HOUSE OF LORDS

Secondary Legislation Scrutiny Committee

4th Report of Session 2019–21

Drawn to the special attention of the House:

Draft Parental Bereavement Leave Regulations 2020

Draft Statutory Parental Bereavement Pay (General) Regulations 2020

Includes information paragraphs on:

Draft Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020

Draft Gambling Act 2005 (Variation of Monetary Limits) Order 2020

Overseas Production Orders and Requests for Interception (Designation of Agreement) Regulations 2020

Countryside Stewardship (England) Regulations 2020

Education (Student Fees, Awards and Support etc.) (Amendment) (No. 2) Regulations 2020

National Health Service (Charges to Overseas Visitors) (Amendment) Regulations 2020

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Secondary Legislation Scrutiny Committee

The Committee's terms of reference, as amended on 11 July 2018, are set out on the website but are, broadly:

To report on draft instruments and memoranda laid before Parliament under sections 8, 9 and 23(1) of the European Union (Withdrawal) Act 2018.

And, to scrutinise –

(a) every instrument (whether or not a statutory instrument), or draft of an instrument, which is laid before each House of Parliament and upon which proceedings may be, or might have been, taken in either House of Parliament under an Act of Parliament;

(b) every proposal which is in the form of a draft of such an instrument and is laid before each House of Parliament under an Act of Parliament,

with a view to determining whether or not the special attention of the House should be drawn to it on any of the grounds specified in the terms of reference.

The Committee may also consider such other general matters relating to the effective scrutiny of secondary legislation as the Committee considers appropriate, except matters within the orders of reference of the Joint Committee on Statutory Instruments.

Members

Baroness Bakewell of Hardington Mandeville
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Registered interests

Information about interests of Committee Members can be found in the last Appendix to this report.

Publications

The Committee's Reports are published on the internet at http://www.parliament.uk/seclegpublications

Committee Staff

The staff of the Committee are Christine Salmon Percival (Clerk), Helen Gahir (Adviser), Philipp Mende (Adviser), Jane White (Adviser), Louise Andrews (Committee Assistant) and Ben Dunleavy (Committee Assistant).

Further Information

Further information about the Committee is available at https://www.parliament.uk/business/committees/committees-a-z/lords-select/secondary-legislation-scrutiny-committee/

The progress of statutory instruments can be followed at https://statutoryinstruments.parliament.uk/

The National Archives publish statutory instruments with a plain English explanatory memorandum on the internet at http://www.legislation.gov.uk/uksi

Contacts

Any query about the Committee or its work, or opinions on any new item of secondary legislation, should be directed to the Clerk to the Secondary Legislation Scrutiny Committee, Legislation Office, House of Lords, London SW1A 0PW. The telephone number is 020 7219 8821 and the email address is hlseclegscrutiny@parliament.uk.

Fourth Report

INSTRUMENTS DRAWN TO THE SPECIAL ATTENTION OF THE HOUSE

Draft Parental Bereavement Leave Regulations 2020

Draft Statutory Parental Bereavement Pay (General) Regulations 2020

Date laid: 23 January 2020

Parliamentary procedure: affirmative

The draft Regulations propose the introduction of a new statutory entitlement to Parental Bereavement Leave and Pay for employed parents who lose a child. The policy, referred to as "Jack's Law", has received considerable public, media and Parliamentary interest.

The draft Regulations are drawn to the special attention of the House on the ground that they give rise to issues of public policy likely to be of interest to the House.

1. The Department for Business, Energy and Industrial Strategy (BEIS) has laid these two sets of draft Regulations with a shared Explanatory Memorandum and Impact Assessment. The draft Regulations propose the introduction of a new statutory entitlement to Parental Bereavement Leave and Pay for employed parents who lose a child on or after 6 April 2020. The policy has received considerable public, media and Parliamentary interest and has been referred to as "Jack's Law".[1]

2. BEIS explains that the draft Regulations have been laid under the Parental Bereavement (Leave and Pay) Act 2018 ("the 2018 Act"), which passed through Parliament as a Private Member's Bill with Government support. According to BEIS, the objectives of the Regulations are to give bereaved employees a statutory right to paid leave to "provide space for them to grieve" following the death of a child and to "send a signal to employees and employers about the importance and value of recognising bereavement and providing adequate support for parents in such circumstances". BEIS says that the draft Regulations would set a statutory minimum provision which all bereaved employed parents can rely on, and that they would establish a statutory baseline of support for employers to adhere to when managing staff bereavement.

3. According to BEIS, only around two thirds of businesses currently provide bereavement leave. The Department says that previous reliance on employer guidance has not been effective in changing the levels of provision and increasing support for bereaved parents. BEIS estimates that as result of the draft Regulations 10,200 parents per year would be eligible for Parental Bereavement Leave, of whom 9,300 would also be eligible for statutory Parental Bereavement Pay. BEIS expects a net impact on business of around £1.2 million per year.

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1 This derives from a campaign by Lucy Herd, whose 23-month-old son Jack drowned in a pond in 2010. At the time, the employer of Jack's father allowed him only three days off work to grieve.

How the new statutory entitlements will work

4. The draft Parental Bereavement Leave Regulations 2020 propose a new statutory entitlement for bereaved parents who are employees to a minimum of two weeks' leave from their work in the event of the death of their child (aged 0-17) or stillbirth, regardless of how long they have worked for their employer. The draft Regulations propose that the bereaved parent only has to provide minimal notice (and no evidence of entitlement) in order to take the leave. Bereaved parents would be given a window of 56 weeks from the death in which to take the entitlement, and the choice to take the two weeks consecutively or non-consecutively within that period. The draft Regulations propose giving employees protection from detriment while on leave or afterwards, so that their employer cannot treat them less favourably because they took bereavement leave.

5. The draft Statutory Parental Bereavement Pay (General) Regulations 2020 propose a new statutory entitlement for bereaved parents who meet certain eligibility criteria (as for all other statutory family leave payments) to receive a statutory payment while they are absent from work. This would be paid at either the statutory flat rate of £151.20 per week for 2020/21, or at 90% of average earnings calculated over a set reference period, whichever is the lower.

6. The Department plans to publish draft guidance initially, once the Regulations have been made and before they come into force on 6 April 2020, consisting of an employer guide and guidance for employees. This will be in the same format as is provided for other similar rights. BEIS will also bring forward further regulations, under the negative procedure, to deal with the administration of statutory Parental Bereavement Pay, and the entitlement of certain persons abroad and mariners, and to make consequential amendments. The Department anticipates that all relevant legislation will be in place by mid-March, and that the draft guidance will be finalised then. We asked the Department whether this timetable left employers with enough time to familiarise themselves with the new entitlements. BEIS told us that:

> "We are hopeful that the draft affirmative instruments will be made some way in advance of 6th April, meaning that we can publish the guidance early and give employers and employees as much time as possible to prepare. However, we appreciate that this may still be a relatively short window – subject to how long the instruments take to pass through Parliament. To mitigate this, we have been working closely with HMRC over the last 18 months to disseminate information about the new entitlement to employers and payroll providers (key stakeholder groups who will administer this entitlement on behalf of the Government). We have provided specific training to a group of payroll providers (through the Chartered Institute of Payroll Professionals) on Parental Bereavement Leave and Pay, and have more sessions planned with HR professionals and other employer representatives. In addition, we have worked closely with bereavement charities to ensure that this new entitlement is reflected in their guidance. There will be further communications in the lead up to implementation on 6th April."

Consultation

7. BEIS carried out a 12-week consultation on the proposals while the 2018 Act was going through Parliament. There were 1,448 responses, of which 95%

were from individuals. The Department also held round-table discussions with stakeholder groups representing the interests of businesses and bereaved parents. BEIS says that the consultation exercise also took account of views expressed in both Houses during the passage of the 2018 Act.

8. According to BEIS, the draft Regulations reflect feedback received during consultation in the following areas in particular:

- Using a broad definition of a bereaved parent, to include biological and adoptive parents, as well as certain foster parents and kinship carers.
- Allowing bereaved parents to take the two weeks' leave consecutively or non-consecutively and providing a 56-week period for this, beyond the minimum of 56 days introduced by the 2018 Act.
- Distinguishing between the type of notice required for leave taken very soon after the death and for leave taken later in the 56-week period, with both notice requirements designed to be minimal.
- Not requiring bereaved parents to provide evidence for exercising their right to leave while requiring them to provide minimal evidence in the form of a written self-declaration that they meet eligibility conditions for pay, together with confirmation of the name of the person claiming, and the date of the child's death in order to be eligible for pay. The employer will not be able to request any further evidence.

Non-employee working parents

9. One of the issues raised during the passage of the 2018 Act through Parliament was eligibility in relation to working parents who do not qualify as employees, including in the context of 'precarious contracts' and the 'gig economy'. We asked the Department whether these issues had been considered. BEIS told the Committee that, in their response to the Matthew Taylor Review of working practices,[2] the Government had agreed "with the principle of equalising benefits for the self-employed but as the review says, it is right to only consider making changes to this area once we have carefully considered this in the wider context of tax, benefits and rights over the longer term."

10. The Department added that in relation to these draft Regulations:

> "We did not specifically consider extending entitlement to Parental Bereavement Pay to the self-employed in the context of drafting the regulations as it would not be appropriate to look at this particular entitlement in isolation. We recently consulted on high-level options for reforming parental leave and pay with a view to promoting gender equality at home and at work and we are also evaluating the Shared Parental Leave and Pay scheme [which allows partners who are having a baby or adopting a child to share up to 50 weeks of parental leave and up to 37 weeks of parental pay]. Whilst the consultation relates to entitlements for employees, we have had a number of discussions with/representations from groups representing the self-employed and are considering these. We are still gathering data in support of the evaluation of Shared Parental Leave but should be in a position to report on this

2 Department for Business, Energy and Industrial Strategy, *Good work: a response to the Taylor Review of modern working practices* (7 February 2018): https://www.gov.uk/government/publications/government-response-to-the-taylor-review-of-modern-working-practices [accessed 31 January 2020].

later in the year. We will consider this data alongside the responses to the consultation on options for reforming parental leave and pay and publish the Government Response to the consultation in due course."

11. The Committee will be interested to see progress being made in the consideration of how employee benefits may be extended to other workers, such as those with 'precarious contracts'.

Devolution

12. BEIS explains that, with employment matters devolved in relation to Northern Ireland, the new provisions would apply to England, Wales and Scotland, and that the Welsh and Scottish Governments were consulted on the policy.

Conclusion

13. There has been considerable public, media and Parliamentary interest in the introduction of statutory Parental Bereavement Leave and Pay. **The draft Regulations are drawn to the special attention of the House on the ground that they give rise to issues of public policy likely to be of interest to the House**.

INSTRUMENTS OF INTEREST

Draft Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020

14. This instrument has been laid by the Ministry of Housing, Communities and Local Government (MHCLG) alongside an Explanatory Memorandum (EM). The instrument imposes duties on private landlords of residential premises in England in relation to electrical safety standards, including the duty to have an electrical installation inspection and test carried out by a qualified and competent person at least every five years. The Regulations require local housing authorities to enforce the duties. The EM states that the instrument makes provision for remedial action, urgent remedial action and a financial penalty of up to £30,000 to be imposed in respect of a breach, using the powers set out in section 123 of the Housing and Planning Act 2016. The Ministry told us that the Regulations will apply to all new specified tenancies from 1 July 2020 and all existing specified tenancies from 1 April 2021.[3] The EM includes information about the duties and the enforcement process and details of the consultation. It notes that the Ministry will be issuing non-statutory guidance for landlords, tenants and local authorities on the new private rented sector electrical safety duties which will be published when the Regulations come into force on 1 June 2020. We asked the Ministry why it was not publishing the guidance earlier, giving landlords more time to understand and prepare for the new duties. MHCLG told us that a familiarisation period that includes a communications campaign has started and will continue until the legislation is introduced fully. The Ministry added that it is planning to share draft versions of the guidance "with stakeholders from the landlord and property agent industry and the electrical safety industry to ensure the guidance is targeted and useful". We asked MHCLG for details of the communications campaign and are publishing this information, along with the Ministry's responses to other questions, at Appendix 1. **The Committee notes that, in relation to new tenancies, landlords will have a month to familiarise themselves with the guidance and their new electrical safety duties. Given the size and diversity of the private rented sector, this is a short time**.

Draft Gambling Act 2005 (Variation of Monetary Limits) Order 2020

15. This Order proposes to raise the prize and sales limits for large society lotteries.[4] Specifically, it proposes to increase the individual per draw sales limit from £4 million to £5 million, the individual per draw prize limit from £400,000 to £500,000, and the annual sales limit from £10 million to £50 million. According to the Department for Digital, Culture, Media and Sport (DCMS), the current limits have been in place since 2005 (annual sales limit) and 2009 (per draw sales and prize limits). DCMS says that, to circumvent the £10 million sales limit, some larger society lotteries currently use umbrella schemes which involve separate operating licences under a single brand. According to DCMS, such schemes are expensive to manage and reduce the funding available for good causes; the proposed changes would enable society lotteries to increase the size and frequency of their draws, making umbrella schemes less attractive. DCMS consulted on the

3 Appendix 1, answer to Q6.

4 Society lotteries operate to raise money for good causes and pre-date the National Lottery. They are regulated by the Gambling Commission and include schemes such as the People's Postcode Lottery and The Health Lottery.

proposals in summer 2018 and says that the 1,629 responses received showed polarised views: the society lotteries sector strongly supported the proposals, while the National Lottery sector was strongly opposed. According to DCMS, society lotteries currently account for 9.2% of all sales and 17.2% of contributions to charitable causes, compared with 90.8% and 82.8% for the National Lottery. DCMS explains that the proposals aim to strike a balance to ensure that growth in the society lottery sector will not affect the National Lottery and the overall funding available for good causes. The Department says that a clear distinction between the two sectors will be maintained, with society lotteries continuing to offer smaller prizes and less frequent draws, in contrast to the National Lottery's life-changing prizes and high-frequency draws. DCMS says that while it is sympathetic to calls for further increases, it will only consider them if evidence suggests that there would not be a negative impact on the National Lottery and overall returns to good causes. The Department also plans to consult on additional licensing conditions in response to concerns that the current oversight of larger society lotteries in relation to their marketing costs and rate of returns may not be sufficient.

Overseas Production Orders and Requests for Interception (Designation of Agreement) Regulations 2020 (SI 2020/38)

16. These Regulations designate an Agreement between the governments of the United Kingdom and of the United States of America on Access to Electronic Data for the Purpose of Countering Serious Crime ("the Agreement") under the Crime (Overseas Production Orders) Act 2019, to enable UK overseas production orders to obtain data governed by the laws of the United States of America and the Investigatory Powers Act 2016, to allow a UK telecommunications operator to lawfully intercept the communications of an individual at the request of the USA, as long as the requisite conditions of the Agreement are met.

17. The Home Office states that such orders will increase the speed and efficiency of obtaining electronic data for the prevention, investigation and prosecution of serious crime and terrorism, including in eliminating people from an investigation. However, this Committee was concerned about how such data might be used in the USA, and in our Report[5] on the Agreement we questioned whether it could be used to obtain data on a UK citizen in relation to a crime that could result in the death penalty or to transfer to the Guantanamo Bay detention facility (GTMO). The Minister reiterated the UK's opposition to the death penalty and stated that the risk of the Agreement being used to target data in relation to GMTO was "very limited" but "theoretically possible". **The Committee concluded that, given the gravity of the matter, this small but real possibility is alarming. The House had no opportunity to debate the Agreement but may wish to take the opportunity to note these concerns in relation to the current instrument.**

Countryside Stewardship (England) Regulations 2020 (SI 2020/41)

18. These Regulations enable the Countryside Stewardship scheme in England to open for new applications in February 2020. According to the Department

5 See the 4th item in our 3rd Report, Session 2019 (HL Paper 11) on the Agreement Between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the United States of America on Access to Electronic Data for the Purpose of Countering Serious Crime (CP 178).

for the Environment, Food and Rural Affairs (Defra), the scheme provides grants for farmers, land managers and others for improving the environment by promoting wildlife habitats, managing woodland and flood risk, reducing water pollution and encouraging educational activities. Defra explains that the scheme currently operates as part of the Rural Development Programme for England (RDPE) under the EU's Common Agricultural Policy. After the end of the current RDPE programme in 2020 and the UK's exit from the EU, a transition period will begin in England in 2021 towards a new domestic Environmental Land Management (ELM) scheme. According to Defra, there will be a gap between the end of the final application period for the current Countryside Stewardship scheme in 2020 and the national roll out of the ELM scheme which is expected in 2024. This instrument therefore enables a new application round for Countryside Stewardship grants to open in 2020, with the first agreements starting in 2021. Defra explains that the new application round will take place as a standalone scheme in England, funded by HM Treasury and governed only by domestic legislation. Existing projects under the current Countryside Stewardship scheme will continue in parallel and draw on EU funds until these run out, after which they will be covered by the Government's guarantee to provide the current annual budget to farmers in every year of this Parliament. Defra says that in response to feedback received during consultation, this instrument makes several simplifications to the scheme to encourage more applications, increase environmental benefits and reduce administration. The improvements include extending the scope for online applications, focussing inspections on outcomes rather than the supporting paperwork, and, where appropriate, issuing advice or a warning when beneficiaries have not met fully the terms of their agreement, rather than immediately recovering funding or issuing a penalty. Defra told the Committee that the budget for the new scheme is expected to be between £150 million and £300 million in 2021.

Education (Student Fees, Awards and Support etc.) (Amendment) (No. 2) Regulations 2020 (SI 2020/48)

19. Broadly these Regulations increase loans for students' living costs by forecast inflation at 2.9%. This means that for a new full-time undergraduate student living away from home and studying outside London the maximum loan for living costs will be £9,203 in 2020–21 (£12,010 in London); for students starting postgraduate master's degrees after 1 August 2020 the maximum will rise to £11,222; and for students starting postgraduate doctoral degrees the maximum loan will be £26,445 capped at £11,222 for any one academic year. The instrument clarifies a number of eligibility provisions but section 3 of the Explanatory Memorandum also lists the large number of corrections required to ensure that the Regulations operate as intended. That list unfortunately also includes SI 2020/46 laid on the same date, which this instrument revokes and replaces due to a defective commencement provision. **This once again illustrates the need for all government Departments, and the Department for Education in this instance, to be much more vigilant in the checks that they make on legislation before laying it**.

National Health Service (Charges to Overseas Visitors) (Amendment) Regulations 2020 (SI 2020/59)

20. These Regulations amend existing legislation so that the normal charges for overseas visitors using NHS services in England are waived for anyone seeking diagnosis or treatment for Wuhan novel coronavirus (2019-nCoV). The

amending instrument adds Wuhan novel coronavirus to the list of diseases (such as tuberculosis and Severe Acute Respiratory Syndrome (SARS)) in respect of which no charge is to be made or recovered. This instrument comes into force immediately so that the health service can take steps in preparation should the virus spread to the UK. The Devolved Administrations have been engaged in relation to the changes in this instrument but are responsible for taking forward any amendments to charging regulations in their own areas.

INSTRUMENTS NOT DRAWN TO THE SPECIAL ATTENTION OF THE HOUSE

Draft instruments subject to affirmative approval

Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020

Gambling Act 2005 (Variation of Monetary Limits) Order 2020

Judicial Pensions and Fee-Paid Judges' Pension Schemes (Contributions) (Amendment) Regulations 2020

Representation of the People (Electronic Communications and Amendment) (Northern Ireland) Regulations 2020

Instruments subject to annulment

SI 2020/35	Safety of Sports Grounds (Designation) (Amendment) Order 2020
SI 2020/38	Overseas Production Orders and Requests for Interception (Designation of Agreement) Regulations 2020
SI 2020/41	Countryside Stewardship (England) Regulations 2020
SI 2020/48	Education (Student Fees, Awards and Support etc.) (Amendment) (No. 2) Regulations 2020
SI 2020/59	National Health Service (Charges to Overseas Visitors) (Amendment) Regulations 2020

APPENDIX 1: DRAFT ELECTRICAL SAFETY STANDARDS IN THE PRIVATE RENTED SECTOR (ENGLAND) REGULATIONS 2020

Q1: How will private landlords be made aware of the impact of this instrument before it comes into force? What will the communications campaign (referred to in paragraph 12.12 of the EM consist of?

A1: A familiarisation period for landlords has begun and will continue to the full introduction of the legislation, while the introduction of the regulations before Parliament has already attracted media attention, including from the national press. The communications campaign will consist of:

- Working closely with stakeholders. We work closely with landlord and letting agent trade organisations and the electrical safety industry, and they are already disseminating information to their members.
- Regular posts across social media.
- As soon as the regulations come into force, guidance will be published and publicised for landlords, local authorities and tenants.

Q2: What does the definition of 'private landlord' cover in these Regulations?

A2: The definition of a Private Landlord is set out in the enabling power (section 122(6) of the Housing & Planning Act 2016) as a landlord who is not within section 80(1) of the Housing Act 1985. This means local authority landlords are not covered by the regulations.

If a private tenant has a right to occupy a property as their only or main residence and pays rent (including both assured shorthold tenancies and licences to occupy but subject to the exclusions below), then the regulations will apply to that tenant's property.

Further excluded tenancies, set out Schedule 1 of the Regulations, are tenancies where the landlord is a private registered provider of social housing, where accommodation is shared with a landlord or landlord's family, long-leases of 7 years or more, student halls of residence, hostels and refuges, care homes, hospitals and hospices, and other accommodation relating to healthcare provisions.

Q3: Paragraph 7.3 of the EM states: "If the local housing authority finds that landlords are in breach of their duties in relation to electrical installations, they must serve a notice, which will set out the remedial works required to comply with these duties". Paragraph 7.4 of the EM states: "If the local housing authority finds that landlords are in breach of their duties in relation to electrical installations, they may impose a financial penalty of up to £30,000."

Q3(i): Is there a sequence, or could the notice and the financial penalty be served/imposed at the same time?

A3(i): The financial penalty can be imposed for any breach of regulation 3 (ensuring that electrical safety standards are met, ensuring electrical installations are inspected and tested, ensuring further investigative or remedial work is carried out). Before imposing a financial penalty on a private landlord for a breach of their duties, the local housing authority must serve a notice on the private landlord of its intention to do so (a 'notice of intent'). They must do this within six months of being satisfied that the private landlord is in breach.

A notice of intent is separate to a remedial notice, and the two can be served at the same if the local authority thinks this is appropriate. The normal expectation of sequencing would be that the local authority serves a remedial notice and then makes a decision as to whether to impose a financial penalty.

Q3(ii): How will the level of financial penalty be determined?

A3(ii): Local authorities will determine the level of the financial penalty on a case-by-case basis, taking into account factors such as the level of culpability and the potential for harm. This is in line with other financial penalties for offences in the private rented sector. We will be publishing guidance for local authorities on enforcing the regulations as soon as they come into force.

Q4: Paragraph 7.2 of the EM notes that the Regulations repeal the electrical safety requirements in Regulation 6(3) of the Management of Houses in Multiple Occupation (England) Regulations 2006 and bring HMOs into the scope of the new Electrical Safety Regulations; the EM notes that this will prevent a two-tier system where HMOs and other privately rented properties are required to meet different standards. How did the standards relating to HMOs in Regulation 6(3) of the 2006 Regulations differ to the standards being introduced in these Regulations?

A4: The 2006 Regulations require landlords of HMOs to have the electrical installation of these properties inspected and tested every five years, to obtain a certificate and to supply this to the local authority on request. However, the 2006 Regulations do not require landlords of HMOs to remedy any faults or dangerous conditions that are identified or to share the certificate with their tenants. By repealing Regulation 6(3) of the 2006 Regulations, the new Electrical Safety Regulations will ensure all properties, including HMOs, meet the same electrical safety standards, that dangerous conditions are remedied and that tenants are confident of the safety of the electrical installations in their properties.

Q5: The link to the Government response to consultation in paragraph 10.7 of the EM does not appear to work, please can you confirm whether the link is correct?

A5: The link is: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/774124/Government_Response_to_Electrical_Safety_in_the_Private_Rented_Sector.pdf

Q6: Please can you confirm when the Regulations will apply to new tenancies and when the Regulations will apply to existing tenancies?

A6: The Regulations will apply all new specified tenancies from 1 July 2020 and all existing specified tenancies from 1 April 2021.

Q7: The EM states at paragraph 11.1 that the Ministry will be issuing non-statutory guidance when the Regulations come into force, presumably on 1 July. Why is the guidance not being published now, during the familiarisation period? Without this guidance, how can landlords be expected to fully understand the new requirements and prepare for them?

A7: Regarding the guidance, this will be published when the Regs come into force on 1 June 2020. This means there is a built-in familiarisation period within the Regs so that they do not apply immediately, but they will apply from 1 July 2020 for new tenancies but not until 1 April 2021 for existing tenancies. As we produce draft versions with the guidance we're also planning on sharing this with stakeholders from the landlord and property agent industry and the electrical safety industry to ensure the guidance is targeted and useful.

Q8: The EM gives a figure of 4.8m private rental sector properties in 2016/17 and states that 22% of landlords have not carried out an electrical safety check in recently let properties. What is the total number of landlords that the 22% refers to?

A8: The figure comes from the English Private Landlord Survey. The EPLS is an online survey of almost 8,000 landlords and agents all of whom are registered with one of the three government-backed Tenancy Deposit Protection (TDP) schemes. In August/September 2017, the TDP administrative data indicated there were just over 3.4 million live deposits registered with a TDP scheme in England, corresponding to an estimated 1.5 million landlords.

20 January 2020 (Answer to Q6 provided on 23 January 2020, answers to Q7 and Q8 provided on 29 January 2020)

APPENDIX 2: INTERESTS AND ATTENDANCE

Committee Members' registered interests may be examined in the online Register of Lords' Interests at *https://www.parliament.uk/hlregister*. The Register may also be inspected in the Parliamentary Archives.

For the business taken at the meeting on 4 February 2020, Members declared no interests.

Attendance:

The meeting was attended by Baroness Bakewell of Hardington Mandeville, Lord Chartres, Lord Cunningham of Felling, Viscount Hanworth, Lord Hodgson of Astley Abbotts, the Earl of Lindsay, Lord Sherbourne of Didsbury and Baroness Watkins of Tavistock.