

HOUSE OF LORDS

Secondary Legislation Scrutiny Committee

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19th Report of Session 2016–17

**Joint response to the Government  
Response to the Strathclyde Review  
and related Select Committee  
Reports by  
the Constitution Committee,  
the Delegated Powers and  
Regulatory Reform Committee and  
the Secondary Legislation Scrutiny  
Committee**

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### *Secondary Legislation Scrutiny Committee*

The Committee was established on 17 December 2003 as the Merits of Statutory Instruments Committee. It was renamed in 2012 to reflect the widening of its responsibilities to include the scrutiny of Orders laid under the Public Bodies Act 2011.

The Committee's terms of reference are set out in full on the website but are, broadly, 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 these specified grounds:

- (a) that it is politically or legally important or gives rise to issues of public policy likely to be of interest to the House;
- (b) that it may be inappropriate in view of changed circumstances since the enactment of the parent Act;
- (c) that it may inappropriately implement European Union legislation;
- (d) that it may imperfectly achieve its policy objectives;
- (e) that the explanatory material laid in support provides insufficient information to gain a clear understanding about the instrument's policy objective and intended implementation;
- (f) that there appear to be inadequacies in the consultation process which relates to the instrument.

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*

|                           |                                |                                            |
|---------------------------|--------------------------------|--------------------------------------------|
| Baroness Andrews          | Lord Hodgson of Astley Abbotts | Lord Rowlands                              |
| Lord Bowness              | Baroness Humphreys             | Baroness Stern                             |
| Lord Goddard of Stockport | Rt Hon. Lord Janvrin           | Rt Hon. Lord Trefgarne ( <i>Chairman</i> ) |
| Lord Haskel               | Baroness O'Loan                |                                            |

### *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 [www.parliament.uk/seclegpublications](http://www.parliament.uk/seclegpublications)

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

### *Information and Contacts*

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

# Nineteenth Report

## BACKGROUND

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1. On 17 December 2015 Lord Strathclyde, at the Government's request, published a report entitled "*Strathclyde Review: Secondary legislation and the primacy of the House of Commons*" (Cm 9177) ("*the Strathclyde Review*")<sup>1</sup> which made a number of proposals in relation to the House of Lords' power to reject secondary legislation. Following this, the Constitution Committee,<sup>2</sup> the Delegated Powers and Regulatory Reform Committee<sup>3</sup> and the Secondary Legislation Scrutiny Committee<sup>4</sup> published reports commenting on the Strathclyde Review.
2. Earlier this month, the Government published a response to the Strathclyde Review and the Committees' reports: "*Government Response to the Strathclyde Review: Secondary legislation and the primacy of the House of Commons and the related Select Committee Reports*" (Cm 9363) (included in full in Appendix 3). At the same time, the Rt Hon. David Lidington MP, Leader of the House of Commons and Lord President of the Council, also wrote to each of the three Lords' Committees about their reports (published in Appendix 2). On 19 December, the three Committees sent a joint letter to Mr Lidington in response to the Government Response (published in Appendix 1).

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1 *Strathclyde Review: Secondary legislation and the primacy of the House of Commons*, Cm 9177, December 2015: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/486790/53088\\_Cm\\_9177\\_Web\\_Accessible.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/486790/53088_Cm_9177_Web_Accessible.pdf)

2 Select Committee on the Constitution, *Delegated legislation and Parliament: A response to the Strathclyde Review* (9th Report, Session 2015–16, HL Paper 116)

3 Delegated Powers and Regulatory Reform Committee, *Special Report: Response to the Strathclyde Review* (25th Report, Session 2015–16, HL Paper 119)

4 Delegated Powers and Regulatory Reform Committee, *Response to the Strathclyde Review: Effective parliamentary scrutiny of secondary legislation* (32nd Report, Session 2015–16, HL Paper 128)

## APPENDIX 1: JOINT RESPONSE TO THE GOVERNMENT'S RESPONSE TO THE STRATHCLYDE REVIEW

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**A joint letter from the Rt Hon. the Lord Lang of Monkton, Chairman of the Constitution Committee, Baroness Fookes, Chairman of the Delegated Powers and Regulatory Reform Committee and the Rt Hon. the Lord Trefgarne, Chairman of the Secondary Legislation Scrutiny Committee to, the Rt Hon. David Lidington MP, Leader of the House of Commons and Lord President of the Council**

We are writing following the recent publication of the Government's response to the Strathclyde Review and related Select Committee Reports (Cm 9363), and would like to thank you for your letters to each of the Lords Committees of 1 December 2016 enclosing the response.

We welcome the Government's decision not to introduce legislation along the lines of Lord Strathclyde's option 3 in the current session but note that that decision may change should certain circumstances arise. In her statement to the House on 17 November 2016, the Leader of the House, the Rt Hon. Baroness Evans of Bowes Park, said that the Government were therefore "reliant on the discipline and self-regulation that this House imposes upon itself". We share this view. We therefore regret the more minatory tone of the Government's response which states at paragraph 23: "... if the House of Lords puts itself in a position where it seeks to vote against SIs approved by the House of Commons, then Lord Strathclyde's recommendation provides a clear mechanism for the House of Commons to be able to assert its primacy over SIs". This is contrary to the conclusion of the Joint Committee on Conventions of the UK Parliament, a report which was noted with approval by both Houses of Parliament and which envisaged rejection of instruments in "exceptional circumstances".

The Government's response includes only four paragraphs (out of 23) in relation to the three Lords Committee reports and the Commons Public Administration and Constitutional Affairs Committee report, and those paragraphs contain no commentary on any of the conclusions and recommendations of the Committees. The Government explain that a "fuller response" would be provided in the event of legislation being brought forward. Given the range of conclusions and recommendations made by the Committees, the thinness of the response is disappointing. We draw attention in particular to the Government's failure to address the core issue taken up by the Delegated Powers and Regulatory Reform Committee, and also raised by the Secondary Legislation Scrutiny Committee, the Constitution Committee and, indeed, by Lord Strathclyde himself, that government departments should more effectively ensure that "bills contain an appropriate level of detail and that too much is not left for implementation by statutory instrument".

Finally and crucially, we wish to draw attention again to the fundamental error of the Government that, when they asked Lord Strathclyde to consider parliamentary practice and procedure in relation to secondary legislation, they set as his remit the relationship between the two Houses (the "primacy of the House of Commons") rather than the relationship between Parliament and the Executive. It is regrettable that this error is perpetuated in the Government's response, as demonstrated by the statement made in paragraph 23 quoted above. The fallacy of this analysis is underlined by the fact that it takes no account of either those affirmative instruments which are debated in the House of Lords

first or of negative instruments which are not debated at all unless the subject of a motion.

Our intention is to publish this letter together with your letters of 1 December.

Yours sincerely

**Baroness Fookes DBE**

*Chairman of the Delegated Powers and Regulatory Reform Committee*

**Rt Hon. the Lord Lang of Monkton DL**

*Chairman of the Constitution Committee*

**Rt Hon. the Lord Trefgarne PC**

*Chairman of the Secondary Legislation Scrutiny Committee*

**19 December 2016**

## APPENDIX 2: LETTERS FROM THE RT HON. DAVID LIDINGTON MP, TO THE CONSTITUTION COMMITTEE, THE DELEGATED POWERS AND REGULATORY REFORM COMMITTEE AND THE SECONDARY LEGISLATION SCRUTINY COMMITTEE

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### Letter from the Rt Hon. David Lidington MP to the Rt Hon. the Lord Lang of Monkton, Chairman of the Constitution Committee

I am grateful to you and to your Committee for your report, *9th Report of Sessions 2015–16: Delegated Legislation and Parliament: A response to the Strathclyde Review*.<sup>5</sup>

I welcome your report and its examination of the key issues relating to Lord Strathclyde's review. You will have seen from the statement of the Leader of the House of Lords on 17 November (attached),<sup>6</sup> and the Government's response to the review and the four related select committee reports, that the Government has decided not to legislate to implement Lord Strathclyde's recommendations in this parliamentary session. In reaching this decision, the Government has considered all the findings of your Committee's report and those of the three other committees that also looked at Lord Strathclyde's report. If circumstances were to change, we would provide a fuller response on the specific points raised in your report regarding the Government's next steps.

In your conclusions you recommend that further work should be undertaken, by both Houses, on the use of delegated legislation. The Government will of course listen carefully to any proposals on this matter.

I have enclosed a copy of the Government's response to both Lord Strathclyde's review and to the reports of the four Select Committees.

**1 December 2016**

### Letter from the Rt Hon. David Lidington MP to Baroness Fookes, Chairman of the Delegated Powers and Regulatory Reform Committee

I am grateful to you and to your Committee for your report, *25th Report of Session 2015–16: Special Report: Response to the Strathclyde Review*.<sup>7</sup>

I welcome your report and its examination of the key issues relating to Lord Strathclyde's review. You will have seen from the statement of the Leader of the House of Lords on 17 November (attached),<sup>8</sup> and the Government's response to the review and the four related select committee reports, that the Government has decided not to legislate to implement Lord Strathclyde's recommendations in this parliamentary session. In reaching this decision, the Government has considered all the findings of your Committee's report and those of the three other committees that also looked at Lord Strathclyde's report. If circumstances were to change, we would provide a fuller response on the specific points raised in your report regarding the Government's next steps.

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5 Select Committee on the Constitution, *Delegated legislation and Parliament: A response to the Strathclyde Review* (9th Report, Session 2015–16, HL Paper 116)

6 [Strathclyde Review - Hansard Online](#)

7 Delegated Powers and Regulatory Reform Committee, *Special Report: Response to the Strathclyde Review*. (25th Report, Session 2015–16, HL Paper 119)

8 [Strathclyde Review - Hansard Online](#)

I would like to underline the importance which the Government places on giving proper consideration to the DPRRC's recommendations on bills. In fact we have implemented a high proportion. As the Committee has itself noted, two-thirds of its recommendations in the last session (up until 15 March) had either been explicitly accepted by the Government or had directly given rise to debate in the House of Lords.

The Committee's report raised concerns about the scope and nature of delegated powers. Whilst this is ultimately a matter for Parliament to approve or amend any delegated powers that are proposed within each Bill, the Government will continue its dialogue with the Committee on this subject in future.

The Government agrees with Lord Strathclyde and the DPRRC that there should be an appropriate balance between primary and secondary legislation; notes that there are already robust safeguards in place to maintain this balance; and observes that delegated powers are created only by approval of a primary, parent Act, which will be arrived at only with the express agreement of both Houses.

You invited the Government to explain what progress has been made towards ensuring that Bill Teams think about delegations of power right from the outset of policy and bill development. Cabinet Office officials and the Clerk and advisers to the Committee have built up a good working relationship. They are working together to ensure that the memoranda guidance (as set out in your Special Report and as referred to in your response) is accessible to policy makers as well as departmental lawyers and that the Committee's work is understood within Government.

The Government has also put in place a number of mechanisms and practices with the dual aims of ensuring the dissemination of reports issued by DPRRC and delivering a general improvement in the quality of the memoranda sent. One such approach implemented by Cabinet Office officials has been to work with the Clerk and your advisers in order to raise the profile of the Committee within Government and to ensure the quality of every memorandum sent to the Committee.

I have enclosed a copy of the Government's response to both Lord Strathclyde's Review and to reports of the four select Committees.

**1 December 2016**

**Letter from the Rt Hon. David Lidington MP Leader of the House of Commons and Lord President of the Council, to the Rt Hon. the Lord Trefgarne, Chairman of the Secondary Legislation Scrutiny Committee**

I am grateful to you and to your Committee for your report, *32nd Report of Session 2015–16, Response to the Strathclyde Review: Effective parliamentary scrutiny of secondary legislation*.<sup>9</sup>

I welcome your report and its examination of the key issues relating to Lord Strathclyde's review. You will have seen from the statement of the Leader of the House of Lords on 17 November (attached),<sup>10</sup> and the Government's response to the review and the four related select committee reports, that the Government has decided not to legislate to implement Lord Strathclyde's recommendations in this parliamentary session. In reaching this decision, the Government has

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9 Delegated Powers and Regulatory Reform Committee, *Response to the Strathclyde Review: Effective parliamentary scrutiny of secondary legislation* (32nd Report, Session 2015–16, HL Paper 128)

10 [Strathclyde Review - Hansard Online](#)

considered all the findings of your Committee's report and those of the three other committees that also looked at Lord Strathclyde's report. If circumstances were to [change], we would provide a fuller response on the specific points raised in your report regarding the Government's next steps.

In your conclusions you recommended that the Procedure Committee should consider the implications of deferral motions. The Government agrees with your Committee that such amendments have disrupted the status quo in relation to the parliamentary passage of secondary legislation and led into uncharted territory.

The Government notes your support of the Delegated Powers and Regulatory Reform Committee (DPRRC's) recommendation that draft secondary legislation of "considerable substance" should be made available to both Houses early in a bill's passage through Parliament. Where possible Government departments have published draft regulations alongside Bills, but on other occasions policy papers have been produced setting out how delegated powers will be used. Given that the purpose of delegated powers is often to set out technical details which will need to be updated on a regular basis, and are often the result of consultation with stakeholders, it is not always possible to publish draft legislation alongside a Bill.

I have enclosed a copy of the Government's response to both Lord Strathclyde's review and to the reports of the four Select Committees.

**1 December 2016**



### APPENDIX 3: GOVERNMENT RESPONSE TO THE STRATHCLYDE REVIEW: SECONDARY LEGISLATION AND THE PRIMACY OF THE HOUSE OF COMMONS AND THE RELATED SELECT COMMITTEE REPORTS (CM 9363)

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#### Foreword

On 27 October 2015, the then Prime Minister, Rt Hon David Cameron MP, asked Lord Strathclyde to lead a non-Government review *“to examine how to protect the ability of elected Governments to secure their business in Parliament. In particular, to consider the decisive role of the House of Commons in relation to (i) its primacy on financial matters; and (ii) secondary legislation”*.

Lord Strathclyde was commissioned to lead the review in the wake of the House of Lords withholding its approval to the Draft Tax Credits (Income Thresholds and Determination of Rates) (Amendment) Regulations 2015, despite the will of the House of Commons, the elected Chamber, having been clearly expressed on 15 September, and then again on 20 October, prior to the debate in the House of Lords.

The Government is grateful to Lord Strathclyde and his panel of experts for their work in producing a comprehensive and balanced report. The report has led to much debate across both Houses and to inquiries by four Select Committees. We said that we would wait for those inquiries to report and consider the views of parliamentarians before responding to Lord Strathclyde’s recommendations and we have done that.

In his report, Lord Strathclyde presented three options for ensuring the primacy of the House of Commons in relation to Statutory Instruments (SIs), clearly recommending legislation that would enable the Commons to overturn a decision by the House of Lords not to approve an SI. The Government agrees with Lord Strathclyde that on SIs, as with primary legislation, the will of the elected House of Commons should prevail. However, the Government does not intend to introduce legislation in this parliamentary session.

Whilst recognising the valuable role of the House of Lords in scrutinising SIs, the Government remains concerned that there is no mechanism for the elected chamber to overturn a decision by the unelected chamber on SIs. We do not believe that it is something that can remain unchanged if the House of Lords seeks to vote against SIs approved by the House of Commons when there is no mechanism for the will of the elected House to prevail. We must, therefore, keep the situation under review and remain prepared to act if the primacy of the Commons is further threatened.

Rt Hon David Lidington MP

Leader of the House of Commons

December 2016

## Secondary legislation and the primacy of the House of Commons

### Government's Response

#### *Summary*

1. The Government is grateful to Lord Strathclyde and his panel for the report into secondary legislation and the primacy of the House of Commons. We welcome the findings of the report and agree that the House of Commons should have primacy in relation to secondary legislation as it does for primary legislation, including through the Parliament Acts 1911 and 1949. The primacy of the House of Commons on legislation is a long established principle of our democracy. For its part, the House of Lords plays a vital role in scrutinising and revising legislation, but it is the will of the elected chamber that should prevail.
2. As Lord Strathclyde concluded, the only firm way to guarantee this primacy would be to legislate. The Government has, however, decided not to take forward such legislation, because in our view it is not a priority for the session. However, the Government will introduce the legislation if it becomes necessary to intervene to maintain the primacy of the House of Commons, as the democratically elected chamber, on secondary legislation.

#### *Lord Strathclyde's Report and Recommendations*

3. Lord Strathclyde published his report on 17 December 2015 following the House of Lords' withholding agreement to the draft Tax Credits (Income Thresholds and Determination of Rates) (Amendment) Regulations 2015 on 26 October 2015. The Lords had voted in favour of motions tabled by Baroness Meacher and Baroness Hollis which sought to hold up Government business by seeking pre-conditions to be met prior to consideration of the SI. Prior to debate in the Lords, the House of Commons had approved the Regulations on two separate occasions. As set out in Lord Strathclyde's report, the 'effect of the decisions made by the House of Lords on 26 October was to withhold the approval of the House of Lords to an SI of very considerable importance relating to a matter contained in the budget which was central to the Government's fiscal policy'. In his report, Lord Strathclyde set out three options. Of these three options, he recommended that the Government legislate to secure the primacy of the House of Commons in relation to SIs.
4. The options Lord Strathclyde set out in his report and the Government response to them are as follows:

#### *Option 1: Remove the House of Lords from the SI procedure*

5. **Option 1: would remove the House of Lords from existing scrutiny procedures of SIs. This would mean that it would be the House of Commons alone which could decide whether to approve an affirmative instrument and have the power to annul a negative instrument.**
6. The Government agrees with Lord Strathclyde's assessment that there are significant disadvantages to this option. The House of Lords is highly effective in its scrutiny of SIs and the exercise of other delegated powers, particularly through the Delegated Powers and Regulatory Reform Committee (DPRRC), the Joint Committee on Statutory Instruments and the Secondary Legislation Scrutiny Committee. In this way, the House of Lords plays a significant role in holding the Government to account. That role is distinct from the role played by the House of Commons and is an integral part of its function as a second chamber.

7. We do not, therefore, believe that removing the House of Lords from this process would be in keeping either with the role of the House of Lords or with the value it adds to our parliamentary democracy.

*Option 2: A non-statutory, binding resolution of the House of Lords*

8. **Option 2: would ‘retain the present role of the House of Lords in relation to SIs, but for that House, in a resolution, to set out and recognise, in a more precise way, the restrictions on how its powers to deny approval or to annul should be exercised.’**
9. The Government agrees with Lord Strathclyde’s analysis that the debates surrounding the Tax Credits votes exposed a lack of clarity around what the convention was and how it should be applied. The Lords Constitution Committee came to similar conclusions when it said that ‘Conventions can only govern proceedings when there is a common understanding as to their meaning—and that is no longer the case, if it ever were.’
10. Given the many divergent views about how the House of Lords should use its powers, the Government is not confident that there is sufficient consensus in the House of Lords for it to be codified in a resolution which would be effective.
11. As previous attempts have shown (such as that by the Joint Committee on Conventions which looked in 2006 at codification), it is virtually impossible to arrive at a set of criteria that is precise enough to be interpreted by all in the same way. We, therefore, agree with Lord Strathclyde’s conclusions that an adequate solution will not be found through the resolution route. Furthermore, the maintenance of such conventions is a matter for the Houses themselves.

*Option 3 The House of Lords has power to delay SIs by asking the House of Commons to think again*

12. **Option 3: would create a new procedure in statute to allow the House of Commons to override a vote by the House of Lords to reject an SI. This would bring the procedure for secondary legislation more in line with primary legislation.**
13. In his review, Lord Strathclyde clearly recommended this option, which provides a mechanism for giving the House of Commons the ability to assert its primacy over secondary legislation. Under this proposal, if the House of Lords voted against an SI, the House of Commons could override that decision. We agree with Lord Strathclyde’s conclusions that this would bring secondary legislation more in line with primary legislation where the Parliament Acts 1911 and 1949 provide a mechanism for asserting the primacy of the Commons by giving it the final say. We also agree with Lord Strathclyde that this option would bring clarity and certainty to the current arrangements. However, the Government does not intend to legislate to introduce this mechanism at this point.

*Commons-only procedures*

14. Lord Strathclyde also recommended “*that the Government should carry out a review, in consultation with the House of Commons Procedure Committee, of when SI powers should be subject to Commons-only procedures, with a view to establishing principles that can be applied in future*”.

15. The Government agrees with Lord Strathclyde that the will of the elected House of Commons should prevail on SIs, including those which concern financial matters. As Lord Strathclyde notes, there is a long-established convention that the House of Commons should have primacy in financial matters. The Government does not propose to undertake a review of SI powers at this time, but - as with Option 3 - will keep the situation under review and look again at the options if the primacy of the Commons is further threatened.

### *Select Committee Reports*

16. The Government welcomes the consideration given to Lord Strathclyde's report by parliamentarians. The thorough and reflective reports by the Lords Constitution Committee, the DPRRC, the Secondary Legislation Select Committee and the Public Administration and Constitutional Affairs Committee (PACAC) have informed our response.
17. In responding to the Select Committee reports the Government joins PACAC in commending the House of Lords for its vital scrutiny of secondary legislation. At the forefront of this scrutiny in the Lords is the DPRRC and the Secondary Legislation Scrutiny Committee, with the Joint Committee on Statutory Instruments adding a layer of technical scrutiny by members of both Houses. As the DPRRC recognises in its report, the Government either explicitly accepted, or there were debates in the House of Lords on, two-thirds of its recommendations in the 2015/16 session (up to 15 March).
18. In the debate following Lord Strathclyde's report there has been discussion about the number of SIs and whether there has been an increase. The figures provided by the House of Commons Library and published in the Sessional Returns, cited by Lord Strathclyde, show that since 1997 there has been no increase in the number of SIs laid before the House of Commons. Furthermore, they show that numbers peaked in 2005/06 and 1997/98 under the previous Labour Government, and that the number of SIs laid in the last session (2015/16) was the lowest since at least 1997 (when figures became readily available).
19. It should also be remembered that the delegated powers under which secondary legislation is created have been approved by Parliament as part of the parent Act under which an SI is made. Moreover, most SIs of policy significance are required by the parent Act to be laid before Parliament for its approval if the SI is to take, or continue to have, legal effect. Nonetheless, this is not to suggest that SIs routinely contain significant policy detail. SIs are limited in scope by their parent Act, which is approved by Parliament. Parliament considers delegated powers on a case-by-case basis as it scrutinises Bills and judges what the appropriate scope of a power is. Ministers cannot, therefore, unilaterally move towards including significant policy within SIs.

### *Conclusion*

20. The Government commissioned Lord Strathclyde to undertake his review because of concerns about the implications of the decision by the Lords not to approve the Tax Credits SI last year. When the Lords voted down the SI it had already been approved by the House of Commons. The process for approving SIs does not provide an opportunity for the House of Commons to overturn the decision by the House of Lords. The focus of Lord Strathclyde's review was, therefore, the primacy of the House of Commons in relation to secondary legislation.

21. The Government agrees with Lord Strathclyde's conclusion that the withholding of approval to the Tax Credits SI broke new ground. As well as the SI having twice been debated and voted on in the House of Commons, no substantive concerns had been raised by the scrutiny committees that considered the SI prior to the vote, and the vote divided along party lines.
22. In response, Lord Strathclyde has produced a balanced and comprehensive report which presents three clear options. The Government agrees with Lord Strathclyde's conclusions, and with his misgivings about proceeding with options 1 or 2. We also agree that the third option, recommended by Lord Strathclyde, would bring the procedures for approving secondary legislation more in line with those for primary legislation where the House of Commons is able to assert its primacy.
23. The Government has decided not to introduce primary legislation to implement Lord Strathclyde's recommendation in this parliamentary session. However, if the House of Lords puts itself in a position where it seeks to vote against SIs approved by the House of Commons, then Lord Strathclyde's recommendation provides a clear mechanism for the House of Commons to be able to assert its primacy over SIs.

## APPENDIX 4: INTERESTS AND ATTENDANCE

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Committee Members' registered interests may be examined in the online Register of Lords' Interests at [www.publications.parliament.uk/pa/ld/ldreg.htm](http://www.publications.parliament.uk/pa/ld/ldreg.htm). The Register may also be inspected in the Parliamentary Archives.

For the business taken at the meeting on 20 December 2016, Peers declared no interests.

### **Attendance:**

The meeting was attended by Baroness Andrews, Lord Bowness, Lord Goddard of Stockport, Lord Hodgson of Astley Abbotts, Lord Janvrin, Baroness O'Loan, Baroness Stern and Lord Trefgarne.