



# HOUSE OF LORDS

## Secondary Legislation Scrutiny Committee

### 36th Report of Session 2022–23

**Drawn to the special attention of the house:**

**Draft Environmental Permitting (England and Wales)  
(Amendment) (England) Regulations 2023**

#### **Includes information paragraphs on:**

|                                                                                                          |                                                                                                         |
|----------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|
| 1 instrument relating to COVID-19:                                                                       | Environment (Local Nature Recovery Strategies) (Procedure) Regulations 2023                             |
| Merchant Shipping (Seamen's Documents) (Amendment) Regulations 2023                                      | Social Security Additional Payments (First Qualifying Day) Regulations 2023                             |
| Draft Financial Services and Markets Act 2000 (Commodity Derivatives and Emission Allowances) Order 2023 | Education (Pupil Information and School Performance Information) (England) (Amendment) Regulations 2023 |
| Draft Financial Services and Markets Act 2000 (Financial Promotion) (Amendment) Order 2023               | Parole Board (Amendment) Rules 2023                                                                     |
|                                                                                                          | Supported Accommodation (England) Regulations 2023                                                      |

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### *Secondary Legislation Scrutiny Committee*

The Committee's terms of reference, as agreed on 12 May 2022, are set out on the website but are, in summary:

To report on draft instruments published under paragraph 14 of Schedule 8 to the European Union (Withdrawal) Act 2018; to report on draft instruments and memoranda laid before Parliament under sections 8 and 23(1) of the European Union (Withdrawal) Act 2018 and section 31 of the European Union (Future Relationship) Act 2020.

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*

Lord De Mauley

Baroness Harris of Richmond

Lord Hunt of Wirral (Chair)

Lord Hutton of Furness

Baroness Lea of Lymm

Lord Powell of Bayswater

Baroness Randerson

Baroness Ritchie of Downpatrick

Lord Rowlands

Lord Russell of Liverpool

Lord Thomas of Cwmgiedd

### *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 <https://committees.parliament.uk/committee/255/secondary-legislation-scrutiny-committee/publications/>

### *Committee Staff*

The staff of the Committee are Christine Salmon Percival (Clerk), Philipp Mende (Adviser), Chris Smith (Adviser), Jane White (Adviser) and Riona Millar (Committee Operations Officer).

### *Further Information*

Further information about the Committee is available at <https://committees.parliament.uk/committee/255/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/ukxi>

### *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](mailto:hlseclegscrutiny@parliament.uk).

# Thirty Sixth Report

## DRAWN TO THE SPECIAL ATTENTION OF THE HOUSE

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### Draft Environmental Permitting (England and Wales) (Amendment) (England) Regulations 2023

*Date laid: 30 March 2023*

*Parliamentary procedure: affirmative*

*These draft Regulations propose changes to the current oversight regime for groundwater, with the aim of improving the regulatory tools available to the Environment Agency for managing and protecting groundwater quality. According to the Department for Environment, Food and Rural Affairs (Defra), there have not been any significant changes since the current regulatory regime was introduced in 2010. We have received a submission from Greener UK which raises questions about a specific aspect of the instrument dealing with the installation of closed-loop ground source heating and cooling systems. We have also obtained additional information from Defra about two other aspects of the draft Regulations which deal with activities that will be exempt from a prohibition on direct discharges to groundwater, including low-volume and low-pressure hydraulic fracturing, and with the defence available to sewerage undertakers that are in breach of permit conditions. As the Explanatory Memorandum (EM) offered limited information on these aspects of the instrument, we have asked the Department to revise the EM, so that a fuller explanation is available to anyone taking an interest in the proposed changes. Groundwater quality is an issue of considerable public interest, and the information provided by Defra may provide useful additional context when the instrument is debated in the House.*

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

### Background

1. These draft Regulations have been laid before Parliament by the Department for Environment, Food and Rural Affairs (Defra) with an Explanatory Memorandum (EM). The draft Regulations propose amendments to the Environmental Permitting (England and Wales) Regulations 2016 (“EPR”). The proposed changes seek to improve the regulatory tools available to the Environment Agency (EA) for managing and protecting groundwater quality.

### Policy rationale

2. Under the EPR, the EA regulates discharges into the environment that may impact groundwater quality. Defra explains that this regulatory regime has not been updated in any significant way since it came into force in 2010, and that while the EPR is an effective tool for managing groundwater activities and pollution risks, several deficiencies in the regime have been identified, leading to inconsistencies in approach within the wider EPR regime. The Department says that the regulatory tools also need to be “optimised” in the context of pressures from climate change and population growth.

3. This instrument proposes amendments to the EPR which, according to Defra, are to provide a “more proportionate, risk-based” regulatory approach and align it with the regulation of other activities under the EPR. The aims are: to provide the EA with an “improved hierarchy” of regulatory controls for groundwater activities; increase the range of pollutants that can be controlled; and update and clarify the existing control measures under the EPR for protecting groundwater from site-based activities.

### **Key changes proposed by the draft Regulations**

4. Amongst other changes, the instrument would amend the EPR regime to enable the EA to issue Standard Rules Permits as well as Mobile Plant Permits for groundwater activities where the generic risks are well-understood, assessed and mitigated. At present, such activities can only be permitted through the use of site-specific “bespoke” environmental permits. The draft Regulations also propose exemptions from the requirement for an environmental permit for new cemeteries that pose a low risk of pollution to the groundwater environment.
5. The instrument would further enable the EA to apply, for the first time, regulatory controls and issue permits as necessary for groundwater activities that present a significant risk of introducing microbial pollution; for example, as a result of the discharge of treated sewage effluent to the ground from septic tanks and sewage treatment plants, or that risk introducing heat pollution.
6. The draft Regulations also propose exemptions from the requirement of an environmental permit for most closed-loop ground heat pump activities. We received a submission from Greener UK which questioned the proposed exemption criteria and sought assurance that the proposals would avoid harmful impacts on protected sites and ancient woodland. Defra responded that:

“Currently there is no environmental regulation of closed loop ground source heating and cooling systems at all. The reinstatement of heat as a pollutant for groundwater will mean that such systems would become regulatable activities. Open loop ground source heating and cooling systems are already subject to regulation as they involve abstracting and discharging water and the heat aspect is considered as part of these applications. We appreciate that a closed loop system will have a smaller impact on the surrounding ground as it is not removing and reinjecting heated and cooled water. However, to protect sensitive groundwater receptors such as wetlands we have sought to ensure that only those systems that are proposed in close proximity to such receptors require direct regulatory controls via an environmental permit from the Environment Agency.

Systems that are outside the designated sensitive areas will continue as now, not to need environmental permits. We consider this a proportionate regulatory approach balancing environmental protection against unnecessary regulatory burden and cost on householders and other potential users of closed loop ground source heating and cooling systems.”

7. We have published the submission by Greener UK and Defra's response in full on our website.<sup>1</sup>
8. The instrument also proposes to "clarify the defence for sewerage undertakers in breach of permit conditions". As no further explanation is offered in the EM, we asked for more information; in particular, whether this clarification could enable sewerage undertakers to avoid enforcement action. Defra responded that the changes were solely aimed at "providing certainty for both the regulator and sewerage undertakers as to when a breach of an environmental permit is not an offence when it has occurred as a consequence of circumstances beyond the control of the operator".
9. Defra specified that these circumstances would apply when: another person caused or knowingly permitted a discharge to be made into the sewer; the undertaker either was not bound to receive the discharge into the sewer or was bound to receive it subject to conditions which were not observed; or "the undertaker could not reasonably have been expected to prevent the discharge into the sewer".
10. Defra told us that the wording "the undertaker could not reasonably have been expected to prevent the discharge into the sewer or works" was tried and tested as it has been transferred from predecessor legislation.<sup>2</sup> The Department said that while the wording does require judgement and interpretation, that would ultimately be for the Courts, as this is a statutory defence in relation to water pollution offences.
11. The instrument further proposes to update the current list of exemptions from the prohibition on direct discharges to groundwater, with the aim of bringing the provisions "in line with current operational practices and facilitate energy recovery and the latest green technology". As the EM does not offer further explanation, we asked about the types of activities that would be permitted by these new exemptions, and whether the exemptions could lead to more direct discharge into groundwater. Defra explained:

"There are two new exemptions that will allow the use of techniques and activities that would otherwise be prohibited, bringing the total number of activities allowed to be permitted [...] to eleven. The first new exemption will allow for the remediation of groundwater and associated land from the effects of pollution. For example, where polluted groundwater has been pumped from the ground, treated to remove pollutants, and is to be returned to the ground. The second will allow techniques to be used that will improve the recovery and extraction of fluids and gas from rocks that also contain groundwater, for the purposes of energy production. An example would be to increase the flow of hot water to extraction points for geothermal heat or energy use.

Whilst this could lead to a greater number of direct discharges, such activities would still require an environmental permit, which the Environment Agency would only grant where it was satisfied that the activity does not pose an unacceptable risk to the environment and

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1 Secondary Legislation Scrutiny Committee's 'Scrutiny evidence' webpage: <https://committees.parliament.uk/committee/255/secondary-legislation-scrutinycommittee/publications/8/scrutiny-evidence/>.

2 Section 87 (2) of the Water Resources Act 1991 which was subsequently used in the Environmental Permitting Regulations 2010 and later in the Environmental Permitting Regulations 2016.

does not compromise the objectives of The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017. Without the controls that a permitting approach would allow for these specific new direct discharge activities, many remediation schemes would not proceed, leaving contaminated groundwater untreated. Similarly, our ambitions to promote certain green energy geothermal schemes would be significantly restricted.”

12. The Department confirmed that the exemption would allow several technologies to be permitted that could be used to enhance the flow of gas and fluid, including hydraulic fracturing. Defra explained, however, that the EA already controls, through the permitting process, low-volume, low-pressure hydraulic fracturing practice in formations that do not have associated groundwater, and that high-pressure fracturing is subject to a Government moratorium.<sup>3</sup> Under the proposed exemption “low volume low pressure fracturing in the onshore oil and gas industry in deep formations containing groundwater could now be permitted, but only where the risk to the environment was demonstrated to be acceptable”, while high-volume high-pressure hydraulic fracturing for shale gas exploration would remain subject to the Government moratorium. The Department added that it was “not currently aware” of any proposals for low-volume and low-pressure fracturing in deep formations containing groundwater in the onshore oil and gas industry.

13. Defra further explained that:

“Low volume, and low pressure, hydraulic fracturing had been historically used in the oil and gas industry for many years to enhance production and ensure the efficient recovery of as much hydrocarbon as possible per well. This practise was not controlled through permitting prior to the commencement of on-shore shale gas exploration as it was considered to be of low environmental risk. Following a detailed review of the regulations, it was recognised that such practice, despite being low risk, was a ‘groundwater activity’ and that the regulations would prohibit this activity in formations where groundwater was present. The practice has therefore effectively been banned since around 2014. That ban, however, also captures many techniques that new and emerging ‘green technologies’ such as Geothermal may also use for efficient energy recovery. The amendment would therefore allow effective regulatory scrutiny, and control, via the EPR where it was appropriate for the recovery or use of energy, and only where the risk to the environment was demonstrated to be acceptable.”

14. The Department concluded that the draft Regulations would “enable innovation on a wider range of sub-surface energy proposals, such as Geothermal energy by requiring effective and proportionate environmental scrutiny and permitting controls”, adding that “geothermal projects may also wish to enhance flow through hydraulic fracturing practice”, but that currently this “green technology would be prohibited without the amended regulation if there was groundwater present in the formation, as occurs in the Cornish and Weardale granites.”

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<sup>3</sup> Department for Business, Energy and Industrial Strategy, Statement HLWS339 (27 October 2022): <https://questions-statements.parliament.uk/written-statements/detail/2022-10-27/hlws339> [accessed 25 April 2023].

15. We note the additional information provided by the Department. Given the public interest in groundwater quality, we have asked Defra to revise the EM, so that a fuller explanation of the issues is available to anyone taking an interest in the changes proposed by this instrument.

## **INSTRUMENTS RELATED TO COVID-19**

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### **Merchant Shipping (Seamen's Documents) (Amendment) Regulations 2023 (SI 2023/365)**

16. The Merchant Shipping (Seamen's Documents) Regulations 1987 (SI 1987/408) laid down qualifying criteria for the issue of a British Seaman's Card which allows the holder to travel to and from ships more easily and to disembark in ports for shore leave or medical treatment. Although based on the International Labour Organisation Seafarers' Documents' Convention 1958 ("ILO 108"), which did include fishermen in its scope, the 1987 Regulations did not extend the use of these documents to fishermen.
17. The Explanatory Memorandum states that during the COVID-19 pandemic, many governments imposed strict travel restrictions but, as key workers, seafarers were often exempt from those restrictions. Without a British Seaman's Card, fishermen were not able to prove they were key workers, which caused problems in some ports including in Norway and Denmark. By making service in a fishing vessel qualifying service for the British Seaman's Card, this instrument will help to facilitate the free movement of fishermen and help move the UK towards the ratification of the ILO Convention. The Department for Transport expects around 1500 applications.

## INSTRUMENTS OF INTEREST

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### **Draft Financial Services and Markets Act 2000 (Commodity Derivatives and Emission Allowances) Order 2023**

18. This Order is intended to simplify a system for determining when a firm trading commodity derivatives or emission allowances as an ‘ancillary activity’ needs, or does not need, to be authorised as an investment firm, and reduces associated reporting requirements. The intention is to reduce regulatory obligations on affected firms, which are seeking to manage their risks rather than make trading profits; examples would be power suppliers trading gas or electricity derivatives, or power generators and airlines trading emission allowances.
19. The instrument is part of a wider reform of wholesale markets regulation following Brexit. The Government’s general approach in this programme, and this instrument, is to remove references to the existing regime from legislation, set the broad regulatory intention and provide the Financial Conduct Authority (FCA) with powers to set the technical standards to achieve this intention. The instrument would thus allow the FCA to replace the EU-derived statistical tests for determining whether trading is an ancillary activity with a more ‘principles-based’ approach. The FCA will design the details of the regime in due course and will consult on specific changes.

### **Draft Financial Services and Markets Act 2000 (Financial Promotion) (Amendment) Order 2023**

20. This instrument would bring cryptoassets into the regulatory regime for financial promotions. The intention is to promote “responsible innovation” in the area while enhancing consumer protection, in a market that the Explanatory Memorandum (EM) says presents “a significant risk to consumers”. A cryptoasset is defined as a “cryptographically secured digital representation of value or contractual rights that uses some type of Distributed Ledger Technology and can be transferred, stored or traded electronically”.<sup>4</sup> Cryptocurrencies, such as bitcoin, are one form of cryptoasset. The changes are part of a “staged approach” to cryptoasset regulation, including an ongoing consultation<sup>5</sup> and measures in the Financial Services and Markets Bill.
21. The Order would mean that businesses promoting cryptoassets would ordinarily need to either be authorised by the Financial Conduct Authority (FCA) or have their promotions approved by an authorised person. However, there is an exemption for UK-based businesses on the FCA’s anti-money laundering register, without which the EM states the changes could amount to an effective ban on cryptoasset promotions. The exemption is temporary, but with no end date.

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4 HM Treasury, ‘Cryptoassets Taskforce: final report’ (October 2018): <https://www.gov.uk/government/publications/cryptoassets-taskforce> [accessed 25 April 2023].

5 HM Treasury, ‘Future financial services regulatory regime for cryptoassets’ (February 2023): <https://www.gov.uk/government/consultations/future-financial-services-regulatory-regime-for-cryptoassets> [accessed 25 April 2023].

### **Environment (Local Nature Recovery Strategies) (Procedure) Regulations 2023 (SI 2023/341)**

22. This instrument sets out the procedure that needs to be followed for the preparation, publication, and review of local nature recovery strategies (LNRS) in England. LNRS are a new system of “county-scale spatial strategies” that, according to the Department for Environment, Food and Rural Affairs (Defra), will “identify where action for nature will have particular benefit, both for nature itself and for the wider natural environment”. They form part of a package of measures introduced by the Environment Act 2021 to reverse the decline of nature.
23. Defra says that LNRS should work together with other measures such as Environmental Improvement Plans and legally binding targets. The preparation of LNRS will be locally led by a “responsible authority”, such as a local authority or a National Park authority, which will be appointed by the Secretary of State and supported by Natural England. The responsible authority will map the most valuable existing nature areas, agree priorities for recovery and map specific proposals for creating or improving habitat for nature and wider environmental goals. This instrument sets out how LNRS must be prepared in co-operation with other parties and how any disputes should be resolved. Alongside the instrument, Defra has published statutory guidance<sup>6</sup> which sets out what LNRS should include.
24. We have received a submission from Wildlife and Countryside Link which raises questions about the Department’s approach and the practical implementation of LNRS. We have published the submission and Defra’s response in full on our website.<sup>7</sup>

### **Social Security Additional Payments (First Qualifying Day) Regulations 2023 (SI 2023/361)**

25. This instrument specifies 25 February 2023 as the first qualifying day for the initial £301 Cost of Living Payment under the Social Security (Additional Payments) Act 2023 (“the Act”). This date is retrospective as the Act came into force on 23 March 2023; however, the Department for Work and Pensions states that, to avoid fraud, it has always been the policy intention only to announce the qualifying day after it had passed. This payment is part of the package of measures announced in the Government’s Autumn Statement 2022,<sup>8</sup> to mitigate the continuing increases in the cost of living for the approximately eight million households receiving the specified means-tested benefits. Eligible households will receive instalments of up to £900 at a total cost to the Exchequer of around £7.5 billion in 2023–24.

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6 Department for Environment, Food and Rural Affairs, ‘Local nature recovery strategy: what to include’, (23 March 2023): <https://www.gov.uk/government/publications/local-nature-recovery-strategy-what-to-include> [accessed 24 April 2023].

7 Secondary Legislation Scrutiny Committee’s ‘Scrutiny evidence’ webpage: <https://committees.parliament.uk/committee/255/secondary-legislation-scrutinycommittee/publications/8/scrutiny-evidence/>.

8 HM Treasury, ‘Autumn Statement 2022: Cost of living support factsheet’ (21 November 2022): <https://www.gov.uk/government/publications/autumn-statement-2022-cost-of-living-support-factsheet> [accessed 24 April 2023].

**Education (Pupil Information and School Performance Information) (England) (Amendment) Regulations 2023 (SI 2023/380)**

26. Currently, schools are required to conduct tests on pupils at the end of Key Stage 1 (KS1, the first two years of schooling, covering ages 5 to 7) and to report the results; for example, in the headteacher's annual report. An instrument laid alongside these Regulations abolishes the requirement for the tests from the 2023–24 academic year,<sup>9</sup> and these Regulations remove the associated reporting requirements. The changes reflect a move to testing at the start, rather than the end, of KS1 as the baseline for assessment of progress in primary schools, using the Reception Baseline Assessment (RBA). The RBA became statutory from September 2021 and by 2023–24, all children reaching the end of KS1 will have an RBA.
27. The Explanatory Memorandum (EM) states that KS1 tests will continue to be available, and the Government will “encourage” schools to administer them, but on an optional basis.
28. The change from KS1 tests to RBA was announced in the response to a 2017 consultation.<sup>10</sup> The detailed policymaking process since appears to have been thorough and is well described in the EM, for which we commend the Department.

**Parole Board (Amendment) Rules 2023 (SI 2023/397)**

29. These Rules allow (but do not require) prison and probation staff to give their professional opinion on a prisoner's suitability for release on parole in their initial reports to the Parole Board. The instrument reverses provisions introduced in 2022 that changed the way written reports are presented to the Parole Board for those convicted of the most serious crimes.<sup>11</sup> Under the 2022 system, the Secretary of State could present the Board with a ‘single view’ about the suitability of a prisoner for release, taking account of all written evidence, and staff were prevented from providing their professional opinions directly. However, on 15 March 2023, the High Court ruled that these changes had been applied in a way that prevented staff providing views at any stage of the process, including in response to questions from the Board, and that this was unlawful. These Rules preserve the option for the Secretary of State to present a single view but provide that prison and probation staff may also provide their individual professional opinions.
30. The Rules came into force just four days after making, breaching the convention that a ‘made negative’ statutory instrument should be laid before Parliament for at least 21 days before it comes into force. The Ministry of Justice said this was because the Court ruling meant the previous system was likely to be struck down on 4 April, and that without new Rules there could have been confusion and disruption to parole hearings.

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9 The Education (National Curriculum) (Key Stage 1 Assessment Arrangements) (England) (Amendment) Order 2023 (SI 2023/375).

10 Department for Education, ‘Primary assessment in England: Government consultation response’ (September 2017): [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/644871/Primary\\_assessment\\_consultation\\_response.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/644871/Primary_assessment_consultation_response.pdf) [accessed 25 April 2023].

11 Parole Board (Amendment) Rules 2022 (SI 2022/717), noted as an instrument of interest in *10th Report*, Session 2022–23 (HL Paper 56), pp 10–11.

**Supported Accommodation (England) Regulations 2023 (SI 2023/416)**

31. These Regulations introduce mandatory national standards and Ofsted registration and inspection for providers of supported accommodation for looked after children (LAC) and 16- to 17-year-old care leavers. The measures are intended to raise quality, keep young people safe and allow action to be taken if provision is not meeting the required standards.
32. Supported accommodation is an alternative to fostering or a children's home if the child is 16 or over and able to live more independently. Examples are group-living arrangements, supported lodgings with a family, or solo living with on-site or visiting support. The Department for Education (DfE) states that supported accommodation has grown rapidly in importance, but currently has very limited oversight. DfE says that the Regulations take a "proportionate approach"; for instance, with registration and inspection at the level of the provider, rather than (as with children's homes) at each individual address.
33. DfE estimates that the costs of the new regime will ultimately fall on local authorities (LAs) as providers increase their fees to cover increased operating costs. Hence, the Government have provided LAs with £123 million 'new burdens' funding over three years. Ofsted will also receive £17 million in additional funding over three years to implement the new regime. The Explanatory Memorandum (EM) reports an extensive consultation process, including specific versions aimed at children and young people, and qualitative research with care-experienced young people. **We welcome these steps to improve the policy-making process and the summary of them in the EM.**

## INSTRUMENTS NOT DRAWN TO THE SPECIAL ATTENTION OF THE HOUSE

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### Instruments subject to affirmative approval

|       |                                                                                                    |
|-------|----------------------------------------------------------------------------------------------------|
| Draft | Financial Services and Markets Act 2000 (Commodity Derivatives and Emission Allowances) Order 2023 |
| Draft | Financial Services and Markets Act 2000 (Financial Promotion) (Amendment) Order 2023               |
| Draft | Flags (Northern Ireland) (Amendment) Regulations 2023 <sup>12</sup>                                |
| Draft | Public Service Vehicles (Accessible Information) Regulations 2023                                  |

### Instruments subject to annulment

|             |                                                                                                         |
|-------------|---------------------------------------------------------------------------------------------------------|
| SI 2023/341 | Environment (Local Nature Recovery Strategies) (Procedure) Regulations 2023                             |
| SI 2023/344 | Register of Overseas Entities (Disclosure and Dispositions) Regulations 2023                            |
| SI 2023/346 | Immigration (Offshore Worker Notification and Exemption from Control (Amendment)) Regulations 2023      |
| SI 2023/349 | Immigration and Nationality (Fees) (Amendment) Regulations 2023                                         |
| SI 2023/352 | Government Resources and Accounts Act 2000 (Estimates and Accounts) Order 2023                          |
| SI 2023/361 | Social Security Additional Payments (First Qualifying Day) Regulations 2023                             |
| SI 2023/365 | Merchant Shipping (Seamen's Documents) (Amendment) Regulations 2023                                     |
| SI 2023/366 | Criminal Legal Aid (Remuneration) (Amendment) (No. 2) Regulations 2023                                  |
| SI 2023/367 | National Health Service (Dental Charges) (Amendment) Regulations 2023                                   |
| SI 2023/380 | Education (Pupil Information and School Performance Information) (England) (Amendment) Regulations 2023 |
| SI 2023/384 | Merchant Shipping (Prevention of Air Pollution by Ships) (Amendment) Regulations 2023                   |
| SI 2023/386 | School Teachers' Pay and Conditions (England) (No. 2) (Amendment) Order 2023                            |
| SI 2023/397 | Parole Board (Amendment) Rules 2023                                                                     |
| SI 2023/405 | Care and Support (Charging and Assessment of Resources) (Amendment) (No. 2) Regulations 2023            |

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<sup>12</sup> These Regulations replaced an earlier version of the same instrument that was withdrawn when the Northern Ireland Office realised that there were errors in the coming into force date. We published an information paragraph on the original version of the instrument in *34th Report*, Session 2022–23 (HL Paper 172), p 7.

- SI 2023/414 Data Protection Act 2018 (Transitional Provision) Regulations 2023
- SI 2023/416 Supported Accommodation (England) Regulations 2023
- SI 2023/424 Secretaries of State for Energy Security and Net Zero, for Science, Innovation and Technology, for Business and Trade, and for Culture, Media and Sport and the Transfer of Functions (National Security and Investment Act 2021 etc) Order 2023

## APPENDIX 1: INTERESTS AND ATTENDANCE

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Committee Members' registered interests may be examined in the online Register of Lords' Interests at <https://members.parliament.uk/members/lords/interests/register-of-lords-interests>. The Register may also be inspected in the Parliamentary Archives.

For the business taken at the meeting on 25 April 2023 and included in this report, Members declared the following interests:

### **Draft Environmental Permitting (England and Wales) (Amendment) (England) Regulations 2023**

Lord De Mauley

*Owner of land with septic tanks*

### **Attendance:**

The meeting was attended by Lord De Mauley, Baroness Harris of Richmond, Lord Hunt of Wirral, Lord Hutton of Furness, Baroness Lea of Lymm, Baroness Randerson, Baroness Ritchie of Downpatrick, Lord Rowlands, and Lord Thomas of Cwmgiedd.