HOUSE OF LORDS

Secondary Legislation Scrutiny Committee

5th Report of Session 2012-13

Draft Green Deal Framework (Disclosure, Acknowledgement, Redress Etc.) Regulations 2012

and three associated instruments

Feed-in Tariffs (Specified Maximum Capacity and Functions) (Amendment No. 2) Order 2012

Draft Renewable Heat Incentive Scheme (Amendment) Regulations 2012

Plus 10 Information Paragraphs on 11 Instruments

Ordered to be printed 26 June 2012 and published 28 June 2012

Published by the Authority of the House of Lords

London: The Stationery Office Limited
£price

HL Paper 22

Secondary Legislation Scrutiny Committee (formerly Merits of Statutory Instruments Committee)

The Committee has the following terms of reference:

(1) The Committee shall, with the exception of those instruments in paragraphs (3) and (4), 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 paragraph (2).

(2) 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.

(3) 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.

(4) The Committee shall report on draft orders and documents laid before Parliament under section 11(1) of the Public Bodies Act 2011 in accordance with the procedures set out in sections 11(5) and (6). The Committee may also consider and report on any material changes in a draft order laid under section 11(8) of the Act.

(5) The Committee shall also consider such other general matters relating to the effective scrutiny of secondary legislation and arising from the performance of its functions under paragraphs (1) to (4) as the Committee considers appropriate, except matters within the orders of reference of the Joint Committee on Statutory Instruments.

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Information about interests of Committee Members can be found in Appendix 3.

Publications

The Committee's Reports are published on the internet at www.parliament.uk/seclegpublications

Information and Contacts

If you have a query about the Committee or its work, including concerns or opinions on any new item of secondary legislation, please contact the Clerk of the Secondary Legislation Scrutiny Committee, Legislation Office, House of Lords, London SW1A 0PW; telephone 020-7219 8821; fax 020-7219 2571; email seclegscrutiny@parliament.uk.

Statutory instruments

The National Archives publishes statutory instruments on the internet at http://www.legislation.gov.uk/, together with a plain English explanatory memorandum.

Fifth Report

INSTRUMENTS DRAWN TO THE SPECIAL ATTENTION OF THE HOUSE

In June, the Department for Energy and Climate Change (DECC) laid a number of statutory instruments relating to energy efficiency (the "Green Deal" and the "Energy Company Obligation"), and to the use of renewable energy and heat technologies (the Feed-In Tariffs Scheme, and the Renewable Heat Incentive Scheme). We draw them to the special attention of the House in this Report. Without rehearsing here the detailed comments which we offer later, we would add that particularly the instruments relating to the "Green Deal" demonstrate again the extent to which broad policy intentions set out in primary legislation are clarified and given detailed substance in later secondary legislation. In our view, the clarificatory function of secondary legislation is an important reason for the House to maintain effective scrutiny of statutory instruments.

The Committee has considered the following instruments and has determined that the special attention of the House should be drawn to them on the grounds specified.

A. Draft Green Deal Framework (Disclosure, Acknowledgement, Redress Etc.) Regulations 2012
Draft Green Deal (Energy Efficiency Improvements) Order 2012
Draft Green Deal (Qualifying Energy Improvements) Order 2012
Draft Electricity and Gas (Energy Company Obligation) Order 2012

Dates laid: 11 and 13 June
Parliamentary Procedure: affirmative

Summary: The first three of these draft instruments relate to the implementation of the "Green Deal". The Energy Act 2011 provides for a new type of arrangement for the installation of energy efficiency measures, called a "Green Deal plan", which allows for energy efficiency measures to be installed in a property and then paid for wholly or partly in instalments which are collected on electricity bills for the property. The fourth instrument relates to the Energy Company Obligation, which is aimed at delivering energy efficiency and heating measures to low-income and vulnerable households.

These instruments are drawn to the special attention of the House on the ground that they give rise to issues of public policy likely to be of interest to the House.

1. In its Explanatory Memorandum ("EM") relating to the first three of these SIs, the Department for Energy and Climate Change ("DECC") states that the Energy Act 2011 ("the 2011 Act") made provision for the development of a "Green Deal". DECC states that the Green Deal aims to overcome difficulties in accessing capital for energy efficiency improvement measures, and also mismatched incentive problems, such as individuals only investing in energy efficiency measures for the length of their own expected tenure in a property, as well as providing a trustworthy framework of advice, assurance and accreditation for the energy efficiency supply chain.

2. In the EM relating to the fourth instrument, DECC states that the Energy Company Obligation ("ECO") addresses two key circumstances where Green Deal finance may not remove all upfront costs by providing additional financial assistance to low-income households and to households in more difficult and expensive to improve homes. By delivering energy efficiency and heating measures to such households the ECO will also help to tackle fuel poverty.

3. DECC states that, through secondary legislation under the 2011 Act, a scheme has been developed which provides that the instalments under a Green Deal plan are paid by way of the electricity bill for the property, by the person who is the bill-payer at the time that the instalment is due. When there is a change of electricity bill-payer for a property, the obligation to pay Green Deal instalments remains with the property and is passed to the new bill-payer. The disclosure and acknowledgment requirements that will be in place are designed to ensure that the new energy bill-payer is made aware of the Green Deal plan.

4. The **draft Green Deal Framework (Disclosure, Acknowledgment, Redress etc.) Regulations 2012** ("the Framework Regulations") create an authorisation regime to regulate the conduct of key players in the assessment, provision and installation of energy efficiency improvements under Green Deal plans. The Regulations also include conditions that must be met when a Green Deal plan is established; requirements to ensure that people moving into or acquiring an interest in a property are made aware of a Green Deal plan in advance; and provision for enforcement.

5. The **draft Green Deal (Energy Efficiency Improvements) Order 2012** ("the Energy Efficiency Order") sets out sources of energy and types of micro-generation measures for the purpose of defining "energy efficiency improvements" in the 2011 Act. The **draft Green Deal (Qualifying Energy Improvements) Order 2012** ("the Qualifying Improvements Order") sets out the kinds of energy efficiency improvements that can be installed under a Green Deal plan.

6. Section 7 of DECC's EM sets out at length the detail of the provisions contained in the SIs. Of particular interest, in the context of consumer protection, is the information about the conditions relating to Green Deal plans specified in the *Framework Regulations* (paragraph 7.10 onwards). DECC states that the conditions implement the principle that the instalments in the first year of a Green Deal plan should not exceed the Green Deal provider's estimate of the annual savings on energy bills, and that the period over which instalments are payable should not exceed the period for which the improvements are likely to be effective.

7. DECC states that this principle is at the heart of the Government's policy on the Green Deal, and is often referred to as the "Golden Rule", and that the safeguards built into the Golden Rule will ensure customers can have a reasonable expectation of the savings estimates predicted for the first and any subsequent bill payers. The extent to which estimates of savings from Green Deal measures will relate to individual, rather than typical, households is an issue which is raised in the correspondence about these instruments that we have received (see paragraph 15 below). While interest rates are fixed for plans for domestic properties, Regulation 33 provides that the overall amount of instalments (including the component representing interest) can increase by 2% per year, in order to account for likely increases in energy

prices. The Regulations also prevent the inclusion in a Green Deal plan of a term in which customers are prohibited from switching energy supplier; DECC comments that this is an important protection to ensure that customers with a Green Deal plan are still able to switch supplier.

8. In the EM, DECC states that the Framework Regulations set out requirements with which authorised certification bodies and Green Deal participants must comply, and that these include a requirement to comply with the Green Deal Code of Practice (provided for at Regulation 10). We understand that DECC intends to publish the Code of Practice this week, and that it will be laid before Parliament.

9. The Framework Regulations contain provisions on appeals, at Regulation 87. We note that these include provisions that the First Tier Tribunal must determine the standard of proof in any case (87(2)); and also that the Tribunal may suspend a decision pending determination of an appeal (87(3)). DECC has informed us that, while it considers all of the sanctions under the Green Deal to be civil in nature, it is considered appropriate to give the Tribunal some discretion to determine the appropriate standard of proof to apply; and also that a duty on the Tribunal to suspend sanctions in every case would be too inflexible and risk injustice or (in some cases) harm to consumers. In our view, while it may be reasonable to allow the Tribunal such discretion, it would be appropriate for the Department to give a clearer indication of how the discretion is to be exercised, given that there is potentially a wide range of possibilities for its exercise.

10. The EM explains that, under the 2011 Act, only energy efficiency improvements which are described in an Order can be installed under a Green Deal plan: the *Energy Efficiency Order* thus lists sources of energy (other than electricity and mains gas, which are already provided for in the 2011 Act) which can be taken into account when considering whether an improvement will save energy at a property, for the purpose of the Green Deal. The sources of energy listed are bio-fuels, bio-mass, coal and petroleum products (which includes oil and liquid petroleum gas). The Order also lists micro-generation measures that are to be treated as energy efficiency improvements, even though they may not actually reduce energy use or increase efficiency in the use of energy in every case. These measures should, however, reduce use in properties of electricity supplied from the grid, and fossil fuels, and therefore result in savings on energy bills.

11. The EM states that the *Qualifying Improvements Order* describes all the types of energy efficiency improvement that can be installed under a Green Deal plan. DECC comments that the improvements specified in the Order will not always be capable of making energy savings in all buildings, and any levels of savings will vary from property to property. However, before a Green Deal plan can be entered into, a customer has to have a Green Deal assessment, which will only make recommendations improvements that will improve the energy performance of the building in question and will quantify the potential savings. The actual products installed under a Green Deal plan must fall within a category of qualifying improvement that has been recommended during the Green Deal assessment and must meet the requirements of the Green Deal Code of Practice.

12. The EM to the **draft Electricity and Gas (Energy Company Obligation) Order 2012** ("the ECO Order") states that it implements the ECO policy, which places three distinct obligations on energy suppliers who have more

than 250,000 domestic electricity and/or gas customers: a carbon-saving obligation, a carbon-saving community obligation and a home-heating cost reduction obligation. Each type of obligation requires a supplier to install or arrange the installation of qualifying measures in the homes of eligible domestic energy users. A supplier must achieve each of its obligations by 31 March 2015. The obligations must be met by installing qualifying measures which reduce carbon emissions or the cost of heating a home.

13. From November 2011 to January 2012, DECC carried out a consultation process on proposals for the Green Deal, and on the Energy Company Obligation. DECC states in the EM that the Department received over 600 written responses, and that feedback prompted the Government to amend the proposals in order to strengthen consumer protection, reduce industry burdens and improve behind-the-scenes operations.[1] "Crucial to the success of the Green Deal is a robust customer protection regime that will inspire confidence and provide a secure platform on which all Green Deal and ECO participants can operate" (paragraph 8.3). In a Written Ministerial Statement on 11 June 2012, the Secretary of State at DECC made clear the Government's commitment to securing this approach to the Green Deal.[2]

14. As regards the ECO, DECC states that, as a result of consultation, a carbon-saving community obligation was introduced, whereby a supplier must achieve carbon-saving by promoting qualifying energy efficiency measures to domestic energy users living in rural areas or areas of low income. The carbon-saving community obligation is expected to help deliver the Government's fuel poverty commitments. In the Statement on 11 June 2012, the Secretary of State said that establishing a new ECO from October of this year would mean that "an estimated £1.3 billion worth per year of energy efficiency and heating measures can be delivered across Great Britain. This will be directed to vulnerable and lower-income households and carbon saving measures."

15. We have received evidence in the form of a letter of 19 June 2012 from Mr Richard Lloyd, Executive Director of Which?, setting out specific concerns about these instruments, and a response to these concerns in a letter of 21 June 2012 from Mr Greg Barker, MP, Minister of State, DECC. We are publishing this evidence in Appendix 1 of this Report. We note in particular that Mr Lloyd commented that Green Deal savings assumptions would relate to typical households, rather than being based on estimates relating to specific household circumstances, and that Mr Barker has responded that these concerns are unfounded, and that the Green Deal Occupancy Assessment would serve to adjust typical savings estimates.

B. Feed-in Tariffs (Specified Maximum Capacity and Functions) (Amendment No. 2) Order 2012 (SI 2012/1393)

Date laid: 29 May

Parliamentary Procedure: negative

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[1] DECC has published a Government response to the consultation process: see

http://www.decc.gov.uk/assets/decc/11/consultation/green-deal/5521-the-green-deal-and-energy-company-obligation-cons.pdf

[2] Repeated in this House: see

http://www.publications.parliament.uk/pa/ld201213/ldhansrd/text/120611-wms0001.htm#1206113000133

Summary: The Feed-in Tariffs (Specified Maximum Capacity and Functions) (Amendment No. 2) Order 2012 comes into force on 1 August 2012. It requires the Gas and Electricity Markets Authority ("Ofgem") to publish every three months a table of the tariffs which are to apply to new solar photovoltaic installations ("solar PV") in the following quarter, and it requires the Secretary of State for Energy and Climate Change ("DECC") to publish quarterly data about the deployment of solar PV which are eligible for feed-in tariffs, which are to be used in calculating the tariffs for the following quarter.

This instrument is drawn 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.

16. The Government announced in February 2011 that it would carry out a comprehensive review of the Feed-in Tariffs (FITs) scheme, making clear their intention to use the review to put right what were seen as fundamental limitations of the scheme, and also to address the risks to the budget posed by a mismatch between tariffs and technology costs.

17. As regards solar PV, detailed proposals for achieving these aims were set out in a consultation launched in February 2012. Specifically, the consultation sought views on a more responsive mechanism for "tariff degression" (that is, reduction), which would provide a reliable method of financial control while at the same time giving a good measure of certainty about the future path of tariffs. In May of this year, DECC published a detailed analysis of the consultation responses and policy decisions in the Government's response to the consultation.[3]

18. In its Explanatory Memorandum ("EM"), DECC states that the consultation proposed that tariffs for solar PV should be reduced every six months (or more often if deployment exceeded specified levels). While 39% of respondents agreed with the principle, many preferred the dates of degressions to be fixed, so as to provide greater certainty; and 83% of respondents disagreed with the proposal that the rate of degression should be 10% every six months, with some suggesting smaller tariff reductions at more frequent intervals. The consultation responses also revealed a strong view that any contingent degression mechanism should make provision to respond to under-deployment of solar PV, as well as over-deployment.

19. In the EM, DECC states that it has taken these views on board in finalising the Order, which provides for quarterly tariff reductions on fixed dates, with smaller reductions than were proposed in the consultation (except in the event of exceptionally high deployment), and provision for there to be no reduction in the event of low deployment. In its May 2012 response to the consultation, DECC states that the tariffs now proposed "are designed to provide a rate of return of 4.5 to 8% for a typical, well-sited installation" (paragraph 8).

20. In amending the Feed-in Tariffs (Specified Maximum Capacity and Functions) Order 2010 ("the 2010 Order"), this Order includes a requirement on Ofgem to publish, at least two months before the start of each quarter, a table setting out the tariffs which are to apply to new solar PV in the following quarter. The Order also amends the 2010 Order to require DECC to publish every three months specified data about the deployment of

[3] http://www.decc.gov.uk/en/content/cms/consultations/fits_rev_ph2a/fits_rev_ph2a.aspx

solar PV in the preceding quarter. The data are to be used in determining the rate at which tariffs are to degress for the following quarter.

21. DECC states that the amendments to the 2010 Order, and parallel modifications to the standard conditions of electricity supply licences, form part of the ongoing monitoring of the FITs scheme, designed to ensure that the objectives of the scheme are delivered in a way which ensures value for money. The Department states that the degression mechanism in particular will be regularly reviewed in consultation with the solar PV industry, to ensure that it is operating as intended.

C. Draft Renewable Heat Incentive Scheme (Amendment) Regulations 2012

Date laid: 11 June
Parliamentary Procedure: affirmative

Summary: The Draft Renewable Heat Incentive Scheme (Amendment) Regulations 2012 would restrict access by new applicants to the Renewable Heat Incentive scheme for the remainder of financial year 2012-13, if estimated expenditure showed that the scheme was likely to go beyond its available budget.

This instrument is drawn 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.

22. In its Explanatory Memorandum ("EM"), the Department for Energy and Climate Change ("DECC") states that the Renewable Heat Incentive ("RHI") scheme is a long-term tariff scheme to encourage the replacement of fossil-fuel heating with renewable alternatives. It opened for applications in November 2011 and currently supports renewable heat installations in business, industry and the public sector as well as district heating schemes. DECC's EM says that, since November 2011, the application rate has been relatively steady, and that the level of current applications is low relative to the available budget. Given that this is an immature market, DECC notes that there is a high degree of uncertainty about how the market will respond over time, and comments that cost control provides transparent plans to deal with any future unexpected and rapid surges in uptake.

23. Cost control is the objective behind these draft Regulations. DECC states in the EM that the Regulations are necessary to ensure that the RHI scheme remains within budget in the current financial year and the following year without a detrimental impact on the renewable heat supply chain.

24. In amending the Renewable Heat Incentive Scheme Regulations 2011 ("the 2011 Regulations": SI 2011/2860, made on 27 November 2011), these draft Regulations would restrict access by new applicants to the RHI scheme for the remainder of the financial year if estimated expenditure showed that the scheme was likely to go beyond its available budget. DECC states in the EM that this would not affect installations which had already been accredited, nor would it affect registered producers of bio-methane. The suspension would be triggered at 97% of budget and one week's notice of the suspension would be provided. DECC would publish weekly updates of forecast expenditure its website, and would also provide informal notice on the website approximately one month before the scheme would need to close.

25. DECC states that, since carrying out consultation on these measures in March and April of this year, the Department has determined that spending all the previously available 2012-13 budget for RHI scheme subsidies, of £108m, would build up a renewable heat supply chain that could not be fully supported by the budget of £251m allocated to 2013-14. In order to encourage a supply chain that could be supported by the budget available in 2013-14, DECC has determined a budget limit of £70m for 2012-13.

26. As regards consultation on the interim cost control proposals, DECC states that this was held over four weeks from 26 March 2012. The EM states that the consultation period was shorter than the standard 12 weeks "as to be effective this policy must be in place before summer recess, which would not have been possible with a 12 week consultation".

27. DECC also states that the cost control approach introduced by these Regulations is "an interim measure", and that longer-term measures are planned for introduction in spring 2013. The impact assessment provided with the Regulations describes this as a "contingent degression mechanism in which tariffs for each technology are reduced when the rate of deployment reaches certain levels". We also draw the Feed-in Tariffs (Specified Maximum Capacity and Functions) (Amendment No. 2) Order 2012 (SI 2012/1393) to the attention of the House in this Report, which provides for a "contingent degression mechanism" in the context of the Feed-in Tariffs scheme.

28. We see the need for the Government to avoid the risk that take-up of support under the RHI scheme in the current financial year might outstrip the ability of the scheme's budget in future years to maintain support to the emerging renewable heat supply chain. To that extent, the measures set out in these Regulations are consistent with the Government's policy objectives.

29. We are concerned, however, that the 2011 Regulations, made in November 2011, have had to be amended little more than six months later, in order to address a budgetary issue that should have been foreseen at the outset. What appears to be a lack of forethought has also constrained the Government's approach to consultation on the measures in the latest Regulations. Four weeks, rather than 12, were allowed for the consultation process because the Government launched the process in March 2012 against an implementation deadline of summer 2012. If the latter deadline is immovable, better forward planning would have allowed the consultation process to start earlier in the year.

OTHER INSTRUMENTS OF INTEREST

Draft Education (Amendment of the Curriculum Requirements for Fourth Key Stage) (England) Order 2012

30. This Order, laid by the Department for Education (DfE), removes the requirement on maintained schools to provide work-related learning as part of the National Curriculum for students in the fourth key stage (Years 10 and 11). This has been a statutory requirement since 2004, and is defined in the Education Act 2002 ("the 2002 Act") as "planned activity designed to use the context of work to develop knowledge, skills and understanding useful in work, including learning through the experience of work, learning about work and working practices and learning skills for work". A review of vocational education carried out by Professor Alison Wolf of King's College London[4] included a recommendation that this statutory requirement should be removed; the Order amends the provisions of the 2002 Act in line with this recommendation.

31. In its Explanatory Memorandum, DfE acknowledges that the timing of the Order does not meet the commitment made to the Merits Committee that the Government would give schools a full term's notice of a requirement to implement statutory instruments. The Department states, however, that it considers that the Order falls outside the spirit of the commitment, since it has the effect of removing, rather than imposing, a duty on schools. In our view, since schools may well have planned during one school year to provide work-related learning during the following year, it would have been a reasonable expectation that the Government should have brought this Order forward sooner.

Draft Local Authorities (Mayoral Elections) (England and Wales) (Amendment) Regulations 2012

32. In its 3rd report of this session (HL Paper 11) the Committee drew the special attention of the House to the arrangements in the draft Police and Crime Commissioner Elections Order 2012 which, amongst other things, provides model ballot forms and publicity notices for use in the election. These Regulations set out similar forms and notices for the election of Local Mayors when held on the same day as the Police and Crime Commissioner elections so that the forms and notices will be consistent. This applies in particular to the forthcoming mayoral election to be held in Bristol on 15 November 2012. The new design of the forms follows recommendations from the Electoral Commission and other stakeholders for improvements to be made to statutory election materials. This is a first step and a wider review of such materials will follow.

Draft Neighbourhood Planning (Referendums) Regulations 2012

33. The Localism Act 2011 provides for referendums to be held on a range of issues. It sets out a new statutory framework for neighbourhood planning, which provides that town or parish councils, designated neighbourhood forums or community organisations can put forward neighbourhood

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4 "Review of Vocational Education - The Wolf Report" (March 2011): https://www.education.gov.uk/publications/eOrderingDownload/The%20Wolf%20Report.pdf

planning proposals which may be subject to referendums. The Neighbourhood Planning (Referendums) Regulations 2012 ("the Referendum Regulations") provide for the conduct of such referendums (the Neighbourhood Planning (General) Regulations 2012 (SI 2012/637), which came into force in April 2012, set out the procedures for the designation of neighbourhood forums and related matters).

34. As required by statute, the Secretary of State consulted the Electoral Commission before making the Referendum Regulations. In April 2012, the Commission published a report setting out its views, which were that the questions first proposed by the Government were difficult to understand, largely due to their length and complexity. The Commission proposed simpler questions, and these have been accepted by the Government.

Draft Police and Crime Panels (Modification of Functions) Regulations 2012

Police and Crime Panels (Nominations, Appointments and Notifications) Regulations 2012 (SI 2012/1433)

35. A Police and Crime Commissioner (PCC) will produce a Police and Crime Plan for the area and also an annual report on progress against that plan. The Police and Crime Panel will scrutinise these documents, key appointments and the Commissioner's conduct, acting as a "critical friend". Police and Crime Panels must comprise one elected representative (councillors and, where relevant, elected mayors) from each local authority within the force area and two independent members or co-optees; and there must be a minimum of ten elected representatives on the Panel. In areas where there are fewer than ten local authorities, each authority will be required to send one member and the allocation of remaining seats is to be negotiated locally. Once established, Panels will be free to co-opt further members, both elected and independent, up to a maximum panel size of 20. The frequency of meetings will be determined locally; some areas are planning for quarterly meetings. The **Police and Crime Panels (Nominations, Appointments and Notifications) Regulations 2012** (SI 2012/1433) set out what information host authorities and local authorities need to provide to the Home Office in relation to their Panels, how to do so and the deadline for providing this information. These Regulations are intended to ensure that the Home Office has sufficient information to facilitate intervention by the Home Secretary should local authorities fail to establish a Panel. The **Draft Police and Crime Panels (Modification of Functions) Regulations 2012** make provision for circumstances where a local authority fails to nominate or appoint one or more councillors to the Panel. In such circumstances, a defaulting local authority will no longer be required to agree the Panel arrangements. This is a contingency measure intended to prevent a defaulting authority from frustrating the efforts of other local authorities and ensure that Panels are in place in time for the arrival of the PCCs in November 2012. The Committee commented that the instrument gives the Secretary of State powers to direct co-option, which seems a rather more significant step than the minor modification suggested by the instrument's title.

Adoption Agencies (Panel and Consequential Amendments) Regulations 2012 (SI 2012/1410)

36. The Adoption Agencies Regulations 2005 require that, when an adoption agency is considering adoption for a child, the agency must refer the case to an adoption panel for their consideration and recommendation, before reaching its decision. The Adoption Agencies (Panel and Consequential Amendments) Regulations 2012 ("the Adoption Panel Regulations") prohibit the adoption agency from referring such cases to an adoption panel in circumstances where, if the adoption agency's decision-maker were to decide that the child should be placed for adoption, the local authority would be required to apply to court for a placement order.

37. DfE has said that the change made by the Adoption Panel Regulations gives effect to a recommendation from the Family Justice Review, which the Government and Welsh Ministers accepted in February 2012. The Department has stated that the Adoption Panel Regulations reflect two policy intentions: to reduce delay in the adoption process so that children will be able to be placed with their prospective adoptive families earlier than now; and to remove duplication, since both adoption panels and courts undertake a full assessment of the evidence. DfE has stressed that adoption panels will continue to have a role to play in deciding whether some children should be placed for adoption, in cases where the courts have no role to play. The Department has also stated that adoption panels have two other functions: of considering the suitability of prospective adopters to adopt and the termination of approval of prospective adopters; and of considering whether a child should be placed for adoption with particular prospective adopters.

Public Bodies Act 2011 (Transitional Provision) Order 2012 (SI 2012/1471)

38. This Order contains a transitional provision, required as a result of the abolition of the regional development agencies ("RDAs"). Section 30 of the Public Bodies Act 2011 ("the 2011 Act") provides for the RDAs' abolition. In practice, the RDAs ceased most of their operations on 30 March 2012, and their formal abolition under the 2011 Act is expected to take effect on 1 July 2012. In recognition of the fact that the RDAs will not be able to produce their final statements of accounts and annual reports (for the period 1 April 2012 to 30 June 2012) before they are abolished, this Order provides for the functions relating to these accounts and reports to be discharged by the Department for Business, Innovation and Skills.

Social Security (Information-sharing in relation to Welfare Services etc.) Regulations 2012(SI 2012/1483)

39. This instrument specifies the purposes for which information can be shared in accordance with the powers in sections 130 and 131 of the Welfare Reform Act 2012. The legislation will allow the Department for Work and Pensions ("DWP") and local authorities to cross-refer data held so that the same means-testing information does not need to be supplied and reassessed repeatedly. DWP states that being able to share people's data without needing to seek their consent every time will help to speed up decision making, make the process of applying for a local benefit or service much simpler for the individual, and ease administrative arrangements by removing the need to collect and record consent. Particular purposes for which these

powers will be used, listed in the Explanatory Memorandum, include qualification for Blue Badge parking permits, Disabled Facilities Grants, Discretionary Housing Payments, support for residential care and targeted support for the prevention of homelessness, for those included in new initiative for Troubled Families and for people affected by changes in social security benefit rules, (for example the cap on housing benefit or under-occupancy provisions). Although not new policy, this will affect a large number of individuals (see the privacy assessment attached to the Explanatory Memorandum[5]). This indicates, for example, that these powers will facilitate approximately 500,000 new applications to local authorities for home based care each year, and a similar number of reassessments; identify approximately 660,000 people who are likely to be affected by the new benefit rules on under occupancy in the social sector; and allow data to be shared on around 240,000 people in connection with the Troubled Families Programme.

Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) (Amendment) Order 2012 (SI 2012/1500)

40. Local authorities have been criticised for using covert surveillance in less serious investigations, for example dog fouling or checking whether an individual resides in a school catchment area. The Protection of Freedoms Act 2012 will require local authorities' authorisations under the Regulation of Investigatory Powers Act 2000 (RIPA) relating to the acquisition and use of communications data, directed surveillance and covert human intelligence sources to be subject to approval by a magistrate. As part of this move to limit the use of RIPA powers to more serious issues, this Order limits Local Authorities' powers to use directed surveillance[6] to the purpose of preventing or detecting crime that is punishable by a maximum term of at least six months of imprisonment. However an exception remains to allow local authorities to continue to permit surveillance for the purpose of preventing or detecting specified criminal offences relating to underage sales of alcohol and tobacco, even though these may attract shorter sentences.

Quality and Safety of Organs Intended for Transplantation Regulations 2012(SI 2012/1501)

41. These Regulations transpose Directive 2010/53/EU on the standards of quality and safety of human organs intended for transplantation. The UK already has all the relevant clinical standards but needs to set up a licensing system to be compliant with the Directive by the time it comes into effect on 27 August 2012. The Explanatory Memorandum provided with the instrument assumed a rather greater knowledge of the current transplant system than is likely, so the Department of Health has provided some additional background information to set these changes in context, which we are publishing in Appendix 2.

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[5] EM and Privacy Assessment can be found on the legislation website at http://www.legislation.gov.uk/uksi/2012/1483/pdfs/uksiem_20121483_en.pdf

[6] Directed surveillance is surveillance that is covert but not intrusive i.e. it excludes surveillance of anything taking place on any residential premises or in any private vehicle which involves the presence of an individual on the premises or in the vehicle or is carried out by means of a surveillance device. Local Authorities are not permitted to authorise intrusive surveillance under RIPA.

Wireless Telegraphy (Control of Interference from Apparatus) (The London Olympic Games and Paralympic Games) Regulations 2012 (SI 2012/1519)

42. The Olympic Games and Paralympic Games will attract in excess of eight million spectators and staff, arrangements for their safety and security will depend on the organisers' communications networks. The purpose of these Regulations is to ensure that the electromagnetic energy emitted by other apparatus operating in the area does not affect the correct functioning of these communications networks. Although the electromagnetic emissions from apparatus is limited by manufacturing standards, these emissions can change in operation and there is evidence that apparatus as diverse as air-conditioning thermostats, portable generators, TV aerial amplifiers and LED light fittings have caused interference. These Regulations will enable Ofcom to require apparatus that interferes with stewards' communication equipment to be turned down or turned off. Failure to comply would be a criminal offence. The Regulations apply only for a defined period of time and within the defined Olympic protection areas. Respondents to the consultation exercise,[7] including the BBC, indicated that they would welcome this issue being addressed more widely as, in their view, the current base legislation is inadequate. This view is supported by material in the Impact Assessment (for example paragraphs A1.13 to 15) which explains that only three out of 167 complaints made in 2011 were capable of resolution using existing legislation; and of those 167 cases 11 related to interference to emergency services communications.

[7] See summary on Ofcom website http://stakeholders.ofcom.org.uk/binaries/consultations/undueinterference-olympics-2012/statement/consultation-responses.pdf

INSTRUMENTS NOT DRAWN TO THE SPECIAL ATTENTION OF THE HOUSE

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

Community Interest Company (Amendment) Regulations 2012

Designation of Features (Appeals) (England) Regulations 2012

Education (Amendment of the Curriculum Requirements for Fourth Key Stage) (England) Order 2012

Financial Services and Markets Act 2000 (Regulated Activities) (Amendment) Order 2012

Local Authorities (Mayoral Elections) (England and Wales) (Amendment) Regulations 2012

Neighbourhood Planning (Referendums) Regulations 2012

Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2012

Police and Crime Panels (Modification of Functions) Regulations 2012

Instruments subject to annulment

SI 2012/1379 Cattle Compensation (England) Order 2012

SI 2012/1380 Individual Ascertainment of Value (England) Order 2012

SI 2012/1410 Adoption Agencies (Panel and Consequential Amendments) Regulations 2012

SI 2012/1424 National Patient Safety Agency (Establishment and Constitution) (Amendment) Order 2012

SI 2012/1425 National Patient Safety Agency (Amendment) Regulations 2012

SI 2012/1433 Police and Crime Panels (Nominations, Appointments and Notifications) Regulations 2012

SI 2012/1439 Supervision of Accounts and Reports (Prescribed Body) and Companies (Defective Accounts and Directors' Reports) (Authorised Person) Order 2012

SI 2012/1462 Family Procedure (Amendment) (No. 2) Rules 2012

SI 2012/1465 Local Elections (Declaration of Acceptance of Office) Order 2012

SI 2012/1467 National Health Service (Local Pharmaceutical Services) Amendment Regulations 2012

SI 2012/1470 Football Spectators (Seating) Order 2012

SI 2012/1471 Public Bodies Act 2011 (Transitional Provision) Order 2012

SI 2012/1477 Occupational and Personal Pension Schemes (Automatic Enrolment) (Amendment) (No. 2) Regulations 2012

SI 2012/1483 Social Security (Information-sharing in relation to Welfare Services Etc.) Regulations 2012

SI 2012/1489 Iraq (Asset-Freezing) Regulations 2012

SI 2012/1500 Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) (Amendment) Order 2012

SI 2012/1501 Quality and Safety of Organs Intended for Transplantation Regulations 2012

SI 2012/1502 Community Drivers' Hours and Recording Equipment Regulations 2012

SI 2012/1507 Sudan (Asset-Freezing) Regulations 2012

SI 2012/1508 Republic of Guinea (Asset-Freezing) Regulations 2012

SI 2012/1509 Belarus (Asset-Freezing) Regulations 2012

SI 2012/1510 International Criminal Tribunal for the Former Yugoslavia (Financial Sanctions Against Indictees) (Revocation) Regulations 2012

SI 2012/1511 Democratic Republic of the Congo (Asset-Freezing) Regulations 2012

SI 2012/1512 NHS Bodies (Transfer of Trust Property) Order 2012

SI 2012/1515 Eritrea (Asset-Freezing) Regulations 2012

SI 2012/1516 Liberia (Asset-Freezing) Regulations 2012

SI 2012/1517 Lebanon and Syria (Asset-Freezing) Regulations 2012

SI 2012/1519 Wireless Telegraphy (Control of Interference from Apparatus) (The London Olympic Games and Paralympic Games) Regulations 2012

SI 2012/1534 Terrorism Act 2000 and Proceeds of Crime Act 2002 (Business in the Regulated Sector) Order 2012

SI 2012/1538 Prospectus Regulations 2012

APPENDIX 1: DRAFT GREEN DEAL FRAMEWORK (DISCLOSURE, ACKNOWLEDGMENT, REDRESS ETC.) REGULATIONS 2012 AND THREE RELATED INSTRUMENTS: CORRESPONDENCE

Letter from Richard Lloyd, Executive Director of Which? to Lord Goodlad

Dear Lord Goodlad,

As the Chairman of the Select Committee on the Merits of Statutory Instruments, I wish to raise with you the significant concerns we have regarding the Secondary Legislation laid before Parliament last week establishing the legal framework for the Green Deal and Energy Company Obligation.

Although we support the Government's ambition to increase uptake of energy efficiency measures, we are concerned that the Green Deal legislation will not deliver the policy objectives sought.

Without widespread consumer demand, the Green Deal will not achieve its objectives of improving homes, reducing energy bills, reducing carbon emissions and reducing fuel poverty. The Government's expectation is that consumers will make the effort to understand and trust a complex and novel financial product that charges interest and delivers only a small net saving for a package of energy efficiency measures. However, since millions of consumers have not taken up offers of free or heavily subsidised loft or cavity wall insulation under the existing energy company obligation, CERT (Carbon Emissions Reduction Target), we believe that they will be unlikely to enter into such an agreement funded via a loan.

Our specific concerns with the Secondary Legislation are outlined below. We believe that each of these elements of the legislation will undermine consumer confidence in the product and therefore ensure that the Government will not achieve its policy objectives:

- **Green Deal savings and loans are not tailored to people's actual energy use:** We believe that the assessment process, the principles for which are set out in Part 5, Chapter 1 of the Green Deal Framework (Disclosure, Acknowledgement, Redress etc.) Regulations 2012 will not ensure that consumers can have a reasonable expectation of the savings estimates predicted, and therefore will undermine the 'Golden Rule' that is central to the Green Deal achieving its objectives. The secondary legislation sets out that assumptions for the likely savings from a typical household living in that property will be used to define likely savings (Regulation 27 (2) and 3)), rather than estimates relating specifically to the homeowner's circumstances and energy usage. Although consumers will be presented with a personalised assessment of their energy usage, Green Deal providers are not required to link this to the size of Green Deal loan that could be offered.
- **Green Deal loans could stop people from switching:** We are also concerned at the potential for these Regulations to present a material barrier to consumers wishing to switch energy supplier. Although Part 5, Chapter 2, Paragraph 34 dictates that the Green Deal must not prevent a bill payer from changing gas or electricity supplier, there is no way of guaranteeing this currently. There may be small energy suppliers who do not opt in to the Green Deal payment mechanism, meaning that

consumers with a Green Deal wishing to switch to said supplier may be prevented from doing so.

- **Green Deal plans will be sold as 'fixed' but will in fact increase year on year:** Although we welcome the fact that Green Deal plans will only be offered on fixed interest rate deals, the effect of Part 5, Chapter 2, Paragraph 33, which allows instalments to be increased by up to 2% each year, is such a heavy caveat to Paragraph 32 (fixed interest rate) that we consider that the latter is largely meaningless. This could further dissuade consumers from taking out Green Deal plans, thereby undermining the policy objectives.
- **Warranties for the Green Deal will not offer suitable protection:** We have concerns that the Government's proposals for guarantees have been significantly watered down (Regulation 35 and Schedule 3). Where originally the proposal was to have coverage for the entirety of the Green Deal loan, this has now been reduced to five years (with the exception of wall insulation). This is a particular concern for boilers, since it could lead to a situation where the occupant is paying for a measure that is not functioning (and in the case of future occupants, one that they didn't choose to purchase).
- **The Energy Company Obligation is not equitable and cost-effective:** Finally we have significant concerns over the proposals set out in the Electricity and Gas (Energy Company Obligation) Order 2012, also laid before Parliament last week. We do not consider that it is equitable or cost effective for the majority of the ECO funding, drawn from consumers bills, to be applied to sizeable subsidy for solid wall insulation, much of which is likely to be for able-to-pay homes. To achieve the Government's aims of tackling fuel poverty more funding should be applied to these households. Furthermore, a higher proportion of the ECO should be made available for low-cost, high-impact measures such as loft and cavity wall insulation to achieve the objective of reducing energy bills and carbon emissions. Without such a change, the Government's impact assessment predicts a significant fall in the number of loft and cavity wall insulation installations.
- Furthermore with regard to the ECO, we believe that it is imperative that energy companies are required not only to report on the costs of delivering their obligations (Part 5, Paragraph 23) but also on the costs passed through to consumers in their bills. This will enable the regulator (Ofgem) to determine if measures are being installed cost-effectively.

I do hope that your Committee will consider these concerns. Which? can provide further information and evidence about these issues.

Richard Lloyd

19 June 2012

Letter from Gregory Barker MP, Minister of State at the Department of Energy and Climate Change, to Lord Goodlad

Dear Lord Goodlad,

I understand that you received representations from Which? regarding the Green Deal and Energy Company Obligation affirmative instruments my Department laid. I am grateful for the opportunity to provide a Departmental response to the points raised, and hope this will aid the Committee in its consideration. I will take the points in the order in which they were raised in the original letter, and in some detail, so that you have a complete view.

Green Deal savings and loans, and actual energy use - I believe Which?'s concerns that Green Deal savings are not tailored to people's actual energy use to be unfounded. I can reassure you that I deliberately decided to cap the Green Deal charge at the typical savings level to protect future occupants from inappropriately high energy bills due to the Green Deal Plan. The Green Deal Occupancy Assessment, which specifically considers the occupants in the property and the way they use energy, will be used to adjust the typical savings estimates. I have also introduced a requirement that if a lower than average energy user wishes to take out Green Deal finance, the Green Deal Provider must obtain written acknowledgement that they are aware that, based on their energy use, the Green Deal charge may not be fully offset by their energy savings. Green Deal Providers will be held liable if they do not meet these obligations, and I am sure they will be taken very seriously.

Green Deal loans and switching - Which? was concerned that Green Deal loans could stop people from switching. However, this was a matter I considered in great detail, and I am confident that the ability of customers with Green Deals to switch will not be substantially affected. All suppliers with more than 250,000 customers will be obligated to collect the Green Deal charge whilst those with less than 250,000 can opt in to collecting the charge. I have put in place a levelization mechanism for the electricity suppliers' administration fee which will compensate smaller suppliers for their increased costs per customer for collecting the Green Deal charge, in comparison with larger suppliers. I therefore expect that smaller suppliers will opt in to collecting the Green Deal charge, and I will also be monitoring this over time to ensure there is no adverse on competition within the market.

Green Deal plans and interest rates - Which? raised concerns that Green Deal plans will be sold as fixed but will actually increase year-on-year. This is a misunderstanding. I have deliberately restricted Green Deal providers offering plans to domestic customers to fixed rate deals only. In order to allow Green Deal providers and customers a little more flexibility, Green Deal providers will have the option to uplift the whole charge by 2% a year. This has the benefit of allowing more measures to meet the golden rule and for a greater proportion of these plans to be paid using Green Deal finance. However, if the 2% uplift is agreed and utilised, the instalments related to the plan will *still* be calculated and fixed at the outset. The repayment profile will be made very clear to the customer before the plan is signed and will be disclosed to future bill payers upon transfer of the property.

Warranties for the Green Deal and customer protection - Which? was concerned that the original warranties proposal had been "watered down". However, following responses to the consultation and our own research, we found that initial proposal of proving warranties for the life of the Green Deal plan was

not financially viable or good value for money. The evidence, including a recent report from the Office of Fair Trading, is set out in detail in the government response and impact assessment. Our requirement of a five year warranty for measures under the Green Deal mirrors some of the market and pushes the rest to go further.

The Energy Company Obligation (ECO) - Which? asserted that the ECO is not equitable and cost-effective, but I cannot accept this. The Affordable Warmth and Carbon Saving targets will allow us to deliver support to more fuel poor households, while still delivering considerable carbon savings. The post-consultation introduction of the Carbon Saving Communities target has also increased the amount of ECO that will go towards delivering low-cost insulation measures, such as loft and cavity wall insulation. To meet their Affordable Warmth and CSC targets, we estimate that energy suppliers will need to spend around £540m each year assisting low income households and areas and helping to tackle fuel poverty. This change to ECO, following the consultation, ensures that it will be a cost-effective way of delivering support in an equitable manner to the low income households and communities who need it most, while saving carbon.

I hope this information is useful background to our decisions. I have sought an optimal balance between consumer protection and burdens on the very businesses who will be delivering the Green Deal. I received many views during the consultation, and Which?'s was just one of these. I actively encourage their participation through the Green Deal Consumer Protection Steering Group and their views have always been given a fair hearing. However ,some other consumer protection groups have taken a different position. Ultimately, I believe we have devised a final policy which fairly reflects all the views and evidence we received and delivers an effective legislative framework.

Gregory Barker

21 June 2012

APPENDIX 2: QUALITY AND SAFETY OF ORGANS INTENDED FOR TRANSPLANTATION REGULATIONS 2012 (SI 2012/1501): ADDITIONAL INFORMATION

Further information from the Department for Health

In the UK, we have a national blood and organ donation organisation which is NHS Blood and Transplant (NHSBT). They have responsibility for the procurement and allocation of deceased donor organs across the UK. Transplantation of donated organs is carried out by the 40 transplant centres, 10 of which are in the private sector, the remainder being in the NHS. In relation to living donation and transplantation, this is carried out in the transplantation centres with NHSBT having little involvement in this area. However, all living donations must be approved by the Human Tissue Authority (HTA) before the transplantation can proceed.

There is currently no regulator in the UK that specifically authorises transplantation centres and procurement organisations. Currently, hospitals in England are registered by the Care Quality Commission (CQC) for the provision of health services across the board and similar arrangements are in place in the other three countries. The National Commissioning Group (NCG) and Specialised Commissioning Teams commission transplants from the transplantation centres and do carry out audits, but these are broadly in relation to clinical practice and not organisational governance and operational procedures to ensure quality and safety of organs, which the Organ Directive is concerned with.

The Organ Directive requires us to set up a Competent Authority that will specifically license procurement and transplantation. As this currently is not the case in the UK (see above), we are setting up a new licensing regime and appointing the HTA as the Competent Authority for the Organ Directive. Transplantation centres and NHSBT will need to be licensed by the HTA should they wish to continue to carry out procurement and/or transplantation activities after 27 August 2012.

Schedule 1 of the Quality and Safety of Organs Intended for Transplantation Regulations 2012 ('the Regulations') sets out the procurement and transplantation activities that must be licensed by the HTA. A procurement activity is an activity carried out for the purposes of procurement and includes donor and organ characterisation, preservation, retrieval and transport of an organ. A transplantation activity is an activity carried out for the purposes of transplantation and includes organ characterisation, transport, preservation and implantation of an organ.

Schedule 1 transposes the requirements that the Directive places on procurement organisations and transplantation centres, requiring that the above mentioned activities must be licensed if carried out after 27 August 2012. The Directive also requires that full traceability of donors and organs is met across the donation – transplantation – pathway including disposal. The Regulations therefore require the HTA to ensure this and place requirements on licensed organisations. Similarly, the Directive requires that robust serious adverse events and reactions (SAE/R) reporting arrangements are in place and the Regulations therefore implement this requirement by placing requirements on the HTA and licensed organisations.

Department of Health officials have provided the following responses to the questions put by the Committee:

"Q1. Will this facilitate the import/export of organs for transplantation within the EU?

A. The Directive will establish common quality and safety standards for organ transplantation across the EU. This may lead to an increase in the availability of organs on an EU-wide basis and may therefore lead to more organs being available for transplant across Member State boundaries. However, as the Member States closest to the UK already have advanced transplantation programmes, the Department of Health does not anticipate that the Organ Directive will significantly increase the import/export of organs as far as the UK is concerned.

Q2. Will this affect the import/export of organs from outside the EU which may not meet these standards?

A. In theory yes. Organs that are coming from outside the EU will have to meet similar quality and safety standards as those that are exchanged within the EU. In practice, this would happen now. We would need to be certain of the quality of the organ before accepting it for transplant.

Q3. Will the new regulatory system cover organs privately purchased overseas?

A. The Organ Directive requires that organ donation must be voluntary and unpaid, thus rendering it illegal to purchase an organ. However, the UK has existing legislation in place, the Human Tissue Act 2004 and the Human Tissue (Scotland) Act 2006, that ban the sale of organs for profit. Organ purchasing and trafficking is therefore already illegal in the UK and the new Regulations do not need to address these issues.

Q4. Will implementation of these Regulations impact on the Welsh Government proposal to introduce soft opt-out for organ donation?

A. No. Member States have both opt-in and opt-out systems of consent and the Directive recognises both.

Q5. In the new scenario, who will check on the continued suitability of an organ that is dropped in transit?

A. The Organ Directive will not change existing arrangements in relation to who will check on the continued suitability of an organ that is dropped in transit. It will be a clinical decision by the transplanting surgeon whether or not the organ is still suitable for transplant

Much of the work that transplantation centres and NHS Blood and Transplant will carry on as now, though with some modifications to comply with the Directive's requirements. The main change brought about the Directive is the setting up of a licensing regime and appointment of a Competent Authority to oversee procurement and transplantation activities that are being carried out.

Department of Health

19 June 2012

APPENDIX 3: INTERESTS AND ATTENDANCE

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

For the business taken at the meeting on 26 June 2012 Members declared the following interests:

Draft Green Deal Framework (Disclosure, Acknowledgement, Redress Etc.) Regulations 2012
Draft Green Deal (Energy Efficiency Improvements) Order 2012
Draft Green Deal (Qualifying Energy Improvements) Order 2012
Draft Electricity and Gas (Energy Company Obligation) Order 2012
Feed-in Tariffs (Specified Maximum Capacity and Functions) (Amendment No. 2) Order 2012 (SI 2012/1393)

Lord Scott of Foscote as the owner of some solar panelling used for small-scale generation of electricity.

Draft Education (Amendment of the Curriculum Requirements for Fourth Key Stage) (England) Order 2012

Lord Norton of Louth as Governor, King Edward VI Grammar School, Louth

Attendance:

The meeting was attended by Lord Goodlad, Baroness Hamwee, Lord Hart of Chilton, Lord Methuen, Lord Norton of Louth and Lord Scott of Foscote.