

HOUSE OF LORDS

Secondary Legislation Scrutiny Committee

23rd Report of Session 2021–22

**Drawn to the special attention of the House:
Draft Motor Vehicles (Driving Licences)
(Amendment) (No. 5) Regulations 2021**

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

Includes information paragraphs on:

1 instrument relating to COVID-19	Draft Wine (Amendment) Regulations 2021
Draft Flags (Northern Ireland) (Amendment) Regulations 2021	Draft Surveillance Camera Code of Practice

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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>
<u>Rt Hon. Lord Cunningham of Felling</u>	(Chair)	<u>Lord Sherbourne of Didsbury</u>
<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/uksi>

Contacts

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

Twenty Third Report

INSTRUMENTS DRAWN TO THE SPECIAL ATTENTION OF THE HOUSE

Draft Motor Vehicles (Driving Licences) (Amendment) (No. 5) Regulations 2021

Date laid: 23 November 2021

Parliamentary procedure: affirmative

*These Regulations remove the obligation for car and van drivers towing a trailer to take an additional test. They have had to be re-laid, with an Explanatory Memorandum (EM), due to a procedural error. While we appreciate the objective is to free up capacity at test centres to enable more HGV drivers to obtain their licences, our 15th Report raised safety concerns about the possibility of towing accidents increasing and suggested that, if the data is unclear, the position should be reviewed earlier than the three years set out in the Regulations. **The House has followed up these issues in debate and in questions, but the re-laid version of the EM is silent about these concerns.** We wrote to the Minister about this omission. **The Minister's response neither reduced our concerns about these safety issues nor offered any reassurance that the Department understands the critical importance of evidence-based policy and the respect that should be accorded to Parliament and its scrutiny processes.***

These Regulations have been scheduled for debate in Grand Committee next Tuesday, 14 December. We are publishing this Report in advance so that it is available to those participating in the debate. However, as this Report makes plain, we are deeply dissatisfied with the Department for Transport about its approach to these Regulations and, for this reason we have invited the Minister to give evidence to explain the policy choices she has made.

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.

Background

1. These Regulations (“the No. 5 Regulations”) duplicate the Draft Motor Vehicles (Driving Licences) (Amendment) (No. 2) Regulations (“the No. 2 Regulations”)¹ laid on 16 September 2021 which could not be made due to a procedural error in the House of Commons.
2. They would remove the requirement for car and van drivers in the UK to take a towing licence (the B+E licence) so as to free up capacity at testing centres for Heavy Goods Vehicle (HGV) tests.

¹ [Draft Motor Vehicles \(Driving Licences\) \(Amendment\) \(No. 2\) Regulations 2021 SI 2021](#), withdrawn on 16 November 2021.

3. Our 15th Report² on the No. 2 Regulations criticised the Department for Transport (DfT) for:
- failing to provide any information about the potential for towing accidents to increase if the test requirement was removed;
 - only proposing to review this change after three years—given the lack of safety data we suggested 12-month intervals would be more appropriate;
 - proposing to remove the tests “on an experimental basis”—we suggested a proper review was required first, and
 - for failing to provide an Impact Assessment (IA) and full analysis of the responses to the consultation exercise.
4. When the No. 2 Regulations were debated in the House of Lords on 9 November,³ several members raised these issues and other points including current administrative delays in issuing licences of all types. These matters have also been raised in oral questions.⁴
5. Despite these expressions of concern over road safety, the No. 5 Regulations and the re-laid Explanatory Memorandum (EM) are an *exact duplicate* of the No. 2 Regulations and the EM accompanying those Regulations—**the EM has not been amended to reflect or respond to the issues raised in our 15th Report or those raised in the debate.**

Failure to make information public

6. We wrote to the Minister, Baroness Vere of Norbiton, to ask the reason for this omission and, in her letter of 6 December, she said that the IA had just been submitted to the Regulatory Policy Committee (RPC) and that “it would be inappropriate to amend the EM in anticipation of the opinion of the RPC”. (The Minister’s letter is published in Appendix 1.)
7. We do not accept this reasoning:
- DfT’s factual explanations and incident data should not alter whatever the RPC makes of them. If the material is in a sufficiently developed form that it has now been submitted to the RPC, then it ought to be made available to Parliament—we have seen draft material on impact many times before, although the RPC’s view of it is preferred, it is not essential.
 - Delaying the material gives the RPC, an advisory body, precedence over Parliament—which, as a result, is being asked to approve the Regulations without adequate information about its consequences.
 - Some of the impact material has already been outlined in correspondence published in our 15th Report and in follow-up correspondence with the members who participated in the debate on 9 November. It is therefore in the public domain and should have been included in a revised EM.
 - The EM is part of the public record and should provide the relevant information to *every* reader: that is why we put so much emphasis on

2 Secondary Legislation Scrutiny Committee, [15th Report](#), (Session 2021–22 HL Paper 79).

3 HL Debs, 9 November 2021, [cols 484–496](#) [Lords Chamber Grand Committee].

4 HL Debs, 1 December 2021, [cols 1346](#) [Lords Chamber].

the IA and other documentation being available when the instrument is laid, so that all interested parties can access it and, if they have concerns about it, can make representations to the Department or Parliament before the legislation becomes law.

8. Neither the full summary of consultation nor the IA are yet available even though 10 weeks have elapsed since the No. 2 Regulations were laid. These are not simply administrative matters. We are told that the risk assessment will be in the IA and that 32% of 8,753 respondents to the consultation expressed concerns about safety. We have not been told however the details of those concerns.
9. In response to an oral question in the House on 1 December, the Government announced that: “All car drivers wishing to tow a trailer for leisure or business will be encouraged to undertake a voluntary accreditation scheme, which is being developed with the help of the trailer industry and training providers. The scheme is planned to be launched early next year and will focus on a core model for all drivers, with sector-specific modules for different towing activities.” This suggests that the Department recognises that there are safety issues that need to be taken into account. Yet none of this is addressed in the EM accompanying the No. 5 Regulations, which blandly says any increase in accidents will need to be monitored.

Lack of information to support the policy

10. It appears that the Department does not have the information to respond to our concerns, so it is unclear how it can monitor future change effectively. In a letter published in our 15th Report, the Minister said that the Department was unable to discern from available data “how much the car trailer test has made a difference since it was introduced in 1997 or that there is a causal link between road safety and the test”. **It is because the historic figures are unclear that we have recommended an earlier review than three years—but the Department has not responded to that point.**

Urgency?

11. The Department’s rationale for pressing ahead with these Regulations in the absence of the appropriate information to support and explain the policy, is, it says, on grounds of urgency. **We find this unconvincing because the Minister’s correspondence indicates that the policy has already been implemented administratively:**
 - In a letter dated 18 October, the Minister said: “Stopping Category B+E testing as a temporary measure has already increased the number of HGV tests available by around 550 per week.”
 - In a letter dated 29 November to members of the House who took part in the debate on the No. 2 Regulations, the Minister said: “significant improvement has already been made to increase testing availability, the Driver and Vehicle Standards Agency (DVSA) national vocational test waiting time currently under two weeks In October 2021, DVLA issued 31% more provisional Vocational Driving Licences (10,531) and DVSA conducted 38% more large goods vehicle tests (9,391) than before the pandemic in October 2019.”

12. **The House may wish to ask the Minister to explain what further gains will be made if this instrument were to be brought into effect immediately rather than delaying it until the appropriate supporting material is available.**

Conclusion

13. We understand the need to increase the supply of HGV drivers and have scrutinised several previous instruments on DfT's list of 32 interventions.⁵ These Regulations however raise questions about road safety which the Department appears unable to answer.
14. A lack of clear data is not unprecedented and, in such cases, we would expect a more cautious approach to be taken. In our 15th Report we asked why DfT did not simply suspend the test for 12 months while it compiled more evidence to support the abolition of the B+E test. As an alternative, in that Report we also suggested more frequent monitoring of accident rates than the three years the Regulations specify.
15. These Regulations provide yet another example of where the pandemic or Brexit or a combination of both is being used as a pretext to make a permanent change for which there is inadequate supporting evidence. In our recent report, *Government by Diktat: A call to return power to Parliament*, we raised a number of concerns about the Government's use of secondary legislation and their attitude to parliamentary scrutiny.⁶ DfT's failure to provide supporting explanatory material in this case reinforces those concerns, and in particular that the Department has no understanding of, or respect for, the need for Parliament to have access to the information necessary for effective parliamentary scrutiny.
16. **We have drawn attention to a number of concerns about these Regulations, and members of the House have followed up these concerns, along with concerns of their own, in debate and in oral questions. Shockingly, the re-laid version of the EM makes no mention of them but simply repeats the EM laid alongside the No. 2 Regulations. We wrote to the Minister about this matter. The Minister's response neither reduced our concerns about these safety issues nor offered any reassurance that the Department understands the critical importance of evidence-based policy and the respect that should be accorded to Parliament and its scrutiny processes.**
17. These Regulations have been scheduled for debate in Grand Committee next Tuesday, 14 December. We are publishing this Report in advance so that it is available to those participating in the debate. However, as this Report makes plain, we are deeply dissatisfied with the Department about its approach to these Regulations and, for this reason we have invited the Minister to give evidence to explain the policy choices she has made.

5 HM Government, 'UK government action to reduce the HGV driver shortage': <https://www.gov.uk/government/topical-events/hgv-driver-shortage-uk-government-response/about> [accessed 8 December 2021].

6 Secondary Legislation Scrutiny Committee, *Government by Diktat: A call to return power to Parliament* (20th Report, Session 2021–22, HL Paper 105).

CORRESPONDENCE

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

18. 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 2.

INSTRUMENTS RELATING TO COVID-19

Travel

Health Protection (Coronavirus, International Travel and Operator Liability) (England) (Amendment) (No. 22) Regulations 2021 (SI 2021/1367)

19. To delay the import of the newly identified Covid-19 variant “Omicron” into England as much as possible, these Regulations amend the International Travel Regulations⁷ to add Nigeria to the list of Category 3 countries territories (“the Red List”). With effect from 6 December 2021 arrivals from there will now have to spend 10 days in managed quarantine and direct flights from Nigeria may only land at the two designated “red list terminals”.

⁷ Health Protection (Coronavirus, International Travel and Operator Liability) (England) Regulations 2021 ([SI 2021/582](#)).

INSTRUMENTS OF INTEREST

Draft Flags (Northern Ireland) (Amendment) Regulations 2021

20. These draft Regulations propose changes to when flags are to be flown from Government buildings and courthouses in Northern Ireland to mark occasions in relation to the Royal Family. The instrument proposes to remove the birthday of His Royal Highness, The Duke of Edinburgh and Her Majesty's wedding day from the list of designated days and proposes that the Union flag need not be flown on the designated days related to a member of the Royal Family who has died. These changes would align the rules in Northern Ireland with those in the rest of the UK. The instrument also makes proposals for the Union flag to be flown on the Proclamation of a new monarch. As required under the Flags Regulations (Northern Ireland) 2000,⁸ the Secretary of State referred the draft Regulations to the Northern Ireland Assembly. A report of the debate has been provided alongside the Explanatory Memorandum.

Draft Wine (Amendment) Regulations 2021

21. These draft Regulations ensure that the UK meets its legal obligation under Annex 15 to the Trade and Co-operation Agreement (TCA) with the EU in relation to trade in wine. The instrument proposes changes to the lot marking of wine⁹ to allow EU wines to be marketed in Great Britain (GB) bearing a lot code that complies with EU law in a Member State. In addition, the instrument proposes transitional arrangements, so that EU wines that have already been produced, described and labelled but have not yet been put on the market, or those that are already in the supply chain can continue to be sold, on the basis that they met the requirements that were in force before the TCA was implemented. The transition period will be two years for producers and wholesalers of wine and until stocks have been exhausted for retailers.
22. The instrument also proposes changes to ensure that wines from the EU and other third countries imported into GB will not require a certificate and analysis report (known as a VI-1 certificate). The Department for Food, Environment and Rural Affairs (Defra) says that VI-1 certificates “serve no purpose to business or the consumer, and simply add unnecessary costs to the trade in wine”. We understand that this change has been welcomed by the wine industry which estimates that it will save the industry around £100 million per year.¹⁰ Defra told us that GB wine exported to the EU will have to be accompanied by a self-certified certificate which is “essentially a simplified version of a full VI-1 certificate” that can be authorised by the consigner exporting the wine and does not require a full analytical report other than details of the alcohol content.
23. While this instrument does not apply to Northern Ireland (NI), the Explanatory Memorandum states that arrangements for moving GB wine to NI will be looked at again once the current negotiations on the NI Protocol

8 Flags Regulations (Northern Ireland) 2000 (SR 2000/347).

9 Lot marking is used to track wine products that have been produced, prepared or packaged under the same conditions.

10 Wine and Spirit Trade Association, ‘WSTA scores historic win as Government announce scrapping of arduous and unnecessary wine paperwork’: <https://www.wsta.co.uk/archives/press-release/wsta-scores-historic-win-as-government-announce-scrapping-of-arduous-and-unnecessary-wine-paperwork> [accessed 3 December 2021].

have been concluded. Defra told us that most movements of GB wine to NI currently fall within the Scheme for Temporary Agri-food Movements to Northern Ireland (STAMNI) which allows authorised traders such as supermarkets and their trusted suppliers to move some goods on the basis that they have completed the necessary compliance declaration and without the need for official certification. Defra added that because movements of GB wine to NI are very small, such movements may also fall below the 100 litre de-minimis requirements for a VI-1 certificate.

Draft Surveillance Camera Code of Practice 2021

24. This Code of Practice provides guidance on the appropriate use of surveillance camera systems by local authorities and the police based around 12 principles. Originally published in 2013, it is being updated to take account of legislative developments in data protection and to reflect the judgment in a case taken co-operatively to clarify the law on police use of live facial recognition: *Bridges v South Wales Police*.¹¹
25. Live facial recognition uses software that scans a crowd, matching 50 faces per second against a “watchlist” database (for example people wanted by the courts, suspects, and those whose presence at the location is in breach of bail conditions or other restrictions.) The South Wales Police, who are piloting the technology, often mount cameras on police cars as a mobile unit and, although they take steps to inform the public using Twitter and A2 size posters and handing out postcard-size notices in the vicinity of each deployment, the court concluded that a large number of people whose facial biometrics are captured by the system would be unaware of it happening.
26. The revised Code reflects the judgment by restricting the use of live facial recognition to places where the police have reasonable grounds to expect someone on a watchlist to be: it cannot be used for “fishing expeditions”. The Code now requires that if there is no suggested facial matches with the watchlist, the biometric data of members of the public filmed incidentally in the process should be deleted immediately. Because the technology is new, the revised Code also emphasises the need to monitor its compliance with the public sector equality duty to ensure that the software does not contain unacceptable bias. We note that a variety of regulators are mentioned in the Code and urge the authorities always to make clear to whom a person who objects to the surveillance can complain.

¹¹ Court of Appeal (Civil Division), *Bridges vs. South Wales Police*, [\[2020\] EWCA Civ 1058](#) (August 2020).

INSTRUMENTS NOT DRAWN TO THE SPECIAL ATTENTION OF THE HOUSE

Draft instruments subject to affirmative approval

- Draft Flags (Northern Ireland) (Amendment) Regulations 2021
Draft Wine (Amendment) Regulations 2021

Draft instruments subject to annulment

- Draft Surveillance Camera Code of Practice

Instruments subject to annulment

- SI 2021/1278 Greater London Authority (Consolidated Council Tax Requirement Procedure) Regulations 2021
SI 2021/1300 UK Statistics (Amendment etc.) (EU Exit) Regulations 2021
SI 2021/1308 Occupational Pensions (Revaluation) Order 2021
SI 2021/1309 Environmental Authorisations (Scotland) Regulations 2018 (S.2) (Transitional and Savings Provisions) Order 2021
SI 2021/1310 Redress for Survivors (Historical Child Abuse in Care) (Scotland) Act 2021 (Consequential Provisions) Order 2021
SI 2021/1367 Health Protection (Coronavirus, International Travel and Operator Liability) (England) (Amendment) (No. 22) Regulations 2021

APPENDIX 1: DRAFT MOTOR VEHICLES (DRIVING LICENCES) (AMENDMENT) (NO. 5) REGULATIONS 2021

Letter from Baroness Vere of Norbiton, Minister for Roads, Buses and Places at the Department for Transport, to Lord Hodgson of Astley Abbots, Chair of the Secondary Legislation Scrutiny Committee

I am writing to inform you of a statutory instrument laid in the House on 23 November 2021; the draft Motor Vehicles (Driving Licences) (Amendment) (No. 5) Regulations 2021. These regulations replicate those first laid on 16 September 2021 as the Motor Vehicles (Driving Licences) (Amendment) (No. 2) Regulations 2021.

The regulations were not approved in time for the intended coming into force date of 15 November 2021. This rendered those regulations inoperable as such affirmative statutory instruments cannot be amended once laid in draft, they also cannot come into force before being made and cannot be made until approved in each House. It is not possible under the relevant powers of the Road Traffic Act 1988 to make corrective retrospective legislation, which would have been the only other option available to solve the inoperability.

As such, the regulations must be re-laid as a new statutory instrument with the only substantive changes being the title and the coming into force provisions. Accordingly, the explanatory memorandum also replicates the contents of the original explanatory document, save for the corresponding necessary amendments and clarification.

I can reassure you that this is a matter of procedure only and that the context for bringing forward the regulations remain as before. In view of this, I hope that the scrutiny of the draft Motor Vehicles (Driving Licences) (Amendment) (No. 5) Regulations 2021 regulations is not onerous and would be grateful for your support in considering them urgently. The effect of these regulations remains as before by removing the need for drivers to take an additional test in order to tow heavy trailers behind their cars. By doing so, it will allow around 30,000 more HGV tests to take place every year, with testing capacity diverted to HGV tests.

24 November 2021

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

Thank you for your letter of 24 November requesting the Committee's urgent consideration of the draft Motor Vehicles (Driving Licences) Amendment (No. 5) Regulations 2021. You state that these Regulations are almost identical to the No. 2 Regulations laid on 16 September 2021 and on which we reported, at some length, in our 15th Report of this session.

Given the similarity between the two sets of Regulations, we are surprised and disappointed that the Explanatory Memorandum accompanying the No. 5 Regulations does not acknowledge our report on the No. 2 Regulations and so provides no answers to the points we had raised—even though the points were supported in debate by several members of the House, as can be seen from the Hansard of Tuesday 9 November. In advance of our consideration of the No. 5 Regulations, therefore, we would be grateful if you could explain the reasons for this omission.

30 November 2021

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

Thank you for your letter of 30 November. Please accept my apologies that the Explanatory Memorandum did not address the points you raised in your report on the No.2 Regulations. We did not intend to be evasive and I hope this letter will sufficiently explain the rationale behind the approach we took.

In my letter of 13 October, I explained that my officials were progressing the Impact Assessment. I was able to share additional analysis that had been taken on the impact on road safety from the proposed measure to remove the car and trailer test.

I am pleased to report the Impact Assessment has now been submitted to the Regulatory Policy Committee for their scrutiny. Their recommendations are expected in January and the Impact Assessment will be published following that, early in the new year. I acknowledge this is not a situation that we would have preferred and fully understand that this is not best practice, however, on balance it has been necessary in order to swiftly take action to address the challenges of the driver shortage.

I believed it would be inappropriate to amend the Explanatory Memorandum in anticipation of the opinion of the Regulatory Policy Committee. Road safety is of course of the utmost importance, which is why we have committed to review this legislation at regular intervals, initially after three years have passed and thereafter at five-year intervals. We are committed to collecting further data to inform this review.

I am grateful to the noble Lords for their participation in the debate on 9 November and would like to reiterate my thanks for their questions. I hope my letter dated 29 November 2021 sufficiently addressed the questions they raised during the debate. I have also provided copy of this letter.

I am grateful to noble Lords for their continued assistance with scrutiny of this legislation.

6 December 2021

APPENDIX 2: 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 monthly update of sunset provisions in statutory instruments (SIs) made in response to the pandemic for six months. As of 30 November the Government has laid 409 Coronavirus-related SIs, of which 38 containing a specific sunset provision have not yet expired or have been extended.

This month's update follows the same format as last month's. Annex A sets out the SIs that have been laid in response to the pandemic that include a specific sunset provision and which are still in force or contain provisions which have been extended. Annex B contains temporary regulations which have been made permanent. Annex C contains a list of SIs which have expired.

Five SIs relating to the emergence of the "Omicron" Coronavirus variant were laid in Parliament on 29 November:

- Three update regulations relating to international travel and so-called "Red List" countries. All three of these amend the SI in row 36 of Annex A, which expires on 16 May 2022.
- One, the Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England)(Amendment) (No. 4) Regulations 2021, amends the SI in row 37, which expires on 24 March 2022.
- One SI is not dependent on previous SIs and has been added in row 38.

I hope that this information is helpful to the Committee. Please note that in line with my commitment to provide updates until the end of the year, next month's letter will be the final update.

Annex A - Provisions still in force

	Dept	Title	Sunset Provision
1	MoJ	The Prison and Young Offender Institution (Coronavirus) (Amendment) (No. 2) Rules 2020	25/03/2022
2	MoJ	The Competition Appeals Tribunal (Coronavirus) (Recording and Broadcasting) Order 2020	25/03/2022
3	MoJ	The Secure Training Centre (Amendment) (Coronavirus) Rules 2020	25/03/2022
4	MoJ	The Wills Act 1837 (Electronic Communications) (Amendment) (Coronavirus) Order 2020	31/01/2022
5	MoJ	The Prison and Young Offender Institution (Coronavirus, etc.) (Amendment) (No. 3) Rules 2020	25/03/2022
6	CO	The Mayoral and Police and Crime Commissioner Elections (Coronavirus, Nomination of Candidates) (Amendment) Order 2021	28/02/2022
7	CO	The Local and Greater London Authority Elections (Coronavirus, Nomination of Candidates) (Amendment) (England) Rules 2021	28/02/2022
8	CO	The Representation of the People (Proxy Vote Applications) (Coronavirus) Regulations 2021	28/02/2022
9	DWP	The Universal Credit (Extension of Coronavirus Measures) Regulations 2021	31/07/2021 - These regulations have expired, except for Minimum Income Floor (MIF) provisions, which have been extended. See row below.
10	DWP	The Universal Credit (Coronavirus) (Restoration of the Minimum Income Floor) Regulations 2021	31/07/2022
11	DLUHC	The Coronavirus Act 2020 (Residential Tenancies: Protection from Eviction) (Amendment) (England) Regulations 2021	31/05/2021 - These regulations were extended. See row below.

12	DLUHC	The Coronavirus Act 2020 (Residential Tenancies: Protection from Eviction) (Amendment) (England) (No. 2) Regulations 2021	30/09/2021 - These regulations have expired, except the ability to apply longer notice periods. See row below.
13	DLUHC	The Coronavirus Act 2020 (Residential Tenancies and Notices) (Amendment and Suspension) (England) Regulations 2021	25/03/2022
14	DLUHC	The Business Tenancies (Protection from Forfeiture: Relevant Period) (Coronavirus) (England) (No. 3) Regulations 2020	31/03/2021 - These regulations were extended. See row below.
15	DLUHC	The Business Tenancies (Protection from Forfeiture: Relevant Period) (Coronavirus) (England) Regulations 2021	30/09/2021 - These regulations have been extended. See row below.
16	DLUHC	The Business Tenancies (Protection from Forfeiture: Relevant Period) (Coronavirus) (England) (No. 2) Regulations 2021	25/03/2022
17	DLUHC	The Town and Country Planning (General Permitted Development) (Coronavirus) (England) (Amendment) Order 2020	31/12/2020 - These regulations have been extended. See row 21.
18	DLUHC	The Town and Country Planning (Development Management Procedure) (England) Coronavirus (Amendment) Order 2020	31/12/2020 - These regulations have been extended. See row 21.
19	DLUHC	The Town and Country Planning (Local Planning) (England) (Coronavirus) (Amendment) Regulations 2020	31/12/2020 - These regulations have been extended. See row 21.
20	DLUHC	The Town and Country Planning (Spatial Development Strategy) (Coronavirus) (Amendment) Regulations 2020	31/12/2020 - These regulations have been extended. See row 21.
21	DLUHC	The Town and Country Planning (Local Planning, Development Management Procedure, Listed Buildings etc.) (England) (Coronavirus) (Amendment) Regulations 2020	31/12/2021

22	DWP	The Employment and Support Allowance and Universal Credit (Coronavirus Disease) Regulations 2020	12/11/2020 - These regulations were extended. See row below.
23	DWP	The Employment and Support Allowance and Universal Credit (Coronavirus Disease) (Amendment) Regulations 2020	12/05/2021 - These regulations expired, except the Employment Support Allowance provisions, which were extended. See row below.
24	DWP	The Social Security (Coronavirus) (Miscellaneous Amendments) Regulations 2021	12/11/2021 - The Employment Support Allowance provisions are being further extended. See row below.
25	DWP	The Employment and Support Allowance and Universal Credit (Coronavirus Disease) (Amendment) Regulations 2021	24/03/2022
26	DfE	The School Admissions (Appeals Arrangements) (England) (Amendment) (Coronavirus) Regulations 2020	31/01/2021 - These regulations were extended. See row below.
27	DfE	The School Admissions (England) (Coronavirus) (Appeals Arrangements) (Amendment) Regulations 2021	30/09/2021 - These regulations have been extended. See row below.
28	DfE	The School Admissions (England) (Coronavirus) (Appeals Arrangements) (Amendment) (No. 2) Regulations 2021	30/09/2022
29	BEIS	The Corporate Insolvency and Governance Act 2020 (Coronavirus) (Extension of the Relevant Period) (No. 2) Regulations 2020	31/03/2021 - These regulations were extended. See row below.
30	BEIS	The Corporate Insolvency and Governance Act 2020 (Coronavirus) (Extension of the Relevant Period) Regulations 2021	30/06/2021 - These regulations were extended. See row below.

31	BEIS	The Corporate Insolvency and Governance Act 2020 (Coronavirus) (Extension of the Relevant Period) (No. 2) Regulations 2021	30/09/2021-These regulations were extended, with tapering measures introduced. See row below.
32	BEIS	The Corporate Insolvency and Governance Act 2020 (Coronavirus) (Amendment of Schedule 10) (No. 2) Regulations 2021	31/03/2022
33	BEIS	The Corporate Insolvency and Governance Act 2020 (Coronavirus) (Change of Expiry Date) Regulations 2021	29/04/2022
34	BEIS	The Feed-in Tariffs (Amendment) (Coronavirus) (No. 2) Order 2020	<p>These regulations contain multiple expiry dates depending on which provisions they apply to:</p> <p>Anaerobic digestion and wind installations - 31/03/2021 (expired)</p> <p>Community solar installations - 31/03/2021 (expired)</p> <p>Community anaerobic digestion and wind installations - 30/09/2021 (expired)</p> <p>Hydro installations - 31/03/2022</p> <p>Community hydro installations - 30/09/2022</p>
35	DIT	The Health Protection (Coronavirus, Public Health Advice for Passengers) (England) Regulations 2020	08/06/2021- These have been extended. See row below.
36	DIT	The Health Protection (Coronavirus, International Travel and Operator Liability) (England) Regulations 2021	16/05/2022

37	DHSC	The Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) Regulations 2020	24/03/2022
38	DHSC	The Health Protection (Coronavirus, Wearing of Face Coverings) (England) Regulations 2021	20/12/2021

Annex B - Provisions that have been made permanent

Dept	Title
DLUHC	<p>The Environmental Assessment of Plans and Programmes (Coronavirus) (Amendment) Regulations 2020</p> <p>was made permanent by</p> <p>The Environmental Assessment of Plans and Programmes (Amendment) Regulations 2020</p>
DLUHC	<p>The Infrastructure Planning (Publication and Notification of Applications etc.) (Coronavirus) (Amendment) Regulations 2020</p> <p>was made permanent by</p> <p>The Infrastructure Planning (Publication and Notification of Applications etc.) (Amendment) Regulations 2020</p>
DfE	<p>The Schools Forums (England) (Coronavirus) (Amendment) Regulations 2020</p> <p>was made permanent by</p> <p>The School and Early Years Finance (England) Regulations 2021</p>
DfT	<p>The Traffic Order Procedure (England) (Coronavirus) (Amendment) Regulations 2020</p> <p>The transitional provisions to preserve continuity following the expiry of the amendments are in force permanently. Other provisions have expired.</p>

Annex C - Expired Provisions

Dept	Title
DHSC	The Health Protection (Coronavirus) Regulations 2020 This SI was revoked and replaced by the Coronavirus Act 2020
DHSC	The Health Protection (Coronavirus, Business Closure) (England) Regulations 2020
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
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

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
DIT	The Health Protection (Coronavirus, Pre-Departure Testing and Operator Liability) (England) (Amendment) Regulations 2021
DLUHC	The Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) (Amendment) (England) Regulations 2021
DLUHC	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
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
DHSC	The Safeguarding Vulnerable Groups Act 2006 (Regulated Activities) (Coronavirus) Order 2020
BEIS	The Employment Rights Act 1996 (Coronavirus, Calculation of a Week's Pay) (Amendment) Regulations 2021
BEIS	The Employment Rights Act 1996 (Coronavirus, Calculation of a Week's Pay) (Amendment) (No. 2) Regulations 2021
DfE	The Adoption and Children (Coronavirus) (Amendment) (No. 2) Regulations 2020
DWP	The Social Security (Coronavirus) (Further Measures) Regulations 2020
DWP	The Social Security (Coronavirus) (Prisoners) Regulations 2020
DWP	The Social Security (Coronavirus) (Further Measures) (Amendment) and Miscellaneous Amendment Regulations 2020
DHSC	The Health Protection (Coronavirus, Restrictions) (Steps etc.) (England) (Revocation and Amendment) Regulations 2021

30 November 2021

APPENDIX 3: INTERESTS AND ATTENDANCE

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

For the business taken at the meeting on 7 December 2021, Members declared no interests.

Attendance:

The meeting was attended by Lord Chartres, Lord Cunningham of Felling, Lord German, Viscount Hanworth, Lord Hodgson of Astley Abbots, the Earl of Lindsay, Lord Lisvane, and Lord Sherbourne of Didsbury.