



HOUSE OF LORDS

Delegated Powers and Regulatory Reform
Committee

19th Report of Session 2022–23

**Genetic Technology (Precision
Breeding) Bill**
**Northern Ireland (Executive
Formation etc) Bill**
Protection for Whistleblowing Bill
[HL]
**Public Order Bill: Government
Response**

Ordered to be printed 2 December 2022 and published 5 December 2022

Published by the Authority of the House of Lords

The Delegated Powers and Regulatory Reform Committee

The Committee is appointed by the House of Lords each session and has the following terms of reference:

- (i) To report whether the provisions of any bill inappropriately delegate legislative power, or whether they subject the exercise of legislative power to an inappropriate degree of parliamentary scrutiny;
- (ii) To report on documents and draft orders laid before Parliament under or by virtue of:
 - (a) sections 14 and 18 of the Legislative and Regulatory Reform Act 2006,
 - (b) section 7(2) or section 19 of the Localism Act 2011, or
 - (c) section 5E(2) of the Fire and Rescue Services Act 2004;

and to perform, in respect of such draft orders, and in respect of subordinate provisions orders made or proposed to be made under the Regulatory Reform Act 2001, the functions performed in respect of other instruments and draft instruments by the Joint Committee on Statutory Instruments; and

- (iii) To report on documents and draft orders laid before Parliament under or by virtue of:
 - (a) section 85 of the Northern Ireland Act 1998,
 - (b) section 17 of the Local Government Act 1999,
 - (c) section 9 of the Local Government Act 2000,
 - (d) section 98 of the Local Government Act 2003, or
 - (e) section 102 of the Local Transport Act 2008.

Membership

[Baroness Browning](#)

[Lord Cunningham of Felling](#)

[Lord Goddard of Stockport](#)

[Lord Haselhurst](#)

[Lord Hendy](#)

[Lord Janvrin](#)

[Lord McLoughlin](#) (Chair)

[Baroness Meacher](#)

[Lord Rooker](#)

[Lord Tope](#)

Registered Interests

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

Publications

The Committee's reports are published by Order of the House in hard copy and on the internet at www.parliament.uk/hldprrcpublications.

General Information

General information about the House of Lords and its Committees, including guidance to witnesses, details of current inquiries and forthcoming meetings is on the internet at <http://www.parliament.uk/business/lords/>.

Contacts for the Delegated Powers and Regulatory Reform Committee

Any query about the Committee or its work should be directed to the Clerk of Delegated Legislation, Legislation Office, House of Lords, London, SW1A 0PW. The telephone number is 020 7219 3103. The Committee's email address is hldelatedpowers@parliament.uk.

Historical Note

In February 1992, the Select Committee on the Committee work of the House, under the chairmanship of Earl Jellicoe, noted that "in recent years there has been considerable disquiet over the problem of wide and sometimes ill-defined order-making powers which give Ministers unlimited discretion" (Session 1991–92, HL Paper 35-I, paragraph 133). The Committee recommended the establishment of a delegated powers scrutiny committee which would, it suggested, "be well suited to the revising function of the House". As a result, the Select Committee on the Scrutiny of Delegated Powers was appointed experimentally in the following session. It was established as a sessional committee from the beginning of Session 1994–95. The Committee also has responsibility for scrutinising legislative reform orders under the Legislative and Regulatory Reform Act 2006 and certain instruments made under other Acts specified in the Committee's terms of reference.

Nineteenth Report

GENETIC TECHNOLOGY (PRECISION BREEDING) BILL

1. This Bill was passed by the House of Commons on 31 October. It was introduced in the House of Lords on 1 November and had its Second Reading on 21 November.
2. According to the Explanatory Notes, the Bill “intends to reduce the regulatory burden and financial barriers in place for researchers and commercial breeders using precision breeding technologies”.¹
3. The Bill includes measures that:
 - remove plants and animals produced using modern biotechnologies and that could have occurred naturally or could have been produced by traditional methods (“precision bred organisms” (PBOs)) from existing regulation that applies to genetically modified organisms;²
 - remove food and feed derived from PBOs from existing regulation that applies to genetically modified organisms;
 - impose restrictions on the release and marketing of PBOs, including specific restrictions on the marketing of PBOs that are animals;
 - require the Secretary of State to create and maintain a new public register containing information relating to PBOs; and
 - allow the Secretary of State to make regulations to:
 - require a person to carry out an environmental risk assessment before they import or otherwise acquire a PBO;
 - regulate the placing on the market of food and feed produced from PBOs; and
 - provide for enforcement measures in relation to failures to comply with requirements under the Bill.
4. The Bill contains 28 delegated powers in just 48 clauses.
5. The Department for the Environment, Food and Rural Affairs has provided a Delegated Powers Memorandum (“the Memorandum”)³ for the Bill.
6. We wish to express disappointment and concern that this report highlights repeated failures in the Memorandum to provide adequate justification for powers that the Bill confers. For each of the nine powers discussed below, the Memorandum provides only cursory justification, with the lengthiest example barely exceeding six lines of text. This:

1 At para 7.

2 Clause 41(2) amends the Environmental Protection Act 1990 so that provision made in that Act with respect to genetically modified organisms no longer applies to PBOs.

3 Department for the Environment, Food and Rural Affairs, [Delegated Powers Memorandum](#), undated.

- fails to meet the requirements set out in our Guidance for Departments as to the content of explanatory paragraphs in a Delegated Powers Memorandum;⁴
- results in a lack of transparency that is compounded by the fact that the Bill deals with a subject matter that is technical and complex; and
- is of particular concern given the clear public interest in ensuring that regulatory changes in this area are subject to an appropriate level of parliamentary scrutiny.

7. We draw the following powers to the attention of the House.

Clauses 4(3) and 6(2): powers to prescribe the information that must be provided to the Secretary of State by a person who wishes to release or market a PBO

8. Clauses 3 and 4 impose conditions restricting the release⁵ of a PBO. These include a requirement to give a “release notice” to the Secretary of State accompanied by any “required information”.⁶
9. Similar provision is made with respect to the marketing of a PBO. Clauses 5 and 6 impose conditions restricting marketing and these include a requirement to give a “marketing notice” to the Secretary of State accompanied by any “required information”.⁷
10. The “form and content” of release notices and marketing notices and the “required information” that must accompany them is to be prescribed in regulations made by the Secretary of State.⁸
11. By way of justification for these powers, the Memorandum simply asserts that each power “allows the Secretary of State to deal with administrative matters ... which might warrant adjustment from time to time”.⁹ It does not elaborate on this and it provides no illustrative examples.
12. We accept that the *form* that release notices and marketing notices are required to take might fairly be described as an “administrative matter” but the same cannot be said about the content of such notices and the “required information” that must be submitted with them. As decisions about whether to permit the release or marketing of PBOs will be based on that information, the question of what it should comprise may be significant in policy terms.
13. Accordingly, we find it surprising that the Bill itself says nothing at all about what that information should comprise and instead leaves it entirely to ministers to decide—and in regulations subject only to the negative procedure.
14. **We consider that:**
- **the information that those who propose to release or market precision bred organisms are to be required to provide to the**

4 See paras 18 and 19 of the [Guidance for Departments](#) on the role and requirements of the Committee, dated November 2021.

5 A person “releases” an organism if they deliberately cause or permit it to (a) cease to be under their control or the control of another person, and (b) enter the environment (see clause 3(3)).

6 See clause 4(1)(a).

7 See clause 6(1) and (2).

8 See clauses 4(3) and 6(2).

9 At paras 21 and 27.

Secretary of State about this in a notice under clause 4 or 6 is a matter of significant public interest given that decisions about whether to permit such release or marketing will be based on that information;

- **the Government have failed to justify the inclusion in those clauses of powers that leave it entirely to ministers to determine what that information must comprise—and by regulations subject only to the negative procedure; and**
- **accordingly, unless the Minister can provide the House with a convincing justification for the delegations of power in clauses 4(3) and 6(2), those powers are inappropriate.**

Clause 17(1): power to make provision requiring a person to carry out an environmental risk assessment before they import or otherwise acquire a PBO

15. Clause 17(1) gives the Secretary of State power to make negative procedure regulations that require those who wish to import or otherwise acquire a PBO to carry out an assessment (an “environmental risk assessment”) of the risks of damage to the environment being caused as a result of them importing or acquiring the PBO.
16. According to the Memorandum:

“This allows the Secretary of State to make equivalent provision for such environmental risk assessments as is currently provided for under section 108(1)(a) of the Environmental Protection Act 1990 in respect of the import or acquisition of genetically modified organisms which are precision bred organisms under this Bill”.¹⁰
17. However, section 108(1) of the 1990 Act imposes on those who wish to import or acquire genetically modified organisms a *requirement* to carry out an environmental risk assessment. By contrast, clause 17 gives ministers *a discretion* as to whether to make regulations that require such an assessment to be carried out. The Memorandum provides no explanation for this.
18. **We consider that:**
 - **the issue of whether a person who wishes to import or otherwise acquire a precision bred organism should have to carry out an environmental risk assessment may be considered significant in policy terms; and**
 - **accordingly, unless the Minister can provide the House with a convincing justification for leaving this entirely to ministerial regulations—and subject only to negative procedure scrutiny—the power in clause 17(1) is inappropriate.**

Clause 18(1): power to prescribe information that must be included in the precision breeding register

19. Clause 18(1) requires the Secretary of State to establish and maintain a register that contains information about the matters specified in that clause. The register must be accessible to the public free of charge by electronic

¹⁰ At para 94.

means.¹¹ The matters about which the register must contain information include:

- release notices under clause 4;
- marketing notices under clause 6;
- reports provided to the Secretary of State by the advisory committee under clause 7;
- reports provided to the Secretary of State by the welfare advisory body under clause 12;
- notices given by the Secretary of State under clauses 8 and 13; and
- enforcement notices.

20. However, the information that the register must contain about these matters is left to be prescribed by the Secretary of State by regulations subject to the negative procedure.

21. According to the Memorandum:

“it is appropriate for the detail of the keeping of the register to be dealt with by regulations, as this will allow relevant matters to be set out in appropriate detail in respect of different circumstances and will allow the requirements to be adjusted from time to time”;¹² and

“as the key substantive requirements in respect of the register are set out elsewhere in clause 18, it is appropriate for the regulations to be subject to the negative procedure”.¹³

22. We find this an unconvincing explanation for there being nothing at all on the face of the Bill about the information that the register must contain about the matters in question and for this instead to be left entirely to ministers to decide—and by regulations subject only to the negative procedure.

23. In our view:

- the information that the register will be required to contain about the matters in question is not mere “detail”: it goes to the heart of the policy of having such a register as a means of delivering transparency; and
- the claim that “the key substantive requirements in respect of the register are set out ... in clause 18” simply does not stand up: the information that the register must contain about the matters in question is a key substantive requirement yet clause 18 simply leaves it to ministerial regulations.

24. **We consider that:**

- **the substance of the obligation that is to be imposed on the Government to keep a public “precision breeding register” as**

11 See clause 18(5).

12 At para 102.

13 At para 103.

a means of delivering transparency in this area is an important matter of public interest;

- **a key aspect of the substance of that obligation is the information that the register will be required to contain about the matters specified in clause 18;**
- **it is therefore important that provision prescribing that information is subject to an appropriate level of parliamentary scrutiny;**
- **leaving it entirely to ministers to prescribe that information by regulations therefore demands a convincing justification;**
- **the Government have failed to provide this; and**
- **accordingly, unless the Minister can provide the House with a convincing justification for it, the power in clause 18(1) is inappropriate.**

Clause 25(1): power to prescribe the circumstances in which the health or welfare of an animal is to be regarded as “adversely affected by any precision bred trait”

25. Clause 11(3) requires a person who makes an application to the Secretary of State for a precision bred animal marketing authorisation to make a declaration that they do not expect the health or welfare of the relevant animal or its progeny to be “*adversely affected by any precision bred trait*”. Clause 15(1)(b) gives the Secretary of State power to make regulations that allow the Secretary of State to revoke a precision bred animal marketing authorisation where the Secretary of State considers that the health or welfare of the relevant animal or its progeny is “*likely to be adversely affected by precision bred traits*”.
26. The Bill itself does not say what is meant by “adversely affected” for these purposes. Instead, clause 25(1) gives the Secretary of State power to make regulations that prescribe, for the purposes of clauses 11(3) and 15(1)(b), circumstances in which the health or welfare of a relevant animal or its progeny is, or is not, to be regarded as being “*adversely affected by any precision bred trait*”. Such regulations are subject to the affirmative procedure.
27. The Memorandum provides the following justification for the power:

“it is important to ensure that technical issues such as any thresholds or exceptions which may be needed for the assessment of adverse effect on animal welfare can be fully considered and set out in suitable levels of detail for precision bred animals through regulations. This will be important to ensure that these new administrative procedures for authorising precision bred animals will work as intended”.¹⁴
28. We consider this to be vague and inadequate. Where the Government propose that an important term used in a Bill is not to be defined in the Bill itself but is instead to be defined subsequently in ministerial regulations, we expect a convincing justification for this. In our view, what is meant by the health or welfare of an animal being “adversely affected by precision

14 At para 127.

bred traits” for the purposes of the Bill is not a “technical issue”—and the Government themselves acknowledge in the Memorandum that “the subject matter and detail” of this “will be of great interest to Parliament”.¹⁵ Yet the Memorandum fails to explain why the Bill itself says nothing at all about what “adversely affected” means and instead leaves it entirely to regulations.

29. **We consider that:**

- **defining the circumstances in which the health or welfare of an animal is to be regarded as “adversely affected by any precision bred trait” for the purposes of the Bill is significant in policy terms and is a matter of public interest;**
- **it is therefore important that any such definition is subject to an appropriate level of parliamentary scrutiny;**
- **leaving the definition entirely to ministerial regulations (albeit subject to the affirmative procedure) therefore demands a convincing justification;**
- **the Government have failed to provide this; and**
- **accordingly, unless the Minister can provide the House with a convincing justification for it, the power in clause 25(1) is inappropriate.**

Clauses 26, 27 and 28: powers to make provision for regulating the placing on the market of food and feed produced from PBOs

30. Part 3 of the Bill provides for the regulation of food and feed produced from PBOs. It consists of skeleton clauses: the provision on the face of the Bill is so insubstantial that the real operation of Part 3 would be entirely by the regulations made under it.
31. It provides that regulations may make provision for:
- regulating the placing on the market of food and feed produced from PBOs (clause 26);
 - requiring the Food Standards Agency to establish and maintain a public register containing prescribed particulars relating to authorisations issued by the Secretary of State that allow the marketing of food and feed produced from PBOs (clause 27); and
 - designating one or more bodies as enforcement authorities with functions of (a) monitoring compliance with obligations under Part 3 of the Bill, and (b) investigating suspected failures to comply with such obligations (clause 28).
32. The regulation-making powers in clauses 26 to 28 are all subject to the affirmative procedure but the discretion afforded to ministers is considerable: all of the substance is left to regulations and the exercise of the powers is subject to no requirement for consultation, for criteria to be met or for pre-conditions to be satisfied. No illustrative examples have been provided.

¹⁵ At para 128.

33. The justification given in the Memorandum for the power in clause 26 is as follows:

“The Department considers that delegated powers are appropriate because of the need for the Food Standards Agency to consult on implementation and impacts of new food and feed legislation. The powers will be used to develop the new administrative requirements and processes, in addition to developing and outlining specific scientific and technical requirements that will need to be made available to applicants under the new regulatory regime.”¹⁶

34. The Memorandum goes on to claim that it is “necessary” for clauses 27 and 28 to leave provision about both (a) the public register of authorisations to market food and feed, and (b) the monitoring and inspection regime entirely to regulations because clause 26 leaves to regulations the regulatory provision to which clauses 27 and 28 relate.¹⁷

35. We find these justifications far from convincing. Our Guidance for Departments on the role and requirements of the Committee states as follows:

“Skeleton legislation should only be used in the most exceptional circumstances. Where the government decide that such exceptional circumstances apply, the delegated powers memorandum should make an explicit declaration (“a skeleton legislation declaration”) that the bill is a skeleton bill *or clauses within a bill are skeleton clauses*. Such a declaration should be accompanied by a full justification for adopting that approach, including why no other approach was reasonable to adopt and how the scope of the skeleton provision is constrained”.¹⁸

36. The Memorandum states that clauses 26 and 28 cover subject-matters “of great interest to Parliament”¹⁹—and it acknowledges the interest that Parliament is likely to have in regulations made under clause 27²⁰—but it fails to include a skeleton legislation declaration or a full justification for the skeleton provision in those clauses.

37. The Memorandum fails to explain why:

- the entirety of the substance of the regulatory regime is left to regulations;
- the powers don’t even require any regulatory provision to be made: the very existence of a regulatory regime is left to the discretion of ministers;
- if, as the Memorandum claims, there is a “need for the Food Standards Agency to consult on implementation and impacts of new food and feed legislation”, this didn’t precede the introduction of the Bill; and
- even if it were accepted that the delegation in clause 26 is appropriate, it follows that it is “necessary” to also leave to ministerial regulations everything about both (a) the public register of food and feed marketing

16 At para 132.

17 At paras 136 and 142.

18 At para 9 of the Guidance.

19 At paras 133 and 143.

20 At para 137.

authorisations, and (b) monitoring compliance with, and investigating suspected failures to comply with, regulatory requirements relating to food and feed produced from PBOs.

38. **We consider that:**

- **the Government have failed to justify the inclusion of skeleton clauses in Part 3 of the Bill that leave it entirely to ministerial regulations to determine the substance of the regulatory regime that is to govern the placing on the market of food and feed produced from precision bred organisms; and**
- **accordingly, unless the Minister can provide the House with a convincing justification for the delegations of power in clauses 26, 27 and 28, those powers are inappropriate.**

Clause 32(1): power to make regulations that provide for enforcement measures in relation to failures to comply with requirements under Parts 2 and 3 of the Bill

39. Part 4 of the Bill makes provision for enforcement in relation to failures to comply with requirements under Parts 2 (PBOs: release, marketing and risk assessments) and 3 (the regulation of food and feed produced from PBOs) of the Bill.

40. Clause 32(1) gives the Secretary of State power to make regulations that provide for the issuing of a “compliance notice”, a “stop notice” or a “monetary penalty notice” to a person in relation to a failure to comply with a requirement under Part 2 or 3 of the Bill. Clauses 33 to 37 make provision with respect to such notices.

41. We are surprised that clause 32(1) does not *require* the Secretary of State to make regulations that provide for such enforcement measures but instead leaves it to the Secretary of State’s discretion. The Memorandum provides no explanation for this.

42. **We consider that:**

- **the approach taken in clause 32(1)—of leaving it to ministers to determine whether the enforcement measures specified in that clause are to be put into place in relation to breaches of requirements under the Bill—merits explanation; and**
- **unless the Minister can provide the House with a convincing justification for this approach, the power in clause 32(1) is inappropriate in its current form and should instead *require* regulations to be made to ensure that the enforcement measures in question are put into place.**

NORTHERN IRELAND (EXECUTIVE FORMATION ETC) BILL

43. There is nothing in this Bill which we would wish to draw to the attention of the House.

PRIVATE MEMBERS' BILLS: INTRODUCTORY NOTE

44. This report sets out the Committee's observations in relation to a private member's Bill. It has long been, and remains, the Committee's approach to apply the same exacting standards of scrutiny to all bills, whether a government bill or a private member's bill. We acknowledge however that those members of the House who sponsor private members' bills, unlike ministers, do not have the support of departmental officials and Parliamentary Counsel in the preparation of their bills. Our comments on private members' bills are framed in the light of that understanding.

PROTECTION FOR WHISTLEBLOWING BILL [HL]

45. This private member's bill, sponsored by Baroness Kramer, was introduced on 13 June 2022. It establishes an Office of the Whistleblower to protect whistleblowers and to uphold the public interest in relation to whistleblowing.
46. We draw attention to three provisions: clauses 1(2)(h), 3(1)(f) and 4(1). The definition of "protected disclosure" in clause 1 refers to disclosures in relation to certain stipulated matters (including crime, miscarriages of justice, abuse of authority) and "such other matter as may be prescribed in regulations made by the Secretary of State". In clause 3(1), a "relevant person" includes employers, regulators, public authorities and "such person as may be prescribed by regulations made by the Secretary of State". Clause 4(1) requires the Secretary of State, by regulations made by statutory instrument within one year after the passing of the Act, to establish a body corporate called the Office of the Whistleblower.
47. In clauses 1(2)(h) and 3(1)(f), there is no requirement for the regulations to be made by statutory instrument or be subject to any parliamentary procedure (whether of the negative or affirmative variety). Because the regulations are not made by statutory instrument, the various requirements of the Statutory Instruments Act 1946 (for instance, as to printing and publication) are not applicable. Parliament and its scrutiny committees (including the Joint Committee on Statutory Instruments) have no role. **In our view, the regulations in clauses 1(2)(h) and 3(1)(f) should be made by statutory instrument and should be subject to a parliamentary procedure; on this occasion the negative procedure suffices.**
48. The regulations under clause 4(1) establishing the Office of the Whistleblower must be made by statutory instrument but there is no accompanying parliamentary procedure. By contrast, clause 1(2) of an earlier Bill introduced by Baroness Kramer—called the Office of the Whistleblower Bill - (see the Committee's 14th Report of Session 2021–22)²¹ required the affirmative procedure for regulations establishing the Office of the Whistleblower. Interestingly, clause 25(1) and (2)(c) of the current Bill requires the affirmative procedure for regulations made under clauses 5, 7, 13, 17 and 19. The most significant regulation-making power in the Bill (the one setting up the Office of the Whistleblower under clause 4) has no parliamentary procedure. **In our view, the regulations setting up the Office of the Whistleblower under clause 4(1) ought to be subject to a parliamentary procedure. As with Baroness Kramer's previous whistleblowing bill, the regulations under clause 4(1) should be subject to the affirmative procedure.**

21 *14th Report*, Session 2021–22, HL Paper 119.

PUBLIC ORDER BILL: GOVERNMENT RESPONSE

49. We considered this Bill in our 17th Report of this Session.²² The Government have responded by way of a letter from Lord Sharpe of Epsom, Parliamentary Under Secretary of State at the Home Office. The response is printed at Appendix 1.

²² *17th Report*, Session 2022–23, HL Paper 91.

APPENDIX 1: PUBLIC ORDER BILL: GOVERNMENT RESPONSE

Letter from Lord Sharpe of Epsom, Parliamentary Under Secretary of State at the Home Office, to the Rt Hon. the Lord McLoughlin CH, Chair of the Delegated Powers and Regulatory Reform Committee

Thank you for your report following the Committee's scrutiny of the provisions of the Public Order Bill ("the Bill"). The Government has carefully considered the Committee's recommendation and our response is set out below.

The Committee's recommendation

We consider that clause 30 contains an extreme example of a power to issue guidance on the exercise of statutory functions. It allows the Secretary of State to influence the exercise by the police of functions that could prove to be highly controversial—including identifying persons in respect of whom the courts may make serious disruption prevention orders under which people who have not been convicted of any offence—and are not considered to be at risk of offending—may nonetheless be made subject to restrictions on liberty backed by criminal penalties.

Accordingly, we consider that guidance under clause 30 is sufficiently significant to merit affirmative procedure scrutiny.

Government response

The Government does not agree that clause 30 contains "an extreme example of a power to issue guidance on the exercise of statutory functions".

Serious Disruption Prevention Orders (SDPOs) are not a new concept. Successive Governments, dating back at least to the creation of Anti-Social Behaviour Orders in the Crime and Disorder Act 1998, have legislated for civil preventative orders of this kind which can impose restrictions on liberty, backed by criminal sanctions. Many of these preventative order regimes include similar provision to that contained in clause 30 for the Secretary of State to issue guidance. Examples in Table 1 (see below).

We can assure the Committee that in considering the appropriate level of parliamentary scrutiny for SDPOs we paid careful attention to the Committee's earlier, related, reports. In particular, the Committee's recommendation in relation to the statutory guidance to accompany Serious Violence Reduction Orders. This consideration meant the Government decided that, exceptionally, the negative procedure should apply to the SDPO guidance. This was despite the general run of precedents that, in our view, point to such guidance not being subject to any parliamentary procedure.

Furthermore, we note the Committee's 21st report of session 2019–21 where the Committee made no comment or recommendation to the effect that the statutory guidance in relation to Domestic Abuse Protection Notices and Domestic Abuse Protection Orders should be subject to any parliamentary procedure. As the table below shows, the Committee took a similar position in relation to previous Bills providing for very similar statutory guidance. Given this, we remain of the view that the negative procedure is appropriate in this case.

Table 1: Examples

Name of order	Power to issue guidance	Parliamentary procedure, if any	DPRRC report and recommendations, if any
Female Genital Mutilation Protection Orders (FGMPO)	Section 5C of the Female Genital Mutilation Act 2003*—inserted by the Serious Crime Act 2015	None	The FGMPO provisions were added to the Bill in the Commons after the Committee had published its 2nd Report of session 2014/15
Sexual Harm Prevention Orders and Sexual Risk Orders	Sections 103J(1) and 122J(1) of the Sexual Offences Act 2003—inserted by the Anti-social Behaviour, Crime and Policing Act 2014	None	12th Report of session 2013/14
Forced Marriage Protection Orders	Section 63Q of the Family Law Act 1996* - inserted by Forced Marriage (Civil Protection) Act 2007	None	Not known
Gang injunctions	Section 47 of the Policing and Crime Act 2009*	Laying only	Not known
Domestic Violence Protection Orders	Section 31 of the Crime and Security Act 2010*	None	Not known
Anti-social behaviour injunctions; dispersal powers; Community Protection Notices; Public Spaces protection Orders; Closure Notices.	Sections 19, 41, 56, 73 and 91 of the Anti-social Behaviour, Crime and Policing Act 2014	None	12th Report of session 2013/14

Name of order	Power to issue guidance	Parliamentary procedure, if any	DPRRC report and recommendations, if any
Slavery and trafficking prevention orders and slavery and trafficking risk orders	Section 33 of the Modern Slavery Act 2015	None	10th Report of session 2014/15
Stalking Protection Orders	Section 12 of the Stalking Protection Act 2019	None	45th Report of session 2017/19
Knife Crime Prevention Orders (KCPOs)	Section 30 of the Offensive Weapons Act 2019*	None	The KCPO provisions were added to the Bill at Lords Report after the Committee had published its 44th Report of session 2017/19
Criminal Behaviour Orders	Section 341 of the Sentencing Act 2021 (formally section 32 of the Anti-social Behaviour, Crime and Policing Act 2014)	None	12th Report of session 2013/14
Domestic Abuse Protection Orders	Section 50 of the Domestic Abuse Act 2021*	None	21st Report of session 2019/21
Serious Violence Reduction Orders	Section 342J of the Sentencing Act 2020– inserted by section 165 of the Police, Crime, Sentencing and Courts Act 2022*	Negative	6th Report of session 2021/22

Source: Home Office

18 November 2022

APPENDIX 2: MEMBERS' INTERESTS

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 30 November 2022, Members declared no interests.

Attendance

The meeting was attended by Baroness Browning, Lord Janvrin, Lord Goddard of Stockport, Lord Haselhurst, Lord Hendy, Lord McLoughlin, Baroness Meacher, Lord Rooker and Lord Tope.