

# HOUSE OF LORDS

## Merits of Statutory Instruments Committee

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19th Report of Session 2010-11

Drawing special attention to:

### **Transfer of Functions (Dormant Accounts) Order 2010**

Correspondence:

### **Rail Passengers' Rights and Obligations (Exemptions) Regulations 2009**

### **Statement of Changes in Immigration Rules**

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### *The Select Committee on the Merits of Statutory Instruments*

The Committee has the following terms of reference:

- (1) The Committee shall, subject to the exceptions in paragraph (2), consider—
  - (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 paragraph (3).
- (2) The exceptions are—
  - (a) remedial orders, and draft remedial orders, under section 10 of the Human Rights Act 1998;
  - (b) draft orders under sections 14 and 18 of the Legislative and Regulatory Reform Act 2006, and subordinate provisions orders made or proposed to be made under the Regulatory Reform Act 2001;
  - (c) Measures under the Church of England Assembly (Powers) Act 1919 and instruments made, and drafts of instruments to be made, under them.
- (3) The grounds on which an instrument, draft or proposal may be drawn to the special attention of the House are—
  - (a) that it is politically or legally important or gives rise to issues of public policy likely to be of interest to the House;
  - (b) that it may be inappropriate in view of changed circumstances since the enactment of the parent Act;
  - (c) that it may inappropriately implement European Union legislation;
  - (d) that it may imperfectly achieve its policy objectives.
- (4) The Committee shall also consider such other general matters relating to the effective scrutiny of the merits of statutory instruments and arising from the performance of its functions under paragraphs (1) to (3) as the Committee considers appropriate, except matters within the orders of reference of the Joint Committee on Statutory Instruments.

### *Members*

The members of the Committee are:

Rt Hon. the Baroness Butler-Sloss GBE	The Lord Methuen
The Lord Eames OM	Rt Hon. the Baroness Morris of Yardley
Rt Hon. the Lord Goodlad ( <i>Chairman</i> )	The Lord Norton of Louth
The Baroness Hamwee	The Lord Plant of Highfield
The Lord Hart of Chilton	Rt Hon. the Lord Scott of Foscote
The Lord Lucas	

### *Registered interests*

Members' registered interests may be examined in the online Register of Lords' Interests at [www.publications.parliament.uk/pa/ld/ldreg.htm](http://www.publications.parliament.uk/pa/ld/ldreg.htm). The Register may also be inspected in the House of Lords Record Office and is available for purchase from the Stationery Office.

Declared interests for this Report are in Appendix 3.

### *Publications*

The Committee's Reports are published by the Stationery Office by Order of the House in hard copy and on the internet at [www.parliament.uk/parliamentary\\_committees/merits.cfm](http://www.parliament.uk/parliamentary_committees/merits.cfm)

### *Contacts*

If you have a query about the Committee or its work, please contact the Clerk of the Merits of Statutory Instruments Committee, Delegated Legislation Office, House of Lords, London SW1A 0PW; telephone 020-7219 8821; fax 020-7219 2571; email [merits@parliament.uk](mailto:merits@parliament.uk). The Committee's website, [www.parliament.uk](http://www.parliament.uk), has guidance for the public on how to contact the Committee if you have a concern or opinion about any new item of secondary legislation.

### *Statutory instruments*

The National Archives publishes statutory instruments on the internet on behalf of the Government at [www.legislation.gov.uk/ukxi](http://www.legislation.gov.uk/ukxi), together with an explanatory memorandum (a short, plain-English explanation of what the instrument does) for each instrument.

# Nineteenth Report

## INSTRUMENT DRAWN TO THE SPECIAL ATTENTION OF THE HOUSE

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**The Committee has considered the following instrument and has determined that the special attention of the House should be drawn to it on the ground specified.**

### **Transfer of Functions (Dormant Accounts) Order 2010 (SI 2010/2967)**

*Date laid: 22 December 2010*

*Parliamentary procedure: negative*

*Summary: Although using a fairly standard mechanism to allocate executive powers to an individual Minister, this instrument may be of particular interest to the House since it enables the Minister for the Cabinet Office to determine how the monies from dormant bank accounts will be distributed. Section 16 of the Dormant Bank and Building Society Accounts Act 2008 made provision for the Big Lottery Fund to distribute dormant account money for “meeting expenditure that has a social or environmental purpose”. The EM to this instrument states that, following the Prime Minister’s announcement on 19 July 2010, all the dormant accounts money available for spending in England will go to the Big Society Bank (which will fit the description of a “social investment wholesaler” set out in section 18(1)(c) of the 2008 Act), potentially marginalising the other purposes for the money set out in that section. The Cabinet Office is aiming to establish the Big Society Bank by April 2011. At this stage the purposes for which money from the Big Society Bank will be used have not yet been clearly stated, so the House may wish to seek reassurance that the directions issued by the Minister will match their expectations of how the English share of the money raised by the 2008 Act will be spent and whether they will result in any additional administration costs.*

**This Order is drawn to the special attention of the House on the ground that it may give rise to issues of public policy likely to be of interest to the House.**

1. The Cabinet Office has laid this instrument under section 1 of the Ministers of the Crown Act 1975 along with an Explanatory Memorandum (EM).
2. The Order amends the Dormant Bank and Building Societies Act 2008 (“the 2008 Act”) to transfer functions of the Secretary of State to the Minister for the Cabinet Office. This will give the Minister responsibility for:
  - issuing spending directions to the Big Lottery Fund for how dormant accounts money is to be spent in England (by letter);
  - determining how the money will be distributed between England and the Devolved Administrations; and
  - adding or removing distributors (by means of an affirmative statutory instrument).
3. The Act gained Assent on 26 November 2008 – although much preparatory activity has apparently been going on in Whitehall, funds from dormant bank accounts are not yet being distributed via the Big Lottery Fund. For the time

being the changes in this instrument would allow the Cabinet Office Minister to issue spending directions to the Big Lottery Fund for how dormant accounts money is to be spent in England. Such directions will be made by (published) letter although only within the limits set out in the Act: no statutory instrument is required and so there would be no opportunity for Parliamentary scrutiny at that stage. In line with the 2008 Act, the Cabinet Office will shortly be consulting the three Devolved Administrations and the Big Lottery Fund on the formula for determining how the money will be divided between them. The Cabinet Office Minister will only have the power to direct spending of the English portion. The Devolved Administrations will individually determine, by order, the purposes for which, or the kind of persons to which, their share of the dormant account money can be distributed.

4. Section 16 of the Dormant Bank and Building Society Accounts Act 2008 made provision for the Big Lottery Fund to distribute dormant account money for “meeting expenditure that has a social or environmental purpose”. Section 18(1) of the Act sets out certain purposes for the English portion of the money only:

“(1) A distribution of the dormant account money for meeting English expenditure must be

- (a) made for meeting expenditure on or connected with the provision of services, facilities or opportunities to meet the needs of young people;
- (b) made for meeting expenditure on or connected with
  - i. the development of individuals’ ability to manage their finances, or
  - ii. the improvement of access to personal financial services; or
- (c) made to a social investment wholesaler.”

*Big Society Bank*

5. Paragraph 7.3 of the EM explains that the rationale for transferring the powers to the Minister for the Cabinet Office is because he has policy responsibility for the Big Society Bank. On 19 July 2010, the Prime Minister announced that all dormant accounts money available for spending in England would go to the Big Society Bank, which will fit the description of a “social investment wholesaler” set out in section 18 of the 2008 Act. According to the Cabinet Office structural reform plan the aim is to establish the Big Society Bank by April 2011 although indications are that distribution of monies from it will not commence until the summer of 2011.
6. In his speech on 19 July 2010 in Liverpool announcing the Bank, the Prime Minister said that “The Big Society Bank will ensure that all the money from dormant bank accounts made available to England is put to good use for the benefit of society. By expanding the social investment market place and helping to attract extra private sector investment it is expected that over time the Bank will generate hundreds of millions of pounds for charities, social enterprises and voluntary groups to fund social projects across the country, creating opportunities for social action and community involvement. As a wholesale organisation, the Bank will invest in financial intermediaries in the social investment market, who in turn will increase access to finance for frontline, social organisations.”

7. In an open letter on 14 October 2010, Nick Hurd, Minister for Civil Society, said “our recent strategy document, *Building a Stronger Civil Society*, set out the Government’s policy and plans for the new relationship between the sector and the state, including our determination to maximise the opportunities for the sector to compete to offer high quality services to the public...We want to see voluntary, community and social enterprise sector organisations have a much greater role in running public services. ... In the longer term, we want to help build a social investment market to unlock new and different sources of finance for social enterprises and other civil society organisations. The Big Society Bank will work through social investment intermediaries, and will be funded using money from Dormant Accounts... The Government has committed to setting up a Big Society Bank to grow the social enterprise market and so make it easier for social entrepreneurs to access capital. It will help prove to mainstream investors that you can invest for social impact and get a financial return. In doing so it will open up a new pillar of funding to the sector to sit alongside philanthropy and public investment....In order to build the market and not distort it, the Big Society Bank will act in a strictly wholesale capacity. Therefore it will invest only through new and existing social investment intermediaries and will not deal directly with front line organisations.”<sup>1</sup>

*Conclusion*

8. The infrastructure of the Big Lottery Fund is already up and running, and using it as a conduit offered potential economies of scale. **The House may wish to enquire whether the policy proposals will result in any additional administration costs.**
9. Although Ministerial directions are limited to the purposes set out in sections 16 and 18 of the 2008 Act, it is obvious that if 100% of the dormant accounts money for spending in England is to be used to fund the Big Society Bank as a “social investment wholesaler”, there will be no money going directly from this source to services for young people or the financial education objectives set out in Section 18(1) (a) and (b) of the Act. The Cabinet Office says that the Government is still developing policy on the establishment of the Bank and, at this stage, the purposes for which money from the Big Society Bank will be used have not yet been clearly stated. **The House may therefore wish to seek reassurance that the directions issued by the Minister will match their expectations of how the English share of the money raised by the 2008 Act will be spent.**

**OTHER INSTRUMENTS OF INTEREST**

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***Draft Investment Bank (Amendment of Definition) Order 2011***

***Draft Investment Bank Special Administration Regulations 2011***

10. Following the insolvency of Lehman Brothers, the Government began a review of the existing insolvency law regarding investment banks which hold client assets. These two linked draft SIs have come out of that review. The draft Regulations provide for a new special administration regime (“SAR”)

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<sup>1</sup> [http://www.cabinetoffice.gov.uk/sites/default/files/resources/open-letter-to-sector\\_0.pdf](http://www.cabinetoffice.gov.uk/sites/default/files/resources/open-letter-to-sector_0.pdf)

for investment banks. The draft Order amends the Banking Act 2009 to clarify what is meant by the term “client assets” and therefore the types of institution that can be brought within the scope of the draft Regulations. The Government has consulted on the proposals and also taken into account the views of an Investment Banking Liaison Panel of industry practitioners (Explanatory Memorandums (EMs) section 8). The EMs say that there will be no costs to firms as a result of the draft Order; and the Government consulted on the basis of the costs of the SAR being negligible (although there may be some costs associated with planning and risk assessment) (EMs section 10).

***Draft Misuse of Drugs Act 1971 (Amendment) Order 2011***

11. The main changes resulting from this draft Order concern Tapentadol, a recently developed painkiller, and Amineptine, an antidepressant. The draft Order adds Tapentadol to Part 1 of Schedule 2 to the Misuse of Drugs Act 1971 (“the 1971 Act”) which specifies drugs which are subject to control as Class A drugs under that Act; and adds Amineptine to Part 3 of Schedule 2 of the 1971 Act which specifies drugs which are subject to control as Class C drugs under that Act. Both these changes follow the recommendations of the Advisory Council on the Misuse of Drugs (ACMD). The UK is obliged to control Amineptine under domestic legislation because the Commission on Narcotic Drugs (CND), the central policy-making body of the United Nations on drug related matters, has included it in the Convention on Psychotropic Substances of 1971 (see Impact Assessment page 6). As the CND decision was made in 2003, the House may wish to explore the reasons for the delay. The Home Office has not carried out any consultation other than taking the ACMD’s consideration on the two drugs (see Explanatory Memorandum paragraph 8.1), and the House may therefore also wish to satisfy itself that the review processes for the changes are sufficiently robust.

***Education (Local Authority and School Performance Targets) (Revocation and Amendment) (England) Regulations 2010 (SI 2010/3014)***

12. These Regulations remove the requirement for local authorities to set education performance targets and to submit these to the Secretary of State for approval. The Explanatory Memorandum (EM) says this is to release local authorities from a bureaucratic burden (EM paragraph 4.2) although they will still be able to develop their own plans (EM paragraph 7.1). The Secretary of State wrote to all local authorities on 4 November 2010 announcing this change (EM paragraph 7.1). Schools continue to be required to set performance targets and to submit these to local authorities, and local authorities are still required to submit school performance target information to the Secretary of State (EM paragraph 7.2).

***Criminal Procedure (Amendment No 2) Rules 2010 (SI 2010/3026)***

13. Twice a year the Criminal Procedure Rule Committee issues revisions to the rules of court that respond to observations about how court cases are managed and conducted with the aim of making the process clearer and more efficient. This particular example is notable because it codifies

procedures on how to deal with contempt of court in criminal proceedings, which, until now, have been in common law or a matter of practice.

### **RAIL PASSENGERS' RIGHTS AND OBLIGATIONS (EXEMPTIONS) REGULATIONS 2009 (SI 2009/2970): CORRESPONDENCE**

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14. The instrument, which was originally considered by the Committee in December 2009, took up a five year derogation from all the optional provisions of an EC Regulation on protections for rail passengers, including, for example, certain provisions on access for those with challenged mobility and on the degree of support and recompense passengers may be entitled to if a train is delayed or cancelled. The Committee reported the instrument as inappropriately implementing EU legislation, largely because the Department seemed to have insufficient information to make an informed decision about the pros and cons of delay or implementation, two years after the EC Regulation had been agreed.<sup>2</sup> The then Secretary of State for Transport, Lord Adonis, wrote apologising for the defects in the way the legislation and EM had been handled; those letters were published in our 4th and 6th reports of the 2009-10 Session. The second letter set out the extent to which similar protections were already offered by domestic regulation, and where the derogation meant that additional benefits were being foregone.
15. The Committee has now received a letter from the current Minister for Transport, Theresa Villiers, updating the Committee on the current position, which explains that the blanket exemption will be maintained for the full five years. At that stage another instrument could be brought forward to continue the exemptions for a further 5 or 10 years. In her letter the Minister states that the decision to maintain the exemption is “unlikely to disadvantage passengers significantly”. The letter is printed in Appendix 1. Passenger Focus, the organisation representing passengers, has commented:

“Naturally we are disappointed that this decision has been deferred. Passengers that would have benefited will have to wait. While we do not agree about the potential costs that would be incurred, clearly there would be a cost attached. In the current climate all expenditure is under increased scrutiny.

We would ask the DfT to ensure the new provisions are implemented in advance of the review date wherever possible - for instance it can make the new terms part of current franchise negotiations. There are a number of such negotiations coming up within the next 4-5 years. This will also serve to put all train operators ‘on notice’ that the changes are coming and encourage early adoption.”

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<sup>2</sup> 2nd report of Session 2009-10, with subsequent letters in the 4th and 6th reports

## STATEMENT OF CHANGES IN IMMIGRATION RULES (HC 698): CORRESPONDENCE

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16. This Statement was drawn to the special attention of the House in the 17th Report of this Session on the ground that it gives rise to issues of public policy likely to be of interest to the House. The Committee also wrote to the Government setting out our concerns about the limited explanation for the policy change to Tier 1 given effect by this Statement, and seeking reassurance that the Government would provide a better package of supporting information when the full migration limits are introduced in April, and that the next Statement would be laid before Parliament well before it comes into force, to allow time for proper Parliamentary scrutiny. The Committee has now received a response from Damien Green MP, Minister of State for Immigration. The Minister says that the Government will publish a full Impact Assessment when they lay the Statement of Changes in Immigration Rules to give effect to the full limits package, but does not say whether they will provide a more comprehensive explanation of the findings from the consultation on which the Tier 1 change was based. Both letters are printed in Appendix 2.

## INSTRUMENTS NOT DRAWN TO THE SPECIAL ATTENTION OF THE HOUSE

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**The Committee has considered the instruments set out below and has determined that the special attention of the House need not be drawn to them.**

### Draft Instruments subject to affirmative approval

Draft European Union (Definition of Treaties) (Stabilisation and Association Agreement) (Republic of Serbia) Order 2011

Draft Investment Bank Special Administration Regulations 2011

Draft Investment Bank (Amendment of Definition) Order 2011

Draft Misuse of Drugs Act 1971 (Amendment) Order 2011

Draft Offshore Chemicals (Amendment) Regulations 2010

Draft Offshore Petroleum Activities (Oil Pollution Prevention and Control) (Amendment) Regulations 2010

### Instruments subject to affirmative approval

SR 2010/430 Rules of the Court of Judicature (Northern Ireland) (Amendment No. 3) 2010

SI 2010/3038 Civil Procedure (Amendment No. 4) Rules 2010

### Instruments subject to annulment

SI 2010/2962 Plant Health (England) (Amendment) (No. 2) Order 2010

- SI 2010/3014 Education (Local Authority and School Performance Targets) (Revocation and Amendment) (England) Regulations 2010
- SI 2010/3015 Compulsory Purchase (Inquiries Procedure) (Wales) Rules 2010
- SI 2010/3026 Criminal Procedure (Amendment No. 2) Rules 2010
- SI 2010/3030 Police Authority (Amendment No. 3) Regulations 2010
- SI 2010/3035 Motor Fuel (Composition and Content) and Merchant Shipping (Prevention of Air Pollution from Ships) (Amendment) Regulations 2010
- SI 2010/11 Consumer Credit (Amendment) Regulations 2011
- SI 2010/14 Water Supply (Water Quality) (Amendment) Regulations 2011
- SI 2010/54 Public Lending Right Scheme 1982 (Commencement of Variation) Order 2011

## **APPENDIX 1: RAIL PASSENGERS' RIGHTS AND OBLIGATIONS (EXEMPTIONS) REGULATIONS 2009 (SI 2009/2970): CORRESPONDENCE**

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### **Letter from Teresa Villiers MP, Minister for Transport, to Lord Goodlad**

Following your letter to Chris Mole dated 1 December 2009, Lord Adonis wrote to you on 7 and 17 December to explain why it was necessary to put in place SI 2009/2970 which made use to the fullest possible extent of the exemptions available under Regulation EC No. 1371/2007 on Rail Passengers' Rights and Obligations (the Regulation), which came into force automatically on 4 December 2009. This exempted domestic services from the non-core elements of the Regulation for a maximum period of 5 years up to December 2014. At that time it was explained that work on the final decisions on the use of the exemptions was ongoing and that these would be based on appropriate assessments of the impacts of the measures on industry and passengers.

The exempting SI has given us time to fully consider the consultation responses and have further discussions with passenger groups and industry to understand the impacts of the Regulation. We have also reviewed and used the evidence presented by the rail industry to estimate the likely costs and benefits. Reliable estimates of the impact of this Regulation remain hard to achieve - not least because Train Operating Companies (TOCs) have a strong incentive to exaggerate the potential financial and administration burden to increase the sums they can claim from DfT under their franchise agreements.

We have considered the impact on the public purse and the need to reduce industry costs. The DfT would be obliged to make budgetary provision to cover TOCs' additional costs in both existing and new franchises. Under existing franchises, TOCs would be able to recover verifiable costs arising from this Regulation from the DfT through the change of law provisions in their franchise agreements. These detailed and potentially contentious negotiations would be unavoidable to protect public funds, but are in themselves costly. They would also be against the spirit of the coalition's franchise reforms which seek to avoid DfT becoming involved in interventionist management actions if they can sensibly be avoided.

In our considerations we have also been mindful of the costs and burdens to businesses as a result of removing the exemptions. A key principle behind this is the wider franchise reform agenda of reducing micromanagement, as set out in the coalition agreement. We are seeking to avoid unnecessary controls on train operators which limit their commercial freedom and ability to take sensible business decisions.

We have therefore decided to maintain the existing exemptions. In reality, our decision is unlikely to disadvantage passengers significantly. Existing rights, which cover many of the provisions of the Regulation, would not be affected. Mandatory requirements, under licensing conditions, franchising requirements and legislation already benefit persons with reduced mobility and disabilities, protect passengers in the case of delay, and ensure a convenient handling of their claims in case of an accident. I attach the impact assessment that resulted from our considerations.

As mentioned above, the first period of exemption will last until 3 December 2014. It may then be renewed twice, for a further period of up to 5 years each time, but it is not legally possible to decide now that the exemptions are going to run beyond December 2014. We will therefore need to make a further decision in 2014 on the use of the exemptions.

But for now our decision to maintain the existing SI reflects the current financial pressures on rail and our view that some parts of the Regulation would introduce disproportionate cost. This decision is also in line with the Government stance on reducing regulatory burden, meshes with the franchise reform agenda and has no additional costs involved.

11 January 2011

## APPENDIX 2: STATEMENT OF CHANGES IN IMMIGRATION RULES (HC 698): CORRESPONDENCE

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### **Letter from Lord Goodlad to Damian Green MP, Minister for Immigration**

The Committee considered the Statement earlier this week and has drawn it to the special attention of the House on the ground that it gives rise to issues of public policy likely to be of interest to the House.

The Government's policy on migration caps is certainly of high interest to the House, but more importantly to the individuals and organisations affected by the caps. The Committee was therefore disappointed that although the Statement is quite a significant step in the development of the overall policy – it closes down Tier 1 (General) in its current form - the Government has supplied very little explanation as to why it is making this policy decision. At the very least, the Committee would have expected to see an evidence based explanation as to why the Government is changing Tier 1, some measurement of the impact of these changes, and a more comprehensive explanation of the findings from the consultation on which the changes were based.

The Committee would welcome some assurance from you that the Home Office will provide a better package of supporting information when the full migration limits are introduced in April; and that the Statement of Changes will be laid before Parliament well before it comes into force, to allow time for proper Parliamentary scrutiny. I would be grateful if you could respond by 19 January so that I can circulate your letter for our meeting on the 25 January.

11 January 2011

### **Letter from Damian Green MP to Lord Goodlad**

Thank you for your letter concerning the above.

You express a concern that the Government has not provided sufficient explanation, and supporting evidence, of the case for closing the Tier 1 (General) category, which this instrument has the effect of doing. We will be bringing forward a further Statement of Changes to the Immigration Rules to implement the limits package and will at that point publish a full Impact Assessment in connection with the changes. It is my intention that this Statement of Changes will be laid 21 days before it comes into force in order to afford Parliament the normal opportunity for scrutiny.

The Government's intention to close the Tier 1 (General) route permanently was set out in Home Secretary's Statement to the House of 23 November 2010 and that Statement set out the Government's principal reasons for taking that course of action. These included the representations we have received from business groups to the effect that Tier 2 should be given priority over Tier 1 and evidence, which has previously been placed in the public domain, that a significant proportion of those admitted under the Tier 1 (General) category have failed to find skilled work. The Government believes that as a matter of principle that non-EU migrants coming to the UK should be sponsored by their employer. The result of our consultation on limits has also been put in the public domain. UKBA officials have subsequently provided the Clerk to the Committee with more detail on why business groups wished Tier 2 to be given priority over Tier 1.

As a result of the judgement of the courts in the case brought by the Joint Council for the Welfare of Immigrants and the English Community Care Association we were required to take urgent action to place the level of the limits operated under the policy for interim limits on migration, which had already been approved by Parliament through the previous Statements of Changes (HC 59 and 96), onto the face of the Immigration Rules. It was for this reason that HC698 was urgently laid before Parliament on 21 December. The drafting of the instrument has the effect of

closing Tier 1 (General) because the limit on applications under the interim limits policy had already been reached. However, as my Statement of 21 December set out, given that Government had already announced that the Tier 1 (General) route would be closed permanently from April onwards, there would have been no purpose in HC698 providing for further applications over and above the interim limit to be rolled over to a future allocation period. Consequently, HC698 has the effect of closing Tier 1 (General) permanently.

I hope this response provides the assurance you seek.

21 January 2011

### **APPENDIX 3: INTERESTS AND ATTENDANCE**

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Committee Members' registered interests may be examined in the online Register of Lords' Interests at [www.publications.parliament.uk/pa/ld/ldreg.htm](http://www.publications.parliament.uk/pa/ld/ldreg.htm). The Register may also be inspected in the House of Lords Record Office and is available for purchase from The Stationery Office.

For the meeting on 25 January 2011 Members declared no interests on any of the instruments of interest.

#### ***Attendance:***

The meeting was attended by B. Butler-Sloss, L. Goodlad, L. Hart of Chilton, L. Lucas, L. Methuen, B. Morris of Yardley, L. Plant of Highfield and L. Scott of Foscote.