

HOUSE OF LORDS

Secondary Legislation Scrutiny Committee

15th Report of Session 2021–22

Drawn to the special attention of the House:

**Motor Vehicles (Driving Licences) (Amendment)
(No. 2) Regulations 2021**

**School Teachers' Pay and Conditions (England)
Order 2021**

**Drivers' Hours and Tachographs (Temporary
Exceptions) (No. 3) Regulations 2021**

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

Includes information paragraphs on:

4 instruments relating to COVID-19

Social Security Benefits (Claims and
Payments) (Amendment) Regulations 2021

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Secondary Legislation Scrutiny Committee

The Committee's terms of reference, as amended on 13 May 2021, are set out on the website but are, broadly:

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

And, to scrutinise –

(a) every instrument (whether or not a statutory instrument), or draft of an instrument, which is laid before each House of Parliament and upon which proceedings may be, or might have been, taken in either House of Parliament under an Act of Parliament;

(b) every proposal which is in the form of a draft of such an instrument and is laid before each House of Parliament under an Act of Parliament,

with a view to determining whether or not the special attention of the House should be drawn to it on any of the grounds specified in the terms of reference.

The Committee may also consider such other general matters relating to the effective scrutiny of secondary legislation as the Committee considers appropriate, except matters within the orders of reference of the Joint Committee on Statutory Instruments.

Members

<u>Baroness Bakewell of Hardington Mandeville</u>	<u>Viscount Hanworth</u>	<u>The Earl of Lindsay</u>
<u>Rt Hon. Lord Chartres</u>	<u>Lord Hodgson of Astley Abbotts</u>	<u>Lord Lisvane</u>
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<u>Lord German</u>	<u>Rt Hon. Lord Hutton of Furness</u>	<u>Baroness Watkins of Tavistock</u>

Registered interests

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

Publications

The Committee's Reports are published on the internet at <https://committees.parliament.uk/committee/255/secondary-legislation-scrutiny-committee/publications/>

Committee Staff

The staff of the Committee are Christine Salmon Percival (Clerk), Philipp Mende (Adviser), Jane White (Adviser) and Emily Pughe (Committee Operations Officer).

Further Information

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

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

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

Contacts

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

Fifteenth Report

INSTRUMENTS DRAWN TO THE SPECIAL ATTENTION OF THE HOUSE:

Draft Motor Vehicles (Driving Licences) (Amendment) (No. 2) Regulations 2021

Date laid: 16 September 2021

Parliamentary procedure: affirmative

*In order to free up capacity at the Driver & Vehicle Standards Agency test centres to enable more HGV drivers to obtain their licences, this draft affirmative instrument would remove the obligation for car drivers towing a trailer to take an additional test. While we appreciate the reasons for this proposal and the need for speed, the Department for Transport has provided insufficient information about the potential for unintended consequences. In view of these unresolved safety concerns about the possibility of towing accidents increasing, we question why the effects of the policy are not to be reviewed until it has been in place for three years. **The House may wish to press the Minister for more specific details about the wider safety implications of the policy.***

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

1. This instrument, laid by the Department for Transport (DfT), would remove the requirement for some car drivers pulling certain types of trailers to take an additional driving test, so as to free up capacity at Driver & Vehicle Standards Agency (DVSA) test centres for new HGV drivers to obtain their licences.
2. The instrument amends retained EU law and would, under normal circumstances, be subject to a two-stage published draft procedure under paragraph 14(2) to (5) of Schedule 8 to the European Union (Withdrawal) Act 2018. However, on this occasion, the Minister has invoked the urgency provisions in a Written Statement to the House.¹ It will therefore follow the simple draft affirmative procedure. We accept the Minister's rationale for this. The Explanatory Memorandum (EM) states that in an average year 30,000 trailer tests (Category BE) are taken, and that these changes could therefore create up to 2,400 additional test appointments for HGV (Category C) licences each month.

Safety Concerns

3. Although we welcome the objective of the instrument - namely, to address the current shortage of HGV drivers - we have concerns about potential unintended consequences. The EM states that there are about 1,000 accidents involving trailers each year. (According to supplementary information from

¹ Legislation - Motor Vehicles (Driving Licences) (Amendment) (No. 2) Regulations 2021, [HLWS288](#), 16 September 2021.

DfT, these are all collisions involving injury). The EM does not comment on how the removal of the towing test may affect this number.

4. When we asked the Department for information about the potential for an increase in towing accidents as a result of this change, DfT replied that a risk assessment on road safety will form part of the Impact Assessment (IA):

“... we are continuing to work with haulage and training industry sectors to ensure we have as accurate picture and evidence base as possible. We are currently getting the IA through clearances which includes clearance from the Regulatory Policy Committee. This is a detailed process and we expect the earliest that the IA is likely to be cleared for formal publication is the end of November.”

5. **The Department will not therefore be providing Parliament with any information on potential safety risks until after the legislation has been in effect for two weeks or more. We view this as poor practice.**

6. We wrote to the Minister, Baroness Vere of Norbiton, asking to see the risk assessment she had been given prior to signing the Regulations. (The correspondence is published in full at Appendix 1). Her response is based on further analysis, which highlights that the proportion of accidents of cars or vans towing a trailer is low, 474 or approximately 0.45% of all car or van accidents in 2019. DfT cannot, however, explain why the numbers of accidents have reduced since the towing test was first introduced and whether this might change:

“There is not currently any statistical evidence to suggest that competence and skills will worsen if drivers do not take a statutory test to tow a trailer. Road safety has significantly improved over recent decades for several reasons, and it is therefore difficult to identify how much the car trailer test (Category B+E) has made a difference since it was introduced in 1997 or that there is a causal link between road safety and the test.”

Is the BE test necessary?

7. The responses to the consultation exercise (which are currently only presented as a quantitative summary)² show that more than 32% of 8,753 respondents expressed safety concerns. These responses may, however, also reflect a degree of concern about road safety under the current licensing regime for towing which is complicated:

- anyone who passed their car driving test (Category B) before 1 January 1997 may drive a vehicle and trailer combination up to 8,250kg maximum authorised mass without the need for an additional test.
- anyone who passed their car towing licence (Category BE) before 19 January 2013 can tow any size trailer, but if they passed after that date, they are limited to a trailer with a maximum authorised mass of up to 3,500kg.

2 DVLA, *Summary of public feedback on proposals to change HGV and bus driving tests and allow car drivers to tow trailers without a test* (updated 10 September 2021): <https://www.gov.uk/government/consultations/changes-to-hgv-and-bus-driving-tests-and-allowing-car-drivers-to-tow-a-trailer-without-an-extra-test/public-feedback/summary-of-public-feedback-on-proposals-to-change-hgv-and-bus-driving-tests-and-allow-car-drivers-to-tow-trailers-without-a-test> [accessed 20 October 2021].

8. The supporting material provided does not explain the reasons why the size of trailer was limited in 2013, nor the effect that change has had on accident statistics. That might have offered some indication of what the effect of removing the requirement to take a towing test might have on accident numbers.
9. The Category BE towing test will not be abolished because it is still needed by anyone wishing to drive with a trailer in the EU. This instrument only removes the obligation to take the test before towing in the UK. We asked why the obligation was not suspended for 12 months instead. DfT replied:

“Changing the legislation on the B+E test requirement now is needed in order to address the HGV driver shortage by rapidly and significantly increasing driver testing capacity that would otherwise not be available. The benefit of increased DVSA capacity to the haulage industry extends beyond the current acute shortage and limiting this to a shorter than 3-year period of review may limit the benefit. Car drivers who wish to tow a trailer or caravan also need assurance of being able to acquire legal driving licence entitlement and would be left in a state of uncertainty if we suspend rather than change legislation.”
10. This statement makes clear that the legislation is intended as a permanent change rather than a short-term fix to deal with the immediate HGV driver shortages. Given the already complex system of towing permissions, we do not see how suspending rather than removing the obligation would have much effect on drivers’ “uncertainty”.
11. It is part of the purpose of an IA to provide information on what options, including non-legislative options, were considered and why they were not adopted. Because the IA has not been made available to the House alongside the instrument, we are unclear about why possible alternatives were rejected.
12. **We recommend that the DfT should review the current complex arrangements for what car and van drivers are permitted to tow and, if needed, replace them with a simpler licensing system. That decision should be based on evidence rather than the current experimental approach.**

Statutory Review

13. Baroness Vere’s letter in Appendix 1 does provide the current demographic profile of BE licence holders (predominantly drivers around age 40) and continues:

“We do not know at this stage whether there will be a change in the trend in the age distribution of drivers towing trailers if all current and future car licence holders become automatically eligible to tow trailers from the date they pass their test as more younger drivers decide to make use of the entitlement. We will monitor this closely.”
14. From the date this instrument comes into effect, any car driver will be able to tow a trailer but DfT has provided no estimate of the additional numbers that that might attract or the likelihood of incidents that might follow.
15. The instrument includes provision for formal review of the legislation after three years and then every five years after that. Although paragraph 14.1

of the EM states that the Government will routinely monitor any adverse impact on road safety through annual official casualty statistics, the House may find this approach cavalier. **The House may therefore wish to ask the Department to provide an annual Written Statement setting out towing accident figures as a reassurance that it will be in a position to undertake remedial action swiftly if a problem emerges.**

Conclusion

16. The benefits of this legislation to industry by increasing the supply of HGV drivers are clear but the House has been given no information about whether, and to what degree, this benefit may be offset by a potential increase in towing accidents involving injuries.
17. The Department failed to provide any indication of the instrument's wider effects when the instrument was laid and, in response to our follow-up questions, DfT was unable to explain what affect the removal of the BE licence will have on road safety. **We therefore take the view that the House currently has insufficient information to enable proper assessment of the policy and the House may wish to press the Minister for more specific details about its wider safety implications.**

School Teachers' Pay and Conditions (England) Order 2021 (SI 2021/1101)

Date laid: 1 October 2021

Parliamentary procedure: negative

This Order is made annually and updates the pay and employment conditions of teachers who are employed in local authority-maintained schools in England with effect of 1 September 2021. As in previous years, there are concerns about the timing of the consultation process which again took place over the summer holidays. Four consultees concluded in a joint submission that this had created significant problems for consultation and planning at the school level. The Department for Education says that the timing is beyond its control as HM Treasury and No 10 now “mandate centrally” the timing of consultations on public sector pay.

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

18. This Order has been laid by the Department for Education (DfE) with an Explanatory Memorandum (EM). The Order updates the pay and employment conditions for teachers who are employed in local authority-maintained schools in England, as set out in section 2 of the “School Teachers’ Pay and Conditions Document 2021 and Guidance on School Teachers’ Pay and Conditions” (“the Document”). The revised Document will come into force on 22 October 2021, with the effect of its provisions backdated to 1 September 2021.

The statutory process

19. This Order is made annually to introduce new pay and allowance ranges in the national pay framework for teachers in maintained schools in England for the current academic year. DfE says that while non-maintained schools, such as academies and free schools, may adopt other arrangements for the pay and employment conditions of their teachers which suit their specific circumstances, most non-maintained schools continue to follow the Document.
20. The changes made to section 2 of the Document follow a statutory process. Under this process, the Secretary of State formally refers matters concerning the pay and/or other conditions of employment of teachers to the School Teachers’ Review Body (STRB) which subsequently reports on those matters. DfE and the national representatives of teachers and teacher employers may then submit evidence and make representations before the report is finalised and published by DfE. The Secretary of State determines how and to what extent the recommendations in the report should be implemented, and then conducts a statutory consultation on the draft Order before it is made.

The new pay arrangements

21. The Chancellor announced at the Spending Review on 25 November 2020³ that there would be a pause to headline pay rises for the majority of the public sector in 2021–22, and that in the context of the pandemic, any pay rises would need to be restrained and targeted and prioritise the lowest paid.

3 HM Treasury, *Spending Review 2020* (25 November 2020): <https://www.gov.uk/government/topical-events/spending-review-2020> [accessed 20 October 2021].

Following this announcement, the Secretary of State asked the STRB for its views on targeted uplifts for Unqualified Teachers (UQTs) earning the full time equivalent (FTE) of basic earnings of less than £24,000, proposing pay uplifts for these teachers of £250, or the National Living Wage increase, whichever is higher. There are currently some 21,800 FTE UQTs.

22. The STRB endorsed the proposed pay award of £250 for all teachers earning less than £24,000 (FTE), with recommended equivalent values for those in the London area. The STRB also recommended the reintroduction of advisory pay points on the UQT pay range which the Department has agreed to implement.⁴
23. According to DfE, while the majority of teachers will not receive a headline pay uplift, teachers earning below the maximum of their pay range may still be eligible for performance-related pay progression, and teachers may also apply for promotion. The Department says that it remains committed to increasing the teacher starting salary to £30,000 and that while pay restraint in 2021/22 will slow progress towards this commitment, steps taken in recent years, including a 5.5% uplift to starting pay in September 2020, have made a “substantial difference to the competitiveness of the early career pay offer”. DfE adds that the Government will review the pay policy before the 2022 pay round, taking into account the economic recovery and the impact of the pandemic on the wider labour market.
24. In addition to the changes to pay, the Document has been revised to reflect the following:
 - Changes to the terms and conditions for newly qualified teachers (NQT) in their first or second year of statutory induction, as a consequence of changes made by an earlier instrument,⁵ which extended the statutory induction period from one to two years with effect from 1 September 2021;
 - a change to enable teachers working additional hours providing tutoring to deliver catch-up support to pupils and address learning disruption during the pandemic to be paid through the Teaching and Learning Responsibility payment 3 (TLR3) payment mechanism; and
 - changes to the days that a teacher must be available for work and the directed hours that a teacher employed full-time must be available to reflect the additional Bank Holiday on Friday 3 June 2022 to mark the Queen’s Platinum Jubilee.

Consultation

25. As required, DfE invited organisations which contributed to the STRB process to comment on the STRB’s 31st report⁶ and the revised draft Document during an eight-week statutory consultation period from 21 July to 14 September 2021. Seven of the eight consultees to the process responded, either individually or through a joint response. The EM summarises the

4 Teachers Update, [HLWS229](#), 22 July 2021.

5 Education (Coronavirus) (School Teachers’ Qualifications, Induction, Inspection Arrangements, Etc) (Amendment) Regulations 2021 ([SI 2021/385](#)).

6 School Teachers’ Review Body, *31st Report* (July 2021): https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005678/STRB_2021_Web_Accessible.pdf [accessed 20 October 2021].

views and concerns expressed during consultation, including calls to remove performance-related pay from the pay structure and criticism of the Government's decision not to uplift the pay of the majority of teachers, which is seen by some consultees as undermining teacher recruitment and retention. There was also criticism of the DfE's remit and evidence to the STRB. Consultees suggested that excluding the majority of teachers from consideration of pay uplifts in the STRB remit had effectively amounted to a pay freeze and negated any subsequent consultation responses and evidence gathering by the consultees.

26. As in previous years, some consultees (the Association of School and College Leaders, the National Association of Headteachers, the National Education Union and Voice) raised concerns about the timing of the publication of the STRB report in late July, highlighting that this had "created significant problems for consultation and planning at the school level".⁷ The National Association of Schoolmasters Union of Women Teachers also criticised the timing of the publication of the STRB report and the consultation over the school holiday period. We have expressed concerns about the timing of the consultation on teachers' pay before.⁸ Asked why the consultation had taken place again over the summer, DfE told us that:

"[T]he position is exactly the same this year as it has been for the last 3 or 4 years. [HM Treasury] and No10 now centrally mandate when all public sector pay review bodies are published and the consultation launched and they have decided that all review body reports and consultations should be launched on the same day. So, although we would have been ready and happy to publish much earlier than we did, we were subject to the decision from HMT and No10."

27. We note the link to the wider public sector pay process, but question whether the process could be timed more effectively in future so as to avoid the summer holiday period.

7 ASCL, NAHT, NEU and Voice, *Joint Response to STRB report* (14 September 2021): <https://ascl.org.uk/ASCL/media/ASCL/News/Press%20releases/Joint-union-response-to-STRB-report-September-2021-FINAL.pdf> [accessed 20 October 2020]

8 See, for example, SLSC, *3rd Report* (Session 2019, HL 3) and *29th Report* (Session 2019-21, HL 138).

Drivers' Hours and Tachographs (Temporary Exceptions) (No. 3) Regulations 2021 (SI 2021/1106)

Date laid: 30 September 2021

Parliamentary procedure: negative

*This is the fourth instrument this year to make a “temporary” exception to HGV drivers’ hours and under it the relaxed provisions will have been in effect continuously from 12 July to 30 October (16 weeks). We have previously drawn these instruments to the attention of the House on the grounds that, if used over a long period, these extensions may constitute a road safety risk from cumulative tiredness. Our 12th Report, on the previous extension, drew attention to the Department for Transport’s (DfT) failure to provide any evidence to address that concern. The Explanatory Memorandum to the latest instrument states that DfT does not yet have accident figures covering the exception period. **The House may wish to ask the Minister what evidence the Department is using in its assessment that these Regulations do not compromise road safety.***

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

28. These Regulations were laid by the Department for Transport (DfT) and extended (with one modification) the temporary exceptions to the Drivers’ Hours Regulations,⁹ so that the relaxed provisions run continuously from 12 July to 30 October (16 weeks).
29. The purpose of the temporary exceptions is to increase the flexibility of driving and work patterns in the context of the current supply chain difficulties. Normally, a driver is limited to nine hours of driving in a day, but this can be increased, twice a week, to 10 hours. Regulation 3 extends the drivers’ daily limit to 10 hours, up to four times a week. (The previous Regulations instead allowed 11 hours twice a week). Drivers remain restricted to a maximum of 56 hours driving in a week and 90 hours in a fortnight.
30. As an alternative, regulation 4 provides for an amended weekly rest pattern that allows an additional day of driving in a fortnight (providing an equivalent period of rest is taken before the end of the third week). This exception increases the maximum permitted driving time in a fortnight to 99 hours from the standard 90 hours.
31. In the Explanatory Memorandum (EM), DfT states that drivers’ use of the temporary exceptions is constrained by the requirements of the sector specific Road Transport (Working Time) Regulations 2005, which limit drivers’ working hours to an average of 48 hours a week over a 17 to 26 week reference period. Those regulations also limit drivers to a maximum of 60 hours in any given week, provided the average is still 48 hours. According to DfT, this “ensures drivers are not working continuously long hours, even if working under temporary exceptions to the Drivers’ Hours Regulation.”

⁹ Drivers’ Hours Regulation” means Regulation [\(EC\) No 561/2006](#) of the European Parliament and of the Council of 15 March 2006 on the harmonisation of certain social legislation relating to road transport.

Lack of supporting data

32. Our 12th Report,¹⁰ on the previous extension, drew attention to DfT's failure to provide any evidence to support their assertion that drivers were not working for too many hours. In paragraphs 14 to 16 of our report, we published supplementary data from DfT which showed that, of 1,425 roadside checks of drivers' hours records, 411 offences were identified (29%). In supplementary material the Department has provided updated figures: between 12 July and 3 October the Driver and Vehicle Standards Agency (DVSA) undertook 4,333 targeted checks which identified 1,168 drivers' hours offences (27%) of which 187 were sufficiently serious to attract a penalty (16% of offences, or 4.3% of the total number stopped). These figures do not appear to support DfT's assertion that drivers are complying with the legislation.
33. Separate figures were provided for those firms which have notified the Department in due form of their intention to use the relaxation: of 97 DVSA checks, 53 (55%) offences for drivers' hours were identified, of which 12 related to the relaxed rules (23% of offences or 12 % of the total stopped). This information appears to indicate that the requirement for operators to notify DfT of their intention to use the relaxations makes little difference to their compliance.
34. We also note with concern paragraph 7.11 of the EM to this instrument which states:
- “The Department has not been made aware of any increases in accidents involving HGV's since the exceptions to the drivers' hours rules were first introduced in July 2021. However, *as we do not have accident figures covering this period yet*,¹¹ we will continue to monitor the situation.”
35. We are surprised that DfT states that, when these Regulations were laid, more than 11 weeks after the commencement of the relaxation period, they had no accident figures to indicate whether it has had an effect on road safety.
36. **We are even more surprised that they should extend the relaxation period without confirmation that it is safe to do so, especially when available data shows that a significant proportion of the drivers stopped (27%) were breaching the Drivers' Hours legislation.**

Consultation

37. We have repeatedly expressed our concern that the cumulative effect of additional hours driving may affect road safety and, for that reason, we would not wish to see the relaxation of drivers' hours repeatedly extended. We were concerned to learn that the Department originally consulted on a proposal to extend the relaxation until 23 January 2022. The EM states that 12 of the 18 respondents, mainly unions and road freight transport associations did not support that proposal which was subsequently reduced to the four weeks allowed by this instrument.
38. The full consultation analysis is not available but on request DfT provided us with more information (published at Appendix 2). Reasons for rejecting the

¹⁰ SLSC, [12th Report](#) (Session 2021-22, HL 63) second item.

¹¹ Emphasis added.

proposal included driver fatigue, limited practical usefulness of the hours' relaxation and worsening of the current situation which is encouraging drivers to leave the sector.

Conclusion

39. It is a well-known road safety message that “tiredness kills” and our concerns are based on the potential cumulative effects of longer hours on even the best HGV drivers. We have repeatedly asked DfT to provide evidence that would allay our concerns, but the EM accompanying this instrument indicates that the Department does not have information either way. We therefore again question **how effectively DfT can legislate without a good understanding of what is actually happening on the roads.**
40. **We are concerned that neither the House nor DfT has sufficient information to judge whether it is safe to extend the relaxation in drivers' hours. The House may wish to ask the Minister what evidence the Department is using to make an assessment that these Regulations do not compromise road safety.**

CORRESPONDENCE

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

41. We have noted in previous reports that many statutory instruments that relate to the coronavirus pandemic included sunset provisions. To assist the House in scrutinising the legislation, we asked the Lord President of the Council and Leader of the House of Commons, the Rt Hon. Jacob Rees-Mogg MP, to send us monthly updates so that they could be properly monitored. A further update has been received, which is published at Appendix 3.

INSTRUMENTS RELATING TO COVID-19

Restrictions on business and public gatherings

Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) (Amendment) (No. 3) Regulations 2021 (SI 2021/1073)

42. This made affirmative instrument extends the requirements for those who test positive for coronavirus and who are unvaccinated to self-isolate, and local authorities' enforcement powers to 24 March 2022.¹² It also clarifies when a household contact will be exempt from self-isolation because they are fully vaccinated, amends the definition of "fully vaccinated" to include those who have received doses of two different approved vaccines and clarifies the provisions for those participating in a testing scheme.

Travel

Health Protection (Coronavirus, International Travel and Operator Liability) (England) (Amendment) (No. 12) 2021 (SI 2021/1066)

43. These Regulations amended the International Travel Regulations¹³ to update the "Red List" countries and list of the exempted sporting events (which included the London Marathon). It also makes provision for exemption from self-isolation while working for film and performing arts professionals, seasonal poultry workers and road hauliers travelling through Turkey. It makes further provision for diplomats, their households and other officials attending various summit meetings including the UN Climate Change Conference (COP26). The definition of "fully vaccinated" is amended to allow for mixed doses of different types of specified vaccines and a new standard is set for Day 2 and Day 8 testing in relation to genome sequencing. Certain simplifications of the provisions are also provided for cruise ship passengers and to allow those passengers who test positive to be conveyed to hospital.

Health Protection (Coronavirus, International Travel and Operator Liability) (England) (Amendment) (No. 13) Regulations 2021 (SI 2021 1107)

44. While maintaining managed quarantine for arrivals from Red List countries this instrument simplifies travel restrictions by removing all Category 1 countries and basing requirements on whether a person arrives from a Red List country or not, and whether they are vaccinated or not. Country classifications will continue to be reviewed every three weeks.
45. Regulation 6 creates a new category of "eligible traveller" who, if fully vaccinated and arriving in England from a list of specified countries, is exempted from the obligation to have proof of a negative test on arrival, to take a Day 8 test or to self-isolate (although they will still be required to complete a Passenger Locator Form (PLF) and take a Day 2 test). The full requirements will still apply to other travellers unless otherwise exempt.
46. To improve passenger processing times the instrument also removes the obligation for operators physically to check certificates where a person's

12 Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) Regulations 2020 ([SI 2020/1045](#)) and Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations ([SI 2020/750](#)).

13 Health Protection (Coronavirus, International Travel and Operator Liability) (England) Regulations 2021 ([SI 2021/582](#)).

PLF shows them to be a verified eligible traveller. (Verification of status will be provided by uploading to the PLF their NHS Covid Pass or equivalent specified documents from other countries.) Provision is also made for English citizens, who have not been vaccinated on medical advice, to apply to have this shown on their NHS Covid Pass and to be treated as an eligible traveller.

*Health Protection (Coronavirus, International Travel and Operator Liability)
(England) (Amendment) (No. 14) Regulations 2021 (SI 2021/1130)*

47. This instrument expands on the “eligible traveller” scheme set up by the SI 2021/1107. For example, it includes exemption from pre-departure testing for those with a valid EU Digital Covid Certificate and widens the list of countries from which proof of vaccination will be accepted, also including people given approved vaccines by United Nations staff. In addition, it updates the list of “Red List” countries by removing a significant number of countries in line with the latest data.

INSTRUMENTS OF INTEREST

Social Security Benefits (Claims and Payments) (Amendment) Regulations 2021 (SI 2021/1065)

48. In a number of circumstances, the Department for Work and Pensions (DWP) may need, as a result of review, to pay arrears to a claimant, which can over time have accumulated to a substantial amount. Currently the Department has the option to pay a lump sum to the individual or to their designated third party. This is a matter of concern in relation to certain particularly vulnerable claimants, for example those with addictions, so this instrument adds a third option: allowing DWP to make such payments by instalments (with the claimant's consent). As an illustration of the sums involved, the Explanatory Memorandum notes that as at 12 January 2020, under the Employment and Support Allowance corrective review, 112,000 cases had qualified for arrears payments, and around 8,000 retrospective awards have been made under the Personal Independence Payment corrective exercise, with arrears payments under each exercise averaging £5,000.

INSTRUMENTS NOT DRAWN TO THE SPECIAL ATTENTION OF THE HOUSE

Made instruments subject to affirmative approval

SI 2021/1073 Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) (Amendment) (No. 3) Regulations 2021

Instruments subject to annulment

Code of Practice 12: Contribution Notices

SI 2021/1043 Trailer Registration (Amendment) Regulations 2021

SI 2021/1065 Social Security Benefits (Claims and Payments) (Amendment) Regulations 2021

SI 2021/1066 Health Protection (Coronavirus, International Travel and Operator Liability) (England) (Amendment) (No. 12) Regulations 2021

SI 2021/1077 Fines (Deductions from Income Support) (Miscellaneous Amendments) Regulations 2021

SI 2021/1107 Health Protection (Coronavirus, International Travel and Operator Liability) (England) (Amendment) (No. 13) Regulations 2021

SI 2021/1123 National Health Service (Charges to Overseas Visitors) (Amendment) Regulations 2021

SI 2021/1124 Non-Maintained Special Schools (England) and Independent School Standards (Amendment) Regulations 2021

SI 2021/1130 Health Protection (Coronavirus, International Travel and Operator Liability) (England) (Amendment) (No. 14) Regulations 2021

APPENDIX 1: CORRESPONDENCE: MOTOR VEHICLES (DRIVING LICENCES) (AMENDMENT) (NO. 2) REGULATIONS 2021

Letter from Lord Hodgson of Astley Abbotts, Chair of the Secondary Legislation Committee, to Baroness Vere of Norbiton, Parliamentary Under Secretary of State, Department for Transport

The Secondary Legislation Scrutiny Committee gave preliminary consideration to this instrument at its meeting yesterday. Before concluding our scrutiny, we would be grateful if you could provide further information about the potential road safety consequences of the proposed change.

We understand the need to increase the number of lorry drivers. We are aware however there are about 1,000 serious accidents a year from towing incidents. We therefore asked your department about how much this figure might increase if the requirement for a towing licence for car drivers (BE licence) is removed. We were told that the information would be in the Impact Assessment (IA) but that the IA would not be available until the end of November, after the legislation comes into effect.

We acknowledge that the department is responding to a crisis. But, as I have no doubt you will understand, Parliament cannot perform its scrutiny of this instrument effectively without information about the safety risks involved. It is unacceptable that Parliament should be expected to do so. Please could you therefore provide, if not the full IA, at least the information about the costs and benefits of the policy that was made available to you when signing the instrument.

We would also be grateful for further explanation about the practicalities of the change proposed — for example, whether the test centre examiners who will be freed from overseeing BE licence tests will all be qualified to conduct Category C tests.

We would not wish to delay our final scrutiny unduly. We would therefore welcome a response by 10:30 on Monday 18 October, so that we may consider it at our next meeting.

13 October 2021

Letter from Baroness Vere of Norbiton to Lord Hodgson of Astley Abbotts

Thank you for your letter of 13 October.

My officials have already explained that the Impact Assessment (IA) is in progress but needs to go through a number of stages, including clearance from the Regulatory Policy Committee, before it can be published. However, we have undertaken further analysis on the impact of road safety from the proposed measure to remove the car trailer test which I am happy to share with you to aid the scrutiny process.

There is not currently any statistical evidence to suggest that competence and skills will worsen if drivers do not take a statutory test to tow a trailer. Road safety has significantly improved over recent decades for several reasons, and it is therefore difficult to identify how much the car trailer test (Category B+E) has made a difference since it was introduced in 1997 or that there is a causal link between road safety and the test.

The attached annex provides the number of car and trailer accidents for 2019. The figures show that the number of trailer accidents is low, with the proportion of accidents of cars/vans towing a trailer compared to all car/van accidents, as roughly 0.45% in 2019.

Over recent decades, there has been a decline in the number of personal injury accidents for cars/vans towing trailers (with current 2019 accident figures of 474 being around a third of the total in 1997, 1442 accidents). This is likely due to several factors including vehicle safety improvements, road infrastructure improvements, other changes to licencing laws, as well as changes to the theory and practical test (for example the introduction of the hazard perception test). We also know that the number of personal injury accidents involving at least one car or van has also declined over this period (whereby total accidents have halved from 222,181 in 1997 down to 108,348 in 2019).

In respect of the demographics of the drivers towing trailers, our statistics show that individuals generally only start getting their car and trailer licence (Category B+E licences) from their late 30s and 40s onwards, indicating that people tend to start towing within the later age groups. This is shown in Table 1 in the annex with licence holders for the 32-41 age group being nearly five times higher than the 17-31 age group, and later age groups not being included due to retained entitlement to not have to take a trailer test, often referred to as “grandfather” rights, for pre-1997 licence holders.

Analysis of the proportion of licence holders relative to accidents involving a vehicle towing a trailer by age reveals injury accidents are higher within lower age groups relative to the number of licences, which mirrors the collision statistics for drivers more generally. This is shown in the figure 2 in the annex with age groups from 17 to 31 being responsible for 64% of accidents within the age group 17 to 41, whereby they only represent 20% of the licence holders.

We do not know at this stage whether there will be a change in the trend in the age distribution of drivers towing trailers if all current and future car licence holders become automatically eligible to tow trailers from the date they pass their test as more younger drivers decide to make use of the entitlement. We will monitor this closely.

We are taking a number of measures that we would expect to have a positive impact on road safety. The current theory test already includes questions on towing skills and more questions will be added. And we will work with the driving instructor profession to ensure that learner drivers are prepared and understand the rationale underpinning these. In addition, the Driving and Vehicle Standards Agency (DVSA) is exploring industry-led accredited training that could offer a standardised non-statutory testing approach. The DVSA has received strong support for an accreditation training scheme which is also generating considerable interest from companies who tow as part of their business and we are progressing discussions urgently. Our focus for continued communication and campaigning will cover all drivers who wish to tow a trailer. We know through DVSA’s stakeholder engagement, that there is a strong indication from professional business users that they will continue to undergo Category B+E training to ensure staff are safe and competent and that their corporate responsibilities are fulfilled. When we consulted, it was reassuring that many responded that drivers would want to continue to take some form of training (with mostly positive answers (56%), rather than negative (32%) or not knowing (13%).

We have committed in the regulations to a post-implementation review after three years and then after five years. During this period, we will monitor and gather data to understand the impact and will take action if needed in the light of that review. I understand the tragic consequences to victims' families from

death or injury and it is vital that standards which support road safety remain high. For the purposes of this analysis reference to "accident" is not intended to offend those who dislike this phrase but refers to the data we collect involving death or injury and not all collisions.

Introducing this legislation will help to increase the number of available HGV driving tests, with the aim to increase the number of qualified HGV drivers in the UK and thereby reduce the current shortfall in HGV drivers. Category B+E tests have traditionally been carried out by vocational examiners who also conduct HGV tests. Stopping Category B+E testing as a temporary measure has already increased the number of HGV tests available by around 550 per week, which is the full-time equivalent of 33 HGV examiners. The remaining examiners who were qualified to carry out Category B+E tests but not HGV tests have been deployed to carry out car tests.

Annex A – 2019 STATS19 Statistics on B+E accidents

The figures from STATS19 show that in 2019 there were 865 reported personal injury accidents involving any vehicle towing a single or double trailer or caravan. When police officers attend the scene of a collision, they can select up to six contributory factors (CFs) that they believe contributed to the collision for each vehicle or casualty involved. Officers do not need to carry out a full investigation of the incident before allocating CFs - they usually use professional judgement about what they can see at the scene. Of the 865 reports of any vehicle and trailer accidents in 2019, 623 had at least one contributory factor (CF) assigned. The CFs assigned suggest that 315 of these accidents involved driver error (36% of total accidents) with a further breakdown as follows:

- Any of the factors considered driver/rider error or reaction: 252 accidents (6 fatal, 69 serious, 177 slight)
- Poor turn or manoeuvre: 42 accidents (1 fatal, 9 serious, 32 slight)
- Speed (exceeding speed limit or travelling too fast for conditions): 21 accidents (1 fatal, 4 serious, 16 slight)

Additionally, in 378 accidents at least one CF was assigned to the towing vehicle

- In 42 accidents the towing vehicle had a vehicle defect assigned (mostly 'overloaded or poorly loaded vehicle or trailer' – 28 cases)
- In 17 accidents, the towing vehicle had one of the four defects which could have been noticed with mandatory testing, as follows:
 - Tyres illegal, defective or under-inflated – 9 accidents
 - Defective lights or indicators - 5
 - Defective brakes - 3
 - Defective steering or suspension – 1

**Table 1: Top 10 serious or dangerous faults causing failure of the B+E test
(where there can be more than one fault per test)**

	Manoeuvre	Number of Serious or Dangerous Faults 15/16–19/20	Percentage of total Serious or Dangerous Faults 15/16–19/20
1	Reverse left - Control	10,073	16%
2	Uncouple / recouple	9,721	15%
3	Junctions - observation	5,325	8%
4	Mirrors - change direction	3,724	5%
5	Move off - safely	3,668	5%
6	Use of speed	3,169	5%
7	Response to signs - traffic lights	3,164	5%
8	Junctions - turning right	2,609	4%
9	Response to signs - road markings	2,520	4%
10	Response to signs - traffic signs	2,103	3%

Figure 1: B+E licence holders by age group - later age groups removed due to grandfather rights

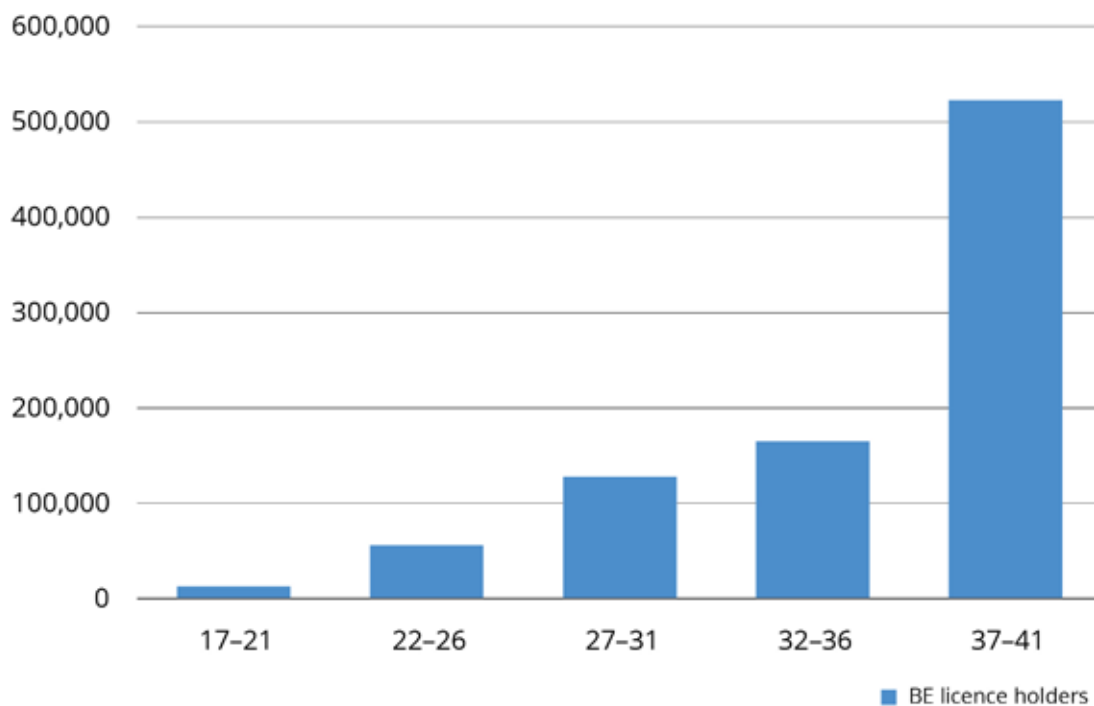
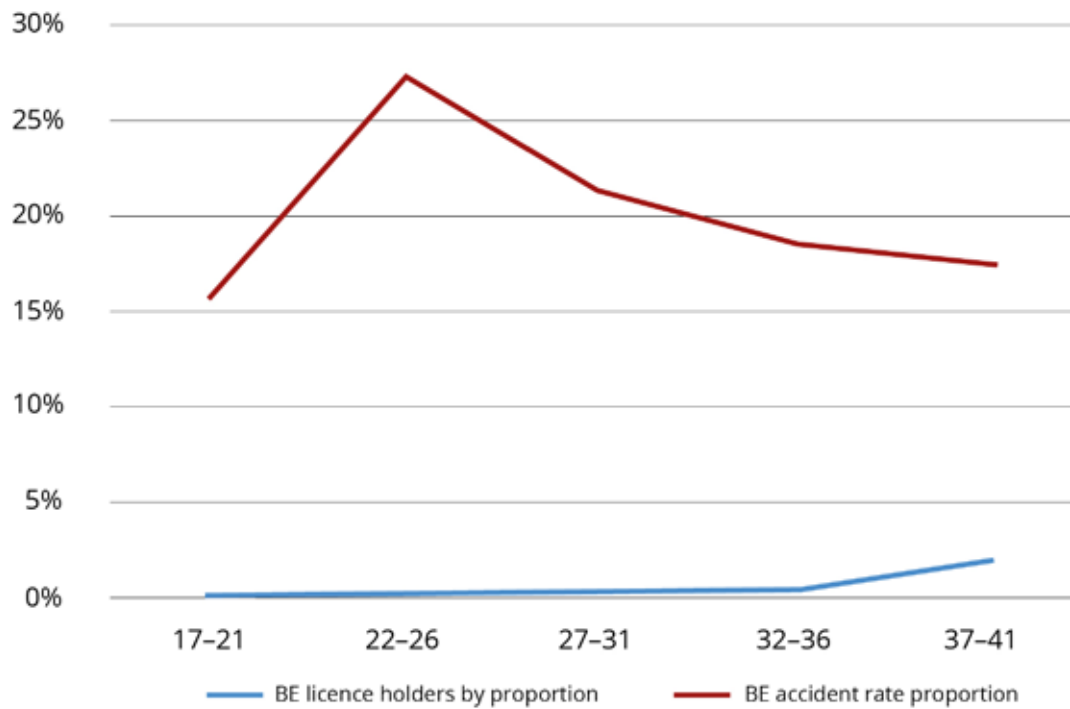


Figure 2: Proportion of B+E licence holders and accidents involving vehicles towing trailers by age



18 October 2021

APPENDIX 2: DRIVERS' HOURS AND TACHOGRAPHS (TEMPORARY EXCEPTIONS) (NO.3) REGULATIONS 2021

Supplementary information regarding the Drivers' Hours and Tachographs (Temporary Exceptions) (No. 3) Regulations 2021

Enforcement of the relaxations

The Driver and Vehicle Standards Agency (DVSA) is responsible for the enforcement of drivers' hours rules. The DVSA carries out targeted checks based on several factors. This includes the physical condition of the vehicle or its load, the Operator Compliance Risk Score (OCRS), and any intelligence the DVSA may have on a specific operator. This allows the DVSA to focus their checks on vehicles that are likely to have problems and so their enforcement figures are not representative of compliance across the wider UK fleet. For the period 12 July to 3 October, the DVSA undertook a total of 4,333 targeted checks on UK operators. As part of those checks, 1,168 offences were identified for drivers' hours violations of which 187 were serious enough to attract a fixed penalty. These violation rates are consistent with previous periods.

For operators that notified the Department of their intent to make use of the relaxations, the DVSA applied the OCRS as part of undertaking targeted checks. This resulted in a total of 97 checks against operators that had notified the Department of their intent to use the relaxations over the period 12 July to 3 October. 53 offences for drivers' hours were identified, of which 12 related to the relaxed rules, but none was sufficiently serious to warrant a fixed penalty.

Use of the relaxations

Table 2: The table below details the information the Department has received from operators in relation to the two previous relaxation periods.

	12 July to 8 August	9 August to 3 October
Initial notification forms	517	283
Follow-up forms	394	186
Of which used the relaxations	284	147
Of which did not use the relaxations	110	39

The initial notification forms were required to be submitted by operators to notify the Department of their intent to use the relaxations. Operators were then requested to send the Department a follow-up form within a week of the relaxation period ending detailing how they used the relaxations or whether they elected not to make use of them.

Targeted Consultation Results – Extending Drivers' Hours temporary exceptions: Summary of Responses

As part of its considerations as to whether to extend exceptions to the drivers' hours rules running from 12 July 2021 to 3 October 2021, the Department ran a targeted consultation from 15 September 2021 to 22 September 2021. The basis

of the consultation was to gather up-to-date views and evidence on whether the Department should extend the temporary exceptions to 23 January 2022.

The consultation was circulated to key stakeholders, including haulage operators and their trade bodies, trade unions representing lorry drivers, food wholesalers and distributors, supermarkets, fuel/oil suppliers, and road safety advocate groups. In total, there were 18 responses of which 13 directly answered the questions in the consultation. The other 5 responded with letters on the topic but did not specifically answer the questions in the consultation.

Those responses included haulage stakeholders representing operators and drivers of heavy goods vehicles. On our proposals to extend the drivers' hours relaxation, haulage stakeholders disagreed, citing driver fatigue, limited usefulness afforded by the relaxation, and worsening of the current situation by encouraging drivers to leave the industry. In addition, they expressed broad consensus that current measures would be insufficient to maintain safety standards for all road users due to negative impacts to driver health and increase in fatigue.

To note: the drivers' hours relaxation requires compensatory rest when the options to amend weekly rest patterns is taken. This is designed to combat cumulative fatigue and is very similar to a provision in force across the UK and EU permanently for some international driving.

For the other non-standard pattern available, a tenth hour of driving on a third and fourth day in a week – which is an alternative, and cannot be taken as well as the revised weekly rest pattern – this is already available two days a week under normal rules and more so under normal GB domestic rules. In this case short, daily and weekly rest periods; weekly (56 hours) and fortnightly (90 hours) maximum driving hours; and all mobile working time rules continue as standard. These guard against excessive fatigue.

On alternative measures to address the driver shortage, one haulage stakeholder stated that suspending the Driver Certificate Professional Competence (CPC) requirement and increasing efficiency at Regional Distribution Centres would be more effective than drivers' hours relaxations. Another haulage stakeholder instead focused on the need to improve working conditions for drivers, highlighting the need to improve facilities, parking, and working hours. They also state the onus is on industry to improve conditions for drivers and that has this has been a problem since at least 2016 this is a problem that could have been foreseen. Trade unions raised concerns that this is no longer a temporary relaxation and are becoming long term measures. All believe that it makes the problem worse by making the industry less appealing to new drivers, worsen gender disparity, and would make older drivers want to leave the industry. Finally, they all agree that this increases significant risks for road users and that asking operators and self-employed drivers to "assess the risk of using the temporary exceptions", does not sufficiently protect drivers' safety. One particular trade union made reference to a study that found that intense shift patterns and inadequate rest time 'suggest that many [UK] HGV drivers have increased risk of excessive daytime sleepiness, road traffic accidents and chronic disease.'

To note: there is published guidance about the circumstances in which the temporary relaxations can be used. There must be evidence of detriment to the wider community, that the relaxation leads to a significant improvement and that driver safety must not be compromised. In respect of detriment and safety there are specific benchmarks.

<https://www.gov.uk/government/publications/temporary-relaxation-of-the-enforcement-of-the-retained-eu-drivers-hours-rules-all-road-haulage-sectors-within-great-britain/temporary-relaxation-of-the-enforcement-of-the-retained-eu-drivers-hours-rules-all-road-haulage-sectors-in-great-britain-until-31-october-2021>

This is one measure amongst many being taken in respect of lorry driver shortages.

Table 3

Questions on extending Drivers' Hours temporary exceptions	Key findings
Q1. Do you think that the drivers hours rules relaxation should be extended, as they are, beyond 3 October 2021?	7 of the 13 respondents disagreed that the extensions should be extended. All 7 of these were either from Unions or Haulage Associations. Of the 6 that agreed the majority were stakeholders that supply agricultural products and 3 of the 6 said it provided extra flexibility. All 5 of the respondents that responded with letters on the topic disagreed that the extensions should be extended, giving a total of 12 out of 18 respondents that did not support an extension.
Q2. To what extent do you agree or disagree with the proposed length of the extension?	7 of the 13 respondents disagreed, highlighting concerns of driver fatigue, it made no useful impact and had a negative impact on driver welfare. 5 of the 13 respondents agreed that the period was suitable as the period is known to be significantly busier during the year. One made no comment.
Q3. To what extent do you agree or disagree that any continuation of relaxations should be applied to the whole haulage sector?	6 of the 13 respondents disagreed with the majority stating it wouldn't add any benefit. 6 of the 13 respondents agreed stating that it would assist logistics as the tool would be available to everyone.

Questions on extending Drivers' Hours temporary exceptions	Key findings
Q4. Are there any new concerns that would warrant a continuation of relaxations that have not been covered previously?	9 of the 13 respondents stated there were no concerns. 2 respondents stated yes saying the shortage of HGV drivers was impacting them and that as hauliers do not take advantage due to admin costs then the relaxations should be made law. 2 no comments.
Q5. Do you agree or disagree that the use of Drivers' Hours relaxations has allowed for greater flexibility in deliveries?	7 of the 13 respondents disagreed. The majority stated the relaxations were not used. 4 of the respondents agreed with half saying they provided extra flexibility. 2 made no comments.
Q6. Are there any other potential costs and impacts of maintaining the drivers' hours relaxations that we should consider?	5 of the 13 respondents stated no. 6 of the 13 respondents stated yes, stating that drivers were more likely to leave, increased administration costs, increased costs for customers and increased pressure from customers to make use of relaxations 2 respondents provided no comments.

Questions on extending Drivers' Hours temporary exceptions	Key findings
Q7. Would you like to make any other comments relevant to the amended policy?	[Stakeholder 1] – work is limited to farm hours and working hours of end destination means relaxations have limited impacts. Sugar beet season increases demand for HGV drivers with training for TASCC. [Stakeholder 2] – Consumers need greater education to better perception of lorry drivers. [Stakeholder 3] – There is increased wastage and also animal welfare implications due to the HGV Drivers' shortage. The government measures to help reduce the back log of HGV driver testing and some support measures to encourage new entrants into the sector it is likely that the current driver shortages will remain for considerable time to come. They support measures such as an extension to the current drivers' hours relaxations to help make best use of the available workforce on condition that road safety is maintained. [Stakeholder 4] – every tool should be made available to tackle the issue. Preference would be for the option for the requirement to take a regular weekly rest period of 45 hours in a two-week period with an alternative pattern of weekly rest periods, and an increase to the fortnightly driving limit from 90 hours to 99 hours. This enables two consecutive reduced weekly rest periods to be taken. [Stakeholder 5] – anticipate increase demand over Christmas and already have a significant demand.

Source: DfT

18 October 2021

APPENDIX 3: CORRESPONDENCE: SUNSET PROVISIONS IN STATUTORY INSTRUMENTS DEALING WITH COVID-19

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

In my letter of 14 June 2021 I committed to continuing to provide a regular monthly update of sunset provisions in statutory instruments (SIs) made in response to the Coronavirus pandemic.

As of 28 September the Government has laid 392 SIs that fall into this category, of which 44 still include a specific sunset provision which has not expired or been revoked.

Annex A sets out the SIs that have been laid in response to the pandemic which include a specific sunset provision, along with the timing of that provision. This information is also included in the Explanatory Notes of each SI. The inclusion of a sunset provision is always carefully considered. Following your suggestion to divide the table, Annex B now sets out a list of the SIs where the sunset provisions have expired or been revoked.

I hope that this information is helpful to the Committee. This letter has been copied to the Leader of the House of Lords and the Chairman of the Joint Committee on Statutory Instruments.

Annex A

Table 4: SIs that have been laid in response to the pandemic which include a specific sunset provision and the timing of that provision

	Dept	Title	Sunset Provision
1	DHSC	The Health Protection (Coronavirus) Regulations 2020	10/02/2022
2	DHSC	The Safeguarding Vulnerable Groups Act 2006 (Regulated Activities) (Coronavirus) Order 2020	17/10/2021
3	MHCLG	The Town and Country Planning (General Permitted Development) (Coronavirus) (England) (Amendment) Order 2020	31/12/2020 -These provisions have been extended. See row 2 7.
4	DWP	The Universal Credit and Employment Support Allowance Amendment Regulations 2020	12/11/2020 - These provisions have been extended. See row 22.
5	DWP	The Social Security (Coronavirus) (Further Measures) Regulations 2020	12/11/2020 -These provisions have been extended. See row 24.

	Dept	Title	Sunset Provision
6	DWP	The Social Security (Coronavirus) (Prisoners) Regulations 2020	12/11/2020 -These provisions have been extended. See row 24.
7	DfE	The School Admissions (Appeals Arrangements) (England) (Amendment) (Coronavirus) Regulations 2020	31/01/2021 - These regulations have been extended. See row 28.
8	MHCLG	The Town and Country Planning (Development Management Procedure) (England) Coronavirus (Amendment) Order 2020	31/12/2020 -These provisions have been extended. See row 27.
9	MoJ	The Prison and Young Offender Institution (Coronavirus) (Amendment) (No. 2) Rules 2020	25/03/2022
10	DfT	The Traffic Order Procedure (England) (Coronavirus) (Amendment) Regulations 2020	30/04/2021 -Most provisions have expired. However, the regulations contain transitional provisions to preserve continuity following the expiry of the amendments. These are in force permanently.
11	DfE	The Schools Forums (England) (Coronavirus) (Amendment) Regulations 2020	01/04/2021 -These provisions have been made permanent.
12	DfT	The Health Protection (Coronavirus, Public Health Advice for Passengers) (England) Regulations 2020	08/06/2021-These have been extended. See row 36.
13	MoJ	The Competition Appeals Tribunal	25/03/2022
14	MoJ	The Secure Training Centre (Amendment) (Coronavirus) Rules 2020	25/03/2022
15	MHCLG	The Town and Country Planning (Local Planning) (England) (Coronavirus) (Amendment) Regulations 2020	31/12/2020- These provisions have been extended. See row 27.

	Dept	Title	Sunset Provision
16	MHCLG	The Town and Country Planning (Spatial Development Strategy) (Coronavirus) (Amendment) Regulations 2020	31/12/2020- These provisions have been extended. See row 27.
17	MHCLG	The Infrastructure Planning (Publication and Notification of Applications etc.) (Coronavirus) (Amendment) Regulations 2020	31/12/2020 - These provisions have been made permanent.
18	MHCLG	The Environmental Assessment of Plans and Programmes (Coronavirus) (Amendment) Regulations 2020	31/12/2020- These provisions have been made permanent.
19	BEIS	The Feed-in Tariffs (Amendment) (Coronavirus) (No. 2) Order 2020	The regulations contain multiple sunset provisions depending which elements they apply to: Hydro installations - 31/03/2022 Community hydro installations - 30/09/2022 Anaerobic Digestion and wind installations- 31/03/2021 (expired) Community anaerobic digestion and wind installations - 30/09/2021 Community solar installations - 31/03/2021 (expired).
20	DfE	The Adoption and Children (Coronavirus) (Amendment) (No. 2) Regulations 2020	30/09/2021
21	MoJ	The Wills Act 1837 (Electronic Communications) (Amendment) (Coronavirus) Order 2020	31/01/2022

	Dept	Title	Sunset Provision
22	DWP	The Employment and Support Allowance and Universal Credit (Coronavirus Disease) (Amendment) Regulations 2020	12/05/2021 Employment Support Allowance provisions extended to 12/11/2021 Job Seekers Allowance, Carer's Allowance and Prisoners provisions extended to 31/08/2021 (expired).
23	MoJ	The Prison and Young Offender Institution (Coronavirus, etc.) (Amendment) (No. 3) Rules 2020	25/03/2022
24	DWP	The Social Security (Coronavirus) Further Measures) (Amendment) and Miscellaneous Amendment Regulations 2020	12/05/2021 - these provisions have been extended. See row 38.
25	BEIS	The Corporate Insolvency and Governance Act 2020 (Coronavirus) (Extension of the Relevant Period) (No. 2) Regulations 2020	31/03/2021-these provisions have been extended. See row 34.
26	MHCLG	The Business Tenancies (Protection from Forfeiture: Relevant Period) (Coronavirus) (England) (No. 3) regulations 2020	31/03/2021 - these provisions have been extended. See row 39.
27	MHCLG	The Town and Country Planning (Local Planning, Development Management Procedure, Listed Buildings etc.) (England) (Coronavirus) (Amendment) Regulations 2020	31/12/2021
28	DfE	The School Admissions (England) (Coronavirus) (Appeals Arrangements) (Amendment) Regulations 2021	30/09/2021

	Dept	Title	Sunset Provision
29	BEIS	The Corporate Insolvency and Governance Act 2020 (Coronavirus) (Change of Expiry Date) Regulations 2021	29/04/2022
30	BEIS	The Employment Rights Act 1996 (Coronavirus, Calculation of a Week's Pay) (Amendment) Regulations 2021	30/04/2021-these provisions have been extended. See row 35.
31	CO	The Mayoral and Police and Crime Commissioner Elections (Coronavirus, Nomination of Candidates) (Amendment) Order 2021	28/02/2022
32	CO	The Local and Greater London Authority Elections (Coronavirus, Nomination of Candidates) (Amendment) (England) Rules 2021	28/02/2022
33	CO	The Representation of the People (Proxy Vote Applications) (Coronavirus) Regulations 2021	28/02/2022
34	BEIS	The Corporate Insolvency and Governance Act 2020 (Coronavirus) (Extension of the Relevant Period) Regulations 2021	30/09/2021
35	BEIS	The Employment Rights Act 1996 (Coronavirus, Calculation of a Week's Pay) (Amendment) (No. 2) Regulations 2021	30/09/2021
36	DfT	The Health Protection (Coronavirus, International Travel and Operator Liability) (England) Regulations 2021	16/05/2022
37	DWP	The Universal Credit (Extension of Coronavirus Measures) Regulations 2021	31/10/2021

	Dept	Title	Sunset Provision
38	DWP	The Social Security (Coronavirus) (Miscellaneous Amendments) Regulations 2021	Employment Support Allowance provisions extended to 12/11/2021. Job Seekers Allowance, Carer's Allowance and Prisoners provisions extended to 31/08/2021 (expired).
39	MHCLG	The Business Tenancies (Protection from Forfeiture: Relevant Period) (Coronavirus) (England) Regulations 2021	30/09/2021
40	MHCLG	The Coronavirus Act 2020 (Residential Tenancies: Protection from Eviction) (Amendment) (England) Regulations 2021	30/09/2021
41	MoJ	The Coronavirus Act 2020 (Residential Tenancies: Protection from Eviction) (Amendment) (England) (No. 2) Regulations 2021	30/09/2021
42	BEIS	The Corporate Insolvency and Governance Act 2020 (Coronavirus) (Extension of the Relevant Period) (No. 2) Regulations 2021	30/09/2021
43	MHCLG	The Business Tenancies (Protection from Forfeiture: Relevant Period) (Coronavirus) (England) (No. 2) Regulations 2021	30/09/2021
44	DHSC	The Health Protection (Coronavirus, Restrictions) (Steps etc.) (England) (Revocation and Amendment) Regulations 2021	27 /09/2021-These provisions have been extended to 24/03/2022

*Annex B***Table 5: SIs where the sunset provisions have expired or been revoked**

Dept	Title
DHSC	The Health Protection (Coronavirus, Business Closure) (England) Regulations 2020

Dept	Title
DHSC	The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020
DHSC	The Health Protection (Coronavirus, Restrictions) (Northern Ireland) Regulations 2020
DWP	The Social Security (Coronavirus) (Further Measures) (Northern Ireland) Regulations 2020
DWP	The Social Security (Coronavirus) (Prisoners) Northern Ireland Regulations 2020
DfE	The Adoption and Children (Coronavirus) (Amendment) Regulations 2020
DfE	The Special Educational Needs and Disability (Coronavirus) (Amendment) Regulations 2020
BEIS	The Competition Act 1998 (Dairy Produce) (Coronavirus) (Public Policy Exclusion) Order 2020
DHSC	The Health Protection (Coronavirus, Restrictions) (England) (Amendment) (No. 2) Regulations 2020
DHSC	The Health Protection (Coronavirus, Restrictions) (England) (Amendment) (No. 4) Regulations 2020
BEIS	The Companies etc. (Filing Requirements) (Temporary Modifications) Regulations 2020
BEIS	The Patents, Trade Marks and Registered Designs (Fees) (Coronavirus) (Amendment) Rules 2020
DHSC	The Health Protection (Coronavirus, Restrictions) (Leicester) Regulations 2020
DHSC	The Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020
HMRC	The Value Added Tax (Zero Rate for Personal Protective Equipment) (Extension) (Coronavirus) Order 2020
HMRC	The Value Added Tax (Reduced Rate) (Hospitality and Tourism) (Coronavirus) Order 2020
MoJ	The Civil Procedure (Amendment No. 4) (Coronavirus) Rules 2020
DHSC	The Health Protection (Coronavirus, Restrictions) (Blackburn with Darwen and Luton) Regulations 2020
DHSC	The Health Protection (Coronavirus, Restrictions on Gatherings) (North of England) Regulations 2020
DHSC	The Health Protection (Coronavirus, Restrictions on Gatherings) (North of England) (Amendment) Regulations 2020
DHSC	The Health Protection (Coronavirus, Restrictions on Gatherings) (North of England) (Amendment) (No. 2) Regulations 2020

Dept	Title
DHSC	The Health Protection (Coronavirus, Restrictions) (Greencore) Regulations 2020
DHSC	The Health Protection (Coronavirus, Restrictions) (Bolton) Regulations 2020
DHSC	The Health Protection (Coronavirus, Restrictions) (Birmingham, Sandwell and Solihull) Regulations 2020
DHSC	The Health Protection (Coronavirus, Restrictions) (North East England) Regulations 2020
DHSC	The Health Protection (Coronavirus, Local COVID-19 Alert Level) (Very High) (England) Regulations 2020
DHSC	The Health Protection (Coronavirus, Local COVID-19 Alert Level) (Very High) (England) (Amendment) Regulations 2020
DHSC	The Health Protection (Coronavirus, Local COVID-19 Alert Level) (Medium, High and Very High) (England) (Amendment) Regulations 2020
DHSC	The Health Protection (Coronavirus, Local COVID-19 Alert Level) (Medium, High and Very High) (England) (Amendment) (No. 2) Regulations 2020
DHSC	The Health Protection (Coronavirus, Local COVID-19 Alert Level) (Medium, High and Very High) (England) (Amendment) (No. 3) Regulations 2020
DHSC	The Health Protection (Coronavirus, Local COVID-19 Alert Level) (High) (England) Regulations 2020
DHSC	The Health Protection (Coronavirus, Local COVID-19 Alert Level) (Medium) (England) Regulations 2020
DHSC	The Health Protection (Coronavirus, Restrictions) (England) (No. 4) Regulations 2020
DHSC	The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) (Amendment) Regulations 2020
MoJ	The Public Health (Coronavirus) (Protection from Eviction) (England) (No. 2) Regulations 2021
DHSC	The Health Protection (Coronavirus, Restrictions) (No. 3) and (All Tiers) (England) (Amendment) Regulations 2021
DHSC	The Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020
MoJ	The Public Health (Coronavirus) (Protection from Eviction and Taking Control of Goods) (England) Regulations 2020
MoJ	The Public Health (Coronavirus) (Protection from Eviction) (England) Regulations 2021

Dept	Title
DHSC	The Health Protection (Coronavirus, International Travel) (England) Regulations 2020
DHSC	The Health Protection (Coronavirus, International Travel and Public Health Information) (England) (Amendment) Regulations 2020
DfT	The Health Protection (Coronavirus, Pre-Departure Testing and Operator Liability) (England) (Amendment) Regulations 2021
MHCLG	The Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) (Amendment) (England) Regulations 2021
MHCLG	The Parish and Community Meetings (Coronavirus) (Polls) (Amendment) (England) Rules 2020
HO	The Coronavirus (Retention of Fingerprints and DNA Profiles in the Interests of National Security) (No. 2) Regulations 2020
HO	The Investigatory Powers (Temporary Judicial Commissioners and Modification of Time Limits) Regulations 2020
MoJ	The Civil Legal Aid (Remuneration) (Amendment) (Coronavirus) Regulations 2020
DHSC	The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020
DfT	The Motor Vehicles (Tests) (Amendment) Regulations 2020
DfT	The Motor Vehicles (Tests) (Amendment) (Coronavirus) (No.2) Regulations 2020
MoJ	The Prosecution of Offences (Custody Time Limits) (Coronavirus) (Amendment) Regulations 2021
DfT/DHSC	The Health Protection (Coronavirus, Wearing of Face Coverings on Public Transport) (England) Regulations 2020
DHSC	The Health Protection (Coronavirus, Wearing of Face Coverings in a Relevant Place) (England) Regulations 2020
MoJ	The Prosecution of Offences (Custody Time Limits) (Coronavirus) (Amendment) Regulations 2020
MoJ	The Public Health (Coronavirus) (Protection from Eviction) (England) (No. 2) (Amendment) Regulations 2021
DHSC	The _Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021

Dept	Title
DHSC	The Health Protection (Coronavirus, Restrictions) (Local Authority Enforcement Powers and Amendment) (England) Regulations 2020
DHSC	The Health Protection (Coronavirus, Restrictions) (Obligations of Hospitality Undertakings) (England) Regulations 2020
DHSC	The Health Protection (Coronavirus, Collection of Contact Details etc and Related Requirements) Regulations 2020
DfE	The Education (Induction Arrangements for School Teachers) (England) (Coronavirus) (Amendment) Regulations 2021
DfE	The Education (School Teachers' Qualifications and Induction Arrangements) (England) (Coronavirus) (Amendment) Regulations 2020
DHSC	The Health Protection (Coronavirus, Wearing of Face Coverings in a Relevant Place and on Public Transport) (England) (Amendment) Regulations 2020
DfE	The Early Years Foundation Stage (Learning and Development and Welfare Requirements) (Coronavirus) (Amendment) (No. 2) Regulations 2020
DfE	The Education (Coronavirus, Remote Education Information) (England) (Amendment) Regulations 2021
MoJ	The Taking Control of Goods (Amendment) (Coronavirus) Regulations 2021
BEIS	The Personal Protective Equipment (Temporary Arrangements) (Coronavirus) (England) Regulations 2020

30 September 2021

APPENDIX 4: INTERESTS AND ATTENDANCE

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

For the business taken at the meeting on 12 October 2021, Members declared the following interests:

Drivers' Hours and Tachographs (Temporary Exceptions) (No. 3) Regulations 2021

The Earl of Lindsay

Wife has an HGV licence

Attendance:

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