



HOUSE OF LORDS

Liaison Committee

1st Report of Session 2021–22

Review of House of Lords investigative and scrutiny committee activity in 2020–21

Ordered to be printed 7 June 2021 and published 14 June 2021

Published by the Authority of the House of Lords

Liaison Committee

The Liaison Committee is appointed by the House of Lords to advise the House on the resources required for select committee work and to allocate resources between select committees; to review the select committee work of the House; to consider requests for Special Inquiry Committees and report to the House with recommendations; to ensure effective co-ordination between the two Houses; and to consider the availability of members to serve on committees

Membership

The Members of the Liaison Committee are:

[Lord Bradley](#)

[Baroness Campbell of Surbiton](#)

[Lord Davies of Oldham](#)

[Lord Gardiner of Kimble](#) (Chair)

[Baroness Hayter of Kentish Town](#)

[Earl Howe](#)

[Lord Judge](#)

[Lord Lang of Monkton](#)

[Lord Smith of Hindhead](#)

[Lord Tyler](#)

[Baroness Walmsley](#)

Declaration of interests

A full list of Members' interests can be found in the Register of Lords' Interests:

<https://members.parliament.uk/members/lords/interests/register-of-lords-interests>

Publications

All publications of the Committee are available at:

<http://www.parliament.uk/lords-liaison>

Parliament Live

Live coverage of debates and public sessions of the Committee's meetings are available at:

<http://www.parliamentlive.tv>

Further information

Further information about the House of Lords and its Committees, including guidance to witnesses, details of current inquiries and forthcoming meetings is available at:

<http://www.parliament.uk/business/lords>

Committee staff

The staff who worked on this inquiry were Philippa Tudor (Clerk), Lucy Molloy (Research Assistant) and Heather Fuller (Committee Operations Officer).

Contact details

All correspondence should be addressed to the Liaison Committee, Committee Office, House of Lords, London SW1A 0PW. Telephone 020 7219 3130. Email hlliaisoncmttee@parliament.uk

CONTENTS

	<i>Page</i>
Chapter 1: Introduction	3
Introduction	3
Completing the review of committees with a new thematic committee structure	3
Virtual committee meetings	5
Committee room upgrades	5
Figure 1: Technology in committee rooms	6
Witness diversity	6
Committee Chairs' Forum	6
Special Inquiry follow-up: a new procedure	7
Change to the rotation rule	8
Chapter 2: Sessional Committees	9
Introduction	9
Communications and Digital Committee	10
Constitution Committee	10
Economic Affairs Committee	12
Finance Bill Sub-Committee	14
European Union Committee	15
Select Committee	15
EU Environment Sub-Committee	16
EU Goods Sub-Committee	16
EU Security and Justice Sub-Committee	17
EU Services Sub-Committee	17
International Agreements Committee	18
International Relations and Defence Committee	19
Public Services Committee	21
Science and Technology Committee	21
Chapter 3: Special inquiry Committees	23
Introduction	23
Common Frameworks Committee	23
COVID-19 Committee	24
Risk Assessment and Risk Planning Committee	25
National Plan for Sport and Recreation Committee	26
Youth Unemployment Committee	27
Artificial Intelligence Committee: Follow-up inquiry	27
Political Polling and Digital Media Committee: Follow-up inquiry	28
Financial Exclusion Committee: Follow-up inquiry	29
Chapter 4: Secondary Legislation Committees	31
Delegated Powers and Regulatory Reform Committee	31
Joint Committee on Statutory Instruments	33
Secondary Legislation Scrutiny Committee	34
Chapter 5: Joint Committees	37
Joint Committee on the Fixed Term Parliaments Act 2011	37
Joint Committee on Human Rights	37
Joint Committee on the National Security Strategy	38

Chapter 6: Communicating more widely	39
Internal communications	39
External communications	39
Figure 2: Positive press coverage by committee	40
Appendix 1: Activity indicators by financial year	42
Appendix 2: List of investigative select committee reports published in 2020/21, including date of government response	43

Review of House of Lords investigative and scrutiny committee activity in 2020–21

CHAPTER 1: INTRODUCTION

Introduction

1. Since 2014 we have published an annual review of committee activity during the previous session.¹ In view of the two year 2019–21 session, in July 2020 we published our report on House of Lords committee activity in 2019–20.² We noted then that there had been a further succession of major changes during that period, including the rapid move to virtual working in the light of the COVID-19 pandemic.
2. In preparing the present review we were struck by the high volume of committee activity during 2020–21, despite the exceptionally challenging circumstances. Appendix 1 illustrates the increase in activity as measured by key indicators during this period. We were impressed too by the many instances of innovation during this period. For example, paragraphs 18 and 19 below illustrate the value of the newly available video-conferencing facilities for witnesses, paragraph 47 highlights the initiative of the Economic Affairs Committee in using Twitter to improve dialogue with academic interests and paragraphs 96–97 detail the consultative process used by the COVID-19 committee. In each case, the remarkable adaptation by House of Lords committees to the constraints of the pandemic has delivered very worthwhile improvements to our ability to seek input from the public we serve. We wish to put on record our appreciation of all the staff supporting committees for making this possible.
3. 2020–21 was a particularly busy year for the Liaison Committee itself as we sought to support committees in responding to the circumstances of the pandemic whilst also completing the comprehensive review of committees. Between 1 May 2020 and 24 April 2021 we published 10 reports, including our first three reports following up the recommendations of previous committees. This has marked a further significant increase in activity for the Committee, which for the first 25 years of its existence after its establishment in 1992 typically met only two or three times a year and, in common with most House of Lords domestic committees, did not hear oral evidence.

Completing the review of committees with a new thematic committee structure

4. In July 2019 we published our report on our 18-month review of House of Lords committee activity.³ That report proposed the start of a significant

1 In June 2015 the Liaison Committee published a report on the activity of the House's investigative select committees during the 2010–15 Parliament. Liaison Committee, *Investigative Select Committees in the 2010–15 Parliament* (1st Report, Session 2015–16, HL Paper 5)

2 Liaison Committee, *Review of House of Lords investigative and scrutiny committee activity in 2019–20* (3rd Report, Session 2019–21, HL Paper 103)

3 Liaison Committee, *Review of House of Lords Investigative and Scrutiny Committees: towards a new thematic committee structure* (6th Report, Session 2017–19, HL Paper 398)

change in the positioning of our committees to begin to put in place a thematic approach designed to ensure more effective scrutiny of all the major areas of public policy. During the course of the review over 50 proposals for new committee activity were received from members, many of which reflected gaps in our coverage of key issues at that point in time. A number of measures to address scrutiny gaps, including the expansion of existing committee remits and the appointment of a new sessional Public Services Committee in February 2020, were put in place during the first stage of implementation after the report was agreed by the House in October 2019.

5. One of the aims of the 2017–19 review was to enable the House of Lords committee system to become more flexible and responsive to changing demands. Illustrations of this approach during 2020 were the appointment of a cross-cutting COVID-19 committee in June 2020 and a Brexit-related Common Frameworks Scrutiny Committee in September 2020.⁴
6. In our report on the 2017–19 review we noted that many areas of public policy, including energy and the environment, and home affairs, had hitherto engaged EU competence, and were addressed principally through our European Union Select Committee and its sub-committees. That first stage of our review ‘ring-fenced’ the EU Committee and its sub-committees, leaving them unchanged at that point, but acknowledged that further work in this respect would be required in due course.
7. In November 2020 we agreed a process for undertaking the final element of the review of committees. As was the case with the first stage of the review we sought to engage members of the House in this process. As well as inviting submissions from individual members of the House, on 3 December we held an online seminar on the subject of “The Lords Committee structure post-Brexit and post-COVID”, which was attended by nearly 60 members.
8. On 15 December 2020 we published our final recommendations in relation to the restructuring of House of Lords committees. These recommendations tied in with our earlier decision that the existing EU Committee and the remaining EU sub-committees should continue until 31 March 2021 in order to facilitate a managed process of change.⁵
9. We recommended that the following Committees should be appointed in January 2021:
 - International Agreements Committee (succeeding the previous sub-committee)
 - Youth Unemployment Committee (special inquiry, to report by the end of November 2021)
10. We further recommended that the following committees and temporary sub-committee should be appointed in April 2021:
 - Built Environment Committee
 - European Affairs Committee

4 Liaison Committee, *A Covid-19 Committee* (1st Report, Session 2019–21, HL Paper 56); Liaison Committee, *A Common Frameworks Scrutiny Committee* (4th Report, Session 2019–21, HL Paper 115)

5 Liaison Committee, *Review of investigative and scrutiny committees: strengthening the thematic structure through the appointment of new committees* (5th Report, Session 2019–21, HL Paper 193)

- European Affairs Committee Sub-Committee on the Ireland/Northern Ireland Protocol
 - Environment and Climate Change Committee
 - Industry and Regulators Committee
 - Justice and Home Affairs Committee
11. The Committee also recommended that the COVID-19 Committee should continue until November 2021, when the work of the Committee will be further reviewed.
 12. Our recommendations built on the findings and conclusions developed throughout our work on the 2017–19 review of committees. Taken together, they are a significant step forward in strengthening the thematic structure of House of Lords committees. The new committees which were appointed in April 2021 have broad, cross-cutting remits, which will enable them to adjust flexibly and swiftly to the many challenges which the country will face in the years ahead.
 13. Our December 2020 report to the House brought to an end the comprehensive review of committees. We are now in a position to consider any future adjustments to our committee structure as and when the need arises, particularly during our annual reviews. In this way we trust that the comprehensive review will provide committees with a firm foundation for many years to come.

Virtual committee meetings

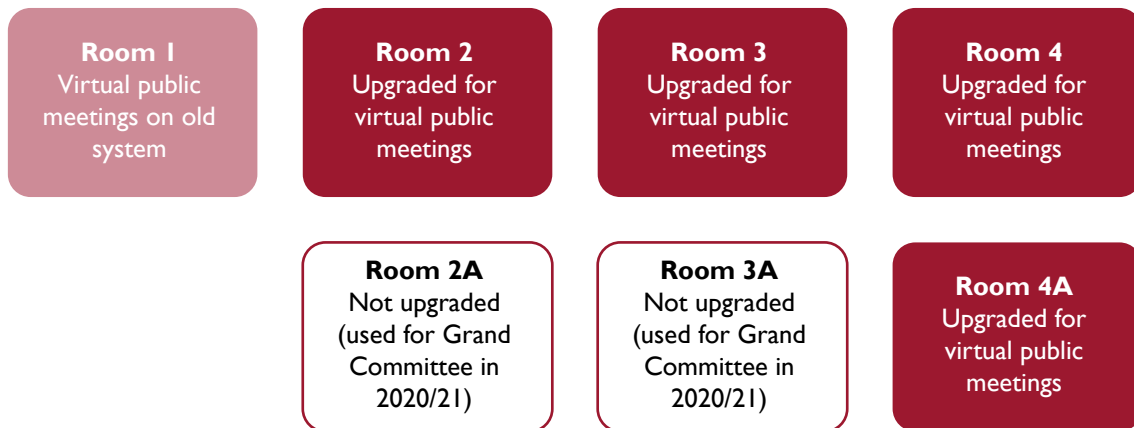
14. Before the COVID-19 pandemic struck in March 2020 there had never been a virtual committee meeting in either House of Parliament. Following intensive adjustment and planning during the Easter recess, virtual committee meetings started as soon as the House of Lords returned on 21 April 2020. Statistically there was only a slight dip in the number of meetings in the early months of the pandemic, and by the end of the 2020/21 financial year over 1,000 witnesses had given oral evidence to virtual committee meetings.
15. Traditionally committees have chosen the day and time of the week they meet to suit members' convenience, subject to the limitations of the number of committee rooms available. Some sessional committees and sub-committees had met on the same weekday and at roughly the same time for years, decades in at least one case. For virtual committee meetings, however, because of the demands on broadcasting colleagues in supporting the chambers and committees of both Houses, for House of Lords committees only 10 two-hour broadcasting 'slots' were available each week for the first few months of virtual public committee meetings, one each morning and afternoon Monday to Friday. This meant that committees were no longer always able to meet on their preferred day and time, and staff had to put in place a weekly 'bidding system' for committees to prioritise the available slots.

Committee room upgrades

16. Until the 2020 summer recess only one House of Lords committee room had the necessary technology for broadcasting virtual committee meetings. Over the summer the facilities in further committee rooms were upgraded, meaning that from mid-September 20 broadcasting slots were available to

Lords committees each week, and up to three committees could be broadcast concurrently. Further work was completed in April 2021, and four upgraded House of Lords committee rooms are now available.

Figure 1: Technology in committee rooms



17. Notwithstanding these welcome developments, the limited number of committee rooms available for House of Lords use remains a constraint on scheduling public committee meetings. This is particularly the case whilst committee rooms 2A and 3A (which have not been upgraded recently) are being used by the Grand Committee. The continuing increase in both the number of committees and the number of committee meetings means that on occasion there are more committees wishing to meet on Tuesdays and Wednesdays than may be accommodated.

Witness diversity

18. Although it is always difficult to measure precisely likely impacts on witness diversity, several committees, including the International Relations and Defence Committee (IRDC), have found the increased ability provided by the new video-conferencing facilities to speak to witnesses overseas particularly helpful. For its UK and Afghanistan inquiry the IRDC heard in September 2020 from four witnesses based in Afghanistan and from three witnesses based in the US. A further three US-based witnesses gave evidence for a separate inquiry on 2 October. A number of committees have also found it easier to arrange meetings with witnesses from different parts of the United Kingdom.
19. Video-conferencing has greatly improved accessibility for members and witnesses, including those with disabilities. It has also made it easier for members to hear evidence from witnesses across time zones. For example, on 8 September 2020 the Public Services Committee met at 9 am to take evidence from Taiwanese minister Audrey Tang.

Committee Chairs' Forum

20. The Committee Chairs' Forum met for the first time on 5 February 2020, and has been an important means of facilitating communication and exchange of information about the many changes to working practices connected with the move to virtual working. The Forum resulted from one of the recommendations of the 2017–2019 Liaison Committee review, which was 'that the Senior Deputy Speaker should [in future] convene a Committee

Chairs’ Forum’.⁶ This Forum was anticipated to meet around three times a year, and its membership would be all the Chairs of investigative scrutiny committees. The aim was for it to provide ‘an important opportunity for Chairs to manage any possible overlap of work that may arise in the early stages of any new committee structure and would provide a mechanism, across the House, to ensure that effective scrutiny of all major public policy areas was taking place.’⁷

21. The Forum has quickly become an important gathering of Committee Chairs, who wanted to meet more frequently than had been envisaged. By the end of March 2021 seven meetings had taken place, twice as many as the Liaison Committee review had anticipated.

Special Inquiry follow-up: a new procedure

22. Another innovation during 2020 has been the introduction of the new procedure for special inquiry follow-up. Since 2012, the House has appointed a number of special inquiry committees⁸ (usually four) each year, to inquire into a particular topic and to report to the House, typically by the end of a session or within one year. Special inquiry committees are not sessional committees, they are set up to report on a particular topic and cease to exist once they have agreed their report. There is therefore no specialist committee able to continue the work of monitoring implementation by the Government and others of the recommendations they make.
23. In the past the Liaison Committee has carried out this task by correspondence with Ministers. It had not, however, followed up special inquiry reports with oral evidence sessions. One of the reasons for this is that Liaison Committee members do not necessarily have the specialist knowledge and expertise in the subject of the inquiry which members of the Select Committee have acquired in the course of their inquiry.
24. In our July 2019 report on the review of committees⁹ we recommended that at an appropriate time after the publication of a report the Chair of a former Select Committee could make the case for the Liaison Committee to co-opt some of the members of the former Committee to hold a small number of oral evidence sessions to follow up their recommendations. Until the 2017–19 review the Liaison Committee had not previously heard oral evidence so this new procedure marked a further significant expansion of its activity.
25. Starting in October 2020, we have held follow-up sessions for three Special Inquiry Committees: the Select Committee on Artificial Intelligence (reported in 2018), the Select Committee on Political Polling (reported in 2018) and the Select Committee on Financial Exclusion (reported in 2017). After each intensive set of oral evidence sessions we agreed a report setting out its findings. The Government is required to respond to these reports in writing within two months of publication in the usual way.
26. The new procedure has been popular with former Chairs and members of committees whose recommendations have been followed up so far, and

6 Liaison Committee, *Review of House of Lords Investigative and Scrutiny Committees: towards a new thematic committee structure* (6th Report, Session 2017–19, HL Paper 398) para 192

7 *Ibid.*

8 Formerly known as ‘ad-hoc committees’.

9 Liaison Committee, *Review of House of Lords Investigative and Scrutiny Committees: towards a new thematic committee structure* (6th Report, Session 2017–19, HL Paper 398)

further follow-up inquiries are planned as and when resources allow. More detail about the three follow-up inquiries we carried out during 2020/21 may be found in Chapter Three below.

Change to the rotation rule

27. In order to secure a regular turnover of membership, a “rotation rule” operates in the case of most House of Lords committees. From its inception, this rule had been linked to parliamentary sessions, and following the previous revision of the rule members were typically appointed onto committees, or sub-committees, for three successive sessions. They could not be reappointed to the same committee in the following two sessions. The application of this rule is intended to allow more members keen to take part in select committee work to do so.
28. One of the many recommendations in our 2017–19 review of committees related to the rotation rule. We stated:

“There could be a case for providing a degree of flexibility in the three-year rotation rule when its rigid application would result in a large number of members of a committee being ‘rotated off’ simultaneously, or in the event of a very short parliamentary session being held. We recommend that the Procedure Committee gives further consideration to the operation of the rotation rule in due course.”¹⁰
29. The rotation rule was based on the expectation that a typical session would last approximately 12 months. Since 2010 there have been a number of sessions that were significantly longer or shorter than 12 months, including several whose duration varied from that expected at the start of the session. Despite the Committee of Selection exercising its power to make ad hoc adjustments, this has sometimes resulted in members serving on committees for longer than expected, while others have been unable to join committees due to a lack of vacancies.
30. Following a recommendation in the report by the Procedure and Privileges Committee published on 13 October 2020, all select committee member rotations will now take place at the beginning of January each year.¹¹ We plan in future to publish our recommendations concerning the appointment of new special inquiry committees in time to enable these to start in January each year, thus bringing this annual cycle of activity into line with member rotations.

10 Liaison Committee, *Review of House of Lords Investigative and Scrutiny Committees: towards a new thematic committee structure* (6th Report, Session 2017–19, HL Paper 398)

11 Procedure and Privileges Committee, *Leave of absence; Committee rotations; Changes to procedure relating to legislation; Deletion of Standing Order 76; Wording in the Companion relating to “the closure”; Changes to Standing Order 64; Legislative consent* (4th Report, Session 2019–21, HL Paper 140)

CHAPTER 2: SESSIONAL COMMITTEES

Introduction

31. Under House of Lords Standing Order 63¹² certain committees are appointed on a ‘sessional’ basis: that is, their orders of appointment remain in force from one session to the next throughout a Parliament until the House orders otherwise. Sessional committees are for most practical purposes thus in permanent existence. In addition, the Committee of Selection, though not formally a sessional committee, is reappointed each session.¹³
32. Following the implementation of the review of committees, the House of Lords now has a comprehensive framework of sessional investigative and scrutiny committees. This is a recent development, as the following list, with dates of first appointment in brackets, indicates:
 - (1) European Communities/Union/Affairs Committee (1974)
 - (2) Science and Technology Committee (1980)
 - (3) Delegated Powers and Regulatory Reform Committee (1992)
 - (4) Constitution Committee (2001)
 - (5) Economic Affairs Committee (2001)
 - (6) Secondary Legislation Scrutiny Committee (2004)¹⁴
 - (7) Communications and Digital Committee (2007, sessional from 2013)¹⁵
 - (8) International Relations and Defence Committee (2016)¹⁶
 - (9) Public Services Committee (2020)
 - (10) International Agreements Committee (January 2021)
 - (11) Built Environment Committee (April 2021)
 - (12) Environment and Climate Change Committee (April 2021)
 - (13) Industry and Regulators Committee (April 2021)
 - (14) Justice and Home Affairs Committee (April 2021)
33. The number of sessional committees has thus more than doubled over the past decade. As the last four of the sessional committees listed in the preceding paragraph were first appointed in April 2021, this report covers a period when the committee structure was in transition.

12 The numbering of Standing Orders changes from time to time. The number used here relates to the current version of the Standing Orders, published on 22 February 2021 (HL Paper 232). This included the International Agreements Committee, which had been appointed the previous month. The expectation is that the new sessional committees appointed for the first time in April 2021 will be added to SO 63 at the next revision.

13 Erskine May, *Treatise on the law, privileges, proceedings and usage of Parliament* (25th edition, 2019), paragraph 40.2.

14 Until the end of session 2010–12 known as the Merits of Statutory Instruments Committee.

15 First appointed on a fixed-term basis as the Communications Committee in 2007, and became a sessional committee from the start of the 2013–14 Parliament.

16 First appointed as the International Relations Committee in 2016.

Communications and Digital Committee

34. In November 2020 the Committee published *Breaking News? The Future of UK Journalism*.¹⁷ Its key recommendation was that the Government should fix the “dysfunctional” online advertising market in a bid to help hard-hit media outlets, though the creation of a Digital Markets Unit (DMU). On the day of report publication the Government announced it was launching the proposed DMU.¹⁸ The report also recommended that the Government introduces a compulsory news bargaining code, similar to that in Australia, to force platforms to pay publishers for the right to use content. Other recommendations included that Ofcom should have power to regulate public service broadcasters’ online news and the impartiality of their journalists’ social media posts, and that the BBC news website should include a news aggregator section linking to stories on smaller and local news organisations’ websites. The report received a large amount of media coverage, including in *The Independent*, *The Daily Telegraph*, *The Times*, Mail Online, and ITV News.¹⁹ The Committee Chair, Lord Gilbert of Panteg, authored a piece in *Times Red Box*.²⁰
35. In November 2020 the Committee launched an inquiry into freedom of expression online, examining how this right should be protected and how it should be balanced with other rights.²¹ Witnesses in the inquiry have come from an especially diverse range of backgrounds, with the committee taking advantage of remote meetings to hear from a range of international witnesses. These included a member of the German Bundestag, a US senator, a German former member of the European Parliament, and various US academics and activists. The Committee gained international press attention due to the prominence of its focus on the power of technology platforms. The Committee has held two virtual engagement events: one with adults aged over-40 and one with university students.

Constitution Committee

36. The Constitution Committee inquired into the constitutional implications of COVID-19. It explored the impact of the pandemic on the courts and on

17 Communications and Digital Committee, *Breaking News? The Future of UK Journalism* (1st Report, Session 2019–21, HL Paper 176)

18 HM Government, *New competition regime for tech giants to give consumers more choice and control over their data, and ensure businesses are fairly treated* (27 November 2020): <https://www.gov.uk/government/news/new-competition-regime-for-tech-giants-to-give-consumers-more-choice-and-control-over-their-data-and-ensure-businesses-are-fairly-treated> [accessed 29 April 2021]

19 ‘News publishers face ‘existential threat’ from Google and Facebook, peers warn’, *The Independent* (27 November 2020): <https://www.independent.co.uk/news/media/google-facebook-journalism-advertising-lords-b1762388.html> [accessed 29 April 2020]; ‘Tech giants must be made to pay for using newspapers’ content’, *The Daily Telegraph* (27 November 2020): <https://www.telegraph.co.uk/opinion/2020/11/27/tech-giants-must-made-pay-using-newspapers-content/> [accessed 29 April 2020]; ‘Tech giants must stop exploiting news’, *The Times* (27 November 2020): <https://www.thetimes.co.uk/article/tech-giants-must-stop-exploiting-news-qdwkb9zkj> [accessed 29 April 2021]; ‘Tech giants should pay news providers for content, report finds – as UK sets up watchdog to curb their dominance’, *MailOnline* (27 November 2020): <https://www.dailymail.co.uk/news/article-8991861/Online-tech-giants-pay-news-providers-using-content-peers-say.html> [accessed 29 April 2021]; ‘Tech giants face new competition regime to tackle data and advertising dominance’, *ITV News* (27 November 2020): <https://www.itv.com/news/2020-11-26/tech-giants-face-new-competition-regime-to-tackle-data-and-advertising-dominance> [accessed 29 April 2021]

20 Lord Gilbert of Panteg, ‘Big tech has been allowed to trample the news industry for too long’, *The Times* (November 27 2020): <https://www.thetimes.co.uk/article/big-tech-has-been-allowed-to-trample-the-news-industry-for-too-long-qx9qgws15> [accessed 29 April 2021]

21 Communications and Digital Committee, ‘Call for evidence’: <https://committees.parliament.uk/call-for-evidence/312/freedom-of-expression-online/>

Parliament, and the use and scrutiny of emergency powers. The first report, on the courts, concluded that the Government must take urgent steps to reduce the high backlog of cases which has grown during the pandemic.²² The second and third reports, on Parliament and emergency powers are expected to be published at the beginning of the 2021–22 session.

37. The Committee scrutinised the emergency bills in response to the pandemic.²³ It concluded that there was justification for fast-tracking these bills through their parliamentary stages but recommended they be subject to sunset clauses and said that the pandemic should not be used as an opportunity to make permanent policy changes using a fast-track process. The Government acknowledged this and said that “lessons have been learned”.²⁴
38. The Committee continued its scrutiny of bills relating to Brexit,²⁵ including undertaking a short inquiry on the United Kingdom Internal Market Bill.²⁶ The Committee expressed concerns about the bill’s implications for the devolution arrangements and the effect of clauses that provided powers to the Government to breach the terms of the Withdrawal Agreement made with the European Union. The provisions that permitted the breaking of international law were subsequently removed from the bill.
39. The Committee produced a thematic analysis of constitutional issues raised in the process of legislating for Brexit.²⁷ It concluded that many of the delegated powers in Brexit bills had been too broad and that the Government had provided too little detail on the policies they would be used to implement. The Committee noted that legislative consent to bills, or the lack of it, from the devolved legislatures had almost no impact on the legislative process in Parliament. It recommended that ministers be required to make a statement in the House before third reading of any bill that has not received consent, setting out the issues and the efforts made to secure consent. The Procedure and Privileges Committee endorsed this recommendation²⁸ and the House agreed it in October 2020.²⁹ The first occasion it had effect was on 2 December 2020 for third reading of the UK Internal Market Bill.³⁰
40. The Committee reported on the workings of the Fixed-term Parliaments Act 2011.³¹ It considered whether parliaments should have a fixed length and, if not, what the appropriate mechanisms were for bringing about an early

22 Constitution Committee, *COVID-19 and the Courts* (22nd Report, Session 2019–21, HL Paper 257)

23 Constitution Committee, *Coronavirus Bill* (4th Report, Session 2019–21, HL Paper 44), *Corporate Insolvency and Governance Bill* (7th Report, Session 2019–21, HL Paper 76), *Business and Planning Bill* (9th Report, Session 2019–21, HL Paper 101)

24 Oral evidence taken before the Constitution Committee, 29 July 2020 (Session 2019–21), [Q 158](#) (Baroness Evans of Bowes Park)

25 Constitution Committee, *Private International Law (Implementation of Agreements) Bill [HL]* (5th Report, Session 2019–21, HL Paper 55), *Medicines and Medical Devices Bill* (10th Report, Session 2019–21, HL Paper 119), *Immigration and Social Security Co-ordination (EU Withdrawal) Bill* (11th Report, Session 2019–21, HL Paper 120), *Trade Bill* (15th Report, Session 2019–21, HL Paper 133), *Fisheries Bill: Commons amendment 22* (18th Report, Session 2019–21, HL Paper 166), *European Union (Future Relationship) Bill* (21st Report, Session 2019–21, HL Paper 205)

26 Constitution Committee, *United Kingdom Internal Market Bill* (17th Report, Session 2019–21, HL Paper 151)

27 Constitution Committee, *Brexit legislation: constitutional issues* (6th Report, Session 2019–21, HL Paper 71)

28 Procedure and Privileges Committee, *Fourth Report* (Session 2019–21, HL Paper 140), paras 40–43

29 HL Deb, 22 October 2020, [cols 1642–44](#)

30 HL Deb, 2 December 2020, [col 760](#)

31 Constitution Committee, *A Question of Confidence? The Fixed-term Parliaments Act 2011* (12th Report, Session 2019–21, HL Paper 121)

general election. It concluded that the statutory review of the Act should consider whether the House of Commons should be required to consent to the prorogation of Parliament.

41. The Committee reported on five further bills during this period,³² identifying issues with the retrospective application of the law, access to justice, and the authorisation and oversight of covert human intelligence sources.
42. The Committee held its regular evidence session with the President and Deputy President of the Supreme Court.³³ Evidence sessions with the Lord Chief Justice³⁴ and the Lord Chancellor³⁵ formed part of the Committee's inquiry into the constitutional implications of COVID-19 on the courts. The Committee also took evidence from the Lord Chancellor³⁶ during its scrutiny of the UK Internal Market Bill.³⁷

Economic Affairs Committee

43. In July 2020 the Economic Affairs Committee published *Universal Credit isn't working: proposals for reform*.³⁸ The Committee concluded that Universal Credit disadvantaged the poorest and most vulnerable in society and that substantial reform was needed. It recommended reforming the benefit's design, the adequacy of its awards and the type of support given to claimants to navigate the system. The main recommendation was that the temporary £20 per week uplift in Universal Credit should be made permanent. The Government has extended the uplift for a further six months until the end of September 2021.³⁹ The report received favourable media coverage and a positive reaction from the policy community. For example, the Resolution Foundation said, "This is a must-read report for anyone interested in the role of #UniversalCredit during the crisis and beyond".⁴⁰
44. On 9 March 2021 the Economic Affairs Committee and the House of Commons Work and Pensions Committee held a concurrent evidence session with the Minister for Welfare Delivery to follow up on the Committees' Universal Credit reports.⁴¹

32 Constitution Committee, *Parliamentary Constituencies Bill* (13th Report, Session 2019–21, HL Paper 122), *Domestic Abuse Bill* (14th Report, Session 2019–21, HL Paper 128), *Counter-Terrorism and Sentencing Bill* (16th Report, Session 2019–21, HL Paper 134), *Covert Human Intelligence Sources (Criminal Conduct) Bill* (19th Report, Session 2019–21, HL Paper 174), *Overseas Operations (Service Personnel and Veterans) Bill* (20th Report, Session 2019–21, HL Paper 186)

33 Oral evidence taken before the Constitution Committee, 17 March 2021 (Session 2019–21), [QQ 1–11](#) (Lord Eddie of Allermuir and Lord Hodge, President and Deputy President of the UK Supreme Court)

34 Oral evidence taken before the Constitution Committee, 13 May 2020 (Session 2019–21), [QQ 1–17](#) (Lord Burnett of Maldon, Lord Chief Justice of England and Wales)

35 Oral evidence taken before the Constitution Committee, 22 July 2020 (Session 2019–21), [QQ 132–51](#) (Robert Buckland QC MP, Lord Chancellor and Secretary of State for Justice)

36 Oral evidence taken before the Constitution Committee, 22 July 2020, (Session 2019–21), [QQ 42–57](#) (Robert Buckland QC MP, Lord Chancellor and Secretary of State for Justice)

37 Constitution Committee, *United Kingdom Internal Market Bill* (17th Report, Session 2019–21, HL Paper 151)

38 Economic Affairs Committee, *Universal Credit isn't working: proposals for reform* (2nd Report, Session 2019–21, HL Paper 105)

39 HM Treasury, 'Budget 2021: What you need to know', (3 March 2021): <https://www.gov.uk/government/news/budget-2021-what-you-need-to-know> [accessed 14 April 2021]

40 Resolution Foundation (@resfoundation), tweet on 31 July 2020: <https://twitter.com/resfoundation/status/1289223319888134144> [accessed 14 April 2021]

41 Economic Affairs Committee and Work and Pensions Committee, 'Minister to face joint Lords and Commons select committee questions on failure to reform Universal Credit': <https://committees.parliament.uk/event/3923/formal-meeting-oral-evidence-session/>

45. In December 2020 the Committee published *Employment and COVID-19: time for a new deal*.⁴² It found that the pandemic had affected different businesses and people in different ways, with young people and the lowest paid experiencing substantial damage to their livelihoods and prospects and the highest paid seeing little financial hardship. The Committee recommended that the Government should shift public spending towards policies that create jobs and join up policies to build a sustainable economic recovery in line with the Government's longer-term policy objectives. The Committee proposed investing in the UK's skills and training system, 'social infrastructure' (namely social care and child care) and environmental initiatives.⁴³ The report recommended that the Government should increase hiring subsidies for apprentices because cost proved a significant barrier for employers.⁴⁴ In March 2021 the Government announced it was increasing payments to employers who hire new apprentices from £1,500–2,000 to £3,000.⁴⁵ The Committee recommended the Government reconsider the requirement for employers wanting to offer fewer than 30 Kickstart roles to apply through a representative organisation.⁴⁶ In February 2021 the Government removed the minimum threshold of 30 vacancies.⁴⁷ The report also recommended the Government better target its Self-Employment Income Support Scheme towards those who suffered a genuine loss of income.⁴⁸ In March 2021 the Government announced more grants for the estimated 600,000 self-employed people who missed out on earlier support due to eligibility requirements.⁴⁹ The report received positive comments from the policy community.⁵⁰
46. In January 2021 the Committee began an inquiry on *Quantitative Easing*. It is exploring the Bank of England's operational independence, its accountability, and the transparency of its decision-making.⁵¹
47. During 2021 committee staff and its media officer have live tweeted evidence sessions.⁵² This has increased the Committee's Twitter engagement with

42 Economic Affairs Committee, *Employment and COVID-19: time for a new deal* (3rd Report, Session 2019–21, HL Paper 188)

43 *Ibid.*

44 *Ibid.*

45 Education and Skills Funding Agency, 'Guidance: Incentive payments for hiring a new apprentice' (7 April 2021): <https://www.gov.uk/guidance/incentive-payments-for-hiring-a-new-apprentice#history> [accessed 14 April 2021]

46 Economic Affairs Committee, *Employment and COVID-19: time for a new deal* (3rd Report, Session 2019–21, HL Paper 188)

47 HM Treasury, *Government response to the Lords Economic Affairs Committee's report on Employment and Covid-19* (February 2021) p 20: <https://committees.parliament.uk/publications/4863/documents/48874/default/>

48 Economic Affairs Committee, *Employment and COVID-19: time for a new deal* (3rd Report, Session 2019–21, HL Paper 188)

49 HM Treasury, 'Budget 2021: What you need to know', (3 March 2021): <https://www.gov.uk/government/news/budget-2021-what-you-need-to-know> [accessed 14 April 2021]

50 For example, Stephen Evans, Chief Executive of the Learning and Work Institute and Jagjit Chadha, Director of the National Institute of Economic and Social Research, said the report was "excellent". See Stephen Evans (@Stephen_EvansUK), tweet on 14 December 2020: https://twitter.com/Stephen_EvansUK/status/1338606663260057600 [accessed 14 April 2021] and Jagjit Chadha (@jagjit_chadha), tweet on 14 December 2020: https://twitter.com/jagjit_chadha/status/1338418694985297920 [accessed 14 April 2021]

51 Economic Affairs Committee, 'Quantitative Easing inquiry launched by Lords Economic Affairs Committee' (27 January 2021): <https://committees.parliament.uk/work/993/quantitative-easing/news/138793/quantitative-easing-inquiry-launched-by-lords-economic-affairs-committee/>

52 For example, see Economic Affairs Committee (@LordsEconCom), tweets on 2 March 2021: <https://twitter.com/LordsEconCom/status/1366770042780672002> [accessed 14 April 2021]

think tanks and academics, and it has yielded additional coverage in the press when journalists have quoted the Committee's tweets in articles.⁵³

Finance Bill Sub-Committee

48. The Finance Bill Sub-Committee undertook a range of activity in autumn–winter 2020. Its main report on the draft Finance Bill, *New Powers for HMRC: Fair and Proportionate?* was published in December 2020.⁵⁴ While supporting efforts to tackle tax avoidance, the Sub-Committee expressed concern that Her Majesty's Revenue and Customs (HMRC) was seeking to expand further its powers without having properly evaluated those that already existed. The report received positive coverage, including in the Financial Times. The Government's response accepted several of the recommendations.⁵⁵
49. The Sub-Committee followed up previous inquiries into new off-payroll working rules and the loan charge. It was concerned that a statutory instrument designed to implement the off-payroll rules contained a technical flaw but had not been withdrawn by the Government when this error was discovered. The Sub-Committee took evidence from the Financial Secretary to the Treasury, Rt Hon Jesse Norman MP, and published a short report in December 2020 urging the Government to avoid such a situation recurring.⁵⁶ The Financial Secretary responded to the report in February 2021⁵⁷ and again in March 2021, advising that a remedy had been found following consultation with stakeholders.⁵⁸
50. Finally, the Sub-Committee held follow-up evidence sessions into the loan charge, which it had previously considered in its 2018 report *The Powers of HMRC: Treating Taxpayers Fairly*.⁵⁹ Following these evidence sessions, the Sub-Committee wrote to the Financial Secretary in January 2021 with recommendations.⁶⁰ The letter argued that, while HMRC had made progress on the loan charge, there were still too many shortcomings in its response and it must ensure those targeted by the loan charge were treated fairly. The letter urged the Government to redouble its efforts to tackle promoters of

53 See, Josh Sandiford, 'More food banks than McDonald's': DWP study into food insecurity delayed' *The Big Issue* (10 March 2021): <https://www.bigissue.com/latest/more-food-banks-than-mcdonalds-dwp-study-into-food-insecurity-delayed/> [accessed 14 April 2021], Tim Wallace, 'Money markets rattled as inflation fears overtake Covid concerns' *The Telegraph* (17 March 2021): available at <https://www.telegraph.co.uk/business/2021/03/17/money-markets-rattled-inflation-fears-overtake-covid-concerns/> [accessed 14 April 2021] and Economic Affairs Committee (@LordsEconCom), tweet on 16 March 2021: <https://twitter.com/LordsEconCom/status/1371847787885817864> [accessed 14 April 2021]

54 Economic Affairs Committee, *New Powers for HMRC: Fair and Proportionate?* (4th Report, Session 2019–21, HL Paper 198)

55 Letter from the Rt Hon Jesse Norman MP, Financial Secretary to the Treasury to the Lord Bridges of Headley, Chair of the Finance Bill Sub-Committee (19 February 2021): <https://committees.parliament.uk/publications/4734/documents/48082/default/>

56 Economic Affairs Committee, *Social Security Contributions (Intermediaries) (Miscellaneous Amendments) Regulations 2020* (5th Report, Session 2019–21, HL Paper 201)

57 Letter from the Rt Hon Jesse Norman MP, Financial Secretary to the Treasury to the Lord Bridges of Headley, Chair of the Finance Bill Sub-Committee (10 February 2021): <https://committees.parliament.uk/publications/5312/documents/52957/default/>

58 Letter from the Rt Hon Jesse Norman MP, Financial Secretary to the Treasury to the Lord Bridges of Headley, Chair of the Finance Bill Sub-Committee (9 March 2021): <https://committees.parliament.uk/publications/5313/documents/52959/default/>

59 Economic Affairs Committee, *The Powers of HMRC: Treating Taxpayers Fairly* (4th Report, Session 2017–19, HL Paper 242)

60 Letter from the Lord Bridges of Headley, Chair of the Finance Bill Sub-Committee to the Rt Hon Jesse Norman MP, Financial Secretary to the Treasury (22 January 2021): <https://committees.parliament.uk/publications/4402/documents/44492/default/>

tax avoidance schemes. The Financial Secretary responded to the letter in March 2021, clarifying various aspects of HMRC’s approach in relation to the loan charge.⁶¹

European Union Committee

Select Committee

51. Following a significant re-structuring of the EU Committees in spring 2020, cutting the number of sub-committees from six to four, and updating their remits, the EU Committee continued its scrutiny of the ongoing Brexit negotiations, which led to adoption of the UK-EU Trade and Cooperation Agreement (TCA) and the end of the transition period on 31 December 2020. The Select Committee held regular evidence sessions with Rt Hon Michael Gove MP and Lord Frost and engaged with key interlocutors in the EU institutions and Member States, including the EU’s chief Brexit negotiator, Michel Barnier.
52. In March 2021, in the final full week before the work of the EU Committees came to an end, the Select Committee and its four sub-committees published a coordinated series of reports on successive days, unified by the theme of moving ‘Beyond Brexit’. The Select Committee’s report on *Beyond Brexit: the institutional framework*⁶² examined the key governance structures contained in the TCA, including the UK-EU Partnership Council, its committees and working groups, the proposed Parliamentary Partnership Assembly, and the mechanisms for dispute resolution.
53. The Select Committee also devoted close attention throughout the year to the impact of Brexit upon Northern Ireland. In June 2020 it published a detailed report on *The Protocol on Ireland/Northern Ireland*,⁶³ providing a detailed Article-by-Article analysis of the key features of the Protocol. The Committee continued its scrutiny in the run-up to, and subsequent to, the Protocol coming into force on 1 January 2021, including through engagement with Northern Ireland business representatives and other stakeholders, and inter-parliamentary engagement with the Northern Ireland Assembly, Irish Oireachtas and European Parliament.
54. In October 2020, in a departure from normal practice, the Committee published a report on domestic legislation, assessing the implications for the Protocol of Part 5 (as it then was) of the United Kingdom Internal Market Bill.⁶⁴ The report concluded that it was “difficult to avoid the conclusion that Part 5 of the Bill ... contravene[d] international law”,⁶⁵ and expressed the hope that the Government, while focusing on reaching agreement with the EU on implementation of the Protocol, would table amendments to remove Part 5. Ultimately, following further UK-EU negotiations, such amendments were indeed made to the Bill (now the United Kingdom Internal Market Act 2020).

61 Letter from the Rt Hon Jesse Norman MP, Financial Secretary to the Treasury to the Lord Bridges of Headley, Chair of the Finance Bill Sub-Committee (18 March 2021): <https://committees.parliament.uk/publications/5224/documents/52442/default/>

62 European Union Committee, *Beyond Brexit: the institutional framework* (21st Report, Session 2019–21, HL Paper 246)

63 European Union Committee, *The Protocol on Ireland/Northern Ireland* (9th Report, Session 2019–21, HL Paper 66)

64 European Union Committee, *The United Kingdom Internal Market Bill: Part 5* (14th Report, Session 2019–21, HL Paper 147)

65 *Ibid.*

EU Environment Sub-Committee

55. The Environment Sub-Committee published one report, as part of the final ‘Beyond Brexit’ series, entitled *Beyond Brexit: food, environment, energy and health*.⁶⁶ It examined the implications of the TCA for food trade, fisheries, environment and climate change, energy and carbon pricing, chemicals, and health. This was primarily the output of an inquiry lasting from January to March, but was also informed by evidence sessions and correspondence the preceding year on the impact of Brexit on food trade, the supply of pharmaceuticals and food to Northern Ireland, chemicals, nuclear regulation, fishing access in UK waters, and the environmental level playing field.
56. Alongside its focus on Brexit, the Sub-Committee held evidence sessions on energy cooperation in the North Sea⁶⁷ and, in an entirely new initiative, convened a meeting in which six House of Lords Committees were represented, to question the Rt Hon Alok Sharma MP, President of COP26 about the Government’s preparations for COP26.⁶⁸
57. In one important area the long-term impact of the Sub-Committee’s work was evident. The predecessor sub-committee, the EU Energy and Environment Sub-Committee, drew attention in 2017 to the need, post-Brexit, for a new environmental regulator.⁶⁹ In 2020 a new environmental regulator was proposed by the Government in its Environment Bill.

EU Goods Sub-Committee

58. The Goods Sub-Committee was set up, in succession to the EU Internal Market Sub-Committee, to scrutinise the UK-EU negotiations on future trade in goods, including customs, the ‘level playing field’, consumer protections, public procurement and transport, as well as to consider EU policy and legislative proposals in these areas.
59. For the first half of the year the Sub-Committee focused principally on preparedness for the end of the transition period. Its first inquiry explored a range of non-tariff barriers to UK-EU trade which appeared likely to have negative consequences for UK businesses.⁷⁰ As the end of transition drew nearer, the Sub-Committee turned to the levels of preparedness for the new border requirements following the end of the transition period, writing a long letter to the Chancellor of the Duchy of Lancaster and making a series of recommendations to mitigate any possible disruption.⁷¹ Coverage was positive, particularly for the committee’s recommendations on the welfare and sanitary needs of lorry drivers.

66 European Union Committee, *Beyond Brexit: food, environment, energy and health* (22nd Report, Session 2019–21, HL Paper 247)

67 EU Environment Sub-Committee, ‘North Sea energy cooperation and Net Zero’: <https://committees.parliament.uk/work/650/north-sea-energy-cooperation-and-net-zero/>

68 EU Environment Sub-Committee, ‘Climate change and COP26’: <https://committees.parliament.uk/work/77/climate-change-and-cop26>

69 European Union Committee, *Brexit: environment and climate change* (12th Report, Session 2016–17, HL Paper 109)

70 EU Goods Sub-Committee, ‘Beyond tariffs: facilitating future UK-EU trade in manufactured goods inquiry’: <https://committees.parliament.uk/work/321/beyond-tariffs-facilitating-future-ukeu-trade-in-manufactured-goods-inquiry/>

71 Letter from Baroness Verma, Chair, EU Goods Sub-Committee, to the Chancellor of the Duchy of Lancaster, Rt Hon Michael Gove MP, 10 December 2020: <https://committees.parliament.uk/publications/3919/documents/39339/default/>

60. Following the publication of the TCA in December, the Sub-Committee scrutinised the provisions and effects of that Agreement, culminating in its final report *Beyond Brexit: Trade in Goods*.⁷² This report examined the new landscape of UK-EU relations and made recommendations to ease trade in the future.

EU Security and Justice Sub-Committee

61. The Security and Justice Sub-Committee was established in spring 2020, taking on elements of the remits of two former sub-committees. It held evidence sessions covering most of the topic areas within its wide remit, culminating in a substantial report, published as part of the ‘Beyond Brexit’ series, in March, *Beyond Brexit: policing, law enforcement and security*.⁷³ The report examined the main provisions of Part Three of the TCA, which set out how the UK, as a third country outside the EU, will continue to collaborate with the EU 27 on a range of policing and criminal justice mechanisms, including extradition; the sharing of passenger name records, fingerprint, DNA and number plate data; the exchange of evidence; and cooperation with EU agencies Europol and Eurojust.
62. The Sub-Committee also held evidence sessions on a range of topics falling within its remit, but which were excluded from the UK-EU future relationship negotiations. In September 2020 it took evidence from Chris Philp MP, Parliamentary Under Secretary at the Home Office for Immigration Compliance, to discuss UK-EU cooperation on refugees and asylum.⁷⁴ It also took evidence from expert witnesses on future UK-EU cooperation on sanctions, foreign affairs and defence, as well as hearing from the International Development Secretary, Rt Hon Anne-Marie Trevelyan MP, about post-Brexit UK-EU collaboration on international aid.
63. Finally, the Sub-Committee followed its predecessor Justice Sub-Committee⁷⁵ in maintaining a close interest in future UK-EU cooperation in the fields of civil and family law, which are not covered by the Agreement, but are of real importance to many UK and EU citizens. The Sub-Committee took evidence in September from Lord Keen of Elie, QC, then Advocate General for Scotland, and raised several issues of concern in its final ‘Beyond Brexit’ report.

EU Services Sub-Committee

64. Shortly after it was established, the EU Services Sub-Committee launched an inquiry into the future UK-EU relationship on professional and business services. Its report, published in October 2020, highlighted areas where a UK-EU free trade agreement could ease trade in these important sectors.⁷⁶ The Sub-Committee also took public evidence sessions on the future UK-EU relationship on research and education, as well as on the creative industries, leading to detailed exchanges of correspondence with the Government.

72 European Union Committee, *Beyond Brexit: trade in goods* (24th Report, Session 2019–21, HL Paper 249)

73 European Union Committee, *Beyond Brexit: policing, law enforcement and security* (25th Report, Session 2019–21, HL Paper 250)

74 Oral evidence taken before the EU Security and Justice Sub-Committee, , 29 September 2020 (Session 2019–21) [QQ 25-42](#)

75 See for instance European Union Committee, *Brexit: justice for families, individuals and businesses?* (17th Report, Session 2016–17, HL Paper 134)

76 European Union Committee, *The future UK-EU relationship on professional and business services* (13th Report, Session 2019–21, HL Paper 143)

65. After the TCA was published in December 2020, the Sub-Committee launched an inquiry into its implications for UK-EU trade in services. Its report appeared in March 2021 in the ‘Beyond Brexit’ week. The Sub-Committee reviewed the impact of the TCA sector-by-sector, making a series of recommendations for further arrangements to reduce barriers to UK-EU services trade.
66. Throughout the year the Sub-Committee scrutinised a number of European scrutiny files. Its interest in the issues facing the UK’s COVID-19 track and trace app, in particular its interoperability with other European apps and the use of personal data, gave rise to a long-running exchange with ministers lasting from May 2020 until February 2021.⁷⁷

International Agreements Committee

67. The International Agreements Committee was first established in April 2020 as a sub-committee of the European Union Committee, taking responsibility (previously exercised by the EU Committee itself) for scrutinising all international agreements (or treaties) laid before Parliament under the Constitutional Reform and Governance Act 2010, and for scrutinising matters relating to the negotiation and conclusion of international agreements. On 28 January 2021 the Sub-Committee became a freestanding Select Committee, assimilating the responsibilities of its predecessor.
68. With treaty-making competencies now fully returned to the UK, the establishment of an International Agreements Committee has been crucial in strengthening parliamentary oversight. Between 1 April 2020 and 31 March 2021, the Committee published 16 reports on 34 treaties. These included significant free trade agreements with Japan, Singapore, Canada and Turkey. The Committee’s reports triggered three debates, giving the House an opportunity to discuss the trade agreements with Japan, Kenya and Turkey.
69. The Committee scrutinised non-trade agreements on issues such as space launches, the Channel Tunnel, police co-operation, air services and road transport.
70. The trade agreement with Japan—the first post-Brexit trade agreement to be billed as a new UK-only agreement, instead of rolling over an existing EU agreement⁷⁸—was subject to a detailed inquiry. The Committee also opened separate inquiries into trade negotiations with the United States, Australia, New Zealand and the Pacific trade bloc (CPTPP). In total, it held 14 public evidence sessions and received 243 pieces of written evidence. It also received confidential briefings from Ministers and the relevant Chief Negotiators.
71. In the non-trade sphere, the Committee investigated the UK’s failure, despite signing it in 2012, to ratify the Istanbul Convention designed to prevent violence against women and girls. Members contributed to debates in the

77 EU Services Sub-Committee, ‘COVID-19 track and trace app’, (from May 2020 to February 2021): <https://committees.parliament.uk/work/661/covid19-track-and-trace-app/publications/3/correspondence/>

78 The Government has sought to reproduce the effects of the trading arrangements which previously applied while the UK was a member of the EU by ‘rolling over’ existing EU agreements and making them suitable to the bilateral context. Under the Withdrawal Agreement, pre-existing EU agreements continued to apply to the UK during the transition period that ended on 1 January 2021.

House on the Domestic Abuse Bill, providing information on the UK's obligations under the Convention.

72. Members of the Committee also contributed to the House's consideration of the Trade Bill, and during the Bill's passage the Government made two significant commitments to expanding Parliament's ability to scrutinise international agreements. The Government agreed to facilitate a debate on the negotiating objectives for new trade agreements if requested by the Committee, subject to parliamentary time being available. It also agreed not to ratify an agreement before a parliamentary debate has been held, if such a debate is requested in a timely fashion by the Committee. The Bill received Royal Assent, as the Trade Act 2021, on the final day of the 2019–21 session.
73. The Committee also engaged with the Foreign, Commonwealth and Development Office on ways to enhance parliamentary scrutiny and transparency.⁷⁹ The Government has accepted the importance of having a complete and up-to-date record of UK treaties, and has agreed to work with the Committee to ensure that all amendments to treaties are published, and that a system is in place to notify the Committee of any changes. The Government is also taking steps to devise a mechanism for publishing or sharing memoranda of understanding⁸⁰ with the Committee.

International Relations and Defence Committee

74. The International Relations and Defence Committee published its report *The UK and Sub-Saharan Africa: prosperity, peace and development co-operation*⁸¹ in July 2020. The Committee criticised the lack of a cross-governmental strategy for Africa, and found that UK trade with, and investment in, Sub-Saharan Africa had flatlined over the last decade. The report was covered in media outlets including *The Guardian* and *The Telegraph*. The Committee has continued to correspond with the Minister for Africa on issues raised in the report, including the UK deployment to Mali, official development assistance and funding for Aid for Trade.⁸² One expert witness to the inquiry tweeted in March 2021 "The work of @LordsIRCom on UK-Africa generally is admirable".⁸³
75. In July 2020 the Committee held two evidence sessions on the World Health Organisation (WHO). It wrote to ministers in the Foreign, Commonwealth and Development Office and the Department of Health and Social Care,

79 This work built on the work done in the previous Parliament by the Constitution and EU Select Committees.

80 Memoranda of understanding are political agreements that are not legally binding, are not regularly laid before Parliament, but can have significant policy implications for the UK.

81 International Relations and Defence Committee, *The UK and Sub-Saharan Africa: prosperity, peace and development co-operation* (1st Report, Session 2019–21, HL Paper 88)

82 Letter from Baroness Anelay of St Johns, Chair of the International Relations and Defence Committee to James Duddridge MP, Parliamentary Under Secretary of State, Foreign, Commonwealth and Development Office (13 October 2020): <https://committees.parliament.uk/publications/2982/documents/28419/default/> [accessed 6 April 2021]; Letter from James Duddridge MP, Parliamentary Under Secretary of State, Foreign, Commonwealth and Development Office, to Baroness Anelay of St Johns, Chair of the International Relations and Defence Committee (5 November 2020): <https://committees.parliament.uk/publications/3671/documents/35629/default/> [accessed 6 April 2021] and Letter from James Duddridge MP, Parliamentary Under Secretary of State, Foreign, Commonwealth and Development Office, to Baroness Anelay of St Johns, Chair of the International Relations and Defence Committee (17 March 2021): <https://committees.parliament.uk/publications/5137/documents/50724/default/> [accessed 6 April 2021]

83 Tweet from Tom Pengelly (19 March 2021): https://twitter.com/pengelly_tom/status/1373008824018333705?s=20 [accessed 26 March 2021]

raising issues including the WHO's lack of powers, and problems with its funding model.⁸⁴ The letter was covered in the British Medical Journal.⁸⁵

76. The Committee held two evidence sessions on the New Strategic Arms Reduction Treaty (New START) and the Open Skies Treaty in October 2020. Witnesses included Rose Gottemoeller, former Deputy Secretary General of NATO, and Bonnie Jenkins, Founder and Executive Director of Women of Color Advancing Peace, Security and Conflict Transformation, who has subsequently been nominated as US Undersecretary for Arms Control and International Security Affairs. The Committee wrote to the Government about the potential impact of planned withdrawal from these treaties and representations the UK Government had made to the US on their value,⁸⁶ and the Government provided in a letter in response.⁸⁷
77. The Committee's report *The UK and Afghanistan* was published in January 2021.⁸⁸ The Committee concluded that Afghanistan's relative prioritisation as a UK national security issue has slipped since 2010, but the scale of the challenges facing the country, and their potential impact on UK interests, have not diminished. It urged the UK to emphasise to the US and to NATO allies the importance of their ongoing presence in Afghanistan until a peace deal is reached. The report was covered in *The Telegraph*, and opinion pieces by the Chair were published in *The Times Red Box* and by RUSI.
78. The Committee has corresponded extensively with the Foreign Secretary to oppose the merger of the Foreign and Commonwealth Office and the Department for International Development, and the cut to the UK's official development assistance spending to 0.5% of gross national income.⁸⁹ In March 2021 it held a one-off evidence session with the chief executive

84 Letter from Baroness Anelay of St Johns, Chair of the International Relations and Defence Committee to Wendy Morton MP, Parliamentary Under Secretary of State, Minister for European Neighbourhood and the Americas, Foreign and Commonwealth Office and the Department for International Development, and Jo Churchill MP, Parliamentary Under Secretary of State Minister for Prevention, Public Health and Primary Care, Department for Health and Social Care (29 July 2020): <https://committees.parliament.uk/publications/2201/documents/20268/default/>

85 The BMJ, 'Covid-19: A world without WHO is a world in danger, experts warn', (22 July 2020): <https://www.bmj.com/content/370/bmj.m2932> [accessed 26 March 2021]

86 Letter from Baroness Anelay of St Johns, Chair of the International Relations and Defence Committee to Rt Hon James Cleverly MP, Minister of State for the Middle East and North Africa, Foreign, Commonwealth and Development Office (9 October 2020): <https://committees.parliament.uk/publications/2922/documents/28127/default/>

87 Letter from Rt Hon James Cleverly MP, Minister of State for the Middle East and North Africa, Foreign, Commonwealth and Development Office, to Baroness Anelay of St Johns, Chair of the International Relations and Defence Committee (5 November 2020): <https://committees.parliament.uk/publications/3326/documents/31567/default/>

88 International Relations and Defence Committee, *The UK and Afghanistan* (2nd Report, Session 2019–21, HL Paper 208)

89 Letter from Baroness Anelay of St Johns, Chair of the International Relations and Defence Committee to Rt Hon Dominic Raab MP, Secretary of State for Foreign, Commonwealth and Development Affairs, Foreign, Commonwealth and Development Office (4 February 2021): <https://committees.parliament.uk/publications/4571/documents/46235/default/> and Letter from Rt Hon Dominic Raab MP, Secretary of State for Foreign, Commonwealth and Development Affairs, Foreign, Commonwealth and Development Office, to Baroness Anelay of St Johns, Chair of the International Relations and Defence Committee (23 February 2021): <https://committees.parliament.uk/publications/4959/documents/49587/default/>

of Voluntary Service Overseas and wrote to the Government urging it to confirm funding for 2021/22 without further delay.⁹⁰

Public Services Committee

79. In its first full year of work the Public Services Committee published a wide-ranging report on how public services responded to the COVID-19 pandemic, and what lessons they learnt.⁹¹ The report was well received by policy makers, service users and in the media. In December 2020 the Committee organised an online seminar on the report, chaired by the Institute for Government, with discussants from think tanks, the voluntary sector and local government.
80. The Committee built on the report in developing new areas for inquiry. At the beginning of 2021 it held evidence sessions on procurement in public services, data-sharing and public services and the funding of public services; it sent letters to the Government based on this evidence. It recently concluded an inquiry into ‘levelling up’ and public services, and began taking evidence on the role that public services play in addressing child vulnerability. As part of this new inquiry it will draw on lessons from its COVID-19 inquiry by holding focus groups with service users, including vulnerable children.
81. The Public Services Committee’s media profile and social media presence have grown, leaving it with a strong foundation for its future work. Stakeholder feedback suggests that the Committee is already highly regarded in its areas of policy, and it is beginning to see policy impact—for example, its recommendations on data-sharing were accepted by the Information Commissioner and the Department for Education.

Science and Technology Committee

82. The Science and Technology Committee rapidly began an inquiry into the science of COVID-19. The purpose was to provide a public forum for detailed and reliable discussion of evidence; and to make recommendations for the Government’s response to the pandemic. The Committee heard from leading researchers about the biomedical science of the virus, immune response, treatments and vaccines, as well as the epidemiological modelling of transmission and the behavioural science underpinning restrictions and guidelines. The Committee published weekly summaries of evidence, and the Chair wrote to the Prime Minister in July 2020 with five recommendations aimed at reducing the likelihood of a winter resurgence.⁹²
83. The Committee published its report *Aging: Science, Technology and Healthy Living* in January 2021.⁹³ The report argued for improved co-ordination of healthcare for the elderly, in order to treat multiple conditions holistically.

90 Letter from Baroness Anelay of St Johns, Chair of the International Relations and Defence Committee to Wendy Morton MP, Parliamentary Under Secretary of State, Minister for European Neighbourhood and the Americas, Foreign and Commonwealth Office and the Department for International Development (25 March 2021): <https://committees.parliament.uk/publications/5275/documents/52800/default/>

91 Public Services Committee, *A critical juncture for public services: lessons from COVID-19* (1st Report, 2019–21, HL Paper 167)

92 Letter from Lord Patel, Chair of the Science and Technology Committee to Boris Johnson MP, Prime Minister (23 July 2020): <https://committees.parliament.uk/publications/2120/documents/19879/default/>

93 Science and Technology Committee, *Aging: Science, Technology and Healthy Living* (1st Report, Session 2019–21, HL Paper 183)

These recommendations were reflected by the Secretary of State for Health and Social Care in announcing a white paper on the future of health and care in February 2021. The report also presented the rapidly developing scientific understanding of the underlying biological processes of ageing. The Committee recommended research into these processes, to target the source of various illnesses; research councils are now increasing the focus on these topics.

84. A short inquiry into the UK's innovation Catapults examined their role in delivering the Government's target of spending 2.4% of GDP on research and innovation by 2027. Recommendations by the Committee⁹⁴ were reflected in a review of the Catapults published shortly afterwards by the Department for Business, Energy and Industrial Strategy.
85. The Committee undertook urgent work in March 2021 in response to a series of crises facing research funding, including funding for the UK's association to Horizon Europe. The Committee gathered views from key organisations in the research sector and wrote to the Prime Minister and the Chancellor of the Exchequer with its concerns.⁹⁵
86. The Committee began an inquiry in February 2021 into the role of batteries and fuel cells in achieving net-zero. This inquiry will report in summer 2021, with recommendations designed to advise Government ahead of COP26.

94 Science and Technology Committee, *Catapults: bridging the gap between research and industry* (2nd Report, Session 2019–21, HL Paper 218)

95 Letter from Lord Patel, Chair of the Science and Technology Committee to Boris Johnson MP, Prime Minister (25 March 2021): <https://committees.parliament.uk/publications/5295/documents/52891/default/> and letter from Lord Patel, Chair of the Science and Technology Committee to Rishi Sunak MP, Chancellor of the Exchequer (25 March 2021): <https://committees.parliament.uk/publications/5294/documents/52890/default/>

CHAPTER 3: SPECIAL INQUIRY COMMITTEES

Introduction

87. Although the House of Lords had a long-standing tradition of appointing *ad hoc* committees (now known as special inquiry committees), a major change in practice occurred in 2012, when the Liaison Committee recommended the appointment of three such committees, including, for the first time, one devoted to post-legislative scrutiny.⁹⁶ This expansion of committee activity, which is now a distinctive feature of House of Lords scrutiny, was considered such a success that the following year a further additional such committee was appointed. Since 2014 it has been the norm to appoint four new special inquiry committees each year, usually including one devoted to post-legislative scrutiny.
88. The exceptional circumstances of the pandemic led the Committee to recommend an adjustment in the appointment of new special inquiry committees during 2020–21. In April 2020 we were due to undertake our regular process of shortlisting and, ultimately, choosing four special inquiry topics for the forthcoming year. 24 proposals were submitted by members of the House, a number of which made reference to COVID-19. In late March and early April a number of members of the Committee suggested that the usual special inquiry process be ‘paused’, in order to allow a degree of re-focusing upon the pandemic situation. It was suggested that there should be a re-orientation of our scrutiny work to take account of current circumstances. In response, we recommended, and the House agreed, the establishment of a dedicated committee to undertake a comprehensive examination of the long-term implications of COVID-19.
89. In July we selected two special inquiry committees to start in the second half of 2020, as well as separately recommending the establishment of a committee to scrutinise common frameworks. Exceptionally, in October 2020 we invited a further round of proposals, with a deadline for submissions of 28 October, and subsequently recommended the appointment of an additional special inquiry committee, to start work in January 2021. In order to enable the appointment of these five committees, including the COVID-19 committee and Common Frameworks committee, we paused post-legislative scrutiny activity.
90. The five committees described in this chapter were thus appointed at different times, but each is due to report by late 2021. We hope that this will enable us later this year, following the usual consultations with members of the House, to recommend the appointment of four new committees, including a post-legislative scrutiny committee, to start work in January 2022.

Common Frameworks Committee

91. The Common Frameworks Scrutiny Committee was appointed on 17 September 2020 “to scrutinise and consider matters relating to common frameworks”⁹⁷—informal agreements by means of which the UK Government and the devolved Governments are seeking to ensure coordination in the regulation of the UK’s internal market post-Brexit. The Committee’s initial

96 Liaison Committee, *Review of Select Committee Activity and Proposals for New Committee Activity* (3rd Report, Session 2010–12, HL Paper 279)

97 HL Deb, 17 September 2020, [cols 1401–1402](#)

focus was on the interaction between common frameworks and the United Kingdom Internal Market Bill, published on 9 September 2020, on which it took evidence from the Scottish and Welsh Governments, academics, stakeholders in the food sector, and the Minister for the Constitution and Devolution, Chloe Smith MP. After three defeats on amendments tabled by Lord Hope of Craighead, a member of the Committee, the Government introduced its own amendment, giving the Secretary of State power to exempt areas of divergence agreed within common frameworks from the other provisions contained in the Act.

92. On 23 October 2020 the Committee launched an overarching inquiry into the common frameworks programme, holding eight oral evidence sessions and receiving 17 written submissions. On 31 March 2021 it published its report *Common frameworks: building a cooperative Union*.⁹⁸ The report highlighted issues related to transparency and stakeholder consultation, the participation of Northern Ireland, the UK internal market, UK intergovernmental relations and parliamentary scrutiny. It argued that the collaborative approach of common frameworks should be used as a model to reset UK intergovernmental relations and build a cooperative Union.
93. The Committee also conducted preparatory scrutiny of early common framework documents, sending 23 letters to Government departments to improve the quality of frameworks in development.
94. The Common Frameworks Scrutiny Committee was initially appointed until the end of the 2019–21 parliamentary session, reflecting the anticipated timescale for the publication of common frameworks. Following slippage in the timetable for agreeing common frameworks, and in response to representations from the Committee Chair and several members, we recommended that the Common Frameworks Scrutiny Committee should be reappointed at the start of the 2021–22 parliamentary session with the same terms of reference and membership, with the expectation that it should complete its work by the end of 2021.⁹⁹

COVID-19 Committee

95. Under the exceptional circumstances of the pandemic, on 11 June 2020 the House agreed to the establishment of a committee “to consider the long-term implications of the COVID-19 pandemic on the economic and social wellbeing of the United Kingdom.”¹⁰⁰ This was, and is, not a typical special inquiry committee as it was not proposed by an individual member of the House, but was instead a response to views expressed by several members, and supported by the Liaison Committee.
96. Given the very broad nature of the COVID-19 Committee’s remit, that Committee decided to begin their work by gauging the UK’s current thinking on what will be (or should be) different because of the pandemic, for our daily lives and for how we function as a society, in two-five years’ time.
97. Members wanted to hear from as wide a range of people as possible, and so sought contributions in a variety of different ways. As well as holding

98 Common Frameworks Scrutiny Committee, *Common frameworks: building a cooperative Union* (1st Report, Session 2019–21, HL Paper 115)

99 Liaison Committee, *Review of the Common Frameworks Scrutiny Committee* (9th Report, Session 2019–21, HL Paper 241)

100 HL Deb, 11 June 2020, [col 1850](#)

an oral evidence session with other organisations who have been collecting views on this issue, and receiving over 300 written evidence submissions, the Committee heard from:

- Over 350 academics, through a survey run by the Parliamentary Office of Science and Technology (POST);
 - Over 500 people via social media;
 - Over 4,000 people through discussion packs that other organisations used to collect the views of their clients; and
 - 78 people who took part in discussion groups with Committee members.
98. Eight key themes emerged from this work, which members have used (and will continue to use) to inform their future direction.
99. In November 2020, the Committee began an inquiry into the long-term impact on wellbeing of the rapid acceleration of a variety of digital trends that has occurred during the pandemic (including the delivery of education and healthcare services online, e-commerce, workplace automation and remote working). The Committee published the report of its inquiry on 21 April 2021.¹⁰¹

Risk Assessment and Risk Planning Committee

100. The Committee on Risk Assessment and Risk Planning was appointed on 15 October 2020 with a remit to: “consider risk assessment and risk planning in the context of disruptive national hazards”.¹⁰²
101. The United Kingdom is at risk from major disruptive hazards which have the potential to cause significant human, economic, environmental and infrastructure damage. A key focus of the Committee’s inquiry is to scrutinise the way in which national risks are identified and assessed by the Government, and how this process is used to ensure the country is prepared for, and resilient to, the risks that could most significantly disrupt the UK, the need for which the COVID-19 pandemic has only served to underscore. A central question for the Committee is how to ensure that the UK is as resilient to extreme risks and emergencies as possible.
102. The Committee published its call for evidence on 7 December 2020,¹⁰³ and received 96 pieces of written evidence. By the end of the 2019–21 session the Committee had heard from 62 witnesses, over 20 evidence sessions. The Committee has taken a wide range of authoritative evidence, including from: the Director of the Cabinet Office’s Civil Contingencies Secretariat, Roger Hargreaves; two former Government Chief Scientific Advisers, Professor Sir Mark Walport and Professor Sir John Beddington; the Chairman of Lloyds of London, Bruce Carnegie-Brown; former National Security Adviser, Lord Ricketts; former Chief of the Defence Staff, Lord Houghton; Major General Charles Stickland, Assistant Chief of the Defence Staff; representatives from the nuclear, oil and gas industries; regulators; technological risk experts; business leaders and investment groups; biosecurity experts; and witnesses

101 COVID-19 Committee, *Beyond Digital: Planning for a Hybrid World* (1st Report, Session 2019–21, HL Paper 263)

102 HL Debate, 15 October 2020, [col 1205–1206](#)

103 Select Committee on Risk Assessment and Risk Planning, ‘Call for evidence’ (7 December 2020): <https://committees.parliament.uk/call-for-evidence/339/risk-assessment-and-risk-planning/>

from government risk organisations in other countries, including from Germany, Sweden, the Netherlands and Singapore.

103. In December 2020, the Chair, Lord Arbuthnot of Edrom, and committee member Lord Rees of Ludlow appeared on BBC Radio 4's Inside Science programme. During the interview, Lord Arbuthnot and Lord Rees were asked for their views on how scientific advice should feed into national risk assessment, both during the COVID-19 pandemic and into the future. The Chair also outlined the work of the Committee and highlighted its call for evidence, which helped to generate interest in the Committee's inquiry.
104. The Risk Committee plans to hold further evidence sessions with Sir Oliver Letwin, local resilience forums, volunteer organisations, representatives from the devolved administrations, and Cabinet Office Ministers. The Committee also plans to hold an engagement event with the Royal Academy of Engineering in June.

National Plan for Sport and Recreation Committee

105. The Committee was appointed on 15 October 2020 "to consider the effectiveness of current sport and recreation policies and initiatives, and the case for a national plan for sport and recreation".¹⁰⁴ The Committee's call for written evidence, published on 10 December 2020, sought evidence on how people can lead more active lifestyles.¹⁰⁵ The call for evidence was successfully publicised through members drafting op-eds on their personal sporting experiences which were then published on websites associated with the members' sport. Videos of members promoting the call for evidence questions were also published on the Committee's Twitter account. Over 130 written evidence submissions were received by the end of the 2019–21 session.
106. The thematic and cross-departmental nature of the inquiry has allowed the Committee to consider issues including: youth sport, the delivery of sport in schools and how young people can be supported to be physically active. The Committee has also considered the role of the media in sport and recreation, behaviour change in promoting physical activity, sport and the criminal justice system, duty of care and safeguarding in sport, and barriers faced by underrepresented groups in sport and recreation, including intersectionality. The Committee has sought evidence on international policies and models for sport and recreation. This resulted in a notable evidence session with the Hon. Grant Robertson, Deputy Prime Minister of New Zealand, Finance Minister and Minister for Sport and Recreation.¹⁰⁶
107. The Committee accepted a written evidence submission containing the results of a survey of 1,000 children on sport and physical activity commissioned and submitted by Sky Kids and its children's news programme, FYI.¹⁰⁷ The work of the Committee, along with the wider work of the House of Lords and its select committees, was featured on the FYI programme and broadcast on the Sky News channel over the weekend of 27 and 28 February 2021.

104 HL Deb, 15 October 2020, [col 1205](#)

105 Select Committee on a National Plan for Sport and Recreation, 'Call for Evidence', (10 December 2020): <https://committees.parliament.uk/call-for-evidence/341/national-plan-for-sport-and-recreation/>

106 Oral evidence taken before the Select Committee on a National Plan for Sport and Recreation, 3 March 2021 (Session 2019–21) [QQ 106–117](#)

107 Written evidence to the Select Committee on a National Plan for Sport and Recreation from FYI and Sky Kids ([NPS0140](#))

108. The Committee expects to continue holding evidence sessions until July 2021 on topics including the role of technology in promoting active lifestyles and the sport and recreation workforce.

Youth Unemployment Committee

109. The Committee on Youth Unemployment was appointed in January 2021 “to consider youth unemployment, education and skills”.¹⁰⁸
110. By the end of the 2019–21 session the Committee had held seven public evidence sessions as well as a private roundtable discussion with young people. Witnesses included civil servants from the Department for Education and the Department for Work and Pensions; youth charities and organisations; businesses, including Tesco and BAE Systems; and small businesses and business associations.
111. The Committee hopes to cover a range of issues in its inquiry including apprenticeships, skills, careers, education and the National Curriculum. The remaining evidence sessions will cover these subjects in further detail. The Committee is also planning to undertake regionally focused virtual engagement activities, to understand more about the dynamics of youth unemployment in different parts of England.
112. The Committee has issued a call for evidence with a particular focus on hearing the views of young people on their experiences of unemployment. As well as written submissions, people have been encouraged to share their views by alternative means such as Twitter and WhatsApp.

Artificial Intelligence Committee: Follow-up inquiry

113. This was the first follow-up inquiry that was conducted under the new procedure.¹⁰⁹ The Select Committee on Artificial Intelligence was appointed by the House on 29 June 2017 with the remit “to consider the economic, ethical and social implications of advances in artificial intelligence”.¹¹⁰ Its report, published on 16 April 2018, made several recommendations, mainly addressed to the Government.¹¹¹
114. The Government responded to these recommendations in June 2018,¹¹² and the report and response were debated in the House on 19 November 2018.¹¹³ Lord McFall of Alcluith, then Senior Deputy Speaker and Chair of the Liaison Committee, wrote to the Minister of State for Universities, Science, Research and Innovation on 30 January 2020 regarding the report. A reply was received on 14 August 2020.¹¹⁴

108 HL Deb, 28 January 2021, [col 1759](#)

109 Please see paragraphs 22–26 which outlines the new procedure for follow-up.

110 HL Deb, 29 June 2017, [cols 562–563](#)

111 Select Committee on Artificial Intelligence, *AI in the UK: ready, willing and able?* (Report of Session 2017–19, HL Paper 100)

112 Department for Business, Energy and Industrial Strategy, *Government response to House of Lords Artificial Intelligence Select Committee’s report on ‘AI in the UK: ready, willing and able?’*, Cm 9645, 28 June 2018: <https://www.parliament.uk/globalassets/documents/lords-committees/Artificial-Intelligence/AI-Government-Response2.pdf> [accessed 5 May 2021]

113 HL Deb, 19 November 2018, [cols 12–63](#)

114 Letter from Amanda Solloway MP, the Minister for Science, Research and Innovation to Lord McFall of Alcluith, the Senior Deputy Speaker, 14 August 2020: <https://committees.parliament.uk/publications/2604/documents/26039/default/>

115. Lord Clement-Jones, who was Chair of the Select Committee on Artificial Intelligence, wrote to Lord McFall on 11 February 2020 making the case for evidence sessions to be held on the AI Committee's report. At a meeting on 26 February 2020 the Liaison Committee considered the proposal and agreed that follow-up work should take place in March.¹¹⁵ The sessions were postponed at the start of the COVID-19 pandemic, and subsequently took place on 14 October 2020. Five members of the former Select Committee joined the Liaison Committee to hear evidence from nine witnesses over three sessions.¹¹⁶
116. After these sessions, the Liaison Committee published the report: *AI in the UK: No Room for Complacency*. The Government response was published as a Command Paper and received on 24 February 2021.¹¹⁷

Political Polling and Digital Media Committee: Follow-up inquiry

117. This was the second follow-up inquiry conducted under the new procedure.
118. The Select Committee on Political Polling and Digital Media was appointed by the House on 29 June 2017 with the remit "to consider the effects of political polling and digital media on politics, and to make recommendations."¹¹⁸ At an early stage in its inquiry, the Committee decided that it would not be able to cover its full remit in the time available. The inquiry therefore concentrated on polling methods and accuracy and the regulation of political opinion polling.¹¹⁹ The Committee's report, *The politics of polling* was published on 17 April 2018.¹²⁰ The report's conclusions and recommendations were mainly addressed to the British Polling Council, the Electoral Commission, the Market Research Society and the Government.
119. The Government response was received on 15 June 2018.¹²¹ The report and the Government response were debated in the House on 3 July 2018.¹²² Lord McFall of Alcluith, then Senior Deputy Speaker and Chair of the Liaison Committee, wrote to the Chair of the British Polling Council and the CEO of the Market Research Society on 27 February 2020 regarding the report.¹²³ Replies from both organisations were received in March 2020.¹²⁴

115 Liaison Committee, '26 February: Decisions document': <https://committees.parliament.uk/publications/423/documents/1580/default/>

116 Liaison Committee, *AI in the UK: No Room for Complacency* (7th Report, Session 2019–21, HL Paper 196), Appendix 1 and Appendix 2

117 Department for Digital, Culture, Media and Sport, *Government Response to the House of Lords Select Committee on Artificial Intelligence*, CP 390, 24 February 2021: <https://committees.parliament.uk/publications/4753/documents/48948/default/>

118 HL Deb, 29 June 2017, cols 562–563

119 Digital media was made the subject of a further inquiry by a Select Committee chaired by Lord Puttnam. Their report "*Digital Technology and the Resurrection of Trust*" was published on 29 June 2020.

120 Select Committee on Political Polling and Digital Media, *The politics of polling* (Report of Session 2017–19, HL Paper 106)

121 Department for Digital, Culture, Media and Sport, *Government response to the House of Lords Select Committee on Political Polling and Digital Media report on 'The politics of polling'*: <https://old.parliament.uk/documents/lords-committees/political-polling-digital-media/Government-Response.pdf>

122 HL Deb, Tuesday 3 July 2018, cols 524–549

123 Letter from Lord McFall of Alcluith, the Senior Deputy Speaker to the British Polling Council on the Select Committee on Political Polling and Digital Media (27 February 2020): <https://committees.parliament.uk/publications/65/documents/707/default/>

124 Letter from the President of the British Polling Council to Lord McFall of Alcluith, the Senior Deputy Speaker (30 March 2020): <https://committees.parliament.uk/publications/608/documents/2553/default/> and Letter from the CEO of the Market Research Society to Lord McFall of Alcluith, the Senior Deputy Speaker (2 March 2020): <https://committees.parliament.uk/publications/426/documents/1638/default/>

120. Lord Lipsey, who Chaired the Select Committee on Political Polling, wrote to Lord McFall on 12 February 2020 making the case for evidence sessions to be held on the Political Polling and Digital Media Committee’s report. At a meeting on 26 February 2020 the Liaison Committee considered the proposal and agreed that follow-up work should take place in March.¹²⁵ The sessions had to be postponed due to COVID-19,¹²⁶ they subsequently took place on 12 November 2020. Four members of the former Select Committee joined the Liaison Committee to hear evidence from four witnesses over two sessions.¹²⁷ The Committee decided not to invite ministers to give oral evidence as the main recommendations from the report were not directed at the Government.¹²⁸
121. Following the sessions, we published the report: *The Politics of Polling: an update*.¹²⁹

Financial Exclusion Committee: Follow-up inquiry

122. This was the third follow-up inquiry that was conducted under the new procedure.
123. The Select Committee on Financial Exclusion was appointed by the House on 25 May 2016 with the remit “to consider financial exclusion and access to mainstream financial services.”¹³⁰ Its report, published on 25 March 2017, made a number of recommendations, addressed to the Government and regulators.¹³¹ The Government responded to these recommendations on 7 November 2017, when the response was presented as a Command Paper.¹³² The report and response were debated in the House on 18 December 2017.¹³³ Lord McFall of Alcluith, then Senior Deputy Speaker and Chair of the Liaison Committee, wrote to the Economic Secretary to the Treasury, John Glen MP, regarding the report on 31 January 2019 as the first stage of the Liaison Committee’s follow-up procedure.¹³⁴ Replies were received on 13 February and 30 May 2019.¹³⁵

125 Liaison Committee, ‘26 February: Decisions document’: <https://committees.parliament.uk/publications/423/documents/1580/default/>

126 The Liaison Committee redirected resources to set up the COVID-19 Committee. See Liaison Committee, ‘28 April: Decisions document’: <https://committees.parliament.uk/publications/1562/documents/14846/default/>

127 Liaison Committee, *The politics of polling: an update* (8th Report, Session 2019–21, HL Paper 197), Appendix 1 and Appendix 2

128 Select Committee on Political Polling and Digital Media, *The politics of polling* (Report of Session 2017–19, HL Paper 106) para 4

129 Liaison Committee, *The politics of polling: an update* (8th Report, Session 2019–21, HL Paper 197)

130 HL Deb, 25 May 2016 [vol 773](#)

131 Select Committee on Financial Exclusion, *Tackling financial exclusion: A country that works for everyone?* (Report of Session 2016–17, HL Paper 132)

132 HM Treasury, Government response to the final report of the Lords Select Committee on Financial Exclusion, Cm 9524, November 2017: <https://old.parliament.uk/documents/lords-committees/financial-exclusion/Government-Response-to-Financial-Exclusion-Committee.pdf>

133 HL Deb, 18 December 2017, [cols 1872–1886](#)

134 Letter from Lord McFall of Alcluith, the Senior Deputy Speaker to John Glen MP, Economic Secretary to the Treasury (31 January 2019): <https://old.parliament.uk/documents/lords-committees/liaison/Letter-from-Lord-McFall-of-Alcluith-on-the-Select-Committee-on-Financial-Exclusion.pdf>

135 Letter from John Glen MP, Economic Secretary to the Treasury to Lord McFall of Alcluith, the Senior Deputy Speaker (13 February 2019): <https://old.parliament.uk/documents/lords-committees/liaison/Letter-from-John-Glen-MP-on-the-Select-Committee-on-Financial-Exclusion.pdf>, see also: Letter from John Glen MP, Economic Secretary to the Treasury to Lord McFall of Alcluith, the Senior Deputy Speaker (30 May 2019): <https://old.parliament.uk/documents/lords-committees/liaison/Additional-Letter-from-John-Glen-MP-on-the-Select-Committee-on-Financial-Exclusion.pdf>

124. Baroness Tyler of Enfield, who chaired the Select Committee on Financial Exclusion, wrote to Lord McFall on 25 March 2020 making the case for follow-up. At its meeting on 14 September 2020 the Liaison Committee considered her proposal, and on 5 February 2021 we agreed that the follow-up work should take place in March.¹³⁶ The oral evidence sessions took place on 16 March 2021, when four members of the former Select Committee joined the Liaison Committee to hear evidence from eight witnesses over four sessions. Written evidence was received from four witnesses.¹³⁷
125. Following the sessions, we published: *Financial Exclusion: A country that works for everyone? Follow-up report*.¹³⁸

136 Liaison Committee, ‘14 September: Decisions document’: <https://committees.parliament.uk/publications/3114/documents/29142/default/>

137 Liaison Committee, *Tackling Financial Exclusion: A country that works for everyone? Follow-up report* (10th Report session 2019–2021, HL Paper 267) see appendix 1 and appendix 2.

138 Liaison Committee, *Tackling Financial Exclusion: A country that works for everyone? Follow-up report* (10th Report session 2019–2021, HL Paper 267)

CHAPTER 4: SECONDARY LEGISLATION COMMITTEES

Delegated Powers and Regulatory Reform Committee

126. During the reporting period (2020/21 financial year), the Delegated Powers and Regulatory Reform Committee (DPRRC) met 16 times and published 27 reports. It considered 33 bills (26 Government bills and seven Private Members' bills).
127. In October 2020, in a letter from the Lord President and Leader of the House of Commons, the Rt Hon. Jacob Rees-Mogg MP, Mr Rees-Mogg acknowledged that “we have been living in exceptional times” and that “the current pandemic and leaving the European Union have meant that some government legislation has had to be delivered swiftly, either in response to an emergency situation or to external events, such as negotiations with the EU”.¹³⁹ The reporting period was therefore dominated by bills introduced in response either to the pandemic or to Brexit.
128. Bills relating to Brexit included: the Agriculture Bill, the Medicines and Medical Devices Bill, the Immigration and Social Security Co-ordination (EU Withdrawal) Bill, the United Kingdom Internal Market Bill, the European Union (Future Relationship) Bill and the Financial Services Bill. The Committee reported positively on some but was highly critical of others. An example of the former was the Agriculture Bill. The Committee had originally reported on the Bill when it first appeared in the House of Commons in 2018 and referred to it as representing “a major transfer of powers from the EU to Ministers”.¹⁴⁰ When the Bill was introduced in Lords in May 2020, the Committee reported that it welcomed the Government’s response to its report which had engaged “very constructively” with the Committee’s concerns.¹⁴¹ The Committee concluded that the new version of the Bill had “benefited substantially from the Committee’s scrutiny of the original Bill”, which could be regarded as a form of pre-legislative scrutiny, and that the Bill was “a marked improvement on the original Bill”.¹⁴² Towards the end of the reporting period, in January 2021, the Committee reported on the Financial Services Bill.¹⁴³ Although a substantial bill, the Committee reported that it did not wish to draw any of the delegations of power to the attention of the House and went on to comment that the delegated powers memorandum, provided by HM Treasury, was “an excellent example of a well-researched and well-argued memorandum”.¹⁴⁴
129. Other Brexit bills were the subject of highly critical reports by the Committee. These included, for example, the Medicines and Medical Devices Bill,¹⁴⁵ about which the Committee was critical of the Bill itself for containing what was, in effect, “skeleton” provision, and also of the accompanying delegated

139 The letter, dated 19 October 2020, was sent to the Chairs of the Delegated Powers and Regulatory Reform Committee, the Secondary Legislation Scrutiny Committee and the Constitution Committee: <https://committees.parliament.uk/publications/3230/documents/30049/default/>. See para 132 below.

140 Delegated Powers and Regulatory Reform Committee, *Agriculture Bill* (34th Report, Session 2017–19, HL Paper 194)

141 Delegated Powers and Regulatory Reform Committee, *Agriculture Bill* (13th Report, Session 2019–21, HL Paper 69)

142 *Ibid.*

143 Delegated Powers and Regulatory Reform Committee, *Financial Services Bill* (34th Report, Session 2019–21, HL Paper 215)

144 *Ibid.*

145 Delegated Powers and Regulatory Reform Committee, *Medicines and Medical Devices Bill* (19th Report, Session 2019–21, HL Paper 109)

powers memorandum about which the Committee commented that it should have been more transparent in acknowledging the breadth of the powers in the Bill. The Immigration and Social Security Co-ordination (EU Withdrawal) Bill was, like the Agriculture Bill, one on which the Committee had reported in the previous session. Unlike the Agriculture Bill, however, the Bill had not changed significantly, and the Committee repeated its earlier critical comments.¹⁴⁶ These included that the Committee was “frankly disturbed” by some of the provision, and also an endorsement by the Committee of statements made by the Constitution Committee in its report on the delegation of powers that “skeleton bills inhibit parliamentary scrutiny” and it was “difficult to envisage any circumstances in which their use is acceptable”.¹⁴⁷ On the United Kingdom Internal Market Bill,¹⁴⁸ the Committee described the delegated powers as “extraordinary” and “unprecedented”, and drew particular attention to how seven of the 11 delegations of power enabled ministers to amend or repeal significant provisions of the Bill itself. The European Union (Future Relationship) Act 2020 was fast-tracked through Parliament at the very end of 2020. As a result of this the Committee, like other committees, was unable to report on it in time for the debates on the Bill. Exceptionally, therefore, the Committee reported on the Act¹⁴⁹ so that it could inform a debate in early January on the Trade and Cooperation Agreement. The Committee commented on the “potentially significant and intrusive”¹⁵⁰ powers conferred by the Act but welcomed the replication of the sifting procedure used in relation to proposed negative instruments laid under the European Union (Withdrawal) Act 2018.

130. Legislation in response to COVID-19 included the Corporate Insolvency and Governance Bill and the Business and Planning Bill. With regard to the Corporate Insolvency and Governance Bill, which was intended to help business deal with the serious economic consequences of the pandemic, the Committee acknowledged that it was “an extraordinary Bill for extraordinary times” but went on to say that, even so, it had found “many aspects of the Bill deeply troubling” and that its concerns were “all the greater because of the speed at which Parliament [was] being asked to consider the Bill”.¹⁵¹ The Committee drew attention to the breadth of a number of Henry VIII powers in the Bill,¹⁵² and asserted the presumption that “where something needs changing which Parliament has enacted, Parliament should enact the changes by primary legislation rather than ministers make the changes by secondary legislation”.¹⁵³ While the Government did not accept all the Committee’s recommendations, some received a positive response.¹⁵⁴ The

146 Delegated Powers and Regulatory Reform Committee, *Immigration and Social Security Co-ordination (EU Withdrawal) Bill* (22nd Report, Session 2019–21, HL Paper 118)

147 Constitution Committee, *The Legislative Process: The Delegation of Powers* (16th Report, Session 2017–19, HL Paper 225)

148 Delegated Powers and Regulatory Reform Committee, *United Kingdom Internal Market Bill* (24th Report, Session 2019–21, HL Paper 130)

149 Delegated Powers and Regulatory Reform Committee, *European Union (Future Relationship) Act 2020* (32nd Report, Session 2019–21, HL Paper 207)

150 *Ibid.*

151 Delegated Powers and Regulatory Reform Committee, *Corporate Insolvency and Governance Bill* (14th Report, Session 2019–21, HL Paper 74)

152 Henry VIII powers are delegations of power which confer power on ministers to amend Acts of Parliament (primary legislation) by secondary legislation.

153 Delegated Powers and Regulatory Reform Committee, *Corporate Insolvency and Governance Bill* (14th Report, Session 2019–21, HL Paper 74)

154 Delegated Powers and Regulatory Reform Committee, *Corporate Insolvency and Governance Bill: Government Response* (15th Report, Session 2019–21, HL Paper 82)

Business and Planning Bill, which was intended to help business to adjust to new ways of working as a result of the pandemic, was also subject to critical comment by the Committee. These included recommendations that powers to impose legislative conditions simply by publication and to issue guidance should both be subject to parliamentary scrutiny, and that the exercise of powers under the Bill should be necessary or appropriate for a purpose linked to the pandemic. The Government accepted the first and third of these recommendations.¹⁵⁵

131. Other bills considered by the Committee and reported on substantively included: the Domestic Abuse Bill,¹⁵⁶ the Overseas Operations (Service Personnel and Veterans) Bill¹⁵⁷ and the National Security and Investment Bill.¹⁵⁸ With regard to the last of these, the Committee took the exceptional step of commenting on the Bill, even though it had no points of criticism and therefore made no recommendations, to explain how the Government had made provision for parliamentary scrutiny of statements published following the exercise of “call in” powers under the Bill.
132. Finally, towards the end of 2020, as a result of increasing concern about the use of skeleton legislation, the Committee, with the Secondary Legislation Scrutiny Committee and the Constitution Committee, wrote to the Government, describing their use as “a constitutionally fundamental issue, not only in terms of the relationship between Parliament and the executive but also more widely in terms of the relationship of trust between government and the public at large”.¹⁵⁹ There followed an exchange of correspondence,¹⁶⁰ followed up in the 2021–22 session, including an evidence session with Mr Rees-Mogg on 12 May 2021.

Joint Committee on Statutory Instruments

133. The Joint Committee on Statutory Instruments (JCSI) is comprised of seven members from each House and seeks to ensure that the legal drafting of statutory instruments laid before Parliament is complete, appropriate and does not exceed the powers set out in the Act under which the instrument is made. The terms of reference of the Committee are set out in Standing Order 74 of the House of Lords Standing Orders relating to Public Business. Under Standing Order 73, no motion to approve an affirmative instrument can be moved until the JCSI has reported on it. On occasion, the Standing Order is suspended by the House to enable an approval motion to be moved and debated. This occurred, for example, in relation to three affirmative

155 Delegated Powers and Regulatory Reform Committee, *Draft Legislative Reform (Renewal of Radio Licences) Order 2020; Business and Planning Bill: Government Response* (20th Report, Session 2019–21, HL Paper 114)

156 Delegated Powers and Regulatory Reform Committee, *Domestic Abuse Bill; Parliamentary Constituencies Bill; Trade Bill* (21st Report, Session 2019–21, HL Paper 117)

157 Delegated Powers and Regulatory Reform Committee, *Overseas Operations (Service Personnel and Veterans) Bill* (30th Report, Session 2019–21, HL Paper 178)

158 Delegated Powers and Regulatory Reform Committee, *National Security and Investment Bill* (35th Report, Session 2019–21, HL Paper 225)

159 Letter from Lord Hodgson of Astley Abbots, Chair of the Secondary Legislation Scrutiny Committee, The Rt Hon the Lord Blencathra, Chair of the Delegated Powers and Regulatory Reform Committee and the Rt Hon the Baroness Taylor of Bolton, Chair of the Constitution Committee to The Rt Hon Michael Gove MP, Chancellor of the Duchy of Lancaster, Minister for the Cabinet Office and The Rt Hon Jacob Rees-Mogg MP, Lord President of the Council and Leader of the House of Commons (25 September 2020): <https://committees.parliament.uk/publications/2750/documents/27198/default/>

160 Delegated Powers and Regulatory Reform Committee, ‘Correspondence’: <https://committees.parliament.uk/committee/173/delegated-powers-and-regulatory-reform-committee/publications/3/correspondence/>

instruments relating to COVID-19, laid in December 2020 and January 2021, to enable a debate on the approval motions to take place on 7 January 2021.

134. The Committee is supported by a team of Counsel from both Houses, including three House of Lords Counsel. House of Lords Counsel advise on affirmative instruments, including assisting departments by providing pre-laying scrutiny.
135. During the reporting period (financial year 2020/21), in 38 reports, the JCSI considered 1005 instruments (including instruments subject to, and those not subject to, a parliamentary procedure), of which 145 were drawn to the special attention of the Houses (27 affirmative, 112 negative and six no procedure).

Secondary Legislation Scrutiny Committee

136. During the financial year 2020/21 the Committee met 37 times and published 39 reports, covering 958 statutory instruments (343 affirmative and 614 negative instruments, and one Special Procedure Order) and 47 proposed negative instruments (PNs) laid under the European Union (Withdrawal) Act 2018 (see paragraph 142 below). Of the instruments considered, the Committee drew 69 or 7.2% to the special attention of the House, most often on the ground that the instrument was “politically or legally important or gives rise to issues of public policy likely to be of interest to the House”. In addition to drawing instruments to the special attention of the House, the Committee also includes in its reports information paragraphs where an instrument is of interest, is topical or follows an unusual process. During the reporting period, the SLSC published 418 information paragraphs. Instruments about which information paragraphs have been published (as well as instruments drawn to the special attention of the House) are identified by an italicised note in House of Lords Business.
137. It is the practice of the Committee to publish a report at the end of each session setting out its observations on matters relating to its terms of reference, along with activity statistics. Because of uncertainty about the length of the session, in session 2019–21, the Committee published two such reports: an interim report (“the interim report”) in December 2020¹⁶¹ and then an end of session report (“the end of session report”), covering the remainder of the session and setting out overall sessional statistics, in April 2021.¹⁶² Each report provides a detailed analysis of the work of the Committee during the reporting period.
138. The interim report covers the 12-month period to 18 December 2020 and the end of session report the period from 19 December 2020 to 27 April 2021. Splitting the statutory instruments considered by the Committee into three main categories of (1) COVID-19 instruments, (2) Brexit instruments and (3) “business as usual” (BAU) instruments, the reports show that during the financial year 2020/21 COVID-19 instruments were a significant feature from the outset. The Committee’s first report of the period, published in April 2020, noted that during the preceding three weeks, those supporting the Committee had “analysed no fewer than 39 sets of regulations resulting from the Coronavirus pandemic” which had been “over and above their

161 Secondary Legislation Scrutiny Committee, *39th Report* (Session 2019–21, HL Paper 200)

162 Secondary Legislation Scrutiny Committee, *54th Report* (Session 2019–21, HL Paper 276)

normal flow of work”.¹⁶³ COVID-19 instruments remained a significant proportion of the Committee’s work throughout the reporting period, accounting for 31% during the year December 2019 to December 2020 and 30% for the remainder of the session.

139. In order to assist the House, in April 2020, at the beginning of the pandemic, the Committee announced that it would provide two sources of new information specially relating to COVID-19 instruments: first, it would include on its webpages a numerical list of all statutory instruments directly and indirectly related to the pandemic and, second, the Committee would include in all reports a dedicated section setting out information paragraphs on every COVID-19 instrument, irrespective of significance, arranged thematically under a number of policy headings. The Committee also made a number of overarching comments about COVID-19 instruments. In June 2020, it raised generic concerns including that the Government should ensure that “legislation follows on more closely from any announcement that they have made”,¹⁶⁴ drawing attention to the fact that the announcement in relation to the mandatory wearing of face masks on public transport was made on 4 June but that the relevant regulations were not laid before Parliament until 15 June, the day the provision came into effect.¹⁶⁵ In September 2020, the Committee drew attention to the increased number of correcting instruments, with several COVID-19 instruments having to be revoked or amended immediately after laying because of errors. The Committee noted that during July to September 2020, the error rate (for both COVID-19 and other instruments) was 12.5%, well above the 5% benchmark.¹⁶⁶ Other issues relating to COVID-19 instruments were taken up during the reporting year and are set out in detail in the interim and end of session reports. These included differing sunset provisions, the use of the pandemic as a pretext for significant policy changes, the blurring of the distinction between legislation and guidance, and restrictions on the ability of Parliament to scrutinise COVID-19 instruments because they were either made (into law) before laying or came fully or partially into effect shortly after laying.¹⁶⁷
140. In addition to COVID-19 instruments, the Committee considered Brexit and BAU instruments. During the two periods covered by the interim and end of session reports, Brexit instruments accounted for 20% and 10% respectively of the Committee’s work—peaking toward the end of 2020, and BAU instruments 49% and 60% respectively. For the entire session 2019–21, the proportions were COVID-19 instruments 31%, Brexit 17% and BAU 52%. The Committee, by its very nature, covers every conceivable policy area. As a sample illustration of this, notable reports included those on the controversial Abortion (Northern Ireland) Regulations 2020,¹⁶⁸ published in April 2020, in respect of which the Committee had received several submissions, and the Abortion (Northern Ireland) (No. 2) Regulations 2020, published in June 2020;¹⁶⁹ the draft Investigatory Powers (Communications Data) (Relevant Public Authorities and Designated Senior Offices) Regulations

163 Secondary Legislation Scrutiny Committee, *11th Report* (Session 2019–21, HL Paper 49) p 1

164 Secondary Legislation Scrutiny Committee, *19th Report* (Session 2019–21, HL Paper 84)

165 *Ibid.*

166 Secondary Legislation Scrutiny Committee, *28th Report*, (Session 2019–21, HL Paper 135)

167 See Secondary Legislation Scrutiny Committee, *39th Report*, (Session 2019–21, HL Paper 200) paras 16 to 28, and Secondary Legislation Scrutiny Committee, *54th Report* (Session 2019–21, HL paper 276) paras 5 to 13.

168 Secondary Legislation Scrutiny Committee, *11th Report*, (Session 2019–21, HL Paper 49)

169 Secondary Legislation Scrutiny Committee, *16th Report* (Session 2019–21, HL Paper 68)

2020 laid under the enhanced affirmative procedure set out in section 268 of the Investigatory Powers Act 2016 published in May 2020;¹⁷⁰ the draft Definition of Qualifying Northern Ireland Goods (EU Exit) Regulations 2020 published in October 2020;¹⁷¹ and the Heather and Grass etc. Burning (England) Regulations 2021 published in March 2021.¹⁷²

141. The terms of reference of the Committee have evolved as a result of Brexit legislation. During 2018, the remit of the Committee was extended by the House to include a sifting function in relation to certain instruments—proposed negative instruments (PNs)—laid under sections 8, 9 and 23(1) of the European Union (Withdrawal) Act 2018 (“the 2018 Act”).¹⁷³ The sifting function requires the Committee to decide whether to recommend that an instrument which a minister proposes be subject to the negative procedure should, in fact, be subject to the affirmative procedure. In all cases where the Committee (or its equivalent in the Commons, the European Statutory Instruments Committee) has recommended that an instrument be upgraded to the affirmative procedure, the Government have accepted the recommendation.
142. In early 2021, the Committee’s remit was further extended to include a similar sifting function in relation to PNs laid under the European Union (Future Relationship) Act 2020 (“the 2020 Act”) and set out in Schedule 5 to the 2020 Act. To date, no PNs under the 2020 Act have been laid. For completeness, at the end of April 2021, the Procedure and Privileges Committee agreed that the SLSC should be charged with considering draft affirmative instruments published under paragraph 14 of Schedule 8 to the 2018 Act, an enhanced scrutiny procedure applied to instruments which amend or revoke subordinate legislation made under section 2(2) of the European Communities Act 1972.
143. Finally, the SLSC, with the Delegated Powers and Regulatory Reform Committee (DPRRC) and the Constitution Committee, raised concerns about the use of skeleton legislation in correspondence with the Lord President and Leader of the House of Commons (see paragraph 132 above), which was followed up by an evidence session—attended also by the Chair and two other members of the DPRRC—with First Parliamentary Counsel, the Treasury Solicitor and the Head of the Civil Service Policy Profession in April 2021.¹⁷⁴

170 Secondary Legislation Scrutiny Committee, *13th Report* (Session 2019–21, HL Paper 57)

171 Secondary Legislation Scrutiny Committee, *31st Report* (Session 2019–21, HL Paper 153)

172 Secondary Legislation Scrutiny Committee, *48th Report* (Session 2019–21, HL Paper 242)

173 Section 9 of the 2018 Act has since been repealed.

174 Oral evidence taken before the Secondary Legislation Scrutiny Committee, 20 April 2021 (Session 2019–21) [QQ 1–16](#)

CHAPTER 5: JOINT COMMITTEES

Joint Committee on the Fixed Term Parliaments Act 2011

144. There was only one joint pre-legislative scrutiny committee in 2020–2021. The Joint Committee on the Fixed Term Parliaments Act 2021 was established in late autumn 2020 to fulfil two functions: to carry out the statutory review of the Fixed-term Parliaments Act 2011 itself, and to review the Government's draft bill repealing that Act. The membership of the Committee was larger than usual for pre-legislative scrutiny committees, and was also unusual in having significantly more Commons than Lords members. Twenty members were appointed to the Committee, fourteen MPs and six Peers. The timetable was very tight, and an extension to the initial reporting deadline was sought and granted until the end of March 2021.
145. The Committee received 24 written submissions and held eight oral evidence sessions, hearing from distinguished academics, with both UK and Commonwealth perspectives, former Supreme Court judges, those who had held high office in the Civil Service and in Parliament, expert lawyers and experienced political practitioners.
146. The Committee concluded that the 2011 Fixed-term Parliaments Act was flawed and would require major amendment, even if it were to be retained.¹⁷⁵ The Government's intention to return to the system in place before the 2011 Act was clearly stated and should be effective, the Committee concluded. The Committee argued, however, that parts of the constitutional plans advanced by the Government to replace the 2011 Act should be refined, and, moreover, it was imperative that any Bill introduced was afforded careful consideration and adequate time for detailed scrutiny.

Joint Committee on Human Rights

147. The Joint Committee on Human Rights (JCHR) has scrutinised the Government response to the COVID-19 pandemic in two inquiries. The first of these gave rise to a substantial report, published on 21 September.¹⁷⁶ The second, addressing the human rights implications of a long lockdown, is expected to continue in the 2021–22 session.
148. In July 2020, against the backdrop of the Black Lives Matter protests across the UK, the Joint Committee launched an inquiry into Black people, racism and human rights,¹⁷⁷ publishing its report in November 2020.
149. The JCHR continued with its work of legislative scrutiny, publishing three Bill reports on the Covert Human Intelligence Sources (Criminal Conduct) Bill,¹⁷⁸ the United Kingdom Internal Market Bill,¹⁷⁹ and the Overseas

175 Joint Committee on the Fixed-Term Parliaments Act, *Report* (Session 2019–21, HC 1046, HL Paper 253)

176 Joint Committee on Human Rights, *The Government's response to COVID-19: human rights implications* (7th Report, Session 2019–21, HC 265, HL Paper 125)

177 Joint Committee on Human Rights, *Black people, racism and human rights* (11th Report, Session 2019–21, HC 559, HL Paper 165)

178 Joint Committee on Human Rights, *Legislative Scrutiny: Covert Human Intelligence Sources (Criminal Conduct) Bill* (10th Report, Session 2019–21, HC 847, HL Paper 164)

179 Joint Committee on Human Rights, *Legislative Scrutiny: The United Kingdom Internal Market Bill* (8th Report, Session 2019–21, HC 901, HL Paper 154)

Operations (Service Personnel and Veterans) Bill.¹⁸⁰ Amendments consistent with those proposed by the committee to the Overseas Operations (Service Personnel and Veterans) Bill were widely debated by the House.

Joint Committee on the National Security Strategy

150. The Joint Committee on the National Security Strategy published its report *Biosecurity and national security*¹⁸¹ in December 2020. Witnesses to the inquiry included Sir Patrick Vallance, Government Chief Scientific Adviser, and Penny Mordaunt MP, Paymaster General. Using COVID-19 as a test case, the joint Committee identified profound shortcomings in the UK's systems of national security oversight and governance. It concluded there were long-present gaps in planning and preparation for biological risks, and an absence of leadership of the UK's biological security as a whole. Its recommendations included publishing an action plan for the Biological Security Strategy, establishing a dedicated National Centre for Biosecurity and introducing annual reporting to Parliament on national preparedness for top-tier risks in the risk register. The report was covered by publications including Sky News and openDemocracy.
151. In January 2020 the joint Committee held a one-off evidence session with Professor Ciaran Martin, former chief executive of the National Cyber Security Centre. This followed up on his evidence in 2018.¹⁸² In February 2020 the joint Committee heard evidence from Penny Mordaunt MP, Paymaster General, as a one-off session on the Conflict, Stability and Security Fund (CSSF) annual report. Issues covered included the reallocation of funds in response to the COVID-19 pandemic, the effect of cuts to the UK's official development assistance budget on the CSSF programmes and how the impact of the CSSF is measured.¹⁸³

180 Joint Committee on Human Rights, *Legislative Scrutiny: Overseas Operations (Service Personnel and Veterans) Bill* (9th Report, Session 2019–21, HC 665, HL Paper 155)

181 Joint Committee on the National Security Strategy, *Biosecurity and national security* (1st Report, Session 2019–21, HC Paper 611, HL Paper 195)

182 Oral evidence taken before the Joint Committee on the National Security Strategy, 18 January 2021 (Session 2019–21), [QQ 1–30](#)

183 Oral evidence taken before the Joint Committee on the National Security Strategy, 1 February 2021 (Session 2019–21), [QQ 1–14](#)

CHAPTER 6: COMMUNICATING MORE WIDELY

Internal communications

152. One of the key themes of our comprehensive review of committees was the vital importance of increasing awareness of the work of House of Lords Committees both inside and outside Parliament. Following one of the recommendations of the 2017–19 review, on 13 January 2020 the first edition of *From the Horseshoe*—an email newsletter updating members of the House about committee activity—was published. Whilst primarily aimed at members, the newsletter is also available on request to members of staff of both Houses. By the end of the 2019–21 session 27 editions of the newsletter had been produced by a member of Liaison Committee staff.¹⁸⁴
153. A further innovation which was agreed by the Procedure Committee, but was unable to take place because of the pressure on Chamber business during the pandemic, was the introduction of Committee statements. Provision has been made for select committee statements in the House of Commons since 2013,¹⁸⁵ but there has been no equivalent provision for highlighting recently published committee reports on the floor of the House of Lords. Our 2017–19 Review included the following recommendation:
- “In order to assist in internal promotion of committee reports, we recommend that the Procedure Committee should examine ways in which opportunities could be made available to highlight important committee work on the floor of the House.”¹⁸⁶
154. In March 2020 the Procedure Committee, having considered this recommendation, proposed that, for a trial period, Chairs of all select committees should have the opportunity on Thursdays after oral questions to make short statements to promote recently published committee reports. The trial was to run to the summer recess 2020, when it was to be reviewed.¹⁸⁷ The outbreak of the COVID-19 pandemic followed by the rapid introduction of virtual proceedings led to a delay in starting this pilot. We recognise, however, that more needs to be done to raise awareness of committee activity within the wider House of Lords, and anticipate that the pilot of committee statements will start later in 2021.

External communications

155. Media coverage of the work of select committees is an important way of improving public understanding of the House of Lords and its work. Achieving positive media coverage for reports and recommendations can also help committees achieve their policy objectives by raising public and stakeholder support, and raising the profile of issues with the Government and Ministers.
156. In the 2020/21 financial year the House of Lords press team recorded 12,444 pieces of media coverage about House of Lords Select Committees. Of these 10,564 were positive in tone, 1,830 were neutral and 50 were critical.

184 21 of these were published during the 2020/21 financial year.

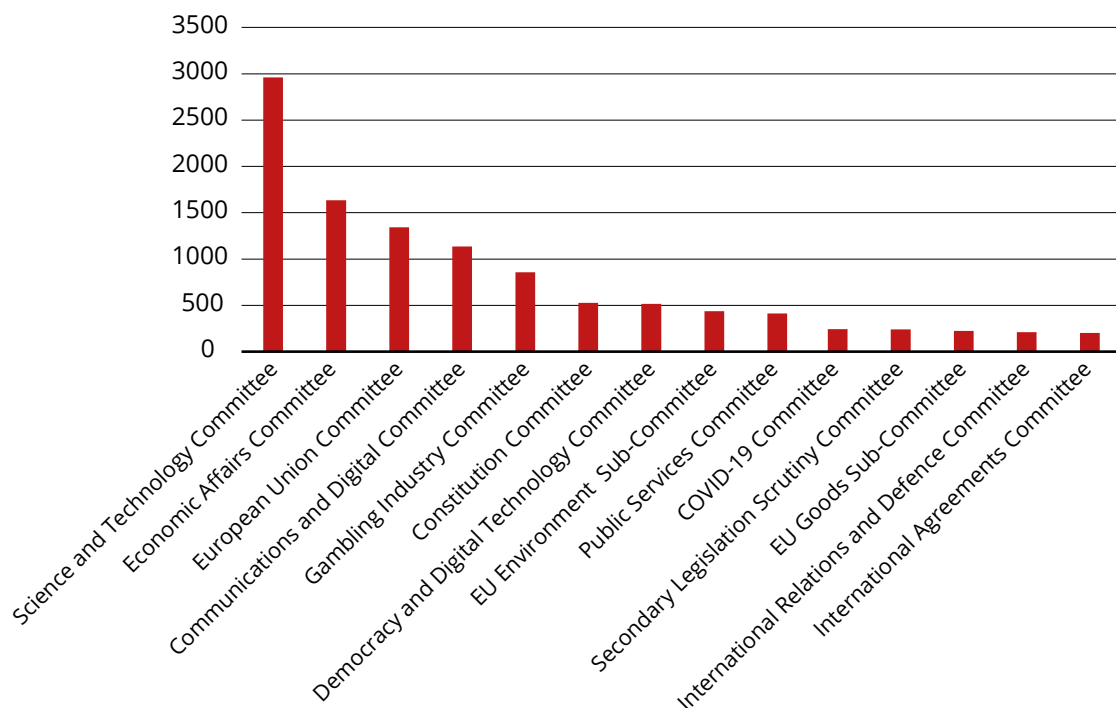
185 House of Commons Standing Order no 22D.

186 Liaison Committee, *Review of House of Lords Investigative and Scrutiny Committees: towards a new thematic committee structure* (6th Report, Session 2017–19, HL Paper 398) para 118

187 Procedure Committee, *1st Report* (Session 2019–21, HL Paper 29)

157. This coverage included 9,480 items in online news outlets, 502 items in online industry publications, 590 features in radio broadcasts, 317 articles in national print media, 257 features on television broadcasts, 240 articles in regional and community print media and 75 features in consumer magazines.
158. In 2020/21 the press team responded to the Liaison Committee's aspiration for Lords Committees to play a bigger role in the national conversation by targeting a range of media for opinion pieces from Committee Chairs on reports or other issues relevant to the Committee. This resulted in 34 comment pieces appearing in a wide range of media including *The Daily Mail*, *Times Redbox*, *Prospect Magazine*, *The New Statesman* online and *Politics Home*.
159. The leading committees in terms of volume of coverage were the Science and Technology Committee with 2,960 pieces of coverage, the Economic Affairs Committee with 1,635, the EU Committee with 1,343, the Communications and Digital Committee with 1,135 and the Gambling Industry Committee¹⁸⁸ with 857. The volume of coverage for all Committees with more than 200 media features in the 2020/21 financial year is set out in Figure 2.

Figure 2: Positive press coverage by committee



160. The online media outlets most regularly covering House of Lords committees were the *Daily Mail Online* (141 articles), *The Daily Telegraph* website (102 articles), *The Daily Express* online (98 articles), BBC News Online (73 articles) and *The Guardian* website (73 articles). The broadcasters most regularly covering the House of Lords committees were BBC Radio 4 (69 features), Sky news (48 features), LBC (45 features), Times Radio (39 features) and BBC Parliament (21 features).

¹⁸⁸ The Select Committee on the Social and Economic Impact of the Gambling Industry was a former special inquiry committee, appointed by the House of Lords on 13 June 2019 and re-appointed on 22 October 2019 and 22 January 2020. The Committee's report *Gambling Harm—Time for Action* was published on 2 July 2020 (HL Paper 79).

161. The print media most regularly covering House of Lords Committees were *The Daily Telegraph* (49 articles), *The Times* (35 articles), *Daily Mail* (25 articles), *The Guardian* (24 articles), *The I* (21 articles) and *The Yorkshire Post* (19 articles).
162. These figures only include coverage picked-up by the cuttings service used by the House of Lords, and thus may underestimate the full level of coverage.
163. In addition to print media coverage, most House of Lords committees have dedicated Twitter accounts, run by Committee Office staff. The numbers of followers for these accounts is impacted by various factors, including the longevity of the committee (sessional committees have more time to develop their reputations on social media). As with print media, the House of Lords Science and Technology has the largest Twitter following, with around 60,000 followers.

APPENDIX 1: ACTIVITY INDICATORS BY FINANCIAL YEAR

	2016/17 (Joint Committees)	2017/18 (Joint Committees)	2018/19 (Joint Committees)	2019/20 (Joint Committees)	2020/21 (Joint Committees)
number of committees/sub-committees	20 (2) ¹⁸⁹	19 (2) ¹⁹⁰	20 (3) ¹⁹¹	24 (3) ¹⁹²	26 (3) ¹⁹³
number of committee meetings	533 (39)	430 (26)	567 (45)	386(25)	658 (69)
number of committee members	295 (16)	229 (16)	245 (22)	281 (21)	305 (22)
number of witnesses giving oral evidence	1,120 (95)	778 (77)	939 (119)	638(35)	1095 (108)
number of written submissions received	1,791 (284)	917 (327)	1,377 (229)	1040(167)	2342 (512)
number of reports published	59 (11)	44 (7)	65 (15)	58 (11)	81 (13)
number of printed pages of reports	3,957 (551)	2,395 (298)	3,075 (541)	2,224 (495)	3457 (575)
resource expenditure outturn	£3,954,294	£3,873,109	£4,211,649	£4,500,524	£4,607,782 ¹⁹⁴

¹⁸⁹ Including JCHR and JCNSS. Excluding Joint Committee on the Palace of Westminster and the Select Committee on the High Speed Rail (London - West Midlands) Bill

¹⁹⁰ Including JCHR and JCNSS

¹⁹¹ Including JCHR, JCNSS and Joint Committee on the Draft Registration of Overseas Entities Bill. Excluding Joint Committee on the Draft Health Service Safety Investigations Bill, Joint Committee on the Draft Parliamentary Buildings Bill and Joint Committee on the Draft Domestic Abuse Bill

¹⁹² Including JCHR, JCNSS and Joint Committee on the Draft Registration of Overseas Entities Bill. Excluding Committee on the Draft Domestic Abuse Bill. Artificially high due to the late publication of 3 Special Inquiry Reports

¹⁹³ Including JCHR, JCNSS and Joint Committee on the Fixed-Term Parliaments Act. Artificially high due to the transition between the former EU sub-committees and the new sessional committees

¹⁹⁴ Provisional figure for the resource outturn

APPENDIX 2: LIST OF INVESTIGATIVE SELECT COMMITTEE REPORTS PUBLISHED IN 2020/21, INCLUDING DATE OF GOVERNMENT RESPONSE

Committee	Title	Publication date	Government response received
Common Frameworks Scrutiny Committee	Common frameworks: building a cooperative Union	31 March 2021	24 May 2021
Communications and Digital Committee	Breaking News? The Future of UK Journalism	27 November 2020	2 March 2021
Constitution Committee	COVID-19 and the Courts	30 March 2021	30 May 2021
Constitution Committee	European Union (Future Relationship) Bill	29 December 2020	None required
Constitution Committee	Overseas Operations (Service Personnel and Veterans) Bill	3 December 2020	None required
Constitution Committee	Covert Human Intelligence Sources (Criminal Conduct) Bill	19 November 2020	None required
Constitution Committee	Fisheries Bill: Commons amendment 22	9 November 2020	None required
Constitution Committee	United Kingdom Internal Market Bill	16 October 2020	13 January 2021
Constitution Committee	Counter-Terrorism and Sentencing Bill	30 September 2020	None required
Constitution Committee	Trade Bill	24 September 2020	None required
Constitution Committee	Domestic Abuse Bill	16 September 2020	None required
Constitution Committee	Parliamentary Constituencies Bill	4 September 2020	None required
Constitution Committee	A Question of Confidence? The Fixed-term Parliaments Act 2011	4 September 2020	8 December 2020

Committee	Title	Publication date	Government response received
Constitution Committee	Immigration and Social Security Co-ordination (EU Withdrawal) Bill	2 September 2020	None required
Constitution Committee	Medicines and Medical Devices Bill	29 July 2020	None required
Constitution Committee	Business and Planning Bill	10 July 2020	None required
Constitution Committee	Agriculture Bill	23 June 2020	None required
Constitution Committee	Corporate Insolvency and Governance Bill	12 June 2020	None required
Constitution Committee	Brexit legislation: constitutional issues	9 June 2020	2 September 2020
Constitution Committee	Private International Law (Implementation of Agreements) Bill [HL]	4 May 2020	None required
Democracy and Digital Technologies Committee	Digital Technology and the Resurrection of Trust	29 June 2020	2 September 2020
Economic Affairs Committee	Employment and COVID-19: time for a new deal	14 December 2020	12 March 2021
Economic Affairs Committee	Universal Credit isn't working: proposals for reform	31 July 2020	11 November 2020
Electoral Registration and Administration Act 2013 Committee	An electoral system fit for today? More to be done	8 July 2020	7 October 2020
EU Environment Sub-Committee	Beyond Brexit: food, environment, energy and health	23 March 2021	28 May 2021
EU Goods Sub-Committee	Beyond Brexit: trade in goods	25 March 2021	Due 25 May 2021, no further date agreed for a response

Committee	Title	Publication date	Government response received
EU International Agreements Sub-Committee	Scrutiny of international agreements: Mutual Recognition Agreement on Spirit Drinks with Mexico and Partnership Agreement with North Macedonia	15 January 2021	5 February 2021
EU International Agreements Sub-Committee	Scrutiny of international agreements: Air Transport Agreement with the United States	18 December 2020	None required
EU International Agreements Sub-Committee	Scrutiny of international agreements: Partnership agreements with Ukraine and Côte d'Ivoire, Lugano Convention accession, and civil judgments agreement with Norway	11 December 2020	9 February 2021
EU International Agreements Sub-Committee	Scrutiny of international agreements: UK-US Spaceports Agreement; and UK Fisheries Framework Agreements with Norway and the Faroe Islands	27 November 2020	None required
EU International Agreements Sub-Committee	Scrutiny of international agreements: UK-Japan Comprehensive Economic Partnership Agreement	20 November 2020	None required
EU International Agreements Sub-Committee	Scrutiny of international agreements: Amended Schedules to the Agreement on Government Procurement entering into force for Switzerland	13 November 2020	None required
EU International Agreements Sub-Committee	Scrutiny of international agreements: three agreements on the Channel Fixed Link, and one agreement on the Energy Charter Treaty	2 October 2020	None required
EU International Agreements Sub-Committee	Treaty scrutiny: working practices	10 July 2020	25 September 2020
EU International Agreements Sub-Committee	Scrutiny of international agreements; treaties considered on 24 June 2020	26 June 2020	None required

Committee	Title	Publication date	Government response received
EU Security and Justice Sub-Committee	Beyond Brexit: policing, law enforcement and security	26 March 2021	27 May 2021
EU Services Sub-Committee	Beyond Brexit: trade in services	24 March 2021	27 May 2021
EU Services Sub-Committee	The future UK-EU relationship on professional and business services	13 October 2020	7 December 2020
European Union Committee	Beyond Brexit: the institutional framework	22 March 2021	28 May 2021
European Union Committee	The United Kingdom Internal Market Bill: Part 5	16 October 2020	23 December 2020
European Union Committee	The Protocol on Ireland/Northern Ireland	1 June 2020	13 August 2020
Finance Bill Sub-Committee	New powers for HMRC: fair and proportionate?	19 December 2020	19 February 2021
Finance Bill Sub-Committee	Social Security Contributions (Intermediaries) (Miscellaneous Amendments) Regulations 2020	18 December 2020	None required
Finance Bill Sub-Committee	Off-payroll working: treating people fairly	27 April 2020	26 June 2020
Food, Poverty, Health and Environment Committee	Hungry for change: fixing the failures in food	6 July 2020	4 September 2020
Gambling Industry Committee	Gambling Harm—Time for Action	2 July 2020	2 December 2020
International Agreements Committee	Scrutiny of international agreements: Free Trade Agreement with Turkey, Air Services Agreement with Iceland, and Headquarters Agreement with the Square Kilometre Array Observatory	26 March 2021	9 April 2021
International Agreements Committee	Scrutiny of international agreements: Air Services Agreement with Norway	19 March 2021	19 May 2021

Committee	Title	Publication date	Government response received
International Agreements Committee	Scrutiny of international agreements: Partnership, Trade and Cooperation Agreement with Albania	11 March 2021	None required
International Agreements Committee	Scrutiny of international agreements: Police Cooperation and Services Mobility Agreements with Switzerland	4 March 2021	20 April 2021
International Agreements Committee	Scrutiny of international agreements: Strategic Partnership Agreement with Moldova	25 February 2021	None required
International Agreements Committee	Scrutiny of international agreements: Road Transport Agreements with Bosnia and Herzegovina, and Kosovo	11 February 2021	None required
International Agreements Committee	Scrutiny of international agreements: Economic Partnership Agreement with Kenya, Trade in Goods Agreement with Norway and Iceland, and Free Trade Agreement with Vietnam	3 February 2021	24 February 2021
International Agreements Committee	Scrutiny of international agreements: Free Trade Agreement with Singapore, Trade Continuity Agreement with Canada and Association Agreement with Egypt	29 January 2021	8 March 2021
International Relations and Defence Committee	The UK and Afghanistan	13 January 2021	12 March 2021
International Relations and Defence Committee	The UK and Sub-Saharan Africa: prosperity, peace and development co-operation	10 July 2020	10 September 2020
Joint Committee on Human Rights	The Government response to covid-19: freedom of assembly and the right to protest	19 March 2021	Due 19 May, no further date agreed for response

Committee	Title	Publication date	Government response received
Joint Committee on Human Rights	Appointment of the Chair of the Equality and Human Rights Commission	27 November 2020	None required
Joint Committee on Human Rights	Black people, racism and human rights	11 November 2020	4 February 2021
Joint Committee on Human Rights	Legislative Scrutiny: Covert Human Intelligence Sources (Criminal Conduct) Bill	10 November 2020	5 January 2021
Joint Committee on Human Rights	Legislative Scrutiny: Overseas Operations (Service Personnel and Veterans) Bill	29 October 2020	29 December 2020
Joint Committee on Human Rights	Legislative Scrutiny: The United Kingdom Internal Market Bill	22 October 2020	21 December 2020
Joint Committee on Human Rights	The Government's response to COVID-19: human rights implications	21 September 2020	14 December 2020
Joint Committee on Human Rights	Human Rights and the Government's response to COVID-19: children whose mothers are in prison	3 July 2020	5 November 2020
Joint Committee on Human Rights	Human Rights and the Government's response to COVID-19: the detention of young people who are autistic and/or have learning disabilities	12 June 2020	22 October 2020
Joint Committee on Human Rights	Draft Fatal Accidents Act 1976 (Remedial) Order 2020: Second Report	18 May 2020	None required
Joint Committee on Human Rights	Human Rights and the Government's Response to Covid-19: Digital Contact Tracing	7 May 2020	None required
Joint Committee on the Fixed-Term Parliaments Act	Report	24 March 2021	12 May 2021

Committee	Title	Publication date	Government response received
Joint Committee on the National Security Strategy	Biosecurity and national security	18 December 2020	2 March 2021
Liaison Committee	Review of the Common Frameworks Scrutiny Committee	11 March 2021	None required
Liaison Committee	The Politics of Polling: an update	21 December 2020	None required
Liaison Committee	AI in the UK: No Room for Complacency	18 December 2020	22 February 2021
Liaison Committee	New special inquiry committee on youth unemployment	15 December 2020	None required
Liaison Committee	Review of investigative and scrutiny committees: strengthening the thematic structure through the appointment of new committees	15 December 2020	None required
Liaison Committee	A Common Frameworks Scrutiny Committee	27 July 2020	None required
Liaison Committee	New special inquiry committees 2020–21	21 July 2020	None required
Liaison Committee	Review of House of Lords investigative and scrutiny committee activity in 2019–20	17 July 2020	None required
Liaison Committee	A COVID-19 Committee	1 May 2020	None required
Public Services Committee	A critical juncture for public services: lessons from COVID-19	13 November 2020	24 March 2021
Science and Technology Committee (Lords)	Catapults: bridging the gap between research and industry	5 February 2021	6 April 2021
Science and Technology Committee (Lords)	Ageing: Science, Technology and Healthy Living	15 January 2021	15 March 2021