# HOUSE OF LORDS

## Secondary Legislation Scrutiny Committee

## 38th Report of Session 2022–23

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

### Draft Medical Devices (Amendment) (Great Britain) Regulations 2023

### Draft Public Order Act 1986 (Serious Disruption to the Life of the Community) Regulations 2023

### Draft REACH (Amendment) Regulations 2023

### Russia (Sanctions) (EU Exit) (Amendment) Regulations 2023

### Energy Bills Discount Scheme Regulations 2023 and four related instruments

### Education (Induction Arrangements for School Teachers) (England) (Amendment) Regulations 2023

### Correspondence: Update from the Department for Transport on its maritime backlog

### Includes information paragraphs on:

Draft Animal Welfare (Electronic Collars) (England) Regulations 2023

Draft Building Safety (Responsible Actors Scheme and Prohibitions) Regulations 2023

Draft Justice and Security (Northern Ireland) Act 2007 (Extension of Duration of Non-jury Trial Provisions) Order 2023

Draft Packaging Waste (Data Reporting) (Amendment) (England) Regulations 2023

Draft Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) (England and Wales) Order 2023

Draft Strategic Highways Company (Name Change and Consequential Amendments) Regulations 2023

Single Trade Window (Preparation) Regulations 2023

PEACE PLUS Programme (Northern Ireland) 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/uksi

## *Contacts*

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

# Thirty Eighth Report

## DRAWN TO THE SPECIAL ATTENTION OF THE HOUSE

### Draft Medical Devices (Amendment) (Great Britain) Regulations Draft 2023

***Date laid: 27 April 2023***

***Parliamentary procedure: affirmative***

*This instrument delays the sole use of UK conformity assessment marking for medical devices placed on the market in Great Britain from 30 June 2023 to 30 June 2030. This is a significant extension to the post-Brexit transition period during which both UK and EU conformity marks will be accepted, and this report expands on the Explanatory Memorandum to set out in more detail the Government's reasons why a seven-year extension is required.*

*The extension is partly in response to a Europe-wide shortage of assessment capacity for these and other goods and also due to the Medicines and Healthcare products Regulatory Agency's intention to strengthen the future regulatory framework for medical devices in the UK in a way that both improves safety while also enabling innovation.*

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

1. The UK Conformity Assessed (UKCA) marketing regime for medical devices, which checks their quality and efficacy, has been in operation since 1 January 2021. Since then, manufacturers wishing to place medical devices on the market in Great Britain have had the option to use either the UKCA route or to continue to comply with the CE marking requirements under EU legislation. The original intention was to run the two systems in tandem for a transitional period until 30 June 2023, however, this instrument extends the dual system until 30 June 2030. The regulatory system in Great Britain is run by the Medicines and Healthcare products Regulatory Agency (MHRA).

2. The future regime will regulate medical devices for Great Britain. The regulatory arrangements for medicines under the Windsor Framework do not apply to medical devices. The EU Medical Devices Regulations (EU MDR and EU IVDR) apply in Northern Ireland and will continue to do so.

#### *Background*

3. The term "medical devices" includes most healthcare products, other than medicines, used for the diagnosis, prevention, monitoring and treatment of disease, injury, or disability. Medical devices cover everything from artificial hips to wound dressings, incubators to infusion pumps and MRI scanners to scalpels. The legislation also refers to "in vitro diagnostic medical devices" (IVDs) which are used to test samples taken from the human body and are used to monitor a person's overall health or to treat or prevent diseases. These include blood tests to detect HIV and hepatitis, tests for cancer biomarkers, and COVID-19 and flu tests from nasal swabs.

4. The UK medical technology sector comprises an estimated 4,924 UK businesses, and nearly 11,000 other businesses have registered medical devices with MHRA solely with CE marking, not yet with UKCA marking.

*Reason for extension*

5. Extending by seven years the cut-off date, after which only UKCA marks will be accepted, required further explanation. The original date of 30 June 2023 was set as part of the arrangements for the UK exiting the EU. This was to provide manufacturers with time to adjust to future UK regulations that were to be consulted on and published at a later date.

6. Progress with assessing medical devices has also been quite slow: the MHRA does not have an estimate of the total number of registered medical devices that are UKCA, rather than CE, marked, but can state that of the 789,581 new medical products registered with the MHRA in the 12 months from April 2022–March 2023, only 71,469 (9.1%) were UKCA marked.

7. MHRA identified two key factors for requiring a longer transition period:

- There is limited third party conformity assessment capacity, that is UK Approved Bodies which need to assess certain higher risk medical devices before they can be affixed with UKCA marks and placed on the market in Great Britain. This shortage is not limited to the UK, and was cited in the recent extension to timelines for implementation of the EU medical devices regulations.

- The MHRA has observed the EU's experience in delivering its new medical devices regulations and wants to ensure it adopts a workable timeline to deliver a robust, modern regulatory framework that, from day 1, is fit for purpose for both innovative and well-established devices.

*A new regulatory system*

8. The MHRA has already carried out a public consultation on its plans to reform the current system. Further legislation is to follow, but the length of the extension period is also intended to provide time for industry to adapt to the revised requirements under the UK Medical Devices Regime.

9. The MHRA states that the planned reform is extensive and includes plans to reclassify products, to increase information gathered at the point of devices' registration, to strengthen post-market surveillance requirements to ensure better incident monitoring reporting and vigilance, and to introduce alternative routes to market.[1]

*Firms' incentive for seeking UKCA mark?*

10. We had a practical concern about what the incentive would be for firms to seek UK authorisation at additional cost if a CE marking is still accepted, as the CE mark gives firms access to the whole of the EU as well. MHRA replied:

1 A fuller explanation is given in the Government's response to the consultation exercise: 'Consultation on the future regulation of medical devices in the United Kingdom' (June 2022): https://www.gov.uk/government/consultations/consultation-on-the-future-regulation-of-medical-devices-in-the-united-kingdom [accessed 5 May 2023].

"We anticipate gradual movement from CE marking in the GB market to UKCA marking, allowing for capacity in Approved Bodies to be built and helping ensure there is no 'last minute rush' to get devices approved. Manufacturers will be prompted to consider shifting to the UKCA mark as they will not be able to rely on expired CE certificates (other than those the EU has extended under EU medical devices regulations).

The government intends to make a further amendment in future (not as part of this SI). This will provide that, once the future regime for medical devices is in place, it will not be possible to rely on EU MDR or EU IVDR CE certificates that are renewed after the future regime fully applies (due from 1 July 2025) for placing medical devices on the Great Britain market. This would be a further prompt for manufacturers to consider shifting to UKCA marking on devices being placed on the GB market when such certificates come up for renewal."

## Draft Public Order Act 1986 (Serious Disruption to the Life of the Community) Regulations 2023

***Date laid: 27 April 2023***

***Parliamentary procedure: affirmative***

*These draft Regulations are intended to assist the policing of protests by providing clarity around when the police can intervene to prevent "serious disruption to the life of a community". The instrument would lower the threshold for "serious" disruption and would make other changes, for example referring to the cumulative impact of repeated protests. The same changes were rejected by the House of Lords when put forward as amendments during the passage of the Public Order Bill (which, when enacted, became the Public Order Act 2023), and the Home Office has not provided any new arguments as to why they should now be approved.* ***The House may wish to consider both the possible constitutional issues that arise and whether it retains its earlier view on the measures.*** *We also have concerns that the Explanatory Memorandum (EM) does not mention the defeat during the debates on the Bill.* ***The EM should acknowledge and address significant concerns expressed about the policy.*** *Finally, there were weaknesses in the consultation process, which was confined to groups likely to support the measures.* ***Given the profile of the issue and the wide range of interested parties, the Home Office should, according to the Government's own Consultation Principles, have consulted more widely before bringing forward the proposals.***

**These draft Regulations are drawn to the special attention of the House on the grounds that the explanatory material laid in support provides insufficient information to gain a clear understanding about the instrument's policy objective and intended implementation.**

### *Background*

11. This instrument would amend the Public Order Act 1986 ("the 1986 Act") to provide greater clarity about, and a lower threshold for, whether a procession or assembly in England and Wales is likely to cause "serious disruption to the life of the community". This phrase provides a test that, if met, allows the police to impose conditions on the event, such as specifying a particular route or prohibiting the event altogether. The changes are intended to allow the police to react more appropriately and consistently to protests, such as those carried out by Extinction Rebellion and Just Stop Oil.

12. The Regulations use powers inserted in 1986 Act by the Police, Crime, Sentencing and Courts Act 2022 ("the 2022 Act"). The 2022 Act did not attempt to define "serious disruption to the life of a community" but provided a non-exhaustive list of examples in which the threshold might be met, as well as powers for the Secretary of State to make further provision about the meaning of the phrase. The Explanatory Memorandum (EM) states that further definition is needed because in cases such as Extinction Rebellion and Just Stop Oil, even with the examples provided by the 2022 Act, "the police were clear that their powers to impose conditions on such protests were limited".

13. We asked further questions of the Home Office on these Regulations. The questions, and Home office's responses, can be found at Appendix 1.

*What changes do the Regulations make?*

14. The Regulations seek to correct current deficiencies in, and provide clarity to, the definition of "serious disruption to the life of a community" by:

- Providing that serious disruption can include the *cumulative impact* of concurrent and repeated protests in the same area.
- Referring to *absolute disruption*: that is, whether or not there may be disruption in an area regardless of the procession or assembly. We found this concept unclear; the Home Office told us that it is to "avoid the circumstances where deliberately disruptive acts are justified by the fact that certain forms of disruption [such as traffic jams] may occur regularly in an area when there are no protests".
- Stating that the *definition of "community"* can include persons affected by the protest and not just those who live or work in the vicinity of that procession or assembly.
- *Amending the list of examples* provided by the 2022 Act to include where a protest may result in "the prevention of, or a hinderance that is more than minor to, the carrying out of day-to-day activities (including in particular the making of a journey)".
- *Lowering the threshold* for serious disruption from "significant" and "prolonged" to "more than minor". There is no further definition of "minor", which again leads to some lack of clarity and uncertainty, although the EM states that the phrasing "aligns with" recent protest case law.

*Lords rejection of the measures earlier this year*

15. The measures in the Regulations were originally brought forward, and in the same form,[2] as new Government amendments to the Public Order Bill (now the Public Order Act 2023 ("the 2023 Act")) at Report stage in the House of Lords but were rejected by the House.[3]

16. We asked the Home Office why it was appropriate to bring back a measure defeated during the passage of primary legislation as secondary legislation, which is subject to less scrutiny. The Home Office responded that this was to ensure consistency across the statute book and to provide clarity to the police, the courts, and the public. Specifically, the Home Office referred to other amendments agreed by Parliament in the passage of the 2023 Act that defined serious disruption using the "more than minor" threshold, in relation to two new offences of 'locking-on' and 'tunnelling'. The Home Office said, therefore, that it was trying to avoid a situation where "serious disruption" has different definitions in different areas of public order legislation. As mentioned above, the Home Office also stated that the "more than minor" threshold aligns with recent case law.

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2 Except that the defeated amendments contained one additional measure, which would have allowed the police to impose "blanket conditions" on separate but connected gatherings. This provision has not been brought back in the Regulations as it was considered out of scope of the delegated powers in the parent Act.

3 The provisions were introduced as amendments 48 and 49. They were debated on 30 January 2023 (HL Deb, 30 January 2023, cols 426–89). Amendment 48 was defeated on division on 7 February 2023 and amendment 49 was then not moved (HL Deb, 7 February 2023, cols 1117–23).

17. We accept that consistency across the statute book, and with case law, could be a desirable aim. However, the arguments about consistency were made prominently during the debate on the defeated amendments. **It might, therefore, have been the House's deliberate wish that different situations merit different thresholds**. In addition, the Regulations contain elements other than the change in the threshold to "more than minor"; for example, that cumulative impact can result in serious disruption. **In other words, the Regulations seek to introduce changes wider than would be necessary solely to create consistency within the statute book and no justification has been advanced for bringing back these wider changes.**

18. **As well as not justifying the substance of the provisions, the Home Office has not provided any reasons for bringing the measures back in the form of secondary legislation, which is subject to less scrutiny, so soon after they were rejected in primary legislation**. We are not aware of any examples of this approach being taken in the past; the House may wish to verify this with the Minister. **We believe this raises possible constitutional issues that the House may wish to consider.**

### *Transparency*

19. The EM is the main explanatory material for the Regulations. However, the EM did not mention the defeat of the measures during the passage of the 2023 Act. We asked the Home Office why this was, but the Home Office did not directly respond. **The EM was not satisfactory. In its main explanatory material, the Home Office needs to acknowledge and address significant concerns expressed about its policy**.

### *Inadequate consultation*

20. The EM stated that the Home Office had consulted a number of law enforcement bodies and National Highways, the body that looks after England's major roads, when drawing up the policy. The Home Office told us its view was that "consulting those who would help ensure the Statutory Instrument would be operationally useful was most important".

21. However, the Government's own Consultation Principles[4] state that departments should "consider the full range of people, business and voluntary bodies affected by the policy." In an Economic Note accompanying the Regulations, the Home Office acknowledges that a wide range of groups will be affected, including the public and protestors.

22. **Given that this is a controversial policy with a wide range of interested parties and strongly felt views, the consultation processes described in the EM are not adequate. A full public consultation, before bringing forward the proposals, would have been appropriate to maximise the chances that the outcome was clear and workable.** A wider consultation might have resulted in clearer definitions within the Regulations.

23. In the Economic Note, the Home Office said that one reason there was not a public consultation was that "a similar provision was debated during the House of Lords Report Stage of the Public Order Act 2023". While important, a debate in Parliament is not a substitute for in-depth consideration by a

4 Cabinet Office, 'Consultation principles: guidance' (March 2018): https://www.gov.uk/government/publications/consultation-principles-guidance [accessed 9 May 2023].

range of interested parties and those with expert knowledge at the policy formation stage. Moreover, the House of Lords expressed its view by rejecting the measures, yet they have been brought back unchanged.

*Conclusion*

24. These Regulations are intended to assist the policing of protests by providing clarity around when the police can intervene to prevent "serious disruption to the life of a community". The instrument would reduce the threshold for "serious" disruption from "significant" and "prolonged" to "more than minor" and would make other changes, for example referring to the cumulative impact of repeated protests. We find some of the definitions unclear and, therefore, unhelpful—something which, perhaps, could have been improved by a more comprehensive consultation.

25. The same changes were rejected by the House of Lords when put forward as amendments to the Bill that became the Public Order Act 2023—although the Home Office did not refer to this in the main explanatory material. The Government justify bringing the measures back by stating that they will provide consistency with other parts of the statute book. However, not all the provisions are relevant to consistency, and, in any case, the House of Lords was fully aware of this argument when it rejected the original amendments. **The House may wish to consider both the constitutional issues that may arise and whether it retains its earlier view on the measures.**

## Draft REACH (Amendment) Regulations 2023

***Date laid: 20 April 2023***

***Parliamentary procedure: affirmative***

*These draft Regulations propose to extend by three years several deadlines under the transitional arrangements which were put in place after Brexit for the move from the EU's regime for the Registration, Evaluation, Authorisation and Restriction of Chemicals (EU REACH) to the UK's new domestic regulatory regime (UK REACH). This would be the second extension of the deadlines. Defra says that the extensions are proposed in response to concerns by industry about the costs of the current transitional arrangements, and that they will allow the Department to work with the Health and Safety Executive (HSE), as the regulator of UK REACH, and others to develop, legislate for and implement by "late 2024" an Alternative Transitional Registration (ATR) model for EU REACH registrations that have transferred to UK REACH.*

*We have received a submission from the CHEM Trust which raises a number of questions and concerns about the instrument, including about a potential weakening of protections of human health and the environment, about the development and implementation of the new ATR model and about HSE's capacity to carry out its regulatory function in this area.* ***Given the complexity of the transition from EU REACH to UK REACH and of the development of the new ATR model, we are concerned that the deadline of late 2024 for its implementation may not be achievable; and we are disappointed that while the Retained EU Law (Revocation and Reform) Bill is about to progress to Report Stage in the House of Lords, the Department is not able to say whether the Bill and its sunset provisions will impact on the proposed extended deadlines in these draft Regulations. These are issues on which the House may wish to press the Minister further.***

**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.**

26. These draft Regulations have been laid by the Department for Environment, Food and Rural Affairs (Defra) with an Explanatory Memorandum (EM) and Impact Assessment (IA). The purpose of the instrument is to extend by three years several deadlines under the transitional arrangements which were put in place after Brexit for the move from the EU's regime for the Registration, Evaluation, Authorisation and Restriction of Chemicals (EU REACH) to the UK's new domestic regulatory regime (UK REACH).[5] This would be the second extension of the deadlines.[6]

27. We have received a submission from the CHEM Trust which raises a number of questions and concerns about the instrument. We have published the submission and Defra's response in full on our website.[7]

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5 UK REACH was established by the REACH etc. (Amendment etc.) (EU Exit) Regulations 2019 (SI 2019/758), see: SLSC Sub-Committee B, *15th Report* (Session 2017–19, HL Paper 281).

6 The first extension was provided through the Draft REACH etc. (Amendment etc.) (EU Exit) Regulations 2020, see: *34th Report* (Session 2019–21, HL Paper 172).

7 Secondary Legislation Scrutiny Committee, 'Scrutin6y evidence' webpage: https://committees.parliament.uk/committee/255/secondary-legislation-scrutiny-committee/publications/8/scrutiny-evidence/ [accessed 5 May 2023].

*Background and policy rationale*

28. While UK REACH regulates the use of chemicals in Great Britain (GB), EU REACH continues to apply in Northern Ireland under the Northern Ireland Protocol. UK REACH is administered in GB by the Health and Safety Executive (HSE) with the aim of ensuring appropriate protection and management of the use of chemical substances and their associated risks.

29. Both EU REACH and UK REACH operate on the basis of 'no data, no market'. UK REACH requires substances that are manufactured in, or imported into, GB to be registered with HSE. To register a substance, registrants need to provide information on the hazards, uses and environmental and human exposure of the substance. The registration information is used by HSE for regulatory purposes and by the registrants to identify appropriate risk management measures for themselves and other users in the supply chain.

30. Following Brexit, GB-based companies with existing registrations under EU REACH were able to transfer these to UK REACH, and GB-based suppliers and users of chemicals that were registered in EU REACH but for which they were not the registration holder were given time to prepare for UK REACH registration. Under these arrangements, registrants had to provide HSE with an initial notification, followed by the remaining technical dossier and a chemical safety report, where required, within certain deadlines. The aim of the transitional provisions was to reduce the disruption to industry from moving from EU REACH to the new UK REACH regime.

31. The Department says that in response to concerns by industry about the costs of obtaining the information needed to comply with the transitional provisions, it is working with HSE and the Environment Agency, to develop an Alternative Transitional Registration model (ATR) for EU REACH registrations that have been transferred to UK REACH. The aim is to "reduce the need for replicating EU REACH hazard information by placing a greater emphasis on improving our understanding of the uses and exposures of chemicals in the context of Great Britain". The IA that has been provided with the draft Regulations estimates that the current regulatory requirements could cost industry £2 billion by 2027, adding that this figure is "highly uncertain" and that it could fall within the range of £1.3 billion to £3.5 billion, depending on industry behaviour.

32. The Department says that because it will take until "late 2024" to develop, legislate for and implement the new ATR model, including changes to the IT system, the current submission deadlines under the transitional arrangements need to be extended. According to Defra, this will avoid industry incurring costs of complying with registration requirements under the current policy when the information requirements may change under the new alternative approach. **Given the complexity of the transition from EU REACH to UK REACH and of the development of the new ATR model, we are concerned that the deadline of late 2024 for its implementation may not be achievable**.

*Proposed extension of the deadlines*

33. The deadlines that this instrument proposes to extend are those for registrants to submit information to HSE; the period in which users and distributors who were importing chemicals before the end of the Brexit Implementation Period can continue to import chemicals from the EU without submitting

a full registration; and the deadlines by which HSE is required to carry out compliance checks, so that the HSE deadlines align with the extended information submission deadlines.

34. The deadlines are to be extended as follows, depending on the tonnage and hazard profile of the relevant substance:

- From 27 October 2023 to 27 October 2026 for substances included on the EU REACH candidate list before UK REACH came into effect on 31 December 2020; substances that are carcinogenic, mutagenic or toxic for reproduction and manufactured or imported in quantities of 1 tonne a year or more; substances that are very toxic to aquatic life and manufactured or imported in quantities of 100 tonnes or more a year; and all substances manufactured or imported in quantities of 1,000 tonnes or more a year.

- From 27 October 2025 to 27 October 2028 for substances added to the UK REACH candidate list before 27 October 2023; and all substances manufactured or imported in quantities of 100 tonnes or more a year.

- From 27 October 2027 to 27 October 2030 for all substances manufactured or imported in quantities of 1 tonne or more a year.

35. The current arrangements place a duty on HSE to carry out compliance checks by 31 December 2023 and 2027 on no less than 20% of the registration dossiers received, according to tonnage. As these compliance checking deadlines fall before the proposed new submission deadlines, the instrument proposes to amend the dates by which HSE must carry out its compliance checks to 27 October 2027, 27 October 2030 and 27 October 2035, to correspond to the three extended information submission deadlines set out above.

### *Devolution*

36. Defra says that the Devolved Administrations of Scotland and Wales were consulted on the proposed extensions and have consented to this instrument.

### *Retained EU Law (Revocation and Reform) Bill*

37. As UK REACH draws on retained EU law, we asked to what extent the Retained EU Law (Revocation and Reform) Bill ("the REUL Bill"), which is to go to Report Stage in the House of Lords on 15 May, would impact on this instrument, in particular how the proposed three-year extension of the UK REACH deadlines would interact with the sunset provisions contained in the REUL Bill, and whether further legislation would be needed to preserve UK REACH. Defra told us that:

> "At this stage, decisions have not been made on specific pieces of Defra's REUL. The Government is analysing all retained EU law to enable us to determine what should be preserved as part of domestic law and what should be repealed or amended."

38. **We are disappointed that while the REUL Bill has completed its stages in the Commons and is about to progress to Report Stage in the Lords, the Department is not able to say whether the REUL Bill and its sunset provisions will impact on these draft Regulations and the proposed extended deadlines**.

*Concerns*

39. Given the significant costs to industry arising from the transitional arrangements, we asked the Department about the incentive for businesses to seek registration under UK REACH (for the GB market only) in addition to EU REACH (for the EU market) and whether the UK could continue to accept EU REACH registrations, thus avoiding additional costs to industry. Defra responded that:

> "Companies which introduce chemicals onto the GB market by manufacture or import should be responsible and accountable for understanding the information which is necessary to ensure safe use within GB. That accountability would be absent if we were to rely instead on registrations submitted by EU operators for the purposes of EU REACH. Registration also provides data on chemical substances to UK Regulators to inform regulatory measures to control the highest risk chemicals in GB. UK Regulators do not have access to the full EU REACH registration database for those purposes. The aim of the work on the Alternative Transitional Registration model is to try to reduce costs to industry while ensuring the UK regulator can ensure high levels of environment and health protections."

40. Defra explains that during public consultation,[8] 82% of the 289 responses, in particular responses from industry, had a strong preference for a three-year extension, while Non-Governmental Organisations (NGOs) preferred no extension at all due to concerns that the new ATR model would be weaker and less protective of human health and the environment than the current transitional arrangements. This concern is reflected in the submission we received from the CHEM Trust which also questioned whether the ATR model would signal a move away from the precautionary principle that underpins EU REACH towards a risk-based approach. In response to the concerns raised, Defra explained that:

> "There was overwhelming agreement from respondents that the changes will not significantly impact on the high levels of protection. Both options we consulted on were consistent with Article 1 of REACH, as is a requirement in the provisions in the Environment Act, in ensuring a high level of protection of human health and environment as evidenced in the Consistency Statement and impact assessment which accompanied the public consultation.
>
> The ATR model itself is intended to address a number of the issues raised in previous parliamentary debates on REACH, including the potential costs to business and the risk of duplicating tests, especially animal tests.
>
> The new model is still under development and Defra are working with Industry and NGOs, including CHEM Trust who are members of the stakeholder Oversight Group, to develop a model that would address the costs to industry, while continuing to ensure high levels of protection of Human Heath and the Environment."

41. The Department added that:

8 Defra, 'Consultation outcome: UK REACH: extending submission deadlines for transitional registrations', (November 2022): https://www.gov.uk/government/consultations/uk-reach-extending-submission-deadlines-for-transitional-registrations [accessed 5 May 2023].

> "This SI and its associated documentation do not provide for or consider the ATR model itself, as it is still under development. That model will involve a much wider range of issues which will be examined in its own consultation process and impact assessment in due course.
>
> 'Doing nothing', as suggested by some of the NGOs who responded to the consultation, including ChemTrust, is not a viable option as it could lead to industry having to expend considerable resources providing full registrations by October 2023 according to the existing regulatory requirements when those requirements are likely to change under the ATR model.
>
> UK REACH remains underpinned by the precautionary principle. This is established in Article 1 of REACH, which is listed as a 'protected provision' in Schedule 21 to the Environment Act 2021, meaning that it cannot be amended under the Act. Any amendments to UK REACH using the powers in the Environment Act must also be consistent with Article 1. The regulatory procedures in REACH are clearly linked to the assessment of risk, which does not contradict the precautionary principle."

42. The CHEM Trust also questioned whether, given the cost of EU REACH data packages, HSE would be more reliant on EU hazard data that is publicly available. Asked whether HSE would have the right to request the full chemical safety data submitted to EU REACH if the publicly available data was insufficient for evaluating a substance, Defra responded that:

> "There are already processes in UK REACH (under Articles 36, 41 and 46) whereby the regulator can require companies to provide additional information. These powers remain unchanged under the provisions in this draft SI. Regulatory assurance is an important factor in the development of the ATR model and various options are being considered as part of the development of the ATR model."

43. The CHEM Trust further raised concerns about the capacity of HSE to carry out its regulatory function under UK REACH. The Department responded that HSE had increased staffing levels in its Chemicals Regulation Division by 46% between September 2020 and March 2022 and had continued to build capacity in the last year.

*Conclusion*

44. The extensions proposed by this instrument would be the second time that the deadlines for the transition from EU REACH to UK REACH are extended. The Department acknowledges concerns by industry about the costs of the transition and has committed to developing an alternative model. **Given the complexity of the transition from EU REACH to UK REACH and of the development of the new ATR model, we are concerned that the deadline of late 2024 for its implementation may not be achievable. In addition, there are concerns by environmental NGOs about a potential weakening of protections of human health and the environment and about HSE's capacity to carry out its regulatory function in this area. There is also uncertainty about the impact of the REUL Bill and its sunset provisions on the proposed extended deadlines in these draft Regulations. These are issues on which the House may wish to press the Minister further.**

## Russia (Sanctions) (EU Exit) (Amendment) Regulations 2023 (SI 2023/440)

***Date laid: 18 April 2023***

***Parliamentary procedure: made affirmative***

*With immediate effect, these Regulations, the eighteenth in the series, further extended current trade sanctions to ban the export, supply and delivery of a range of UK goods that Russia has been found using on the battlefield, and extended the ban on revenue-generating goods originating or consigned from Russia. In addition, from 30 September 2023, the Regulations extend existing bans on importing Russian iron and steel goods to cover the import of Russian origin goods that have been processed in third countries.*

*At our request, the Foreign, Commonwealth and Development Office (FCDO) has provided an evaluation of the effectiveness of the sanctions imposed so far. The FCDO also indicates how they are addressing non-compliance by third countries, including through these Regulations.*

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

### *Background*

45. Since the start of the conflict in Ukraine, the UK has imposed a range of sanctions on both individuals and on the Russian state, as part of an international approach to encourage Russia to end the war.

46. These Regulations, the eighteenth in the series, further extended the trade sanctions with immediate effect to:

- Ban the export, supply, and delivery of a range of UK goods that Russia has been found using on the battlefield, and related ancillary services. This list includes certain aircraft and vehicle parts, radio equipment and other electronic equipment, biotechnology, and 3D printing machinery.
- Ban the import and acquisition of further goods and ancillary services which generate revenue for Russia, as set out in new schedule 3DA including iron and steel products, originating or consigned from Russia,
- And, from 30 September 2023, extend existing bans on importing Russian iron and steel goods to cover the import of Russian origin goods that have been processed in third countries.

### *Effectiveness of sanctions so far*

47. We were particularly perturbed to read in the Explanatory Memorandum that UK goods are still being used by Russia on the battlefield. This prompted us to question how effective the 17 sanctions instruments we have already seen have been. The Foreign, Commonwealth and Development Office (FCDO) responded:

> "Our unprecedented trade sanctions have led to a 99.2% reduction in UK goods imports from Russia in the 3 months to January 2023 compared to 3 months to January 2022, and a 69.3% reduction in UK

goods exports to Russia in the 3 months to January 2023 compared to 3 months to January 2022.

Sanctions on Russia are having a major effect. They have sent Russia into recession, significantly degrading the building blocks for Russia's long-term growth and Putin's ability to fund his war machine. Russia's budget is in deficit and by March it had already spent 81% of its forecast GDP deficit in 2023. Russia is now cut off from Western financial markets and service sectors, constraining growth and productivity. By sanctioning products including all of those found on the battlefield, Russia is forced to source lower quality substitutes elsewhere, where they are often less capable and liable to failure. We continue to monitor the effectiveness of all of our sanctions."

48. We also asked why *any* trade is still permitted. FCDO replied:

"Taking 2021 as a year of reference, 96% of UK-Russia goods trade (£20 billion) has been brought under full or partial sanctions. As a result, trade with Russia is at its lowest point since record began. Some sectors, such as the export of pharmaceutical products, have deliberately not been brought under sanctions, to minimise the impact on ordinary Russians."

49. It therefore appears that those goods found on the battlefield may have been supplied by third countries. We asked FCDO what is being done to prevent that:

"Not all countries have developed effective sanctions, which enables Russia to circumvent some of the sanctions Western allies have put in place. We will continue to support those countries that lack the necessary strategy and infrastructure to enforce sanctions effectively.

We also recognise that some countries are continuing to deliberately circumvent sanctions. We are engaging these countries in private to make our lobbying most effective. The UK is working jointly with US and EU sanctions co-ordinators to raise circumvention with a number of countries as part of this work. The Government undertakes assessment into all credible allegations of trade sanctions offences."

*Lead time for products processed in a third country*

50. As the stated intent of the sanctions regime is to reduce Russia's income, we asked why the intended restrictions on iron and steel products were not being implemented until 30 September 2023, that is not for five months. FCDO told us that:

"UK businesses will need time to prepare for the ban on processed iron and steel, to review and adapt supply chains where needed. The Government will also be engaging further with businesses to support them to comply with these measures in the coming months. Further, the UK has sought, and taken a leading role in, an internationally coordinated approach to imposing sanctions on Russia following its invasion of Ukraine. This helps ensure sanctions have the maximum impact, including through working together with international partners to tackle circumvention. EU measures on third-country processed iron and steel are also coming into force on 30 September 2023, so we have chosen to mirror this date to maximise impact and reduce opportunities for potential avoidance."

## Energy Bills Discount Scheme Regulations 2023 (SI 2023/453)

## Energy Bills Discount Scheme (Northern Ireland) Regulations 2023 (SI 2023/454)

## Energy Bills Discount Scheme Pass-through Requirement (Heat Suppliers) Regulations 2023 (SI 2023/455)

## Energy Bills Discount Scheme Pass-through Requirement Regulations 2023 (SI 2023/463)

## Energy Bills Discount Scheme (Non-Standard Cases) Regulations 2023 (SI 2023/464)

***Date laid: 25 April 2023***

***Parliamentary procedure: made affirmative***

*This set of five made affirmative Regulations establishes the Energy Bills Discount Schemes (EBDS) for Great Britain and Northern Ireland, as announced by the Chancellor in January 2023. The EBDS will provide discounts on the electricity and gas bills of non-domestic customers, including businesses, charities, and public bodies such as schools and hospitals, as well as domestic customers of heat networks between 1 April 2023 and 31 March 2024. The EBDS replaces the Energy Bill Relief Scheme (EBRS) which supported non-domestic customers between 1 October 2022 and 31 March 2023. Additional information from the Department shows that customers raised few complaints about not receiving the support they were entitled to under the previous EBRS, suggesting that the pass-through requirements under the EBRS which have mostly been replicated for the new EBDS scheme, were effective in getting the support to the intended beneficiaries. We welcome that the Department will monitor the new EBDS and intends to publish an evaluation report before the end of 2024 specifically in relation to the support received from domestic customers of heat networks.*

**The 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.**

51. This set of five made affirmative Regulations has been laid as a package by the Department for Energy Security and Net Zero (DESNZ) under the Energy Prices Act 2022 ("the Act"). The Regulations establish the Energy Bills Discount Scheme for Great Britain (EBDS GB) and the Energy Bills Discount Scheme for Northern Ireland (EBDS NI) (collectively referred to as "the EBDS" or "the Schemes"), as announced by the Chancellor in January 2023.[9] The Regulations also make provision for the operation of the EBDS, including requirements for any intermediaries, such as landlords, to pass on the support to end users as the intended beneficiaries of the Schemes.

52. The EBDS will provide discounts on the electricity and gas bills of eligible non-domestic customers, including businesses, charities, and public bodies such as schools and hospitals, as well as domestic customers of heat networks. The Schemes will apply discounts to energy usage between 1 April 2023 and 31 March 2024. They replace the Energy Bill Relief Scheme (EBRS) which

9 HM Treasury, 'The government unveils new "Energy Bills Discount Scheme" for businesses' (9 January 2023): https://www.gov.uk/government/news/chancellor-unveils-new-energy-bills-discount-scheme-for-businesses [accessed 9 May 2023].

supported non-domestic customers between 1 October 2022 and 31 March 2023.

*Overview of the different instruments*

53. **SI 2023/453** and **SI 2023/454** share an Explanatory Memorandum (EM); they establish the EBDS GB and EBDS NI respectively. **SI 2023/455** and **SI 2023/463** also share an EM and ensure that support is delivered to the intended beneficiaries of the EBDS by requiring landlords and other intermediaries to pass on benefits received from the Schemes to end users such as businesses, charities, schools, hospitals and domestic customers of heat networks.

54. **SI 2023/464** provides for the operation and delivery of the EBDS for Non-Standard Cases (EBDS NSC) in GB and NI. This specific scheme is designed to provide support for certain non-domestic customers which consume gas or electricity supplied by a license-exempt supplier, for which they pay a price that is pegged to wholesale energy prices. These non-domestic customers will not receive support under the standard EBDS which is focused on providing support through licensed suppliers. According to DESNZ, this is a relatively small part of the market: customers range from large chemical manufacturers that operate directly in the wholesale market, to smaller businesses on industrial estates that receive electricity from an energy from waste plant.

*How the EBDS will work*

55. The Department says that the Schemes strike "a balance between supporting businesses between 1 April 2023 and 31 March 2024 and limiting taxpayers' exposure to volatile energy markets". The EBDS is subject to a cap set at £5.5 billion; this compares to spending of £18 billion on the previous support package for non-domestic customers, mainly through the EBRS, reflecting the fall in energy prices since September 2022.

56. The Schemes consist of three components:

    (i) Baseline discount: this support will be applied automatically to any non-domestic customer in GB and NI facing gas and electricity prices beyond a set threshold.

    (ii) Discount for Energy and Trade Intensive Industries (ETII), such as cement, glass, and steel, but also libraries and archives: this will be a higher level of discount for around 44,400 businesses and organisations which carry out 50% or more of their activity in an EEII and which face gas and electricity prices beyond a set threshold that will be lower than the threshold for the baseline discount. Businesses will need to register to receive this support.

    (iii) Support for domestic customers on heat networks: heat suppliers are captured under the EBDS, as they purchase energy through commercial contracts and then supply heating and hot water to both domestic and non-domestic customers. A higher level of discount will be available for domestic customers who receive their heat from a heat network, to ensure that the support they

receive is in line with that received by other domestic customers via the Energy Price Guarantee (EPG).[10]

*EU approval in Northern Ireland*

57. The Department says that some elements of the EBDS as it applies in NI engage Article 10 of the Windsor Framework,[11] and that approval from the EU was therefore sought under the Temporary Crisis and Transition Framework for State Aid measures.[12] Asked whether the EU had given its approval, DESNZ told us that while discussions were "ongoing" with the EU, all eligible businesses would be offered baseline support under the EBDS as soon as they sign up, and any additional support, once provided, would be backdated to 1 April 2023. Asked why the discussions with the EU had not yet concluded, DESNZ told us that "there are constructive discussions underway with the European Commission, which should soon be concluded".

*Review & consultation*

58. The Department says that, as part of the review of the previous EBRS, it consulted widely across all sectors of the economy and with trade bodies, and that it is developing further research to assess the level of support that intermediaries will pass on to heat network customers and others under the new EBDS. For domestic households, this will mainly be covered by interim evaluations which seek a better understanding of the experiences of households and how effectively support was passed through by intermediaries to domestic customers. Asked about the timetable for these evaluations, the Department told us that they are "expected to be completed by autumn 2024", with the final report to be published "before the end of 2024".

*Pass-through requirements & experience of the previous Schemes*

59. The draft Regulations include provisions to ensure that landlords and other intermediaries are required to pass on benefits received from the Schemes to end users such as businesses, charities, schools, and hospitals as well as domestic customers of heat networks. These pass-through requirements mostly replicate the requirements that were introduced for the previous EBRS support scheme.[13] The pass-through provisions include a role for the Energy Ombudsman to provide independent redress in GB to domestic and microbusiness heat network customers that are unable to resolve a complaint about the pass-through requirements with their heat supplier, as under the previous EBRS, and an equivalent role for the Consumer Council for Northern Ireland (CCNI).

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10 While the main Energy Bills Support Scheme (EBSS) for domestic customers came to an end in March 2023, domestic customers will still be receiving support through the Energy Price Guarantee which has been extended at £2,500 until the end of June 2023 and will rise to £3,000 thereafter until the end of the scheme in April 2024.

11 Under Article 10, any subsidies that affect trade between NI and the EU fall within the EU state aid regime, and subsidies over a certain amount require approval from the European Commission.

12 This Framework aims to support the economy following Russia's invasion of Ukraine and is due to remain in place until 31 December 2023.

13 Energy Bills Support Scheme and Energy Price Guarantee Pass-through Requirement (England and Wales and Scotland) Regulations 2022 (SI 2022/1102), Energy Bill Relief Scheme Pass-through Requirement (England and Wales and Scotland) Regulations 2022 (SI 2022/1103) and Energy Bill Relief Scheme and Energy Price Guarantee Pass-through Requirement and Miscellaneous Amendments Regulations 2022 (SI 2022/1125), see: *18th Report* (Session 2022–23, HL Paper 96).

60. We asked the Department about the volume and outcome of any complaints submitted to the Energy Ombudsman and the CCNI under the previous EBRS. DESNZ responded that:

> "As of 23rd April the Energy Ombudsman started proceedings in 7 complaints raised to it where in the view of the ombudsman the case warranted at least additional documentary checks to be progressed.
>
> CCNI has received 949 contacts regarding the energy support schemes being delivered by the [DESNZ]. These contacts accounted for 6% of the 15,024 enquiries and complaints handled by CCNI during the period 1 April 2022 to 28 April 2023. The complaints handling expertise of CCNI's staff has enabled them to appropriately determine the nature of each enquiry and the remedy required.
>
> To date no complaints (zero) have been raised with CCNI relating to the actions of heat network suppliers in the pass through of the [EBRS]."

61. The number of complaints appears to have been small in the context of the Department's estimate that over 500,000 fixed contracts/meters were supported under the EBRS,[14] suggesting that the pass-through requirements under the EBRS, which have largely been replicated for the new EBDS, were effective.

62. In the shared EM to **SI 2023/463** and **SI 2023/455,** however, the Department acknowledges that:

> "[T]here may be some implications for more vulnerable customers who may be less able to raise issues with their intermediary regarding their discounts. To mitigate against this, we are developing guidance and a communications strategy to ensure that intermediaries are aware of their obligations, so pass on support in a just and reasonable manner. Some public sector bodies, such as local authorities, may be classed as intermediaries. Civil courts will be impacted if end users decide to claim pass-through of scheme benefits as civil debts from intermediaries. Intermediaries who are required to pass-through include local authorities where they provide for council housing."

63. We asked DESNZ whether there was any evidence from the implementation of the previous EBRS that vulnerable customers, such as council housing tenants, struggled to access their discounts or were not able to raise issues with their landlords, and whether the experience of vulnerable customers had been monitored and looked into as part of the review of the EBRS. The Department said that this had not been a specific focus of the review but added that:

> "Intermediaries, including heat network operators, are required to pass on support to their end users. For the 440,000 domestic customers on a non-domestic meter connected to a Heat Network, they will receive a 'bespoke' level of support under EBDS. This will ensure households on Heat Networks do not face disproportionately higher bills compared to a boiler heated equivalent household at the Energy Price Guarantee (EPG) level. The Government is aware that statistically heat networks

14 See Impact Assessment, Energy Bills Discount Scheme, para 13 (17 April 2023): https://www.legislation.gov.uk/ukia/2023/53/pdfs/ukia_20230053_en.pdf [accessed 9 May 2023].

are more likely to serve more vulnerable and elderly consumers than comparable heat sources.

Intermediaries are responsible for meeting requirements to pass on the benefit of support to their end users. Heat network operators are responsible for meeting requirements to pass on the benefit of the higher tariff provided by this support to end users.

We are aware of only one case[15] that was taken to First tier Tribunal where a leaseholder claimed their landlord had not passed through energy support from the EBRS. If domestic customers believe their discounts have not been passed on in a just and reasonable way and are unable to resolve their complaint directly with their heat supplier, they will have access to alternative dispute resolution (as under the EBRS)."

*Conclusion*

64. We take some assurance from the information the Department has provided about complaints that the pass-through requirements under the previous EBRS scheme, which have largely been replicated for the new EBDS scheme, were effective in getting the support to the intended beneficiaries. We welcome that the Department will monitor the new EBDS and intends to publish an evaluation report before the end of 2024 specifically in relation to the support provided to domestic customers of heat networks.

15 Leasehold Knowledge Partnership, 'FirstPort blows a fuse: Why are energy subsidies absent from the £265,784 electricity bills—an increase of 154%—at St David's Square, tribunal is asked' (15 March 2023): https://www.leaseholdknowledge.com/firstport-blows-a-fuse-why-are-energy-subsidies-absent-from-the-265784-electricity-bills-an-increase-of-154-at-st-davids-square-tribunal-is-asked/ [accessed 9 May 2023].

## Education (Induction Arrangements for School Teachers) (England) (Amendment) Regulations 2023 (SI 2023/448)

***Date laid: 25 April 2023***

***Parliamentary procedure: negative***

*These Regulations provide that Local Authorities (LAs) will no longer be able to act as Appropriate Bodies (ABs) overseeing induction programmes for early career teachers. The aim is to raise the quality and consistency of AB services across England, by ensuring quality assurance mechanisms are in place to hold ABs to account. There are a number of possible practical issues, including the required speed of the transition to other providers and the potential loss of expertise, which could undermine the policy intent of raising standards in ABs. There are, however, also questions about the development of the policy. The process appears to have been quite extensive, but the key decision was made as a result of "informal stakeholder engagement" and an analysis of the costs and benefits of various options, neither of which have been published.* ***The use of unpublished and informal policy development processes reduces transparency in decision making and makes it difficult to conduct proper scrutiny on the instrument. The House may wish to press the Minister for further details on the outcome of this engagement and analysis.***

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

### *Background*

65. This instrument provides that Local Authorities (LAs) will no longer be able to act as Appropriate Bodies (ABs) overseeing induction programmes for early career teachers (ECTs). The aim is to raise the quality and consistency of AB services across England, by ensuring there are quality assurance mechanisms in place to hold ABs to account.

66. Support for ECTs is delivered through the Early Career Framework. The Framework features two years of induction support, including a dedicated and trained mentor for each ECT. ABs are the organisations that quality assure this statutory induction. Every school that employs ECTs must appoint an AB before induction can begin. The headteacher and the AB are then jointly responsible for the monitoring, support and assessment of the ECT. In addition to these core roles, ABs often give support and assistance on induction to schools and trusts and keep ECT records and assessment reports.

67. The Department for Education (DfE) told us that there are currently 193 ABs in England, of which:

- 112 are Local Authorities.
- 79 are Teaching School Hubs (TSHs). The Explanatory Memorandum (EM) to the Regulations states that TSHs are "a network of 87 designated schools operating across all areas of England that provide centres of excellence for high-quality professional development and support to teachers at all stages of their careers", including training programmes for ECTs.

- Two are national ABs, designated by the Secretary of State, that were originally set up to serve the needs of independent schools and academy trusts respectively.

68. We asked further questions of DfE on these Regulations. The questions, and DfE's responses, can be found at Appendix 2.

*What do the Regulations change and why?*

69. The Regulations state that LAs will no longer be able to act as ABs after 1 September 2023. There is a one-year transition period, so that an LA can continue to act as an AB in a limited capacity until 31 August 2024, if it was appointed before 1 September 2023.

70. DfE explains that the change is intended to raise the quality of AB services. It offers three supporting arguments.

71. First and foremost, DfE says its existing formal agreements with TSHs allow the Department to hold TSHs to account and will provide a mechanism to "introduce more robust quality assurance", thereby allowing the Department to raise standards in the sector. DfE states that, in contrast, there is no existing mechanism to ensure quality control in LA ABs, and that to create one would "require a more developed infrastructure that would create costs and would risk duplicating cost and reporting functions".

72. **It is not entirely clear to us, and DfE has not explained, why a regime developed for TSHs could not also be applied to LAs without significant additional cost**. DfE's cost/benefit analysis (below) might have helped in understanding this, but the Department has not made it available.

73. Second, DfE suggests that a reduction in the number of providers of AB services might be beneficial by reducing the "unintended negative impacts of competition". ABs are only allowed to charge fees to cover their costs. However, DfE argues that, at present, ABs may offer inconsistent levels of service. For example, one offering lower levels of scrutiny could charge a lower fee and schools might choose the provider on this basis, which could result in lower standards.

74. **Suggesting that reduced competition might increase standards is an unusual argument. Even if correct, DfE has offered no justification why removing LAs from the provider market is the most effective way to achieve this goal.** For example, DfE does not appear to have conducted or published a specific comparison of LA and TSH charges and service levels, stating that "the relevant evidence on fees and costs was considered via an extended period of stakeholder engagement"

75. We also note that, if true, the logic of this argument is that some schools will face increased costs for AB services. In response to our question on this, DfE said that it does not collect data on ABs' fees and it therefore does not have an estimate of this effect. **At a time when school finances are stretched, it is surprising that DfE is introducing a policy deliberately designed to increase costs without an analysis of the size and impact of the change.**

76. Third, DfE states that the reforms would "support the wider changes to the role of LAs away from education services", as outlined in a 2022 Education

White Paper.[16] The paper described a system "with LAs at the heart as champions of the best interests of children in their area, as they step back from their role in directly maintaining schools". DfE says that, under this model, "AB services were no longer a suitable fit for LAs".

*Policy development process*

77. We asked DfE a number of questions about the policy development process. In response, DfE stated that this had been "an iterative process of working out the viability and effectiveness of potential options" that had taken place over "several years". Initially, this took the form of a "targeted consultation", which led to the announcement of an intention to reform the AB sector in March 2021.[17] In this document, the Department said:

> "Over time, we want to ensure that all appropriate bodies meet the same high standards and to do this we will carefully review options around quality assurance of appropriate bodies through accreditation. We will consult on the possible criteria and options for accreditation through engagement with the sector during 2021 with the potential for accreditation to be considered from September 2022. We will work closely with appropriate bodies to test options and rationales before introducing any changes."

78. DfE told us that alongside "several rounds of informal stakeholder engagement with a range of stakeholders from the AB sector" including LAs, TSHs and their representative organisations, the Department also conducted a cost/benefit analysis of the various options. Following this, DfE concluded that "removing LAs from those that are listed as ABs had the least costs associated with it".

79. Having reached this conclusion, DfE then consulted publicly only on *when* to remove the AB role from LAs.[18] The Department told us that it would not have been appropriate to consult on whether to keep the LA AB role "because there was no scope for the already agreed policy position to change".

80. Although the Department noted that "a number" of respondents to the public consultation opposed the principle of the change, it was not able to quantify this, as the question was not in the scope of the consultation. The Department told us, however, that these views were stated primarily by either LAs acting as ABs, or schools currently using a LA as their AB.

81. **It is a striking feature of these Regulations that, although preceded by a number of steps in the policy development process, the key element has not been the subject of a public consultation**. Moreover, the results of the "informal stakeholder engagement" and the cost/benefit analysis have not been made public. **Without more details on these key steps in the process, it is difficult to assess whether the evidence supports the Department's decision. We reiterate that all underlying information**

16 Department for Education, 'Opportunity for all: strong schools with great teachers for your child' (May 2022): https://www.gov.uk/government/publications/opportunity-for-all-strong-schools-with-great-teachers-for-your-child [accessed 5 May 2023].

17 Department for Education, 'Appropriate bodies guidance: induction and the early career framework', (April 2023), para 6.5: https://www.gov.uk/government/publications/appropriate-bodies-guidance-induction-and-the-early-career-framework [accessed 5 May 2023].

18 Department for Education, 'Appropriate body reform and induction assessment' (November 2022): https://www.gov.uk/government/consultations/appropriate-body-reform-and-induction-assessment [accessed 5 May 2023].

**should be published from the start of the scrutiny process and the House may wish to press the Minister further on the evidence used to support this policy.**

*Practical issues*

82. Respondents to the 2022 consultation identified a number of possible practical issues with the proposal.[19]

83. First, the 2022 consultation response acknowledges that "many local authorities have significant experience and expertise as ABs and show great commitment to their ECTs and schools". We asked DfE whether consideration had been given to ways of retaining this expertise. DfE pointed to revised AB guidance, published alongside this instrument, which is the product of engagement with ABs.[20] DfE has provided guidance to LAs and TSHs on coordinating to ensure a smooth handover, including creating local transition plans. DfE also stated that "some TSHs are considering with LAs where TUPE [Transfer of Undertakings (Protection of Employment)] or staff transfers may be applicable to retain specific individuals". The Department said, however, that TUPE will not apply automatically. **We encourage DfE to take all possible steps to retain the experience and expertise that exists in LAs, otherwise the overall intention to improve the quality of AB services may be undermined**.

84. Second, the main reforms in this instrument come into force on 1 September 2023, with some transitional provisions on 31 August 2024. In this time the functions of 112 LA ABs will need to transfer to TSHs. We asked the Department whether TSHs will be able to build sufficient capacity quickly enough to provide a high-quality service. DfE said that all TSHs have been asked to submit "transition plans" for their local area and that the Department has identified areas where further capacity may be needed. **The House may wish to seek further reassurance from the Minister that the time available is sufficient to allow a smooth transition.**

85. Third, TSHs can also be accredited providers of Initial Teacher Training (ITT) and this could produce a conflict of interest if the TSH is also acting as AB provider. Some schools are, therefore, required to have relationships with two TSHs. The 2022 consultation response promised to review this issue and "test any potential changes [ … ] in due course". **The reforms could exacerbate the conflicts of interest issue and we encourage the Department to review the position as soon as possible.**

*Conclusion*

86. These Regulations provide that LAs will no longer be able to act as ABs overseeing induction programmes for early career teachers. The aim is to raise the quality and consistency of AB services across England, by ensuring there are quality assurance mechanisms in place to hold ABs to account.

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19 Association of School and College Leaders, 'Government consultation on Appropriate Body reform and induction assessment: Response of the Association of School and College Leaders' (21 July 2022): https://www.ascl.org.uk/ASCL/media/ASCL/Our%20view/Consultation%20responses/2022/Appropriate-Body-reform-and-induction-assessment-21-July-2022.pdf [accessed 5 May 2023].

20 Department for Education, 'Appropriate bodies guidance: induction and the early career framework' (April 2023): https://www.gov.uk/government/publications/appropriate-bodies-guidance-induction-and-the-early-career-framework [accessed 5 May 2023].

DfE says these would be more complex and costly to put in place for LAs than for other AB providers.

87. The reasons provided by the Department are not wholly convincing; for example, it is not clear, and DfE has not explained, why the oversight regime for other providers could not easily be adapted for LAs. Furthermore, the key policy decision was not subject to a public consultation but was taken after "informal stakeholder engagement" and on the basis of an internal cost/benefit analysis. The results of these have not been made public. **The use of unpublished and informal policy development processes reduces transparency in decision making and makes it difficult to conduct proper scrutiny on the instrument. The House may wish to press the Minister for further details on the outcome of this engagement and analysis**.

88. There are also a number of possible practical issues with the policy proposal, including the time available to make the significant changes to the system that will be necessary and the potential for loss of expertise, which could undermine the policy intention to raise the quality of AB provision. **Again, the House may wish to seek further reassurances on these points.**

## CORRESPONDENCE

### Update from the Department for Transport on its maritime backlog

89. The Department for Transport (DfT) has acknowledged to us that it has a significant backlog of legislation in the marine sector that requires implementation. The House has also shown its concern about these extended delays, most recently in a debate on *Merchant Shipping (Fire Protection) Regulations 2023*.[21] In preparation for that debate, the current Minister, Baroness Vere of Norbiton, wrote to us on 28 April 2023 with a progress report which is published in full in Appendix 3.

90. We were pleased to receive her reassurance that sufficient resource, in particular legal resource, will be available to complete both the elimination of the backlog and the legislative programme likely to arise from the Retained EU Law (Revocation and Reform) Bill by the end of 2023.

21 HL Deb, 2 May 2023 cols 1469–1481 [Lords chamber].

## INSTRUMENTS OF INTEREST

### Draft Animal Welfare (Electronic Collars) (England) Regulations 2023

91. The purpose of these draft Regulations is to prohibit the use of electric shock collars for cats and dogs in England. These are remote-controlled electronic training collars ("e-collars") which can deliver an electric current to the cat or dog wearing it. The instrument would make it an offence to attach an e-collar to a cat or dog and to be in possession of a remote-control device which is designed for activating the collar. The penalty would be an unlimited fine.

92. The Department for Environment, Food and Rural Affairs (Defra) says that e-collars which do not deliver an electric shock, anti-bark collars, and electronic containment systems will remain legal. This includes training collars that emit sound, vibration, or some other non-shock signals. According to Defra, this is to help owners with a disability and owners of animals with physical impairments to retain control of their animal when voice, sound or other recall methods cannot be used. The draft Regulations include an exemption for the Armed Forces; any use of e-collars for defence purposes would be subject to the Ministry of Defence's internal animal welfare standards and permissions.

93. A seven-week public consultation in 2018 received more than 6,700 responses, of which 64% opposed making it an offence to attach an e-collar to a cat or dog and 63% opposed making it an offence to be responsible for a cat or dog which has an e-collar attached.[22] In response to the feedback received during consultation, Defra decided not to pursue a proposed ban on electronic containment systems, but the Department did go ahead with the ban on remote-controlled e-collars. Defra told us that unsuccessful judicial review proceedings brought against the Department by the Electronic Collars Manufacturers' Association had delayed legislative progress. The judicial review related to the duration of, and the supporting information supplied for, the consultation.

### Draft Building Safety (Responsible Actors Scheme and Prohibitions) Regulations 2023

94. These draft Regulations propose the establishment of a Responsible Actors Scheme (RAS) for developers, as part of the Government's approach to addressing urgent building safety issues following the Grenfell Tower tragedy, protecting leaseholders from bearing costs unfairly and ensuring that industry contributes towards putting right historic building safety defects.

95. Under the RAS, members will be required to identify and remediate life-critical fire safety defects in residential buildings over 11 metres in height which they developed or refurbished in England between 1992 and 2022. The draft Regulations propose a planning prohibition and a building control prohibition for developers and persons they control who opt out of the RAS or do not comply with its conditions. This is to prevent them from carrying out major developments and from receiving building control approvals.

22 Department for Environment, Food and Rural Affairs, Consultation outcome: Animal welfare: banning the use of electronic training collars for cats and dogs, August 2018 [accessed 5 May 2023].

Several exemptions from the prohibitions are proposed, for example for projects necessary for critical national infrastructure or to allow emergency repair works.

96. According to the Department for Levelling-Up, Housing and Communities (DLUHC), the RAS is intended to support a level playing field in the industry, so that developers which make a commitment to remediate building defects are not disadvantaged. DLUHC estimates that the 46 developers who have already signed the developer remediation contract which underpins the RAS have committed to fixing at least 1,100 residential buildings over 11 metres in height. The Department told us that, due to a lack of data on buildings with non-cladding defects, it was unable to provide an estimate of the total number of buildings that require remediation. Better data is available, however, on buildings with cladding-related defects, and DLUHC estimates that at the end of March 2023:

- it had identified 490 high-rise buildings with unsafe Aluminium Composite Material (ACM) cladding, as used on Grenfell Tower, of which 466 (95%) had completed remediation or started remediation work;
- 1,216 high-rise buildings were proceeding with a Building Safety Fund application for non-ACM remediation works, of which 32% (390) had completed remediation or had works underway; and
- between 6,220 and 8,890 mid-rise (11 to 18 metres) residential buildings required work to alleviate life-critical fire safety risks due to external wall systems.

### Draft Justice and Security (Northern Ireland) Act 2007 (Extension of Duration of Non-jury Trial Provisions) Order 2023

97. This instrument provides for an eighth two-year extension, from 31 July 2023 to 31 July 2025, of the provision that allows trial without jury for certain cases in Northern Ireland (NI). The Northern Ireland Office states that these provisions continue to be necessary, citing continued paramilitary activity and an increase in the terrorism threat level in NI from "Substantial" to "Severe" in March 2023. Non-jury trials can only take place if the Director of Public Prosecutions in NI certifies that certain conditions are met—for example, potential juror prejudice or witness intimidation—leading to a risk that a jury trial would impair the fair and efficient administration of justice.

98. In recent years there have been independent annual reviews of the operation of the provisions.[23] A working group has also considered practical measures to reduce the number of non-jury trials and has recommended a set of indicators that the Secretary of State could use to assess whether the non-jury trial provisions remain necessary.[24]Use of the provision remains low: the Explanatory Memorandum states that there were eight non-jury trial cases in the Crown Court in 2021 out of a total of 1,358.

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23 Northern Ireland Office, 'Annual Reports of the Independent Reviewer of Justice and Security (Northern Ireland) Act 2007' (April 2021): https://www.gov.uk/government/publications/annual-reports-of-the-independent-reviewer-of-justice-and-security-northern-ireland-act-2007 [accessed 5 May 2023].

24 HM Government, 'Consultation Response: Non-Jury Trials Justice and Security (Northern Ireland) Act 2007' (April 2023): https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1152630/HMG_response_to_NJT_Consultation_2023__1___1_.pdf [accessed 5 May 2023].

## Draft Packaging Waste (Data Reporting) (Amendment) (England) Regulations 2023

99. These draft Regulations propose changes to the Packaging Waste (Data Reporting) (England) Regulations 2023 ("the Data Reporting Regulations")[25] which require producers of packaging to collect and report data on the amount and type of packaging that they place on the market. The data is needed to calculate the fees that these producers will have to pay to cover the cost of managing this packaging as part of the Extended Producer Responsibility (EPR) for packaging scheme which will launch in 2024. Amongst other changes, the draft Regulations would clarify the data reporting requirements for reusable and refillable packaging and simplify this reporting for producers, allowing producers to offset, that is reduce, their fee if they have collected this packaging at its end of life and sent it for recycling.

100. We have received a submission from Green Alliance which questions how this offsetting will work, and how the Department for Environment, Food and Rural Affairs (Defra) will ensure that the ability to offset obligations will not create incentives for producers to recycle potentially reusable packaging before it reaches the end of its useful life, to avoid paying producer fees. In response, Defra explained that:

> "To ensure we are maximising recycling rates and encouraging efficient and effective local authority collection systems we are not allowing producers to off-set single-use packaging that is widely recyclable through local authority collection services. Whilst at the same time encouraging producers of packaging to consider and invest in their own reuse systems.
>
> Where producers do manage packaging that is not commonly collected for recycling, or as part of a re-use system, they will have incurred costs directly in its management.
>
> Through the amending SI we have added clarifying wording to ensure that the 'reusable packaging' reported as part of 'relevant packaging waste' tonnages needs to have been 'reused' before it becomes waste.
>
> Where producers fail to record or report this data as required or they knowingly or recklessly furnish false or misleading information to the regulators, they will be guilty of offences under the offences and penalty provisions. Regulators will compliance monitor the reporting of this data as part of their functions under these regulations and will use the data obligations on reusable packaging systems to support them in their compliance monitoring of these reporting provisions.
>
> Government will keep these provisions under review and should it become evident that they are not having the intended effect, shall review what revisions may be necessary as part of the phased implementation of EPR."

101. We have published the submission and Defra's response in full on our website.[26]

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25 Draft Packaging Waste (Data Reporting) (England) Regulations 2023, see: *21st Report* (Session 2022–23, HL Paper 111).

26 Scrutiny evidence webpage: https://committees.parliament.uk/committee/255/secondary-legislation-scrutiny-committee/publications/8/scrutiny-evidence/.

### Draft Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) (England and Wales) Order 2023

102. This instrument adds the following four occupations to the list of those for which job applicants can be asked questions about their spent cautions and convictions: chartered management accountants; fire and rescue authority employees; justice system intermediaries, and notaries. The Explanatory Memorandum states that checks are "necessary to assess a person's suitability" for these roles and that the measure will "mitigate risks to public safety".

103. When applying for most jobs, offenders do not have to disclose certain convictions and cautions once a period of time, varying with the seriousness of the offence, has passed. This is intended to help ex-offenders find employment. However, there are exceptions for specified positions of public trust, where a more complete disclosure of an individual's criminal record is considered appropriate.

104. Alongside each of the new exceptions, guidance is being developed, in conjunction with organisations advocating for those with criminal records, to support employers in taking a proportionate approach and in encouraging them to recruit people with criminal records. **We encourage the Ministry of Justice to ensure that the power to seek checks is used proportionately and does not unduly deter the employment of ex-offenders.**

### Draft Strategic Highways Company (Name Change and Consequential Amendments) Regulations 2023

105. This instrument gives legal recognition to a name change announced in August 2021: it deals with the re-naming of the company appointed as the Strategic Highways Company under the Infrastructure Act 2015 from 'Highways England Company Limited' to 'National Highways Limited'. We found the Explanatory Memorandum obscure and have asked for it to be replaced, so that it clarifies the rationale for the change and sets out the costs of the "re-branding". **The House may wish to ask the Minister to explain the choice of new name, which we found unclear as the 'National Highways' remit does not extend to Scotland, Wales or Northern Ireland**.

### Single Trade Window (Preparation) Regulations 2023 (SI 2023/431)

106. These Regulations allow HM Revenue and Customs (HMRC) to spend money developing the UK's Single Trade Window (STW). The STW is a system intended to make international trade easier for UK-based companies by providing a single platform where traders will submit all their border declarations, with the data then being shared across relevant government departments and agencies. The Government have stated that the STW is a key feature of its aim to have "the most effective border in the world", as set out in the 2025 Border Strategy.[27]

107. The Border Strategy identified HMRC as the body that would deliver the STW. However, HMRC's functions are confined to those set out in legislation; for example, the collection and management of tax. This instrument, therefore, provides the necessary consent for STW spending.

27 Cabinet Office, '2025 UK Border Strategy' (17 December 2020): https://www.gov.uk/government/publications/2025-uk-border-strategy [accessed 25 April 2023].

Funding of £180 million was allocated in Spending Review 2021.[28] The first elements of STW are due to be available by the end of 2023, with further functionality added in stages and the complete service due to be operational by 2027. Further legislation may be required to deliver some elements of STW.[29]

## PEACE PLUS Programme (Northern Ireland) Regulations 2023 (SI 2023/477)

108. These Regulations implement certain treaty commitments in relation to a new cross-border programme in Northern Ireland (NI) and the Republic of Ireland, PEACE PLUS, that will fund activities and projects that promote peace, reconciliation and economic development in NI and the border region of the Republic. PEACE PLUS has total funding of £1 billion, of which the UK is contributing £730m, with the remainder from the EU and the Republic of Ireland. The UK will provide funding for PEACE PLUS until 2027, although the Regulations allow for projects to continue after this date up to 2032, when the programme will be wound up.

109. The commitments being introduced include that the implementing body, the Special EU Programmes Body (SEUPB), established under the Good Friday Agreement, complies with certain EU requirements, including in its operations in NI. In making these provisions, the Regulations are implementing the terms of the 'Financing Agreement' between the UK, the EU and the Republic that established PEACE PLUS. This Agreement was laid as a treaty before Parliament on 24 March 2023 under the Constitutional Reform and Governance Act 2010 (CRAG) process. The Northern Ireland Office told us that the EU requirements relate to operational matters; for example, that SEUPB must establish a website for the programme and must publish a list of its operations and set out accounting practices.

28 HM Treasury, 'Autumn Budget and Spending Review 2021', para 2.190 (27 October 2021): https://www.gov.uk/government/publications/autumn-budget-and-spending-review-2021-documents [accessed 9 May 2023].

29 Cabinet Office, 'The UK Single Trade Window Public Consultation' (21 July 2022): https://www.gov.uk/government/consultations/the-uk-single-trade-window-public-consultation [accessed 9 May 2023].

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

### Instruments subject to affirmative approval

| | |
|---|---|
| Draft | Amendments of the Law (Resolution of Silicon Valley Bank UK Limited) (No 2) Order 2023 |
| Draft | Animal Welfare (Electronic Collars) (England) Regulations 2023 |
| Draft | Building Safety (Responsible Actors Scheme and Prohibitions) Regulations 2023 |
| Draft | International Criminal Police Organisation (Immunities and Privileges) Order 2023 |
| Draft | Justice and Security (Northern Ireland) Act 2007 (Extension of Duration of Non-jury Trial Provisions) Order 2023 |
| Draft | Packaging Waste (Data Reporting) (Amendment) (England) Regulations 2023 |
| Draft | Register of Overseas Entities (Penalties and Northern Ireland Dispositions) Regulations 2023 |
| Draft | Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) (England and Wales) Order 2023 |
| Draft | Road Vehicles (Authorised Weight) (Amendment) Regulations 2023 |
| Draft | Strategic Highways Company (Name Change and Consequential Amendments) Regulations 2023 |

### Instruments subject to annulment

| | |
|---|---|
| SI 2023/431 | Single Trade Window (Preparation) Regulations 2023 |
| SI 2023/467 | Charities (Dispositions of Land: Designated Advisers and Reports) Regulations 2023 |
| SI 2023/472 | Pension Fund Clearing Obligation Exemption and Intragroup Transaction Transitional Clearing and Risk-Management Obligation Exemptions (Extension and Amendment) Regulations 2023 |
| SI 2023/477 | PEACE PLUS Programme (Northern Ireland) Regulations 2023 |
| SI 2023/479 | National Health Service (Pharmaceutical and Local Pharmaceutical Services) (Amendment) Regulations 2023 |
| SR 2023/68 | Crown Court (Amendment) Rules (Northern Ireland) 2023 |

## APPENDIX 1: DRAFT PUBLIC ORDER ACT 1986 (SERIOUS DISRUPTION TO THE LIFE OF THE COMMUNITY) REGULATIONS 2023

### Further information from the Home Office

*Q1: The Economic Note (para 6) states that these measures were rejected by the House of Lords when considering the Public Order Bill. Why is it appropriate to bring them back under secondary legislation, which is subject to less scrutiny?*

A1: The police asked the government for greater clarity on the definition of serious disruption since the lack of clarity was hampering their response to disruptive protests. We therefore introduced amendments (Government Amendments 48 and 49) during the House of Lords Report Stage of the Public Order Bill and, reflecting Parliamentary desire to avoid leaving interpretation of serious disruption to the courts, Lord Hope also tabled specific definitions of serious disruption for the purposes of the locking-on and tunnelling offences (now sections 1, 3 and 4 of the Public Order Act 2023). He used the threshold of "more than minor" disruption, which Lord Hope noted was derived from recent protest case law. Parliament went on to accept a government amendment to define "serious disruption" for the purposes of the 2023 Act using the language of "more than minor".

That definition is now section 34 of the Public Order Act 2023. It only applies for the purposes of the Public Order Act 2023 and so does not apply to sections 12 or 14 of the Public Order Act 1986. Those sections of the 1986 Act set out the powers of the police to apply conditions to processions or assemblies if they believe, among other things, the procession or assembly could cause serious disruption. Consequently, there are now two different definitions of "serious disruption" in public order legislation. The Government expects that, rather than providing the requested clarity, this may give rise to more police uncertainty regarding the legal meaning of "serious disruption". As a result, the Government considers it appropriate to use the delegated powers in sections 12 and 14 of the Public Order Act 1986 to provide consistency on the meaning of "serious disruption" across public order legislation by applying the same definition of "serious disruption" to the s12 and s14 of the 1986 Public Order Act as Parliament has just adopted in s34 of the Public Order Act 2023. The very close votes against changing the 1986 Act definitions occurred before the "serious disruption" definition was adopted for the 2023 Act. So, this Regulation applies the definition of "serious disruption" that Parliament has just approved for the 2023 Act to the 1986 Act as well, for consistency. It would be unhelpful for the Police, the Courts and the public to have different definitions in different Public Order legislation. We are using this Regulation to align with the most recent definition approved by both Houses of Parliament in primary legislation (namely, the definition of "serious disruption" in s34 of the 2023 Act). Lord Hope, a former Deputy President of the Supreme Court, has argued persuasively that these definitions are also consistent with recent Supreme Court and Court of Appeal case law.

*Q2: The EM says that the definitions in the bill "align with" the Public Order Bill. Could you explain this in more detail, please? For example, one of the more discussed measures in the house of Lords debate was the use of "more than minor"–how does this align with the Bill, where these words do not appear?*

A2: If passed, the SI will align the Public Order Act 1986 with the Public Order Act 2023. Section 34 of the Public Order Act 2023 defines "serious disruption" for the purpose of the Act. In doing so, it uses the phrase "more than minor".

The draft Regulations would amend sections 12 and 14 of the Public Order Act 1986 and would therefore align the meaning of serious disruption across these two Acts by using the "more than minor" threshold. The Government intention is to ensure legislative consistency and clarity for the police regarding the meaning of serious disruption in the context of public order.

*Q3: The EM refers to a number of law enforcement bodies and National Highways having been consulted. In the Economic Note (para 9) the debate in the House of Lords is advanced as a justification for there not being a wider consultation. However, consultation as part of the policy development process should go much wider than parliamentarians: the Government's own Consultation Principles state that departments should "consider the full range of people, business and voluntary bodies affected by the policy." Given that this appears to be a controversial policy with a wide range of interested parties, why was a full public consultation not considered appropriate?*

A3: The Home Office has consulted those who would be called upon to use these new powers. Section 10 of the Explanatory Memorandum sets out who was engaged with in the process of deciding to lay the statutory instrument. We are aware that many members of the public support further steps to tackle disruptive protest and that there will be others who believe existing powers are sufficient. Our view therefore was that consulting those who would help ensure the SI would be operationally useful was most important, ahead of it being laid and scrutinised by Parliament on behalf of the public.

There is no legal requirement to undertake a formal consultation before exercising the powers in sections 12 (12)-(15) and 14 (11) - (14) of the Public Order Act 1986 to amend sections 12(2A) to (2C) and 14(2A) to (2C) of that Act. Those delegated powers were inserted by sections 73 and 74 of the Police, Crime, Sentencing and Courts Act 2022.

*Q4: Various significant pieces of information were included in the Economic Note but not the EM (for example, the fact that these measures were rejected when in the Public Order Bill; the relationship to the HMICFRS report). Why were these not included in the EM?*

A4: The details that have been included in the Economic note or Explanatory Memorandum are those which we have considered relevant to the document. For example, the HMICFRS report have been referenced because the report speaks to the issues of policy effectiveness, which is more pertinent to an analysis document.

*Q5: Could you please expand on "absolute disruption"? It is not clear why the fact that a disruption may happen without a protest makes the staging of a protest more (or less?) serious. In the example in the EM, why might serious disruption be caused if a procession or assembly causes a traffic jam in an area where traffic jams are common, as opposed to the same traffic jam being caused in an area where traffic jams are less common?*

A5: The draft statutory instrument contains a provision requiring the senior police officer to consider "all relevant disruption" (referred to in the EM as "absolute disruption") when considering whether a procession or assembly may cause serious disruption to the life of the community. This is to make clear to law enforcement and protestors that existing disruption in an area, for example, caused by traffic should not be ignored because it was not caused by the protestors. It is to avoid the circumstances where deliberately disruptive acts are justified by the fact that

certain forms of disruption may occur regularly in an area when there are no protests. It is the government's view that there is no justification for deliberately causing serious disruption to others.

**4 May 2023**

# APPENDIX 2: EDUCATION (INDUCTION ARRANGEMENTS FOR SCHOOL TEACHERS) (ENGLAND) (AMENDMENT) REGULATIONS 2023 (SI 2023/448)

## Further information from the Department for Education

*Policy development process*

*Q1: Could you describe a little more the genesis of the policy please? For example, were there any policy publications prior to the 2022 consultation that proposed the specific policy that the AB role would be removed from LAs?*

A1: In looking at the genesis of the policy, the purpose has been to tackle ongoing inconsistency in quality via an appropriate accountability mechanism in the most cost effective way. Guidance for appropriate bodies was published in March 2021 ahead of the reforms to induction introduced in September 2021. Section 6.5 discussed the future of the AB sector and committed the department to consulting on how to improve the consistency of quality within the AB sector. This included a commitment to consider whether a form of accrediting all ABs to ensure that they meet a set of agreed criteria would be appropriate.

The policy development on how to improve the quality of AB services involved several rounds of informal stakeholder engagement with a range of stakeholders from the AB sector including local authorities (LAs), teaching schools hubs (TSHs) and their representative organisations. This considered both:

- proposals to improve the quality of AB services including quality improvement support measures for ABs to share and build expertise (which are being implemented).
- proposals to introduce consistent quality assurance, various proposals, including accreditation.

The results of this stakeholder engagement were considered along with an evaluation of the cost and benefits associated with each. The proposal of removing LA from those that are listed as ABs had the least costs associated with it.

In the document launching the AB reforms consultation in May 2022, we concluded that the accreditation system originally proposed would likely create unnecessary layers of burden and bureaucracy which we expect would pass on additional costs to schools. The Department already has a formal agreement in place with each Teaching School Hub (TSH) and holds them to account against key performance indicators. This relationship with TSHs provides an existing mechanism through which to introduce more robust quality assurance without the need to set up a costly and duplicative quality assurance or accreditation system. In contrast, there are no direct accountability relationships between LA ABs and the department so no mechanisms to ensure quality across LA AB services. To put in place anything more formal that actively checks the quality of LA AB services would require a more developed infrastructure that would create costs and would risk duplicating cost and reporting burdens if applied to all ABs. We did not think there was a sufficiently strong value for money case that would justify that cost, so considered more cost-effective alternatives relying on existing accountability levers.

We also considered how the size of the sector contributed to some of the inconsistencies seen in the AB services that schools, trusts and ECTs receive (discussed further in response to question 6). We explored whether reducing the

number of ABs could bring benefits in reducing the unintended negative impacts of competition on price and level of service created through school choice within some local areas.

Another consideration was how the reforms would support the wider changes to the role of LAs away from education services outlined in the 'Opportunity for all: strong schools with great teachers for your child' White Paper. In this we committed to reforming the role of the AB and describe a future system with LAs at the heart as champions of the best interests of children in their area, as they step back from their role in directly maintaining schools. As such, our analysis of the options concluded that AB services were no longer a suitable fit for LAs, who will be stepping into their new roles in coordinating local services to improve outcomes for children. This also made it harder to argue a case for setting up an accreditation system, which would primarily be for the quality assurance of LA ABs.

The overall conclusion reached was that it would be beneficial to the quality of services and the ability of the department to hold ABs to account for their quality of service to reduce the number of organisations offering ABs services to only those with an accountability relationship with DfE, given this would also mean reforms that were consistent with the wider direction for LAs set out in the White Paper.

This rationale was set out within the May 2022 consultation in section 3, page 15 and the focus of consultation was to work with the sector on agreeing the best timescales and process for this transition towards a reduced number of ABs, as discussed further in the response to Question 2 below.

*Q2: There is reference to "an evaluation of the cost and benefits" associated with each option to improve the quality of AB services, including that chosen and implemented in this SI. Has that been published and, if not, would you be able to share it with the Committee please (on the understanding that any information in it could be published)?*

A2: There is no published document setting out an evaluation of the cost and benefits of all options.

The iterative process of working out the viability and effectiveness of potential options took place over a period of several years of sector engagement that began as part of targeted consultation ahead of the 2021 reforms to induction and continued through to the AB reform consultation in 2022. Engagement with stakeholders considered the impact of inconsistency of quality in AB services within the sector and ways in which quality improvement could be supported, including through quality assurance.

*Q3: If the specific proposal has not been consulted on (the 2022 consultation being only on the timing), why was this appropriate for a significant reform?*

A3: It was agreed that the position set out under Question 1 was the preferred approach, having already considered and conducted stakeholder engagement with a range of organisations in the sector, including LAs, on the alternatives and agreed that these were not viable. It was agreed therefore that it would not be appropriate to consult on whether to keep the LA AB role, because there was no scope for the already agreed policy position to change.

It was therefore agreed that it would be more appropriate and constructive to formally consult the sector not on whether to make this change, but on how and

when. So the consultation asked for views on the timescale for introducing the changes and concerns around transition so that the implementation plan could build in time and support to address these.

Of 332 respondents to the consultation overall, 246 responded to Question 4 on preferred timescales for the reforms, 186 of which offered additional text to outline their reasons. And 285 responded to Q5 on barriers, challenges and solutions. This represented a high level of engagement from TSH and LA ABs and a good sample of schools that use ABs services. From these responses we were able to ensure that the timescale set took account of key concerns around the impact on early career teachers and on allowing sufficient time for TSHs to build capacity and for LAs to make arrangements to wind down services to enable a smooth transition for schools.

*Q4: The consultation response says that "a number" of respondents stated their opposition to the proposed reform to transfer the AB role from local authorities to TSHs. Could you provide more detail on how many this was and what types of respondents they were? Have any adjustments been made to the policy, apart from the transitional period, as a result of concerns raised?*

A4: Consulting on whether to remove LAs from those listed as providing the role of AB was not in scope of the consultation, so the consultation did not include a specific question on whether respondents agreed or disagreed with the proposed reforms to the AB sector. For this reason we cannot provide figures quantifying the number of respondents that specifically expressed opposition as opposed to those who raised concerns as these remarks were made in relation to a number of different consultation questions. This was outside of the scope of the consultation. We included the statement in the consultation response that some respondents had expressed views opposing the reform. This was included for the sake of completeness to acknowledge that there was some opposition to the overall reform. The views were stated primarily by either local authorities acting as ABs, or schools currently using a local authority as their AB. As this was not an area being consulted on, it did not result in any changes being made to the policy to remove LAs from the list of those able to act as ABs.

*Rejected alternatives*

*Q5: The EM states that the key intention is to increase accountability amongst ABs and thereby improve consistency. Did the Department consider whether it was possible to introduce quality assurance regardless of the body delivering the service? For example, would it not have been possible to set national standards with which LAs, acting as ABs, must conform? Why was this rejected?*

A5: While there are not national standards, all ABs must adhere to statutory requirements relating to their role and the appropriate body guidance referred to above sets out clear expectations about good practice and how ABs should operate. The issue of accountability is therefore more that there are no mechanisms to quality assure what ABs deliver other than through the reporting relationship that the department holds with TSHs. To put in place anything more formal that actively checks the quality of AB services that LAs provide would require a more developed infrastructure that would create costs and would risk duplicating cost and reporting burdens if applied to all ABs (see answer to question 1).

*Q6: Similarly, the consultation response states that "many local authorities have significant experience and expertise as ABs and show great commitment to their ECTs and schools".*

*Has consideration been given to means of retaining this expertise while raising standards of those performing less well?*

A6: There are a number of ways in which DfE is facilitating capturing and retaining LA expertise for the AB sector. Revised AB guidance has just been published alongside the Statutory Instrument. This is the product of the consultation responses received from ABs, including experienced LA ABs, and further stakeholder engagement since the consultation response was published where the department has engaged with LA ABs to capture their views and suggestions on good practice.

The department is actively supporting the transition process by providing guidance for LAs and TSHs on how they can coordinate in local areas to support a smooth handover where schools and Early Career Teachers (ECTs) are transferring and share relevant information on their services and records to facilitate this. TSHs have also been encouraged to work with their local LA partners to create a local transition plan that maps out how and when AB services are moving and the preparations they have made to ensure capacity for demand. This broader collaboration has provided opportunities for sharing of expertise on systems and practice. Some TSHs are also considering with LAs where TUPE or staff transfers may be applicable to retain specific individuals for their expertise.

## Costs and standards

*Q7: The consultation response also states that reducing the number of ABs will be beneficial by "reducing negative impacts of competition on price and level of service created through school choice within some local areas". This is a somewhat unusual argument–competition and choice is generally (including in other parts of the education system) considered to increase standards. Why is it the opposite in this case? What evidence is there of ABs providing a poor service at a cheaper price, and is this more prevalent amongst LAs or TSHs?*

A7: We had been receiving some feedback from both LA and TSH ABs over several years that local choice can lead to ABs not offering consistent levels of service which in turn can lead some schools to choose their AB on the basis of reducing the level of scrutiny they receive rather than the quality of support they will receive. We do not think this was particular to either LAs or TSHs, but a product of inconsistency in what some ABs choose to deliver, in some instances to remain competitive on price. Section 3 of the original May 2022 consultation document set the issue out as follows:

> "We are committed to ensuring that every AB conducts robust quality assurance processes for every school. We have already heard from the sector that a minority of schools switch their AB midway through an ECT's induction with the intention to avoid challenge from their original AB. We do not think that this practice is in the best interests of ECTs, and we want to ensure that schools which offer statutory induction adhere to the statutory guidance and regulations at all times. Therefore, as part of reforming the role of the AB and the scope of the sector following this consultation, we will consider how to prevent this practice from happening in the future unless there are exceptional circumstances (for example if they are moving to different provider of the ECF-based programme)."

We also know that the fees charged by ABs vary significantly between organisations. Regulations allow ABs to charge to cover their costs but inconsistencies in the

way that they conduct their quality assurance has led to inconsistencies in cost. As a result, not all schools receive the same levels of service or value for money. This variation also leads to an unacceptable level of inconsistency in the level of checking applied to schools. We want all ABs to provide robust quality assurance to ensure that all ECTs receive access to entitlements and high-quality induction experiences, particularly where schools have chosen to deliver their own ECF-based induction programmes.

The intention is to ensure TSHs provide a consistent AB offer so that schools can be confident in accessing AB services from their local hub alongside a range of other teacher support and training offers.

*Q8: The argument also implies that costs of the AB process to schools could increase. What estimates have you made of this effect?*

A8: We do not collect data on how much individual ABs charge. Regulation 16 of The Education (Induction Arrangements for School Teachers) (England) Regulations 2012 allows ABs to charge for their services. Charges should not exceed the cost of supplying the service and should be agreed in advance with the school. Therefore, costs for schools can increase or decrease when they change AB. It may be the case that some schools will not previously have been charged the full cost of providing these services as part of their AB fee, particularly where they may have accessed other services alongside or had funding arrangements with their LA. It is a matter for ABs to determine their fee structure according to their costs and operating models.

*Q9: A comparison of LA and TSH charges and service levels could have been useful for a number of reasons. For example, when the EM discusses how reduced competition could lead to increased service levels, there is still a missing link which is why removing LAs is the appropriate response. Has there been any such comparison done? If so, what did it show? If not, why was this not felt appropriate?*

A9: The relevant evidence on fees and costs was considered via an extended period of stakeholder engagement. Reducing local choice and competition to avoid disparity in fees among ABs was suggested both by TSH and LA stakeholders due to the variation in fees being charged and levels of service offered. On its own such a measure would not necessarily lead to increased service levels, but in combination with stronger quality assurance, holding ABs to account will act as a more direct lever to raise the quality of service. The link with LAs is therefore twofold - focusing the AB role on TSHs in the future will reduce competition by reducing the number of ABs overall and focus quality assurance on those organisations with existing accountability mechanisms that can be used to raise the quality of service.

### *Analysis of the proposal*

*Q10: Some doubts have been expressed about whether the current timetable, even with the transitional arrangements, will allow TSHs to build sufficient capacity quickly enough to provide a high-quality service. What modelling have you undertaken on this?*

A10: The department monitors and analyses data on a regular basis on the number of ECTs registered with both TSH and LA ABs within each TSH area. The department shares this data with both LA and TSH ABs for their planning purposes so that they have access to information about how many ECTs require AB services in their region and anticipate how many ECTs may still need to

transfer at the end of the transition period and which other ABs in their region they could transfer to.

This data has informed the transition plans that all TSHs have been asked to submit to the department for each TSH area. TSHs have been encouraged to draft these transition plans in collaboration with their local LAs and consider the regional need and local transfer arrangements.

The department has analysed this data to determine where there may be a need to build capacity and worked with the TSHC to ensure TSHs in those areas are supported in building the capacity required to meet local demand for AB services. We have also worked with the TSHC to provide TSHs with further training and guidance on building capacity and setting up AB services to ensure they have access to advice on good practice and practical support around operating at scale.

*Q11: Is there a risk that schools will have to work with more than one TSH; for example, if the TSH cannot be the AB for an ECT for whom it recommends Qualified Teacher Status? What would be the administrative implications of that for the school?*

A11: Due to current regulations, for a limited number of schools it is necessary to access AB services from a separate TSH to ITT where the TSH is the accredited ITT provider for an ECT. The consultation response (page 21) noted that:

> "Some TSH respondents also commented on the induction regulations that prevent them acting as the AB for any ECTs they assessed for the purpose of award of QTS (Qualified Teacher Status) as an accredited ITT (Initial Teacher Training) provider. This was reported as a barrier to TSHs providing AB services to their local area where they are also an accredited ITT provider."

In reply to this the consultation response (page 24) committed to review this.

We recognise the barrier related to conflicts of interest which means that some TSHs are unable to register some ECTs to their AB service. We will review the conflict of interest restrictions and test any potential changes to regulations with ABs and other stakeholders in due course. We are committed to providing schools with at least one term's notice in advance of any regulatory changes coming into force and would ensure appropriate lead times required to allow ABs and schools to make alternative arrangements for any potential changes to conflict of interest restrictions to minimise disruption to existing arrangements.

We note that sufficient lead times will be required to consult the sector on any proposed changes prior to making further updates to regulations and then allowing a minimum of one terms' lead time for the sector to implement changes.

*Q12: What are the current numbers of TSHs and LAs operating as ABs?*

A12: The Teaching Regulation Agency holds records of registered ABs. According to their records there are currently 193 ABs in total. 112 of them are LAs. 79 are TSHs spanning across 87 TSH areas. There are also two national ABs (Independent Schools Teacher Induction Panel (IStip) and National Teacher Accreditation (NTA)) as designated by the Secretary of State in accordance with the 2012 regulations. Some TSHs are already the main AB provider in their region.

**2, 4 and 10 May 2023**

## APPENDIX 3: UPDATE FROM THE DEPARTMENT FOR TRANSPORT ON ITS MARITIME BACKLOG

### Letter from Baroness Vere of Norbiton, Minister for Aviation, Maritime and Security at the Department for Transport, to The Rt Hon. Lord Hunt of Wirral MBE, Chair of the Secondary Legislation Scrutiny Committee

Following on from our recent correspondence on the maritime secondary legislation programme, I wanted to provide an update on my Department's plans for 2023.

In October 2021, former Maritime Minister, Robert Courts MP, made a commitment to the Secondary Legislation Scrutiny Committee that a backlog of amendments to international maritime conventions that had not been implemented in UK law would be cleared by the end of 2023. The amendments were to be implemented through 13 statutory instruments. Robert Courts also noted seven non-international maritime measures which he considered to be overdue.

I wrote to the Committee in December 2022 to provide an update on progress in respect of that commitment. I am pleased to say that we are still working to clear the international maritime backlog by the end of 2023 and are on track to do so. Four out of the 13 instruments currently remain to be made and, once the debate on the draft Merchant Shipping (Fire Protection) Regulations 2023 has taken place on 2 May, that number should come down to three. The Merchant Shipping (Carriage of Dangerous Goods and Harmful Substances) Regulations 2023 were to be subject to the enhanced scrutiny procedure under the European Union (Withdrawal) Act 2018 (which involves a publication stage and the draft affirmative procedure), and therefore delayed until early 2024, but should the enhanced scrutiny provisions under the Act be repealed, as is currently the intention, this would mean that the Regulations could instead be made this year under the negative resolution procedure. The remaining two instruments are expected to be consulted on this Summer in order to be made before the end of the year.

Three out of the seven domestic measures have been completed, one is well progressed, two are at pre-consultation stage and one is now being reviewed following public consultation. We expect good progress on all of these by the end of 2023. I have attached an Annex containing a table summarising the current position on the backlog.

My Department is also planning for the implementation of future amendments to international maritime conventions, including for amendments that are still at the negotiating stage in the International Maritime Organization (IMO) and the International Labour Organization (ILO). However, the Committee should note that there is often a period of time between adoption of the final agreed text and the international enforcement date. This is the case in both the IMO and ILO. Although early planning will assist with timely implementation, full legislative planning can only realistically begin once the agreed text is known, and this may, in some cases, result in a delay in UK implementation. The objective is that such delay will be the exception rather than the rule.

The use of ambulatory referencing in instruments implementing international conventions that are regularly updated ensures that the majority of amendments to those conventions are captured and automatically implemented into UK law. This is already significantly reducing the number of Statutory Instruments needed, for

example with the majority of the amendments to the International Convention for the Safety of Life at Sea, 1974 (SOLAS), which are due to come into force on 1 January 2024. Without ambulatory reference, several additional statutory instruments implementing these amendments would have been needed this year. The risk of a build-up of backlog in the future is therefore much reduced.

With the Retained EU Law (Revocation and Reform) Bill entering its final parliamentary stages, my Department has begun planning for the legislative programme that will follow when the Bill becomes law. Much of this programme will involve the reform of EU derived legislation implementing international obligations and will be addressed alongside the existing international implementation programme. We will ensure that sufficient resource, in particular legal resource, is available to complete both legislative programmes. I will provide further updates on this programme in the coming weeks.

We hope this continues to reassure the Committee that we take the issue of any outstanding secondary legislation very seriously and are taking steps to ensure that we have greater resilience and capability to protect against this happening again. If we can be of any further assistance, please do let us know and we will endeavour to explain any further points.

I will be placing a copy of this letter in the Library of the House.

**28 April 2023**

| Maritime SI Programme–Maritime Programme (1 to 20 measures are Maritime backlog, of which 1 to 13 measures are international backlog)–updated 18/4/2023 | | | | |
|---|---|---|---|---|
| **No** | **Title** | **Category** | **Finalisation Status** | **Update** |
| 1 | The Merchant Shipping (Prevention of Air Pollution from Ships) (Amendment) Regulations 2021 | International Backlog | Complete | In force |
| 2 | The Merchant Shipping (Radiocommunications) (Amendment) Regulations 2021 | International Backlog | Complete | In force |
| 3 | The Merchant Shipping (Polar Code) Regulations 2021 | International Backlog | Complete | In force |
| 4 | The Merchant Shipping (Entry into Enclosed Spaces) Regulations 2022 | International Backlog | Complete | In force |
| 5 | The Merchant Shipping (Standards of Training, Certification and Watchkeeping) (Amendment) Regulations 2022 | International Backlog | Complete | In force |
| 6 | The Merchant Shipping (Nuclear Ships) Regulations 2022 | International Backlog | Complete | In force |
| 7 | The Merchant Shipping (Additional Safety Measures for Bulk Carriers) Regulations 2022 | International Backlog | Complete | In force |
| 8 | The Merchant Shipping (Fire Protection) Regulations 2023 | International Backlog | Due to be signed after debates | Laid in draft 3 March 2023. HoC debate held 27 March 2023. HoL debate scheduled for 2 May 2023. |

| | | | | |
|---|---|---|---|---|
| 9 | The Merchant Shipping (Cargo and Passenger Ship Construction) Regulations 2023 | International Backlog | Complete | In force |
| 10 | The Merchant Shipping (High Speed Craft) Regulations 2022 | International Backlog | Complete | In force |
| 11 | The Merchant Shipping (Special Measures to Enhance Maritime Safety) Regulations 2023 | International Backlog | Statutory Instrument in draft for consultation—expected to be completed 2023. | Submission to request clearance to go to pre-consultation write round sent 8 March 2023. WR with No.10 for approval. |
| 12 | The Merchant Shipping (Carriage of Cargoes) Regulations 2023 | International Backlog | Statutory Instrument is being prepared for consultation—expected to be completed 2023. | At pre-consultation Stage. Provisional laying date of 11 December 2023. |
| 13 | The Merchant Shipping (Carriage of Dangerous Goods and Harmful Substances) Regulations 2023 | International Backlog | Statutory Instrument is being prepared for consultation—expected to be laid in 2023. | At pre-consultation stage—now negative.<br>This may be delayed to early 2024 if SI is required to be affirmative. |
| 14 | The Merchant Shipping (Control and Management of Ships' Ballast Water and Sediments) Regulations 2022 | Delayed Domestic (UK commitment to accede to a convention) | Complete | In force |
| 15 | The Merchant Shipping (Standards for Passenger Ships on Domestic Voyages) (Miscellaneous Amendments) Regulations 2022 | Delayed Domestic (Thames Inquiry) | Complete | In force |

| | | | | |
|---|---|---|---|---|
| 16 | Merchant Shipping (Inspections of Ro-Ro Passenger Ships and High-Speed Passenger Craft) Regulations 2023 | Delayed Domestic | Expected to be completed 2023. | Published in draft 5 December 2022, 28 day publication period. With JCSI to consider. Laying in draft expected 7 June 2023. |
| 17 | The Merchant Shipping (Cargo Ship) (Bilge Alarm) (Amendment) Regulations 2023 | Delayed Domestic | Amendment identified by the JCSI post laying of the Merchant Shipping (Cargo Ship) (Bilge Alarm) Regulations 2021. | Required amendment has been included in Construction Regulations (no 9). |
| 18 | Merchant Shipping (Standards of Training, Certification and Watchkeeping) (Fishing Vessels) Regulations 2023 | Delayed Domestic (UK commitment to accede to a convention) | Underway and expected to be completed 2023. | At pre-consultation stage. |
| 19 | Merchant Shipping (Vessels in Commercial Use for Sport or Pleasure) Regulations 2023 | Delayed Domestic (MAIB recommendation) | Underway and expected to be completed 2023. | At pre-consultation stage. |
| 20 | Merchant Shipping (Workboats) Regulations 2023 MAIB | Delayed Domestic (MAIB recommendation) | Statutory Instrument is at consultation and expected to be completed 2023. | At post-consultation Stage. Considering outcome to consultation. |

## APPENDIX 4: INTERESTS AND ATTENDANCE

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 9 May 2023 and included in this report, Members declared the following interests:

### Energy Bills Discount Scheme Regulations 2023 (SI 2023/453) and four related instruments

Lord Hutton of Furness
*Chair of Make UK (supporting UK manufacturers)*

### Attendance:

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