



HOUSE OF LORDS

Secondary Legislation Scrutiny Committee

46th Report of Session 2019–21

Proposed negative statutory instruments laid under the European Union (Withdrawal) Act 2018

Drawn to the special attention of the House:

Education (Student Fees, Awards and Support) (Amendment) Regulations 2021

Correspondence: Sunset provisions in statutory instruments dealing with COVID-19

Includes information paragraphs on:

7 instruments relating to COVID-19

International Accounting Standards
(Delegation of Functions) (EU Exit)
Regulations 2021

Single Use Carrier Bags Charges (England)
(Amendment) Order 2021

M6 Motorway (Junctions 13 to 15) (Variable
Speed Limits) Regulations 2021

Communications (Television Licensing)
(Amendment) Regulations 2021

Official Controls and Phytosanitary
Conditions (Amendment) Regulations 2021

Ordered to be printed 23 February 2021 and published 25 February 2021

Published by the Authority of the House of Lords

HL Paper 229

Secondary Legislation Scrutiny Committee

The Committee's terms of reference, as amended on 22 February 2021, are set out on the website but are, broadly:

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.

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Registered interests

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

Publications

The Committee's Reports are published on the internet at <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), Jane White (Adviser) and Ben Dunleavy (Committee Assistant).

Further Information

Further information about the Committee is available at <https://committees.parliament.uk/committee/255/secondary-legislation-scrutiny-committee/>

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

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

Contacts

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

Forty Sixth Report

PROPOSED NEGATIVE STATUTORY INSTRUMENTS UNDER THE EUROPEAN UNION (WITHDRAWAL) ACT 2018

Proposed Negative Statutory Instruments about which no recommendation to upgrade is made

- Patents (European Patent with Unitary Effect and Unified Patent Court) (Repeal and Revocation) Regulations 2021

INSTRUMENTS DRAWN TO THE SPECIAL ATTENTION OF THE HOUSE

Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (SI 2021/127)

Date laid: 8 February 2021

Parliamentary procedure: negative

*Following EU Exit, this instrument removes eligibility for home fee status and student financial support for courses in England starting in academic year 2021/22 from EU/ European Economic Area and Swiss nationals and from children of Turkish workers arriving after the end of the Transition Period on 31 December 2020. The changes mean that these students will be treated the same as other international students with regard to tuition fees and financial support. The Department for Education expects the changes to lead to a significant reduction in EU student numbers, a loss of EU students fees income, fewer EU PhD students and a subsequent reduction in the talent pipeline for UK employers. **Given this impact, we regret that the Department did not consult more widely on this policy. As there is also considerable uncertainty in relation to the forecasting of future EU student numbers and policy impacts, the House may wish to examine the economic and financial impact and ask the Minister to ensure that Parliament is kept informed about the longer-term impact of the changes.***

The instrument is drawn to the special attention of the House on the ground that it is politically or legally important and gives rise to issues of public policy likely to be of interest to the House.

1. This instrument has been laid by the Department for Education (DfE) with an Explanatory Memorandum (EM) and Impact Assessment (IA). An Equality Analysis has also been published.¹ As announced in a written ministerial statement in June 2020,² the instrument removes eligibility for home fee status and student financial support for courses in England starting in academic year 2021/22 from EU, other European Economic Area (EEA)³ and Swiss nationals who are not covered by the citizens' rights provisions of the Withdrawal Agreements,⁴ and also from children of Turkish workers arriving after the end of the Transition Period (TP) on 31 December 2020. The changes mean that these students will be treated the same as other international students in relation to tuition fees and financial support.
2. DfE says that separately from the changes made by this instrument, freedom of movement has been removed from EEA students and a new student route has been opened under a points-based immigration system that treats EEA and non-EEA students equally.⁵

1 DfE, *Higher education student finance 2021 to 2022: equality analysis* (8 February 2021): <https://www.gov.uk/government/publications/higher-education-student-finance-2021-to-2022-equality-analysis> [accessed 18 February 2021].

2 HL Deb, 23 June 2020, [HLWS303](#).

3 Iceland, Liechtenstein and Norway.

4 These are the EU Withdrawal Agreement, EEA-European Free Trade Association (EFTA) Separation Agreement and Swiss Citizens' Rights Agreement.

5 Home Office, 'UK points-based immigration system: further details statement' (4 August 2020): <https://www.gov.uk/government/publications/uk-points-based-immigration-system-further-details-statement/uk-points-based-immigration-system-further-details-statement#coming-to-study> [accessed 18 February 2021].

Key changes made by this instrument

3. DfE explains that following the UK's withdrawal from the EU, it would no longer be justified to provide home fee status and student financial support to EU, other EEA and Swiss nationals who are not covered by the Withdrawal Agreements, and to children of Turkish workers arriving after the end of the TP. This instrument therefore removes eligibility for home fee status and student financial support for courses in England starting in academic year 2021/22 from these groups.
4. According to DfE, those who started courses before 1 August 2021 will continue to be eligible for home fee status and student financial support for the duration of their course. They will also be able to transfer to one other designated course should they wish to do so.
5. DfE says that the Withdrawal Agreements preserve existing rights to non-discrimination and equal treatment for those who exercised their EU law rights to reside in the UK before the end of the TP and others in scope of the citizens rights' provisions of the Withdrawal Agreements. EEA and Swiss nationals (and their family members) who qualify on the basis of having pre-settled status under the EU Settlement Scheme (EUSS) who subsequently lose that status, will, however, lose their eligibility for home fee status and student finance from the start of the 2021/22 academic year. EEA and Swiss nationals (and their family members) who are covered by the Withdrawal Agreements but have not yet been granted settled or pre-settled status, will continue to be eligible for home fee status and student financial support if they are still within the deadline of 30 June 2021 for making an application to the EUSS or if they have an outstanding application, including appeals. Once the deadline has passed, or their application has been finally rejected, they will no longer be covered by the Withdrawal Agreements and will no longer have protected rights and will lose eligibility for home fee status and student financial support.
6. According to DfE, the changes will not apply to Irish citizens living in the UK and Ireland whose right to study and to access benefits and services will be preserved on a reciprocal basis for British and Irish citizens under the Common Travel Area arrangement.
7. Following the Government's decision not to take part in the next EU Erasmus+ programme after the current scheme expires,⁶ the instrument also amends the definition of "Erasmus year" so that it covers both the current Erasmus scheme and the UK's new domestic Turing scheme which will start in September 2021.⁷ Students on either scheme will be entitled to the same levels of support.
8. The instrument also makes changes in relation to UK nationals and their family members living in the EEA/Switzerland on 31 December 2020, or who have returned to live in the UK on or after 1 January 2018 following a period of ordinary residence in the EEA/Switzerland: they will continue to

6 Under the Withdrawal Agreement, the UK continues to participate fully in the current Erasmus+ 2014-2020 programme: projects which bid successfully for funding during the 2014-2020 programme will continue for the full duration of the project, even where funding runs beyond 2020 and the end of the Transition Period.

7 DfE, *Press Release: New Turing scheme to support thousands of students to study and work abroad* on 26 December 2020: <https://www.gov.uk/government/news/new-turing-scheme-to-support-thousands-of-students-to-study-and-work-abroad> [accessed 18 February 2021].

be eligible for home fee status, tuition fee loans and maintenance support for courses starting before 1 January 2028. According to DfE, this will ensure an adjustment period for those UK nationals who had moved to the EEA/Switzerland prior to the end of the TP.

9. We asked the Department about the rationale for ending eligibility for this specific group in 2028, and whether there were comparable provisions for UK nationals and their families who are living in non-EEA countries and who may wish to study in England. DfE told us that:

“The policy intent is to continue to provide access to home fee status and student support for courses starting up to 7 years from the end of the transition period for those UK nationals and their family members who may have planned, perhaps before the referendum, to study in England in the near future. Ministers considered that there were not compelling reasons to provide an indefinite commitment, but considered that a 7 year cut-off would allow those children of UK nationals who had already started secondary education in the EEA/Switzerland to complete their studies there whilst remaining eligible for student support if they chose then to return to the UK to study a higher or further education courses in the UK.⁸ [...]

It is a long standing policy of the UK Government that UK nationals and their family members should have a close connection with the UK to benefit from taxpayer subsidy. A UK national living outside the UK, Overseas Territories, EEA and Switzerland does not therefore qualify for home fee status and/or student financial support. If they then return to the UK, they will generally become eligible for support once they have demonstrated 3 years ordinary residence in the UK and the Islands immediately before the start of the course.”

10. The Department has published guidance,⁹ a detailed policy document¹⁰ and FAQs¹¹ to provide further explanation of the changes made by this instrument and how they will apply to specific groups.

Impact on student numbers

11. The IA sets out the expected impact of the changes. DfE anticipates that removing access to student finance support will have a detrimental impact on EU student numbers, as EU students will need to pay tuition fees upfront or find alternative finance arrangements. Similarly, removing home fee status is expected to reduce EU student inflows, as tuition fees for EU students will be up to three times higher, depending on the higher education institution and level of study.
12. While noting that there is a large amount of uncertainty associated with forecasting EU student numbers and policy impacts, the IA estimates that, as a result of the changes in this instrument and the separate changes in the

⁸ HC Deb, 4 April 2019, [HCWS1483](#).

⁹ DfE, ‘Studying in the UK: guidance for EU students’ (28 December 2020): <https://www.gov.uk/guidance/studying-in-the-uk-guidance-for-eu-students> [accessed 18 February 2021].

¹⁰ DfE, *Student finance eligibility: 2021 to 2022 academic year* (28 December 2020): <https://www.gov.uk/government/publications/student-finance-eligibility-2021-to-2022-academic-year> [accessed 18 February 2021].

¹¹ DfE ‘Access to Student Finance from Academic Year 2021/22: FAQs’ : <https://dfemedia.blog.gov.uk/access-to-student-finance-from-academic-year-2021-22-faqs/> [accessed 18 February 2021].

immigration system, EU student flows will fall by approximately 66% per year, equivalent to around 30,000 to 35,000 fewer first-year EU students per year. This reduced inflow is projected to lead to an estimated 60,000 to 70,000 fewer EU higher education students in England in the long run, a reduction of around 45%.

Impact on tuition fee income

13. The Department expects this reduction in the number of EU students to have a detrimental impact on tuition fee income: the IA estimates that with an average reduction in the number of fee-paying EU students of 60,000 per year, the projected fee income will fall by around £3.8 billion (central estimate) over 10 years. DfE says that this loss of fee income is likely to be felt differently across higher education institutions, with some providers being more reliant on EU students fee income and potentially finding it more difficult to retain EU students under the new arrangements. DfE adds that, at the same time, those EU students who will study in the UK will have to pay higher international fees, partly offsetting the fee income loss associated with a reduction in the number of EU students. The IA projects around £3.1 billion of extra income (central estimate) from this over 10 years. We consider that the changes are likely to create an imbalance in favour of wealthier EU students who will be able to afford the higher fees. The IA also identifies savings for public services, primarily from EU students no longer being able to access student loans, which is expected to save £2.2 billion over 10 years. We note that this will remove any difficulties with recovering student loan payments from EU students who return home, especially if this is to countries where lower wages mean that their earnings remain below the repayment thresholds.

Impact on the wider economy

14. The Department says that the expected drop in EU student numbers will have an impact on the wider economy, including by reducing the talent pipeline for UK employers. At present, 43% of EU students study science related subjects and three out of 10 EU students remain in the UK after their studies, with the majority taking up employment in skilled, technical, and professional occupations. According to DfE, EU graduates who remain in the UK on average earn £30,300 per year five years after graduation, over £3,000 more than their UK counterparts. The loss of EU students is also expected to lead to a fall of around 60% per year in the number of new EU PhD students in the UK and in PhD students going into research. According to DfE, a higher proportion of EU PhD students (63%) currently go into research after completing their PhDs than their UK counterparts (53%).
15. Overall, DfE concludes that the net present cost to the economy of removing access to home fee status and tuition fee loans for EU students is estimated to be £2.6 billion (central estimate) over the next 10 years, with the net present cost to business, charities and voluntary organisations expected to be £800 million over the same period. The net present benefit to the public sector is estimated to be £2.6 billion.
16. The Department says that it will monitor the number of EU/EEA/Swiss students, the corresponding tuition fee income and the impact these changes will have on the wider economy and the UK's talent pipeline, especially the

Research and Development workforce, including the number of EU/EEA/Swiss PhD students who study in the UK. We note that, as part of the new immigration system, the Home Office has introduced a new immigration route to enable international students to remain in the UK for two years (three years for doctorate students) after graduating.¹² Given the importance of EU/EEA/Swiss PhD students to the UK research sector, we raise the question whether it would have been possible to use different approaches for undergraduate and postgraduate students in this instrument. **The House may wish to ask the Minister to ensure that Parliament is kept informed about the longer-term impact of the changes on the UK higher education and research sectors and on the wider economy.**

Consultation

17. The Department states that while there was no statutory requirement to consult on the instrument, it discussed the policy changes with sector stakeholders such as Universities UK (UUK), the UK Council for International Student Affairs (UKCISA) and Independent Higher Education. We asked the Department whether these stakeholders had raised any concerns and whether the Russell Group of Universities had also been involved in the discussions. DfE told us that:

“Officials have engaged extensively with the sector, including the Russell Group, over the past few years. We believe they understand that changes to eligibility for EU nationals are a consequence of the UK’s decision to leave the EU.

Officials have addressed more specific queries from sector stakeholders on a number of eligibility changes to student finance rules, including, most frequently, rights of persons under the Withdrawal Agreements, and the difference in rights of those with pre-settled status and settled status. We have also responded to queries relating to UK nationals and their family members domiciled in the EEA, as well as family members living in the UK. We have presented on these changes at webinars and meetings organised by sector stakeholders, by DfE, and by [other government departments] such as Home Office and [Foreign, Commonwealth & Development Office], and addressed stakeholder queries directly at those fora.

Further to these queries, information has been made available on gov.uk, and a detailed policy document published. This document plus a Q&A was developed with the help of UKCISA and UUK.

The Russell Group asked for further clarification on how individual providers would assess eligibility for home fee status, and whether universities will be required to collect evidence that an individual was resident in the UK on 31 December 2020, has continued to be residence since then, and the nature of that residence. DfE officials explained that whilst providers are autonomous institutions, we anticipated they would wish to undertake a similar approach to the [Student Loans Company] in assessing eligibility for home fee status, whether or not students on that course are eligible for student support.”

12 Home Office, ‘Fact sheet: Graduate Immigration Route, Home Office’ (14 October 2019): <https://homeofficemedia.blog.gov.uk/2019/10/14/fact-sheet-graduate-immigration-route/> [accessed 18 February 2021].

18. While we note that the changes to eligibility for home fee status and financial support for EU nationals follow the UK's decision to leave the EU and that the Department has engaged with the sector, **we regret that the Department did not consult more widely on the policy, given the impact the changes are expected to have not just on the higher education and research sectors but also on the wider economy. While the instrument deals only with England, we take the view that given this wider impact, the consultation could usefully have involved the Devolved Administrations, as well as industries that require science graduates, as a significant proportion of EU students in the UK currently study science subjects.** We also note that, under the new rules, universities will be expected to assess whether students are eligible for home fee status, potentially creating additional administrative requirements.

Conclusion

19. Following EU Exit, this instrument removes eligibility for home fee status and student financial support from EU/EEA students, so that they will be treated the same as other international students in England starting in academic year 2021/22. The Department expects that the changes will lead to a significant reduction in EU student numbers, a loss of EU students fees income, fewer EU PhD students and a subsequent reduction in the talent pipeline for UK employers. **Given this impact, we regret that the Department did not consult more widely on this policy. As there is considerable uncertainty in relation to the forecasting of future EU student numbers and policy impacts, the House may wish to examine the economic and financial impact and ask the Minister to ensure that Parliament is kept informed about the longer-term impact of the changes. The instrument is drawn to the special attention of the House on the ground that it is politically or legally important and gives rise to issues of public policy likely to be of interest to the House.**

CORRESPONDENCE

Sunset provisions in statutory instruments dealing with COVID-19

20. We have noted in previous reports¹³ that many statutory instruments that relate to the coronavirus pandemic included sunset provisions. To assist the House in scrutinising the legislation, we asked the Leader of the House of Commons to send us monthly updates so that they could be properly monitored. A further update has been received, which is published in Appendix 1 of this report.

¹³ For example, our [42nd Report](#) (Session 2019-21, HL Paper 172).

INSTRUMENTS RELATING TO COVID-19

Travel

Health Protection (Coronavirus, International Travel) (England) (Amendment) (No. 6) Regulations 2021 (SI 2021/137)

21. Following the ninth statutory review of the International Travel Regulations,¹⁴ these Regulations tighten up some existing sectoral exemptions from the self-isolation requirement and update the list of elite sporting events, set out in Schedule 3, to which certain exemptions apply. Exemptions from self-isolation for certain coaches and sport support staff have been removed and the training abroad provision has been amended so that it now only covers Olympic and Paralympic athletes training in the run up to the Tokyo Olympic Games.
22. The Department for Transport (DfT) justified bringing these provisions into effect overnight on the ground that they reduce the risk that individuals arriving in England may pose to public health. The Explanatory Memorandum, however, gives no indication of the numbers involved. **To assess the degree of risk, the House may wish to ask the Minister how many ancillary sport staff were previously using the exemption that this instrument terminates, and how many elite sports people who have departed from or transited through a non-exempt country or territory in order to compete in one of the elite sports events listed in Schedule 3 are expected still to use it.**

Health Protection (Coronavirus, International Travel) (England) (Amendment) (No. 7) Regulations 2021 (SI 2021/150)

23. From 15 February this instrument amended the International Travel Regulations¹⁵ to implement a new system of managed quarantine. Travellers from countries listed in Schedule B1 (“red list countries” where coronavirus variants of concern are prevalent) are now required to obtain a package comprising 10 days in accommodation designated by the Secretary of State, transportation to that accommodation and tests for coronavirus on day two and day eight after their arrival in England.
24. The instrument also requires all travellers who have been outside the common travel area to pre-book two tests for coronavirus: the first has to be taken within two days of their arrival in England and must be capable of permitting genomic sequencing of the sample; the second has to be taken seven days after their arrival. These tests are in addition to the requirement to complete a Passenger Locator Form (PLF) and obtain a negative COVID-19 test within 72 hours of commencing their journey. Failure to book a test and failure to take it are both made offences subject to fines.
25. Regulation 14 amends Regulation 10 of the International Travel Regulations to insert an existing offence under section 1 of the Fraud Act 2006 of fraud by false representation or by failing to disclose information. The maximum penalty upon conviction is imprisonment not exceeding 10 years or a fine (or both). In addition, where a traveller intentionally or recklessly provides false or misleading passenger information relating to their travel history in relation to a red list country, they may be issued with a fixed penalty notice of £10,000.

¹⁴ Health Protection (Coronavirus, International Travel) (England) Regulations 2020 ([SI 2020/568](#)).

¹⁵ *Ibid.*

26. The Regulations also oblige the transport operator to ensure that passengers who arrive in England on their services have included details of the test arrangements and managed self-isolation package on their PLF. They also require operators to ensure that flights from red list countries, including in private aircraft, arrive in England only at the permitted airports (Heathrow, Gatwick, London City, Birmingham or Farnborough).

Public services

Education (Coronavirus, Remote Education Information) (England) (Amendment) Regulations 2021 (SI 2021/122)

27. This instrument imposes temporarily a requirement on schools in the public sector, as well as independent schools with state-funded pupils, to publish information regarding the provision of remote education on the school website or on an alternative website, so that parents, carers and pupils can better understand what their school's remote education provision entails. The temporary requirement came into force on 12 February and will expire on 31 August 2021, ensuring that the information is available for the duration of the academic year. The Department for Education (DfE) says that the instrument does not put any additional burden on schools, as there is already an expectation set out in guidance from 3 December 2020¹⁶ that schools publish information on the provision of remote information on their website. To help schools meet their obligation, DfE has published a suggested template for this information.¹⁷

Changes to business practice and regulation

Draft Corporate Insolvency and Governance Act 2020 (Coronavirus) (Change of Expiry Date) Regulations 2021

28. These draft Regulations propose to extend the expiry date of the period during which the power in section 20 of the Corporate Insolvency and Governance Act 2020 ("the CIG Act") can be used, from 30 April 2021 to 29 April 2022. The section 20 power enables the Secretary of State to make regulations to modify temporarily corporate insolvency or governance legislation for various purposes in connection with mitigating the impact of coronavirus. This power has been used once so far, to suspend temporarily the personal liability incurred by company directors through wrongful trading.¹⁸ According to the Department for Business, Energy and Industrial Strategy (BEIS), the extension of the section 20 power by one year through this instrument is the maximum period allowed under the CIG Act for a single extension, although the power to extend may be used more than once. BEIS says that the one-year extension reflects that while there is a vaccination programme, national lockdowns and other restrictions on normal trading continue, and the future impact of the pandemic on business and the insolvency regime remains uncertain.

16 See: DfE, 'Actions for schools during the coronavirus outbreak' (2 July 2020): <https://www.gov.uk/government/publications/actions-for-schools-during-the-coronavirus-outbreak> [accessed 18 February 2021].

17 See: DfE, 'Providing remote education information to parents: template' (15 December 2020): <https://www.gov.uk/government/publications/providing-remote-education-information-to-parents-template> [accessed 18 February 2021].

18 Corporate Insolvency and Governance Act 2020 (Coronavirus) (Suspension of Liability for Wrongful Trading and Extension of the Relevant Period) Regulations (SI 2020/1349).

Law and order

Prosecution of Offences Act 1985 (Specified Proceedings) (Coronavirus) (Amendment) Order 2021 (SI 2021/126)

29. This instrument provides that penalties incurred for offences contrary to a range of COVID-19 regulations are “specified proceedings”, which means that the police may conduct the proceedings by serving a notice and the evidence on an accused person. If that person pleads guilty in writing or has not responded after 28 days, then a court can deal with the case under “the single justice procedure” without the assistance of the Crown Prosecution Service (CPS).¹⁹ The CPS will take over, however, if the accused pleads not guilty or does not consent to their case being dealt with under this process.
30. The Attorney General’s Office states in the Explanatory Memorandum that the Order needs to be brought into immediate effect to ensure the summary resolution of the over 6,000 unpaid fixed penalty notices in England and Wales that had accrued by 26 January. As a result of a rule which requires proceedings to be instituted no more than six months after the commission of the offence, some of them may otherwise lapse. While it is clearly important that these fines are enforced, **we regard bringing these administrative provisions into immediate effect as inappropriate: the urgency only results from poor planning by the Government.**

Electoral changes

Draft Mayoral and Police and Crime Commissioner Elections (Coronavirus, Nomination of Candidates) (Amendment) Order 2021

31. The Government confirmed on 5 February 2021 that the elections scheduled for 6 May 2021 would go ahead but with some differences to reduce the amount of person to person contact involved because of the coronavirus pandemic.²⁰ This Order, which will expire on 22 February 2022, proposes to reduce the number of electors that are required to sign a candidate nomination form for police and crime commissioner (PCC) elections in England and Wales and combined authority and single authority mayoral elections in England, as set out in Table 1 (other than London — see SI 2021/160 below). Actual signatures are still required to ensure democratic accountability and to show that candidates have the required degree of support from local electors.

¹⁹ The procedure is set out guidance is available on the internet, for instance at: <https://www.gov.uk/single-justice-procedure-notice>.

²⁰ See Cabinet Office, Government delivery plan (5 February 2021): <https://www.gov.uk/government/publications/may-2021-polls-delivery-plan/may-2021-polls-delivery-plan> [accessed 18 January 2021].

Table 1: Summary table provided by Cabinet Office

Poll	Subscriber Number now	Subscriber Number revised	Comments
Mayor for Combined Authority	100—minimum of 10 from each local authority (“LA”)	Will now have the total required dictated by number of LAs within the Combined Authority area. (e.g. if 10 LAs, 20 subscribers are required)	Two subscribers are required from each LA area. two of the total will be Proposer and Second.
PCC	100	Will now have the total number required dictated by number of LAs within the Police Area—based on two per LA or part LA within the Police Area. (for example, if 14 LAs (or part of an LA), 28 subscribers are required)	Number based on two per LA (or part of an LA) but retaining the ability to have subscribers from anywhere in the area without the need for two of them to be registered to vote in each LA. Two of the total will be Proposer and Second.

Source: Cabinet Office

Local and Greater London Authority Elections (Coronavirus, Nomination of Candidates) (Amendment) (England) Rules 2021 (SI 2021/160)

32. This instrument also temporarily reduces the number of signatures required on a nomination paper during the pandemic period and will expire on 28 February 2022:
- For local council elections, the requirement for 10 electors proposing, seconding or assenting to a candidate’s nomination is reduced to two. This change also applies to candidates at county, district and London borough elections.
 - (Nominations of candidates for parish and community council elections already only require the subscription of two electors and so no changes are proposed.)
 - The Greater London Authority rules are amended to reduce the number of signatures required on a nomination paper of a candidate for the London mayoral election from 330 to 66, which represents twice the number of local authorities within the mayoral area (32 London boroughs and the City of London).
 - (The rules for the conduct of London Assembly elections do not require candidates’ nomination forms to be subscribed, and therefore no amendments are needed.)

33. **The House may wish to ask the Minister to make clear how this procedure is compatible with the guidance (cited in footnote 20) which says that under the current national lockdown, leafleting and door-knocking by party activists is not permissible.**

INSTRUMENTS OF INTEREST

Draft International Accounting Standards (Delegation of Functions) (EU Exit) Regulations 2021

34. This instrument delegates functions of the Secretary of State in relation to international accounting standards to the new UK Accounting Standards Endorsement Board (UKEB), making the UKEB responsible for the adoption of international accounting standards for use within the UK. An earlier instrument²¹ originally conferred these functions on the Secretary of State, to replace the European Commission's framework for the adoption of international accounting standards within the EU, following the end of the Transition Period.
35. The Explanatory Memorandum sets out how the UKEB will operate as an unincorporated association with support of the Financial Reporting Council (FRC). We note that these changes will mean additional responsibilities for the FRC at a time when the FRC itself will be undergoing transformation into the new Audit, Reporting and Governance Authority.
36. The UKEB's terms of reference²² will be set by the Secretary of State and will require the UKEB to report at least annually to the Secretary of State on its technical decision-making and to the FRC on adherence with its governance and due process. The UKEB's report to the Secretary of State will be laid before Parliament, and the UKEB's reports to the FRC on governance and due process will also be published. The Secretary of State will retain the ability to amend or revoke the delegation of functions to the UKEB using a statutory instrument subject to the affirmative procedure.

Draft Single Use Carrier Bags Charges (England) (Amendment) Order 2021

37. This instrument proposes to increase the charge for a single use carrier bag (SUCB) from five pence to 10 pence and to extend the obligation to charge for SUCBs to all retailers. Only retailers with 250 or more staff are legally required to charge for SUCBs at present.
38. According to the Department for Environment, Food and Rural Affairs (Defra), the five pence charge has been successful since it was introduced for large retailers in October 2015: the main supermarkets supplied 226 million SUCBs in 2019-20, down from 1.04 billion in 2017-18, while the reported number of SUCBs has decreased by 95% since 2015. Defra explains, however, that plastic bags continue to have a significant impact on the environment, and that an estimated 3.2 billion SUCBs were circulated by Micro, Small, and Medium Enterprises (MSMEs), airport retailers and civil and voluntary organisations in 2018, accounting for over 80% of all SUCBs placed on the market. Defra adds that while there has been some uptake of the charge on a voluntary basis by small retailers, progress has been slow. The Government committed to extending the mandatory charge to all retailers in their 25 Year

21 International Accounting Standards and European Public Limited-Liability Company (Amendment etc.) (EU Exit) Regulations 2019 ([SI 2019/689](#)).

22 UK Accounting Standards Endorsement Board, *Terms of Reference — Draft*: <https://assets-cu-01.kc-usercontent.com/99102f2b-dbd8-0186-f681-303b06237bb2/9410382b-732f-42ea-ade4-1c6f5f46a36d/UKEB-Draft-Terms-of-Reference-Feb2021.pdf> [accessed 18 February 2021].

Environment Plan²³ if voluntary approaches are deemed ineffective. During a public consultation between December 2018 and February 2019, more than 80% of respondents supported the extension of the charge to all retailers, and over 70% supported an increase of the charge. According to Defra, the charge will continue to be enforced by local authority trading standards officers using a “light touch, pragmatic and complaints led” approach.

39. While this instrument requires all retailers to charge for SUCBs, the current requirement on large retailers to report on their sale of SUCBs is not extended, to avoid any additional burden on MSMEs. Defra says that a further instrument will be brought forward in due course to require producers of plastic packaging to report annually on the number of SUCBs they place on the market.

M6 Motorway (Junctions 13 to 15) (Variable Speed Limits) Regulations 2021 (SI 2021/116)

40. This instrument allows for variable speed enforcement on the modified M6 motorway between junctions 13 (Stafford) and 15 (Newcastle Under Lyme) where the hard shoulder has been converted to create four running lanes in each direction. The Department for Transport (DfT) states that these motorways typically provide a third more capacity than a conventional motorway with a hard shoulder.
41. There have been a number of reports in the press recently²⁴ expressing concern over the safety of these SMART motorways.²⁵ Further information from the DfT, published in Appendix 2, states that there are no concerns about the air quality for this stretch of road and that a number of safety measures are to be implemented including stopped vehicle detection (SVD) radar. DfT also draws attention to an evaluation of SMART motorway safety, published in March 2020, (“the Stocktake document”)²⁶ which found that these roads were in most ways as safe as, or safer than, conventional ones.
42. We take the view that this statement does not sufficiently distinguish the risks: — the Stocktake document states “The risk of a collision between a moving vehicle and a stationary vehicle is higher on non-hard-shoulder motorways. But the risk of a collision between two or more moving vehicles is lower. Because when the hard shoulder is removed, technology is installed to smooth traffic flow with variable speed limits.”(page 5) That is a justification for installing SMART monitoring of all motorways rather than an endorsement of using the hard-shoulder as a running lane. We note that the Stocktake document goes on to say that “Over the four years 2015–18 (inclusive), All Lane Running and Dynamic Hard Shoulder Running motorways carried, on average, 10.7% of the traffic on the motorway network. They accounted for, on average, 11.4% of the serious casualties”. (page 10) That evidence

23 Defra, *A Green Future: Our 25 Year Plan to Improve the Environment*, (11 January 2018): <https://www.gov.uk/government/publications/25-year-environment-plan> [accessed 18 February 2021].

24 For example, from the Yorkshire PCC on 16 February 2021: “Abandon smart motorways”, says South Yorkshire PCC, *BBC* (17 February 2021): <https://www.bbc.co.uk/news/uk-england-south-yorkshire-56089258> [accessed 18 February 2021].

25 A section of motorway that uses active traffic management (ATM) techniques to increase capacity by use of variable speed limits and hard shoulder running at busy times.

26 DfT, *Smart Motorway Safety Evidence Stocktake and Action Plan*: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/936811/smart-motorway-safety-evidence-stocktake-and-action-plan.pdf [accessed 18 February 2021].

seems to imply that motorways with hard-shoulder running are less safe.
The House may wish to ask the Minister for further clarification.

Communications (Television Licensing) (Amendment) Regulations 2021 (SI 2021/124)

43. This instrument increases the level of the television licence fee in line with the Consumer Price Index from £157.50 to £159.00 for a colour licence, and from £53.00 to £53.50 for a black and white licence for the year 2021/22. The instrument also increases the sums that are payable under licence fee instalment schemes. According to the Department for Digital, Culture, Media and Sport, this will be the last annual increase under the current licence fee settlement; future decisions will be made as part of a new licence fee settlement that is to take effect from 1 April 2022.

Official Controls and Phytosanitary Conditions (Amendment) Regulations 2021 (SI 2021/136)

44. This instrument allows high risk plants and plant products from the EU to undergo plant health inspections away from the border at inland Places of Destination (PoDs). According to the Department for Environment, Food and Rural Affairs (Defra), this is a necessary contingency measure as Border Control Posts (BCPs), where these checks are due to take place, are not expected to be operationally ready until later in the year. The instrument sets out the requirements for businesses wishing to act as PoDs. Asked about the timetable, Defra told us that: “BCPs at Sevington (Ashford) and Dover White Cliffs are being constructed to undertake Sanitary and Phytosanitary (SPS) checks for goods, which will be required to implement SPS controls for goods imported from the EU from July 2021.”
45. The instrument also introduces emergency measures against the import into Great Britain (GB) of host plants of *Xylella fastidiosa* (*Xylella*), a bacterium which causes disease in a wide range of commercially grown plants. According to Defra, serious outbreaks of the disease have occurred in Italy and other EU countries. This instrument re-introduces measures that were originally introduced last year²⁷ but subsequently removed,²⁸ following infraction proceedings by the European Commission. Following changes to GB’s plant health regime after the end of the Transition Period,²⁹ the Department is now able to re-introduce these measures. Asked about the nature of these measures, Defra told us that:

“Under the new measures, imports of the highest risk host plants (*Polygala* and *Coffea*) are only allowed from countries where *Xylella* is known not to occur. In addition, the existing requirements applying to the import of other key host plants (*Olive*, *Almond*, *Lavender*, *Rosemary* and *Nerium oleander*) from countries where *Xylella* is known to occur have been strengthened. Imports will only be permitted under certain conditions, including inspections of the place of production and the surrounding area, testing, pre-export inspections and a one-year quarantine period prior to import.”

27 Official Controls (Plant Health and Genetically Modified Organisms) (England) (Amendment) Regulations 2020 ([SI 2020/381](#)).

28 Official Controls (Plant Health and Genetically Modified Organisms) (England) (Amendment) (No. 5) Regulations 2020 ([SI 2020/1466](#)).

29 Plant Health (Phytosanitary Conditions) (Amendment) (EU Exit) Regulations 2020 ([SI 2020/1527](#)).

INSTRUMENTS NOT DRAWN TO THE SPECIAL ATTENTION OF THE HOUSE

Draft instruments subject to affirmative approval

Corporate Insolvency and Governance Act 2020 (Coronavirus) (Change of Expiry Date) Regulations 2021

Financial Reporting Council (Miscellaneous Provisions) Order 2021

International Accounting Standards (Delegation of Functions) (EU Exit) Regulations 2021

Mayoral and Police and Crime Commissioner Elections (Coronavirus, Nomination of Candidates) (Amendment) Order 2021

National Minimum Wage (Amendment) Regulations 2021

Police and Crime Commissioner Elections (Welsh Forms) Order 2021

Recognised Auction Platforms (Amendment and Miscellaneous Provisions) Regulations 2021

Renewables Obligation (Amendment) Order 2021

Single Use Carrier Bags Charges (England) (Amendment) Order 2021

Draft instruments subject to annulment

London Borough of Bromley (Electoral Changes) Order 2021

London Borough of Wandsworth (Electoral Changes) Order 2021

Royal Borough of Kingston upon Thames (Electoral Changes) Order 2021

Instruments subject to annulment

SI 2021/93 Pension Protection Fund and Occupational Pension Schemes (Levy Ceiling) Order 2021

SI 2021/96 Driver and Vehicle Standards Agency Trading Fund (Revocation) Order 2021

SI 2021/99 Asylum Support (Amendment) Regulations 2021

SI 2021/102 Agricultural Holdings (Units of Production) (England) Order 2021

SI 2021/104 Airports (Designation) (Removal and Disposal of Vehicles) (Amendment) Order 2021

SI 2021/105 Airport Byelaws (Designation) Order 2021

SI 2021/110 Insolvency Practitioners (Recognised Professional Bodies) (Revocation of Recognition) Order 2021

SI 2021/116	M6 Motorway (Junctions 13 to 15) (Variable Speed Limits) Regulations 2021
SI 2021/117	Civil Procedure (Amendment) Rules 2021
SI 2021/122	Education (Coronavirus, Remote Education Information) (England) (Amendment) Regulations 2021
SI 2021/124	Communications (Television Licensing) (Amendment) Regulations 2021
SI 2021/126	Prosecution of Offences Act 1985 (Specified Proceedings) (Coronavirus) (Amendment) Order 2021
SI 2021/131	Loans for Mortgage Interest (Amendment) Regulations 2021
SI 2021/135	Drivers' Hours and Tachographs (Amendment) Regulations 2021
SI 2021/136	Official Controls and Phytosanitary Conditions (Amendment) Regulations 2021
SI 2021/137	Health Protection (Coronavirus, International Travel) (England) (Amendment) (No. 6) Regulations 2021
SI 2021/144	Scotland Act 1998 (Agency Arrangements) (Specification) (Overseas Production Orders) Order 2021
SI 2021/150	Health Protection (Coronavirus, International Travel) (England) (Amendment) (No. 7) Regulations 2021
SI 2021/160	Local and Greater London Authority Elections (Coronavirus, Nomination of Candidates) (Amendment) (England) Rules 2021
SR 2021/16	Crown Court (Amendment) Rules (Northern Ireland) 2021

APPENDIX 1: CORRESPONDENCE: SUNSET PROVISIONS IN STATUTORY INSTRUMENTS DEALING WITH COVID-19

Letter from the Rt Hon. Jacob Rees-Mogg MP, Lord President of the Council and Leader of the House of Commons, to Lord Hodgson of Astley Abbotts, Chair of the Secondary Legislation Scrutiny Committee

In my letter of 9 July 2020 I committed to provide a regular monthly update of sunset provisions in statutory instruments (SIs) made in response to the Coronavirus pandemic. I also note that this continues to be an area of interest to the Committee, as laid out in its interim report on its work in the session to date, published on 18 December 2020.

As of 1 February 2021, the Government has laid 305 SIs that fall into this category, of which 88 include a specific sunset provision. Please note, this includes a previous omission that you helpfully flagged on 14 January. This can be found in line 42.

Annex A sets out the SIs that have been laid in response to the pandemic which include a specific sunset provision, along with the timing of that provision. This information is also included in the Explanatory Notes to each SI. The inclusion of a sunset provision is always carefully considered. An additional four SIs (also listed in Annex A) do not include specific sunset provisions themselves, but cease to have effect after 28 days, as dictated by the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Very High) (England) Regulations 2020.

I hope that this information is helpful to the Committee and I will continue to provide an updated list every month. This letter has been copied to the Leader of the House of Lords and the Chairman of the Joint Committee on Statutory Instruments.

Annex A

	Dept	Title	Sunset Provision
1	DHSC	Health Protection (Coronavirus) Regulations 2020	10/02/2022
2	DHSC	The Health Protection (Coronavirus, Business Closure) (England) Regulations 2020	23/09/2020 — This SI was revoked by the below SI.
3	DHSC	Health Protection (Coronavirus, Restrictions) (England) Regulations 2020	26/09/2020 — Now revoked by Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020

	Dept	Title	Sunset Provision
4	DHSC	The Safeguarding Vulnerable Groups Act 2006 (Regulated Activities) (Coronavirus) Order 2020	17/10/2021
5	HO	Investigatory Powers (Temporary Judicial Commissioners and Modification of Time Limits) Regulations 2020	27/03/2021
6	MHCLG	Town and Country Planning (General Permitted Development) (Coronavirus) (England) (Amendment) Order 2020	31/12/2020 — These provisions have been extended to 31/12/2021
7	DWP	Universal Credit and Employment Support Allowance Amendment Regulations 2020	12/11/2020 — These provisions have been extended to 12/05/2021
8	DWP	Northern Ireland equivalent to above	12/11/2020 — These provisions have been extended to 12/05/2021
9	DWP	Social Security (Coronavirus) (Further Measures) Regulations 2020	12/11/2020 — These provisions have been extended to 12/05/2021. Regulation 2 in the provisions have been extended to 30/04/2021
10	DWP	Social Security (Coronavirus) (Further Measures) Northern Ireland Regulations 2020	12/11/2020 — These provisions have been extended to 12/05/2021
11	DWP	The Social Security (Coronavirus) (Prisoners) Regulations 2020	12/11/2020 — These provisions have been extended to 12/05/2021
12	DWP	The Social Security (Coronavirus) (Prisoners) Regulations 2020 Northern Ireland	12/11/2020 — These provisions have been extended to 12/05/2021
13	DfE	The School Admissions (Appeals Arrangements) (England) (Amendment) (Coronavirus) Regulations 2020	31/01/2021 — These regulations have been extended to 30/09/2021

	Dept	Title	Sunset Provision
14	DfE	The Adoption and Children (Coronavirus) (Amendment) Regulations 2020	This has been partially extended. Some of the provisions of these regs were extended through The Adoption and Children (Coronavirus) (Amendment) (No. 2) Regulations 2020, but the majority expired.
15	DfT	The Motor Vehicles (Tests) (Amendment) Regulations 2020	01/02/2021 — This has been further amended by the Motor Vehicles (Tests) (Amendment) (Coronavirus) (No.2) Regulations.
16	DfE	The Special Educational Needs and Disability (Coronavirus) (Amendment) Regulations 2020	These expired with no extension necessary.
17	DfE	The Education (School Teachers' Qualifications and Induction Arrangements) (England) (Coronavirus) (Amendment) Regulations 2020	01/09/2020 — These were extended through The Education (Induction Arrangements for School Teachers) (England) (Coronavirus) (Amendment) Regulations. They now expire on 01/09/2021.
18	BEIS	Competition Act 1998 (Dairy Produce) (Coronavirus) (Public Policy Exclusion) Order 2020	01/08/2020 — No SI was laid to extend these provisions, the sunset provision has come into effect and therefore the SI is no longer in force.
19	DHSC	Health Protection (Coronavirus, Restrictions) (England) (Amendment) (No. 2) Regulations 2020	26/09/2020 — Now revoked by Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020
20	MHCLG	The Town and Country Planning (Development Management Procedure) (England) (Coronavirus) (Amendment) Order 2020	31/12/2020 — These provisions have been extended to 31/12/2021
21	MoJ	Prison and Young Offender Institution (Coronavirus) (Amendment) (No. 2) Rules 2020	25/03/2022

	Dept	Title	Sunset Provision
22	MoJ	The Civil Legal Aid (Remuneration) (Amendment) (Coronavirus) Regulations 2020	08/06/2021
23	DIT	The Traffic Order Procedure (England) (Coronavirus) (Amendment) Regulations 2020	30/04/2021
24	DfE	School Forums (Coronavirus) SI	01/04/2021
25	DHSC	Health Protection (Coronavirus, Restrictions) (England) (Amendment) (No. 3) Regulations 2020	26/09/2020 — Now revoked by Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020
26	DHSC	Health Protection (Coronavirus, International Travel) (England) Regulations 2020	08/06/2021
27	DIT	The Health Protection (Coronavirus, Public Health Advice for Passengers) (England) Regulations 2020	08/06/21 — Updated by regulations laid on 6 July.
28	DIT/ DHS C	The Health Protection (Coronavirus, Wearing of Face Coverings on Public Transport) (England) Regulations 2020 (SJ., 2020, No. 592)	15/06/21
29	DHSC	Health Protection (Coronavirus, Restrictions) (England) (Amendment) (No. 4) Regulations 2020	26/08/2020 — Now revoked by Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020
30	MoJ	Competition Appeals Tribunal	25/03/2022
31	BEIS	The Companies etc. (Filing Requirements) (Temporary Modifications) Regulations 2020	05/04/2021

	Dept	Title	Sunset Provision
32	BEIS	Patents, Trade Marks and Registered Designs (Fees) (Coronavirus) (Amendment) Rules 2020	31/03/2021
33	MOJ	The Secure Training Centre (Amendment) (Coronavirus) Rules 2020	25/03/2022
34	DHSC	Health Protection (Coronavirus, Restrictions) (Leicester) Regulations 2020	04/01/2021 — These regulations have been revoked by The Health Protection (Coronavirus, Local COVID—19 Alert Level) (High) (England) Regulations 2020
35	DHSC	Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020	04/01/2021 — These regulations have been revoked by The Health Protection (Coronavirus, Local COVID—19 Alert Level) (Medium) (England) Regulations 2020
36	DHSC	The Health Protection (Coronavirus, International Travel and Public Health Information) (England) (Amendment) Regulations 2020	08/06/2021
37	HMRC	The Value Added Tax (Zero Rate for Personal Protective Equipment) (Extension) (Coronavirus) Order 2020	These regulations have expired.
38	HMRC	Value Added Tax (Reduced Rate) (Hospitality and Tourism) (Coronavirus) Order 2020	These regulations have expired.
39	MHCLG	Town and Country Planning (Local Planning) (England) (Coronavirus) (Amendment) Regulations 2020	31/12/2020 — These provisions have been extended to 31/12/2021

	Dept	Title	Sunset Provision
40	MHCLG	Town and Country Planning (Spatial Development Strategy) (Coronavirus) (Amendment) Regulations 2020	31/12/2020 — These provisions have been extended to 31/12/2021
41	MHCLG	Infrastructure Planning (Publication and Notification of Applications etc.) (Coronavirus) (Amendment) Regulations 2020	31/12/2020 — These provisions have been made permanent.
42	MHCLG	The Environmental Assessment of Plans and Programmes (Coronavirus) (Amendment) Regulations 2020	31/12/2020 — These provisions have been made permanent.
43	MoJ	Civil Procedure (Amendment No. 4) (Coronavirus) Rules 2020	28/03/21
44	DHSC	Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020	17 /01/21 — These provisions have been extended by 6 months to 17/07/2021
45	DHSC	Health Protection (Coronavirus, Wearing of Face Coverings in a Relevant Place) (England) Regulations 2020	24/07/21
46	DHSC	Health Protection (Coronavirus, Restrictions) (Blackburn with Darwen and Luton) Regulations 2020	25/01/21 — These regulations have been revoked by The Health Protection (Coronavirus, Local COVID-19 Alert Level) (High) (England) Regulations 2020
47	DHSC	The Health Protection (Coronavirus, Restrictions on Gatherings) (North of England) Regulations 2020	04/02/2021 — These regulations have been revoked by The Health Protection (Coronavirus, Local COVID-19 Alert Level) (High) (England) Regulations 2020

	Dept	Title	Sunset Provision
48	DHSC	Health Protection (Coronavirus, Restrictions on Gatherings) (North of England) (Amendment) Regulations 2020	04/02/2021 — These regulations have been revoked by The Health Protection (Coronavirus, Local COVID—19 Alert Level) (High) (England) Regulations 2020
49	DHSC	The Health Protection (Coronavirus, Restrictions on Gatherings) (North of England) (Amendment) (No. 2) Regulations 2020	04/02/2021 — These regulations have been revoked by The Health Protection (Coronavirus, Local COVID-19 Alert Level) (High) (England) Regulations 2020
so	DHSC	National Health Service (Coronavirus) (Charges and Further Amendments Relating to the Provision of Primary Care Services During a Pandemic etc.) Regulations 2020	01/04/2021
51	DHSC	The Health Protection (Coronavirus) (Restrictions on Holding of Gatherings and Amendment) (England) Regulations 2020	04/12/2020 — This was extended to 17/07/2021
52	DHSC	The Health Protection (Coronavirus, Wearing of Face Coverings in a Relevant Place and on Public Transport) (England) (Amendment) Regulations 2020	27/08/2021
53	BEIS	Feed-in Tariffs (Amendment) (Coronavirus) (No. 2) Order 2020	The regulations contain multiple sunset provisions depending which elements they apply to: Hydro installations — 31/03/22 Community hydro installations — 30/09/22 Anaerobic Digestion and wind installations— 31/03/21 Community anaerobic digestion and wind installations — 30/09/21 Community solar installations — 31/03/21

	Dept	Title	Sunset Provision
54	BEIS	The Health Protection (Coronavirus, Restrictions) (Obligations of Hospitality Undertakings) (England) Regulations 2020	18/09/2021
55	DfE	Adoption and Children (Coronavirus) (Amendment) (No. 2) Regulations 2020	31/03/2021
56	DfE	Early Years Foundation Stage (Learning and Development and Welfare Requirements) (Coronavirus) (Amendment) (No. 2) Regulations 2020	31/08/2021
57	DHSC	Health Protection (Coronavirus, Restrictions) (Greencore) Regulations 2020	These regulations have expired.
58	DHSC	Health Protection (Coronavirus, Restrictions) (Bolton) Regulations 2020	10/03/21 — These regulations have been revoked by The Health Protection (Coronavirus, Restrictions) (North of England and North East and North West of England etc) (Amendment) Regulations 2020
59	DHSC	Health Protection (Coronavirus, Restrictions) (Birmingham, Sandwell and Solihull) Regulations 2020	15/03/2021 — These regulations have been revoked by The Health Protection (Coronavirus, Local COVID-19 Alert Level) (High) (England) Regulations 2020
60	DHSC	The Health Protection (Coronavirus, Collection of Contact Details etc and Related Requirements) Regulations 2020	18/09/2021
61	DHSC	The Health Protection (Coronavirus, Restrictions) (North East England) Regulations	18/03/2021 — These regulations have been revoked by The Health Protection (Coronavirus, Local COVID-19 Alert Level) (High) (England) Regulations 2020

	Dept	Title	Sunset Provision
62	HO	Coronavirus (Retention of Fingerprints and DNA Profiles in the Interests of National Security) (No. 2) Regulations 2020	01/04/2021
63	MoJ	Wills Act 1837 (Electronic Communications) (Amendment) (Coronavirus) Order 2020	31/01/2022
64	MoJ	Prosecution of Offences (Custody Time Limits) (Coronavirus) (Amendment) Regulations 2020	28/06/2021
65	DWP	Employment and Support Allowance and Universal Credit (Coronavirus Disease) (Amendment) Regulations 2020	12/05/2021
66	MoJ	Prison and Young Offender Institution (Coronavirus, etc.) (Amendment) (No. 3) Rules 2020	25/03/2022
67	DHSC	The Health Protection (Coronavirus, Local COVID—19 Alert Level) (Very High) (England) Regulations 2020	14/04/2021
68	DHSC	Health Protection (Coronavirus, Local COVID-19 Alert Level) (Very High) (England) (Amendment) Regulations 2020	Regulations that placed an area into tier 3 didn't explicitly have sunset provisions. However, the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Very High) (England) Regulations 2020 dictated that regulations which placed an area into tier 3 ceased to have effect on 14/11/2020

	Dept	Title	Sunset Provision
69	DHSC	Health Protection (Coronavirus, Local COVID-19 Alert Level) (Medium, High and Very High) (England) (Amendment) Regulations 2020	Regulations that placed an area into tier 3 didn't explicitly have sunset provisions. However, the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Very High) (England) Regulations 2020 dictated that regulations which placed an area into tier 3 ceased to have effect on 21/11/2020
70	DHSC	Health Protection (Coronavirus, Local COVID-19 Alert Level) (Medium, High and Very High) (England) (Amendment) (No. 2) Regulations 2020	Regulations that placed an area into tier 3 didn't explicitly have sunset provisions. However, the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Very High) (England) Regulations 2020 dictated that regulations which placed an area into tier 3 ceased to have effect on 24/11/20
71	DHSC	Health Protection (Coronavirus, Local COVID-19 Alert Level) (Medium, High and Very High) (England) (Amendment) (No. 3) Regulations 2020	Regulations that placed an area into tier 3 didn't explicitly have sunset provisions. However, the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Very High) (England) Regulations 2020 dictated that regulations which placed an area into tier 3 ceased to have effect on 27 /11/20.
72	DHSC	The Health Protection (Coronavirus, Local COVID-19 Alert Level) (High) (England) Regulations 2020	14/04/2021
73	DHSC	The Health Protection (Coronavirus, Local COVID-19 Alert Level) (Medium) (England) Regulations	14/04/2021
74	DHSC	Health Protection (Coronavirus, Restrictions) (England) (No. 4) Regulations 2020	02/12/2020 — This SI was revoked.

	Dept	Title	Sunset Provision
75	DWP	Social Security (Coronavirus) (Further Measures) (Amendment) and Miscellaneous Amendment Regulations 2020	12/05/2021
76	MoJ	Public Health (Coronavirus) (Protection from Eviction and Taking Control of Goods) (England) Regulations 2020	11/01/2021 — These regulations have been extended to 22/02/2021
77	DHSC	The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020	02/02/2021 — These regulations have been extended to 31/03/2021
78	DHSC	The Health Protection (Coronavirus, Restrictions) (Local Authority Enforcement Powers and Amendment) (England) Regulations 2020	06/06/2021
79	BEIS	Corporate Insolvency and Governance Act 2020 (Coronavirus) (Extension of the Relevant Period) (No. 2) Regulations 2020	31/03/2021
80	BEIS	Personal Protective Equipment (Temporary Arrangements) (Coronavirus) (England) Regulations 2020	These regulations contain two sunset provisions. 30/06/2021 is the provision for COVID-19 related PPE being purchased by the Government/ NHS for use by health workers. 31/03/2021 is the provision for other COVID-19 related PPE which can be manufactured or imported and sold on the UK Market
81	DHSC	Health Protection (Coronavirus, Restrictions) (All Tiers) (England) (Amendment) Regulations 2020	02/02/2021 — This has been extended to 31/03/2021

	Dept	Title	Sunset Provision
82	MHCLG	Parish and Community Meetings (Coronavirus) (Polls) (Amendment) (England) Rules 2020	07/05/2021
83	MHCLG	Business Tenancies (Protection from Forfeiture: Relevant Period) (Coronavirus) (England) (No. 3) Regulations 2020	31/03/2021
84	MHCLG	Town and Country Planning (Local Planning, Development Management Procedure, Listed Buildings etc.) (England) (Coronavirus) (Amendment) Regulations 2020	31/12/2021
85	DfE	The School Admissions (England) (Coronavirus) (Appeals Arrangements) (Amendment) Regulations 2021	30/09/2021
86	DIT	Health Protection (Coronavirus, Pre—Departure Testing and Operator Liability) (England) (Amendment) Regulations 2021	07/06/2021
87	MHCLG	Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) (Amendment) (England) Regulations 2021	06/05/2021
88	MoJ	The Public Health (Coronavirus) (Protection from Eviction) (England) Regulations 2021	21/02/2021

Source: *Leader of the House of Commons*

APPENDIX 2: M6 MOTORWAY (JUNCTIONS 13 TO 15) (VARIABLE SPEED LIMITS) REGULATIONS 2021 (SI 2021/116)

Further information from the Department for Transport

Q1: Will the hard shoulder be used as a running lane in this scheme?

A1: Yes, we are upgrading the stretch of the M6 motorway between junctions 13 (Stafford) and 15 (Newcastle Under Lyme) to permanently convert the hard shoulder into a running lane for traffic. This creates four running lanes in both directions.

All-lane running motorways are an effective way of providing increased capacity, while minimising the amount of additional land required and improving safety. This has environmental benefits and means that capacity can be added more quickly. These types of motorways provide typically a third more capacity than a conventional motorway with a hard shoulder. The Government supports all-lane running motorways as a safe and effective way of providing faster and more reliable journeys, recognising that they reduce the impact and disruption otherwise needed to widen our busiest roads.

In March 2020, the Government published the smart motorway safety — evidence stocktake — this review found that these roads were in most ways, as safe as, or safer than, the conventional ones. It announced an 18-point action plan ‘to raise the bar on smart motorway safety’ which Highways England is delivering.

Q2: If so, what safety measures will be put in place — how many refuges, what distance apart, what degree of camera coverage and monitoring of cameras will there be?

A2: Between Junction 13 and Junction 15, there will be 27 safer places to stop in the event of an emergency, spaced on average every 2km/1.2miles. This includes 21 Emergency Areas (EAs), slip roads and motorway service areas. EAs are bright orange and set back from the road and located at regular intervals. Along the stretch of the M6 J13-15, full CCTV coverage has been installed in line with operational requirements.

This technology complements the systems that work together to keep journeys on safe. This scheme will have MIDAS (Motorway Incident Detection and Automatic Signalling) which monitors traffic volumes and automatically set signs and signals as the motorway becomes more congested. All the signals can be manually controlled from the Highways England control room closing lanes off using a “red X” on signals where required. It will have a system of technology enhancements including: Red X signs; CCTV; enforcement cameras; and roadside telephones in emergency areas. These ensure motorways without a hard shoulder are as safe as, or safer than, conventional ones.

This stretch of motorway will also have additional stopped vehicle detection (SVD) radar installed. This technology is designed to detect a stationary vehicle, typically in 20 seconds, and alert a Highways England control room operator who can see the incident on camera, close lanes and dispatch an on-road Highways England traffic officer to attend to the stopped vehicle. Using stopped vehicle detection means that there is a significant reduction in time taken for the control room operators to be notified of problems, to verify the presence of stationary vehicles and get help deployed more quickly.

Q3: What will the impact on air quality be from this change — will it be monitored long-term?

A3: The impact of the scheme on local air quality is influenced by both the change in speed and the change in traffic flow, with the relationship between speed and emissions varying depending on vehicle type. For motorway traffic, the highest emissions occur at the lowest average speeds when the road is congested. Speed restrictions can help improve air quality through a smoothing of traffic flow, with a reduction in congestion and associated acceleration and braking. The M6 scheme includes the application of variable speed limits, which react to road conditions to ease congestion, balancing some emissions from the increase in traffic flow. The air quality assessment for the scheme found that there were no exceedances of national air quality objectives at sensitive locations either with or without the scheme, and changes to local air quality with the scheme were found not to be significant.

As the Environmental Study Report commissioned for the scheme states no significant residual effects on air quality, no monitoring is planned.

APPENDIX 3: INTERESTS AND ATTENDANCE

Committee Members' registered interests may be examined in the online Register of Lords' Interests at <http://www.parliament.uk/mps-lords-and-offices/standards-and-interests/register-of-lords-interests>. The Register may also be inspected in the Parliamentary Archives.

For the business taken at the meeting on 23 February 2021, Members declared the following interests:

Draft Single Use Carrier Bags Charges (England) (Amendment) Order 2021

The Earl of Lindsay

Chairman, BPI Pension Trustees Limited (contains companies which manufacture carrier bags)

Drivers' Hours and Tachographs (Amendment) Regulations 2021 (SI 2021/135)

The Earl of Lindsay

Wife has an HGV licence

Attendance:

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