendment) (No. 2) 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 Miller of Chilthorne Domer](#) (Liberal Democrat; Life peer)

[Lord Monks](#) (Labour; 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 9 September 2026, to be printed.

It was published on 11 September 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 9 September 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 one of those considered. The instrument and the grounds for reporting are given below. The relevant departmental memorandum is published as an appendix to this report.

1 S.I. 2026/629: Reported for failure to comply with proper legislative practice

The Housing Health and Safety Rating System (England) (Amendment) (No. 2) 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 Housing Health and Safety Rating System (England) (Amendment) Regulations 2026, which made a series of amendments to the Housing Health and Safety Rating System (England) Regulations 2005. Those amendments are subject to a transitional provision in regulation 10 of the 2026 Regulations which clarifies how those amendments apply in relation to inspections which begin before, on or after the date on which the amendments come into force. Regulation 10 of the 2026 Regulations should have referred to 23 June 2026, which is the date on which the 2026 Regulations come into force, but instead referred to 22 June. These Regulations correct regulation 10 of the 2026 Regulations by changing the date to 23 June 2026 but in order to ensure that they do this before the 2026 Regulations come into force, this instrument breaches the 21-day rule. They were laid before Parliament on 12 June and came into force 10 days later, on 21 June. The point is acknowledged at paragraph 11.1 of the accompanying Explanatory Memorandum, where the Ministry of Housing, Communities and Local Government notes that it was necessary for this instrument to be laid in breach of the 21-day rule in order to correct the 2026 Regulations before they come into force. Noting that the Explanatory

Memorandum was silent as to how this error arose, the Committee asked the Department whether it had anything further to add to its explanation in the Explanatory Memorandum.

- 1.3** In a memorandum printed at Appendix 1, the Department explains that it took steps to prepare an amending instrument as soon as it became aware of the error, noting that if it had not been corrected, it could have led to legal uncertainty about the regime which applied to inspections which commenced on 22 June 2026 and the transitional provision could potentially have had an unintended retrospective effect. The Department apologises for the breach of the 21-day rule, stressing the point that it takes compliance with this rule seriously but felt that it had no option but to breach it in order to correct the misaligned date before it came into force. The Committee recognises that there are circumstances in which a breach of the 21-day rule cannot be avoided and set out its position on this issue at paragraphs 2.18 to 2.22 of its First Special Report of Session 2019–2021 (Transparency and Accountability in Subordinate Legislation). Whilst the Committee welcomes the Department’s explanation and its undertaking to explain the reason for any future breaches of the 21-day rule more fully in Explanatory Memorandums should any similar situations arise, in the Committee’s view, the need for this instrument to be made to take effect quickly and in breach of the normal rule could have been avoided if the 2026 Regulations had been checked properly before being made. **The Committee accordingly reports this instrument for failure to comply with proper legislative practice, acknowledged by the Department.**

Instruments not reported

At its meeting on 9 September 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. 2026/833	Modification of the Law (British Steel Limited Property Transfer) Regulations 2026

Draft instruments requiring affirmative approval

S.I. Numbers	S.I. Title
Draft	Boiler Upgrade Scheme (Amendment to the Energy Act 2008 etc.) Regulations 2026
Draft	Electrical Safety Standards in the Private Rented Sector and Social Rented Sector (England) (Amendment) Regulations 2026
Draft	Hazards in Social Housing (Prescribed Requirements) (England) (Amendment) Regulations 2026
Draft	Local Elections (Northern Ireland) (Uprating Election Expenses) Order 2026
Draft	Voter Identification (Amendment of List of Specified Documents) (Local Elections) (Northern Ireland) Order 2026

S.I. Numbers	S.I. Title
Draft	Voter Identification (Amendment of List of Specified Documents) (Northern Ireland) Regulations 2026
Draft	Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment and Transitional Provision) Regulations 2026

Instruments subject to annulment

S.I. Numbers	S.I. Title
S.I. 2026/670	The Enterprise Act 2002 (Part 9 Restrictions on Disclosure of Information) (Specification) Order 2026
S.I. 2026/684	The Social Security (Contributions) (Amendment No. 4) Regulations 2026
S.I. 2026/686	The Inter-authority Recoupment (England) (Amendment) Regulations 2026
S.I. 2026/696	The Online Procedure (Rules and Practice Directions) Rules 2026
S.I. 2026/697	The Register of Judgments, Orders and Fines (Amendment and Transitional Provision) Regulations 2026
S.I. 2026/700	The Immigration (Restrictions on Employment and Residential Accommodation) (Prescribed Requirements and Codes of Practice) (Amendment) Regulations 2026
S.I. 2026/709	The Pensions Act 2004 (Code of Practice) (Revocation) Order 2026
S.I. 2026/723	The Senior Courts (Transfer, Amendment and Consequential Provision) Order 2026
S.I. 2026/733	The Automated Vehicles (Marketing Restrictions) Regulations 2026
S.I. 2026/742	The Licensing Act 2003 (FIFA World Cup Licensing Hours) (Amendment) Order 2026
S.I. 2026/744	The Criminal Legal Aid (Remuneration) (Amendment) (No. 2) Regulations 2026
S.I. 2026/752	The Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) (Amendment) Regulations 2026

S.I. Numbers	S.I. Title
S.I. 2026/756	The Trade Unions (Right to Access Workplaces) (Required Information) Regulations 2026
S.I. 2026/760	The Criminal Justice (Sentencing) (Licence Conditions) (Amendment) Order 2026
S.I. 2026/761	The Compulsory Electronic Monitoring Licence Condition (Amendment) Order 2026
S.I. 2026/769	The Ministry of Defence Police (Barred List and Advisory List) Regulations 2026
S.I. 2026/770	The Tribunal Procedure (First-tier Tribunal) (Property Chamber) (Amendment No. 2) Rules 2026
S.I. 2026/771	The First-tier Tribunal and Upper Tribunal (Chambers) (Amendment) Order 2026
S.I. 2026/786	The Civil Nuclear Constabulary (Barred List and Advisory List) Regulations 2026
S.I. 2026/792	The Licensing Act 2003 (FIFA World Cup Licensing Hours) (Amendment) (No. 2) Order 2026
S.I. 2026/796	The Childcare (Miscellaneous Amendments) (England) Regulations 2026
S.I. 2026/819	The Pleasure Craft (Arrival and Report) (Amendment) (No. 2) Regulations 2026
S.I. 2026/831	The Oxford Street Development Corporation (Functions) Order 2026
S.I. 2026/832	The British Steel Limited Property Transfer Regulations 2026
S.I. 2026/848	The Plugs and Sockets etc. (Safety) Regulations 1994 and Electricity Safety, Quality and Continuity Regulations 2002 (Amendment) Regulations 2026
S.I. 2026/880	The Code of Practice (Electronic and Workplace Balloting for Statutory Trade Union Ballots) Order 2026

Instruments not subject to Parliamentary proceedings not laid before Parliament

S.I. Numbers	S.I. Title
S.I. 2026/683	The Border Security, Asylum and Immigration Act 2025 (Commencement No. 4) Regulations 2026
S.I. 2026/690	The Police, Crime, Sentencing and Courts Act 2022 (Commencement No. 9) Regulations 2026
S.I. 2026/705	The Football Governance Act 2025 (Commencement No. 4) Regulations 2026
S.I. 2026/725	The Taxation of Chargeable Gains (Gilt-edged Securities) Order 2026
S.I. 2026/730	The Pensions Act 2004 (Code of Practice) (Authorisation and Supervision of Collective Defined Contribution Schemes) Appointed Day and Revocation Order 2026
S.I. 2026/731	The Automated Vehicles Act 2024 (Commencement No. 3) Regulations 2026
S.I. 2026/746	The Procurement (Amendment) (No. 2) Regulations 2026
S.I. 2026/846	The Energy Act 2023 (Commencement No. 5, Saving Provisions) Regulations 2026
S.I. 2026/852	The Health and Social Care Act 2012 (Commencement No. 12) Order 2026

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

S.I. 2026/629

The Housing Health and Safety Rating System (England) (Amendment) (No.2) Regulations 2026

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

Does the Department have anything to add to its explanation in paragraph 11.1 of the Explanatory Memorandum accompanying these Regulations as to why this instrument breaches the 21-day rule?
2. The Department thanks the Committee for their interest in this instrument and for giving the Department the opportunity to explain and respond as follows.
3. The Regulations (S.I. 2026/629) referred to above were laid before Parliament on 12th June 2026 and came into force on 21st June 2026. They amended the Housing Health and Safety Rating System (England) (Amendment) Regulations 2026 (S.I. 2026/571) which were laid before Parliament on Monday 1st June 2026 and came into force on Tuesday 23rd June 2026.
4. S.I. 2026/629 corrected an error in regulation 10 (a transitional provision) of S.I. 2026/571 to properly align the transitional provision with the coming into force date of S.I. 2026/571, 23rd June 2026. The transitional provision in regulation 10 provided that the amendments made by S.I. 2026/571 applied to inspections under section 4 of the Housing Act 2004 which commenced on or after 22nd June 2026. This date should have been the same as the coming into force date, 23rd June 2026.

5. The Department took action to draft an amending SI as soon as it became aware of the misaligned dates between the transitional provision within regulation 10 and the coming into force date of S.I. 2026/571. To correct the misalignment we required S.I. 2026/629 to be laid and come into force before S.I. 2026/571 came into force on 23rd June, and also before the date contained in the transitional provision (22nd June). Unfortunately, this resulted in the 21-day rule needing to be breached.
6. If we had not made the amending SI and if the 21-day rule had not been breached, the transitional provision within regulation 10 of S.I. 2026/571 would not have operated correctly. This is because the transitional provision stated that the amendments made by S.I. 2026/571 applied to inspections under section 4 of the Housing Act 2004 commenced on or after 22nd June 2026 whereas the amendments were not legally in force until 23rd June 2026. If the error had remained, it could have resulted in legal uncertainty about the regime which applied to inspections which commenced on 22nd June 2026, and resulted in the transitional provision potentially having an unintended retrospective effect.
7. Whilst the Department felt that breaching the 21-day rule in order to correct the transitional provision was necessary in the circumstances, the Department takes compliance with this rule seriously and apologises to the Committee for the breach in this particular case. Additionally, the Department accepts that the Explanatory Memorandum to S.I. 2026/629 could have explained this situation and the reason for the breach of the 21-day rule more fully, and we will seek to do so in future similar situations

Ministry of Housing, Communities and Local Government

21 July 2026

Formal Minutes

Wednesday 9 September 2026

Members present

Sir Bernard Jenkin, in the Chair

Lord Brady of Altrincham

Charlotte Cane

Lord Carter of Haslemere

Helena Dollimore

Baroness Hunter of Auchenreoch

David Pinto-Duschinsky

Gareth Snell

Report consideration

Draft Report (*Tenth 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 1.3 read and agreed to.

Annex agreed to.

Papers were appended to the Report as Appendix 1.

Resolved, That the Report be the Tenth 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 14 October 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
9th	3 Statutory Instruments Reported	HC 172-ix
8th	1 Statutory Instrument Reported	HC 172-viii
7th	2 Statutory Instruments Reported	HC 172-vii
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

Number	Title	Reference
48th	1 Statutory Instrument Reported	HC 291-xlviii
47th	5 Statutory Instruments Reported	HC 291-xlvii
46th	3 Statutory Instruments Reported	HC 291-xlvi
45th	4 Statutory Instruments Reported	HC 291-xlv
44th	No Statutory Instruments Reported	HC 291-xliv
43rd	3 Statutory Instruments Reported	HC 291-xliii
42nd	1 Statutory Instrument Reported	HC 291-xlii
41st	1 Statutory Instrument Reported	HC 291-xli
40th	2 Statutory Instruments Reported	HC 291-xl
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

Number	Title	Reference
26th	3 Statutory Instruments Reported	HC 291-xxvi
25th	2 Statutory Instruments Reported	HC 291-xxv
24th	2 Statutory Instruments Reported	HC 291-xxiv
23rd	2 Statutory Instruments Reported	HC 291-xxiii
22nd	3 Statutory Instruments Reported	HC 291-xxii
21st	2 Statutory Instruments Reported	HC 291-xxi
20th	5 Statutory Instruments Reported	HC 291-xx
19th	No Statutory Instruments Reported	HC 291-xix
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 Report	Scrutinising Statutory Instruments: Departmental Returns, October 2024 – September 2025: Government response	HC 1501

Number	Title	Reference
1st Special	Scrutinising Statutory Instruments: Departmental Returns, October 2024 – September 2025	HC 1342