



House of Commons
Treasury Committee

The work of the Sub-Committee on Financial Services Regulations

Tenth Report of Session 2022–23

*Report, together with formal minutes relating
to the report*

*Ordered by the House of Commons
to be printed 19 December 2022*

The Treasury Committee

The Treasury Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of HM Treasury, HM Revenue and Customs and associated public bodies.

Current Membership

[Harriett Baldwin MP](#) (Chair) (*Conservative, West Worcestershire*)

[Rushanara Ali MP](#) (*Labour, Bethnal Green and Bow*)

[John Baron MP](#) (*Conservative, Basildon and Billericay*)

[Anthony Browne MP](#) (*Conservative, South Cambridgeshire*)

[Dame Angela Eagle MP](#) (*Labour, Wallasey*)

[Emma Hardy MP](#) (*Labour, Kingston upon Hull West and Hessle*)

[Danny Kruger MP](#) (*Conservative, Devizes*)

[Andrea Leadsom MP](#) (*Conservative, South Northamptonshire*)

[Siobhain McDonagh MP](#) (*Labour, Mitcham and Morden*)

[Anne Marie Morris MP](#) (*Conservative, Newton Abbot*)

[Alison Thewliss MP](#) (*Scottish National Party, Glasgow Central*)

Current membership of the Sub-Committee on Financial Services Regulations

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Powers

The committee is one of the departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No. 152. These are available on the internet via www.parliament.uk.

Publication

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Committee reports are published on the Committee's website at www.parliament.uk/treascom/ and in print by Order of the House.

Committee staff

The current staff of the Committee are Morenike Alamu (Committee Operations Officer), Bayley Hockham (on secondment from the Bank of England), Timothy Holmes (on secondment from HM Revenue & Customs), Dan Lee (Senior Economist), Adam McGee (Senior Media and Communications Officer), Adam Mellows-Facer (Clerk), Aruni Muthumala (Senior Economist), Charlotte Swift (Second Clerk), Sam Upton (on secondment from the Financial Conduct Authority), Adam Wales (Chief Policy Adviser), Maciej Wenerski (Committee Operations Manager), Richard Whisker (on secondment from the Bank of England), and Marcus Wilton (Senior Economist).

Contacts

All correspondence should be addressed to the Clerk of the Treasury Committee, House of Commons, London SW1A 0AA. The telephone number for general enquiries is 020 7219 5769; the Committee's email address is treascom@parliament.uk.

You can follow the Committee on Twitter using [@commonstreasury](https://twitter.com/commonstreasury).

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1 Role of the Sub-Committee

Background

1. We set up the Treasury Sub-Committee on Financial Services Regulations (‘the Sub-Committee’) in June 2022 to examine changes to regulatory text proposed by the Financial Conduct Authority (FCA), the Bank of England, the Prudential Regulation Authority (PRA) or the Payment Systems Regulator (PSR).
2. The Sub-Committee was established in response to the new framework for financial services regulation, which has been created following the transfer of responsibility for large parts of financial services regulation from the European Union back to the UK, consequent on the UK’s departure from the EU. The Sub-Committee aims to bring transparency and public and parliamentary accountability to this important process. More information about the reasons for the creation of the Sub-Committee can be found in the Committee’s report, [Future Parliamentary scrutiny of financial services regulations](#) (HC 394), published in June 2022.
3. During the Second Reading debate on the Financial Services and Markets Bill, the then Economic Secretary to the Treasury, Richard Fuller MP said:

While I welcome the new Treasury Select Committee Sub-Committee, it is ultimately for Parliament to determine the best structure for its ongoing scrutiny of the financial services regulators.¹

The Bill, which has now passed to the House of Lords, proposes that regulators “must, as soon as reasonably practicable after issuing the consultation, notify in writing the chair of the Treasury Committee of the House of Commons that the consultation has been issued”, outlining the way in which the proposal advances the regulators’ objectives and how the regulator has had regard to the relevant regulatory principles.² The Sub-Committee is therefore well placed to undertake scrutiny of these proposals.

Remit and approach

4. The Sub-Committee takes a targeted approach to scrutinising proposed regulations. It has agreed to consider regulatory proposals which:
 - Have been put forward by a regulator for which the Treasury Committee has oversight responsibility;
 - Are at consultation stage, when the Sub-Committee could best exert influence; and
 - Contain a draft text which has legal effect.

¹ HC Deb, 7 September 2022, [col 282](#)

² [Financial Services and Markets Bill](#), Clause 36(2), [Bill 181 (2022–23)]; [Financial Services and Markets Bill](#), Clause 36(3); [Financial Services and Markets Bill](#), Schedule 7, Paragraph 13

5. When reviewing such proposals, the Sub-Committee considers the following factors in considering the degree of additional scrutiny warranted:

- Does it have a significant impact on consumers?
- Does it have a significant disproportionate cost for firms?
- Does it incorporate any politically significant proposals?
- Is it a new activity that has not been regulated before?

6. The Sub-Committee takes a view on what form of additional scrutiny is appropriate for each regulatory proposal consultation, and is a forum for oral evidence when merited. Depending on the subject, external deadlines, and the amount of oral and written evidence the Sub-Committee decides to take, an inquiry may give rise to a report to the House, published by the Treasury Committee. Other inquiries may simply consist of oral evidence without a report. Furthermore, the Treasury Committee may choose to raise issues relating to proposals considered by the Sub-Committee—such as the broader regulatory approach—with the relevant regulators during its regular scheduled accountability sessions.³

7. We welcome individual consumers and their representatives, industry and other potentially affected parties getting in touch with specific concerns about proposals which fall within the Sub-Committee's remit. The Sub-Committee may choose to publish that material, or draw on it in evidence sessions or correspondence. From time to time, we might issue calls for written evidence on specific proposals.

8. It is anticipated that the Sub-Committee will meet for a sifting meeting around once every two months, and publish Reports on an approximately quarterly basis. Each Report will include a rolling Annex, outlining all the proposals the Sub-Committee has looked at during the current Session.

9. In light of experience and workload, the Sub-Committee will continually review its working methods and resources.

10. The membership of the Sub-Committee currently mirrors that of the Treasury Committee.

Specialist Advisers

11. Under Standing Order No. 152(4)(b), the Treasury Committee appointed two Specialist Advisers to assist the work of the Sub-Committee. Sue Lewis and Simon Gleeson were appointed on 22 September 2022.

12. Simon Gleeson is a partner at Clifford Chance in London. His experience includes advising governments, regulators and public bodies as well as banks, investment firms, fund managers and other financial institutions on a wide range of financial services regulatory issues. He was the lead legal advisor to the main UK banking and financial services industry bodies regarding Brexit.

3 In our routine work, we hold regular oral evidence sessions with the FCA and the PSR. We also hold evidence sessions with the Bank of England after the publication of every Monetary Policy and Financial Stability Report.

13. Sue Lewis was Chair of the Financial Services Consumer Panel for two terms. She is currently a Trustee at the People’s Pension, StepChange debt charity, the FairBanking Foundation and Surviving Economic Abuse. Sue provides advice to international organisations on financial services consumer protection regulation, financial education and financial inclusion. She is a contributor to OECD research and policy development.

Work to date

14. On 20 July 2022, the Sub-Committee held its first oral evidence session on ‘PRA CP5/22 - The Strong and Simple Framework: a definition of a Simpler-regime Firm’.⁴ The Sub-Committee invited written evidence prior to the session,⁵ and then took oral evidence from UK Finance, the Building Societies Association, Aldermore Bank and OakNorth Bank.⁶ On 10 August 2022, the Sub-Committee wrote to PRA to highlight concerns raised by witnesses during the session, and asking for the PRA’s comments.⁷ The PRA responded on 31 August 2022.⁸

15. Since its establishment, the Sub-Committee has held further meetings, including two full siftings, and has undertaken correspondence on specific proposals with the PRA, the FCA and the PSR. More information about these sifting meetings, and the subsequent work of the Sub-Committee, can be found in Chapters 2 and 3 of this Report.

4 Bank of England, [CP5/22 - The Strong and Simple Framework: a definition of a Simpler-regime Firm](#), accessed 7 December 2022

5 Treasury Committee Sub-Committee on Financial Services Regulations, [Written Evidence: The Strong and Simple Framework](#), accessed 7 December 2022

6 Oral evidence taken on 20 July 2022, HC [537](#)

7 Treasury Committee Sub-Committee on Financial Services Regulations, [Letter to the Prudential Regulation Authority relating to ‘The Strong and Simple Framework, dated 10 August’](#) (10 August 2022)

8 Treasury Committee Sub-Committee on Financial Services Regulations, [Letter from Sam Woods, Prudential Regulation Authority, relating to the ‘Strong and Simple Framework’](#), dated 31 August’ (6 September 2022)

2 October sift

16. At its meeting on 17 October 2022, the Sub-Committee considered the proposals set out in Table 1.

Table 1

Consultation Paper	Sub-Committee decision
PRA (CP7/22) Credit Unions: Changes to the Regulatory Regime	No further immediate action
PRA (CP8/22) Remuneration: Unvested pay, Material Risk Takers and public appointments	Write to the PRA
PRA (CP9/22) Depositor Protection	No further immediate action
PRA (CP10/22) Insurance special purpose vehicles: Further updates to authorisation supervision	No further immediate action
PRA (CP13/22) Amendments to the PRA's approach to identifying other systemically important institutions (O-SIIs)	No further immediate action
PRA (CP11/22) and FCA (CP22/13) Margin requirements for non-centrally cleared derivatives: Amendments to BTS 2016/2251	No further immediate action
FCA (CP22/14) Broadening retail access to the long-term asset fund	Write to the FCA
FCA (CP22/15) Calculating redress for non-compliant pension transfer advice	No further immediate action
FCA (CP22/17) Quarterly Consultation No 37	No further immediate action
FCA (CP22/18) Guidance on the trading venue perimeter	No further immediate action
FCA (CP22/19) Creation of a baseline financial resilience regulatory return	No further immediate action
PSR (CP22/4) Authorised push payment (APP) scams: Requiring reimbursement	Write to the PSR, then oral evidence session

17. The Sub-Committee decided to request further information from regulators on the following proposals:

- PRA CP8/22 - Remuneration: Unvested pay, Material Risk Takers and public appointments
- FCA CP22/14 - Broadening retail access to the long-term asset fund
- PSR CP22/4 - Authorised push payment (APP) scams: Requiring reimbursement

Further details are provided below.

PRA CP8/22 - Remuneration: Unvested pay, Material Risk Takers and public appointments

18. On 28 October 2022, the Sub-Committee wrote to the Prudential Regulation Authority to ask the following questions on PRA CP8/22:

- What is the PRA's rationale for the proposed changes? Has the PRA identified a significant number of Material Risk Takers who have been prevented from entering public sector employment under the current remuneration rules?
- How does the PRA intend to define a “senior public-sector appointment linked to financial policy or financial services regulation” for the purposes of these rules? Does it relate only to roles at the Treasury and financial service regulators or more broadly?
- Does the PRA anticipate individuals seeking short periods of employment in the public sector for the primary purpose of converting their variable pay?⁹

The PRA responded on 8 November 2022.¹⁰

FCA CP22/14 - Broadening retail access to the long-term asset fund

19. On 28 October 2022, the Sub-Committee wrote to the Financial Conduct Authority to ask the following questions on FCA CP22/14:

- What protections will the FCA require firms put in place when marketing Long Term Asset Funds (LTAFs) to retail investors?
- How will the FCA supervise the uptake of such products to ensure that only investors with appropriate investment experience and sufficient resources invest in such funds?
- Will an asset threshold will be set to ensure only those who can afford losses will be able to invest in LTAFs?¹¹

The FCA responded on 11 November 2022.¹²

9 Treasury Sub-Committee on Financial Services Regulations, '[Correspondence from the Interim Chair to the PRA relating to remuneration, dated 28 October](#)' (24 November 2022)

10 Treasury Sub-Committee on Financial Services Regulations, '[Correspondence from the PRA relating to remuneration, dated 8 November](#)' (24 November 2022)

11 Treasury Sub-Committee on Financial Services Regulations, '[Correspondence from the Interim Chair to the FCA relating to long-term asset funds, dated 28 October](#)' (24 November 2022)

12 Treasury Sub-Committee on Financial Services Regulations, '[Correspondence from the FCA relating to long-term asset funds, dated 11 November](#)' (24 November 2022)

PSR CP22/4 - Authorised push payment (APP) scams: Requiring reimbursement

20. On 28 October 2022, the Sub-Committee wrote to the Payment Systems Regulator to ask the following questions on PSR CP22/4:

- Your consultation states it will be the Financial Ombudsman Service's (FOS) responsibility to rule on gross negligence in each individual case. How will you ensure there will be a consistent interpretation of what constitutes gross negligence?
- Will reimbursement of a consumer be delayed if a firm claims the individual has been grossly negligent?
- Will you set a time limit on how long a FOS decision on gross negligence can take?
- Does the FOS have sufficient resources to take on this caseload?
- Who will be responsible for ensuring that firms do not routinely allege consumers have been grossly negligent in order to delay repayments?
- Who would impose sanctions on a firm were it to routinely and incorrectly allege gross negligence by consumers in order to delay re-imbusement payments?
- What proportion of authorised push payment fraud cases do you envisage will be reimbursed within 48 hours of being reported?
- What proportion of authorised push payment fraud cases do you envisage will be reimbursed once the dispute process has been settled?¹³

The PSR responded on 9 November 2022.¹⁴

21. Following this exchange of correspondence, the Sub-Committee held an oral evidence session on CP22/4 with the Payment Systems Regulator, Pay.UK and the Financial Ombudsman Service on 13 December 2022.¹⁵

13 Treasury Sub-Committee on Financial Services Regulations, '[Correspondence from the Interim Chair to PSR relating to push payment fraud, dated 28 October](#)' (24 November 2022)

14 Treasury Sub-Committee on Financial Services Regulations, '[Correspondence from the PSR relating to push payment fraud, dated 9 November](#)' (24 November 2022)

15 Oral evidence taken on 13 December 2022, [HC 939](#)

3 December sift

22. At its meeting on 13 December 2022, the Sub-Committee considered the proposals set out in Table 2.

Table 2

Consultation Paper	Sub-Committee decision
PRA (CP12/22) Risks from contingent leverage	Write to the PRA on both CP12/22 and CP14/22
PRA (CP14/22) Review of Solvency II: Reporting phase 2	
FCA (CP22/20) Sustainability Disclosure Requirements (SDR) and investment labels	Write to the FCA
FCA (CP22/22) Proposed extended asset retention requirement for firms under the British Steel Pension Scheme consumer redress scheme	No further immediate action
FCA (CP22/24) Broadening access to financial advice for mainstream investments	Write to the FCA

23. The Sub-Committee decided to request further information from regulators on the following proposals:

- PRA CP12/22 - Risks from contingent leverage, jointly with PRA CP14/22 - Review of Solvency II: Reporting phase 2
- FCA CP22/20 - Sustainability Disclosure Requirements (SDR) and investment labels
- FCA CP22/24 - Broadening access to financial advice for mainstream investments

The Sub-Committee's correspondence, and the responses received from the regulators, will be published in due course.

Annex: Consultation Paper tracker, as at 19 December 2022

Sift	Regulator	Consultation Paper	Sub-Committee decision
Oct 22	PRA	PRA (CP6/22) Model risk management principles for banks	Not considered - does not meet Sub-Committee criteria
Oct 22	PRA	PRA (CP7/22) Credit Unions: Changes to the Regulatory Regime	No further immediate action
Oct 22	PRA	PRA (CP8/22) Remuneration: Unvested pay, Material Risk Takers and public appointments	Write to the PRA
Oct 22	PRA	PRA (CP9/22) Depositor Protection	No further immediate action
Oct 22	PRA	PRA (CP10/22) Insurance special purpose vehicles: Further updates to authorisation supervision	No further immediate action
Oct 22	PRA	PRA (CP13/22) Amendments to the PRA's approach to identifying other systemically important institutions (O-SIIs)	No further immediate action
Oct 22	PRA and FCA	PRA (CP11/22) and FCA (CP22/13) Margin requirements for non-centrally cleared derivatives: Amendments to BTS 2016/2251	No further immediate action
Oct 22	FCA	FCA (CP22/11) Winding down 'synthetic' sterling LIBOR and US dollar LIBOR	Not considered - does not meet Sub-Committee criteria
Oct 22	FCA	FCA (CP22/14) Broadening retail access to the long-term asset fund	Write to the FCA
Oct 22	FCA	FCA (CP22/15) Calculating redress for non-compliant pension transfer advice	No further immediate action

Sift	Regulator	Consultation Paper	Sub-Committee decision
Oct 22	FCA	FCA (CP22/16) Office for Professional Body Anti-Money Laundering Supervision: Sourcebook update	Not considered - does not meet Sub-Committee criteria
Oct 22	FCA	FCA (CP22/17) Quarterly Consultation No. 37	No further immediate action
Oct 22	FCA	FCA (CP22/18) Guidance on the trading venue perimeter	No further immediate action
Oct 22	FCA	FCA (CP22/19) Creation of a baseline financial resilience regulatory return	No further immediate action
Oct 22	PSR	PSR (CP22/4) Authorised push payment (APP) scams: Requiring reimbursement	Write to the PSR, then oral evidence session
Dec 22	PRA	PRA (CP12/22) Risks from contingent leverage	Write to the PRA on both CP12/22 and CP14/22
Dec 22	PRA	PRA (CP14/22) Review of Solvency II: Reporting phase 2	
Dec 22	FCA	FCA (CP22/20) Sustainability Disclosure Requirements (SDR) and investment labels	Write to the FCA
Dec 22	FCA	FCA (CP22/21) Synthetic US dollar LIBOR	Not considered - does not meet Sub-Committee criteria
Dec 22	FCA	FCA (CP22/22) Proposed extended asset retention requirement for firms under the British Steel Pension Scheme consumer redress scheme	No further immediate action
Dec 22	FCA	FCA (CP22/24) Broadening access to financial advice for mainstream investments	Write to the FCA

Formal minutes

Monday 19 December 2022

Members present:

Harriett Baldwin, in the Chair

Rushanara Ali

Anthony Browne

Dame Angela Eagle

Danny Kruger

Siobhain McDonagh

Draft Report (*The work of the Sub-Committee on Financial Services Regulations*) proposed by the Chair, brought up and read.

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

Paragraphs 1 to 23 read and agreed to.

Annex agreed to.

Resolved, That the Report be the Tenth Report of the Committee to the House.

Ordered, That the Chair make the Report to the House.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

Adjourned till Tuesday 10 January 2023 at 9.30 am.

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 2022–23

Number	Title	Reference
1st	Future of financial services regulation	HC 141
2nd	Future Parliamentary scrutiny of financial services regulations	HC 394
3rd	The appointment of Dr Swati Dhingra to the Monetary Policy Committee	HC 460
4th	Jobs, growth and productivity after coronavirus	HC 139
5th	Appointment of Marjorie Ngwenya to the Prudential Regulation Committee	HC 461
6th	Appointment of David Roberts as Chair of Court, Bank of England	HC 784
7th	Re-appointment of Sir Dave Ramsden as Deputy Governor for Markets and Banking, Bank of England	HC 785
8th	Autumn Statement 2022 – Cost of living payments	HC 740
9th	Appointment of Ashley Alder as Chair of the Financial Conduct Authority	HC 786
1st Special	Defeating Putin: the development, implementation and impact of economic sanctions on Russia: Government Response to the Committee's Twelfth Report of Session 2021–22	HC 321
2nd Special	Future of financial services regulation: responses to the Committee's First Report	HC 690
3rd Special	Jobs, growth and productivity after coronavirus: Government response to the Committee's Fourth Report	HC 861

Session 2021–22

Number	Title	Reference
1st	Tax after coronavirus: the Government's response	HC 144
2nd	The appointment of Tanya Castell to the Prudential Regulation Committee	HC 308
3rd	The appointment of Carolyn Wilkins to the Financial Policy Committee	HC 307
4th	The Financial Conduct Authority's Regulation of London Capital & Finance plc	HC 149
5th	The Future Framework for Regulation of Financial Services	HC 147

Number	Title	Reference
6th	Lessons from Greensill Capital	HC 151
7th	Appointment of Sarah Breedon to the Financial Policy Committee	HC 571
8th	The appointment of Dr Catherine L. Mann to the Monetary Policy Committee	HC 572
9th	The appointment of Professor David Miles to the Budget Responsibility Committee of the Office for Budget Responsibility	HC 966
10th	Autumn Budget and Spending Review 2021	HC 825
11th	Economic crime	HC 145
12th	Defeating Putin: the development, implementation and impact of economic sanctions on Russia	HC 1186
1st Special	Net Zero and the Future of Green Finance: Responses to the Committee's Thirteenth Report of Session 2019–21	HC 576
2nd Special	The Financial Conduct Authority's Regulation of London Capital & Finance plc: responses to the Committee's Fourth Report of Session 2021–22	HC 700
3rd Special	Tax after coronavirus: response to the Committee's First Report of Session 2021–22	HC 701
4th Special	The Future Framework for Regulation of Financial Services: Responses to the Committee's Fifth Report	HC 709
5th Special	Lessons from Greensill Capital: Responses to the Committee's Sixth Report of Session 2021–22	HC 723
6th Special	The appointment of Professor David Miles to the Budget Responsibility Committee of the Office for Budget Responsibility: Government response to the Committee's Ninth Report	HC 1184
7th Special	Autumn Budget and Spending Review 2021: Government Response to the Committee's Tenth Report	HC 1175
8th Special	Economic Crime: responses to the Committee's Eleventh Report	HC 1261

Session 2019–21

Number	Title	Reference
1st	Appointment of Andrew Bailey as Governor of the Bank of England	HC 122
2nd	Economic impact of coronavirus: Gaps in support	HC 454
3rd	Appointment of Richard Hughes as the Chair of the Office for Budget Responsibility	HC 618
4th	Appointment of Jonathan Hall to the Financial Policy Committee	HC 621
5th	Reappointment of Andy Haldane to the Monetary Policy Committee	HC 620

Number	Title	Reference
6th	Reappointment of Professor Silvana Tenreyro to the Monetary Policy Committee	HC 619
7th	Appointment of Nikhil Rathi as Chief Executive of the Financial Conduct Authority	HC 622
8th	Economic impact of coronavirus: the challenges of recovery	HC 271
9th	The appointment of John Taylor to the Prudential Regulation Committee	HC 1132
10th	The appointment of Antony Jenkins to the Prudential Regulation Committee	HC 1157
11th	Economic impact of coronavirus: gaps in support and economic analysis	HC 882
12th	Tax after coronavirus	HC 664
13th	Net zero and the Future of Green Finance	HC 147
1st Special	IT failures in the financial services sector: Government and Regulators Responses to the Committee's Second Report of Session 2019	HC 114
2nd Special	Economic Crime: Consumer View: Government and Regulators' Responses to Committee's Third Report of Session 2019	HC 91
3rd Special	Economic impact of coronavirus: Gaps in support: Government Response to the Committee's Second Report	HC 662
4th Special	Economic impact of coronavirus: Gaps in support: Further Government Response	HC 749
5th Special	Economic impact of coronavirus: the challenges of recovery: Government Response to the Committee's Eighth Report	HC 999
6th Special	Economic impact of coronavirus: gaps in support and economic analysis: Government Response to the Committee's Eleventh Report	HC 1383