Correspondence:
Draft Public Bodies (Merger of the Gambling Commission and the National Lottery Commission) Order 2013

Includes 5 Information Paragraphs on 9 Instruments

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HL Paper 42
Secondary Legislation Scrutiny Committee (formerly Merits of Statutory Instruments Committee)

Historical Note

In January 2000, the Royal Commission on the Reform of the House of Lords said that there was a good case for enhanced Parliamentary scrutiny of secondary legislation and recommended establishing a “sifting” mechanism to identify those statutory instruments which merited further debate or consideration. The Merits of Statutory Instruments Committee was set up on 17 December 2003. At the start of the 2012-3 Session the Committee was renamed to reflect the widening of its responsibilities to include the scrutiny of Orders laid under the Public Bodies Act 2011.

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.

Members

Lord Bichard    Baroness Hamwee    Lord Plant of Highfield
Lord Blackwell    Lord Methuen    Rt Hon. Lord Scott of Foscote
Lord Eames    Rt Hon. Baroness Morris of Yardley    Lord Woolmer of Leeds
Rt Hon. Lord Goodlad (Chairman)    Lord Norton of Louth

Registered interests

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’s work, 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

Ninth Report

PUBLIC BODIES ORDER

Draft Public Bodies (Merger of the Gambling Commission and the National Lottery Commission) Order 2013

1. This Order was laid by the Department for Culture, Media and Sport (DCMS) on 25 March 2013 and cleared in our 35th Report of the last session.¹ The Order proposes the merger of the Gambling Commission (GC) and the National Lottery Commission (NLC) but paragraph 7.19 of the Explanatory Document (ED) (and some of the responses to consultation) mentioned potential conflicts of interest arising from the merger. The British Red Cross, for example, were worried that other lotteries might be treated less favourably in competition with the National Lottery, given the merged organisation’s statutory duty to maximise the proceeds from the National Lottery.

2. Our report concluded:

“the Department has identified these problems and plans to take action on them but it would be more transparent and reassuring to the industry and to Parliament if more concrete proposals were published before the merger is made. The Committee recommends that, before any debate on the Order takes place, DCMS should publish guidance on how impartiality will be maintained and how the potential conflicts of interest identified by consultees will be handled in the new merged regulator.”

3. Mr. Hugh Robertson MP, Minister of Sport and Tourism, sent a letter in response to the Committee’s report on Tuesday 9 July (see Appendix 1), too late for it to be considered at the Committee’s meeting that day. We were, as a result, unable to publish Mr. Robertson’s letter before the debate took place on Monday 15 July. We note that those taking part in the debate² also felt there had been insufficient time for them to consider the letter and, in particular, to seek reactions from other interested parties and indeed the Gambling Commission itself on whether what DCMS is proposing in its Management Agreement is an adequate solution. We therefore draw this poor practice to the attention of the House.

¹ 35th Report, Session 2012-13 (HL Paper 160).
² HL deb, 15 July 2013, cols GC 198- 205.
INSTRUMENTS DRAWN TO THE SPECIAL ATTENTION OF THE HOUSE

No new instruments are drawn to the special attention of the House in this Report.

INSTRUMENTS OF INTEREST

Draft Age-Related Payments Regulations 2013

4. In our 7th Report of the current session (HL Paper 36), we published information about the Transfer of Functions (Age-Related Payments) Order 2013 (SI 2013/1442), which made changes to the Age-Related Payments Act 2004 to enable HM Treasury (HMT) to make “ex gratia” payments in cases where a With-Profits Annuity was bought from Equitable Life on or before 31 August 1992. We highlighted the fact that HMT was laying these draft Regulations.

5. In the Explanatory Memorandum to the draft Regulations, HMT explains that the Equitable Life (Payments) Act 2010 established the Equitable Life Payments Scheme (ELPS) to make payments to offset the relative losses suffered by Equitable Life policyholders who invested from September 1992 onwards. A number of with-profits annuitants who bought their policies before 1 September 1992 were excluded from the Scheme. In the 2013 Budget, recognising the financial pressures on this group, the Chancellor announced a package of payments to be made to such policyholders.

6. The draft Regulations provide for the Government to make payments to persons who bought a with-profits annuity from Equitable Life on or before 31 August 1992, and were alive and aged over 60 on 20 March 2013. HMT states that an additional £5,000 will be available to policyholders who meet these criteria and are also in receipt of state pension credit or an equivalent benefit. The payments will be made in the 2014-15 financial year, or earlier if possible, and will be separate from the main ELPS.

Draft Judicial Appointments Regulations 2013

7. Although the Committee cleared the instrument in principle in its 7th Report, the Committee were troubled by an issue in regulation 2(7) of the instrument, namely provisions which enabled the Lord Chancellor, a member of the executive, to deem the Lord Chief Justice, a member of the judiciary, to be incapacitated. Under section 16 of the Constitutional Reform Act 2005 this is normally done by three out of the four Heads of Division, that is, from within the judiciary. We invited the comments of the Ministry of Justice. A letter from the Lord Chancellor is published at Appendix 2 which sets out the Ministry of Justice’s rationale. The Committee remain troubled by this departure from the normal separation of powers and publishes the letter for the information of the House.

Draft National Health Service (Licence Exemptions, etc.) Regulations 2013

8. The Health and Social Care Act 2012 (“the 2012 Act”) provided for Monitor to regulate NHS services, with Part 3, Chapter 3 of the 2012 Act giving Monitor the power to operate a licensing regime for providers of NHS
services and work. The licence sets out the conditions that licence holders will have to meet in order to provide NHS-funded services. These can take the form of standard conditions, which apply to all licence holders, or to particular types of licence holder; and special conditions which apply to an individual provider. These Regulations define who needs to be licensed, including certain subcontractors (regulation 2), and who is exempt, either to prevent duplication, for example NHS Trusts, or to prevent burdens on small business (regulations 4-9).

Coroners (Inquests) Rules 2013 (SI 2013/1616) and four related instruments

9. The Coroners and Justice Act 2009 (“the 2009 Act”) seeks to update and reform the coroner system to make it more efficient and establish national standards. These instruments will come into effect on 25 July 2013 with Part 1 of the 2009 Act which includes the appointment of a Chief Coroner to provide national leadership to coroners in England and Wales and the new concept of a coroner’s ‘investigation’ into a death (of which the inquest will form part).

- The Coroners (Inquests) Rules 2013 (SI 2013/1616) clarify the current provisions relating to evidence at inquests, and formally recognise that coroners can accept evidence given by video-link or from behind a screen, where appropriate. They also for the first time require the coroner to disclose relevant documents in advance of the inquest hearing. To aid transparency the new Rules also update the terminology used.

- The Coroners (Investigations) Regulations 2013 (SI 2013/1629) contain specific provisions that will allow coroners to operate more efficiently and with more consideration of the bereaved family, for example, by allowing a coroner to release a body without the need to have first opened an inquest (as is the case at present). The Regulations also require coroners to provide the Chief Coroner with certain information and clarify his role seeking to prevent other deaths.

- The Coroners Allowances, Fees and Expenses Regulations 2013 (SI 2013/1615) update the fees, expenses and allowances to bring them into line with other courts.

- The Coroners And Justice Act 2009 (Coroner Areas And Assistant Coroners) Transitional Order 2013 (SI 2013/1625) and the Coroners And Justice Act 2009 (Alteration Of Coroner Areas) Order 2013 (SI 2013/1626) amalgamate a number of coroner areas in accordance with the requirements of the 2009 Act with the intention of establishing larger coroner areas, each with a full-time senior coroner with at least one assistant coroner per area. The changes aim to provide economies of scale for local authorities and allow full-time coroners to focus entirely on their coronial duties, and thus develop their skills and experiences more fully to bring about greater consistency of practice between areas.

National Health Service (Direct Payments) Regulations 2013 (SI 2013/1617)

10. Direct payments for healthcare aim to give people with long-term health problems more choice and control over how their condition is managed, allowing them a budget to pay for different arrangements from routine NHS
care if they wish. Pilot schemes were run during 2009-12 and evaluated by the University of Kent. An affirmative instrument removed the pilot status from the scheme to allow it to be rolled out nationally from 1 August 2013\(^3\) and the current Regulations modify some of the arrangements used during the pilot scheme in the light of experience. It should be noted that these amendments follow a wide-ranging consultation exercise that set out the proposed changes (see Annex B to the Explanatory Memorandum) and received a very positive response.\(^4\) There is no target for how many patients should be given a personal health budget. However, the first mandate to the National Health Service Commissioning Board sets the objective that patients who may be able to benefit should be offered the option to hold their own personal health budget by 2015.

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\(^3\) Draft National Health Service (Direct Payments)(Repeal of Pilot Schemes Limitation) Order 2013 (made on 28 June 2013 as SI 2013/1563).

\(^4\) See the Government’s analysis of the comments made in consultation and the list of respondents at [http://www.dh.gov.uk/health/2013/03/direct-payments-consultation/](http://www.dh.gov.uk/health/2013/03/direct-payments-consultation/)
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

- Age-Related Payments Regulations 2013
- Armed Forces Act (Continuation) Order 2013
- Armed Forces (Alcohol Limits for Prescribed Safety-Critical Duties) Regulations 2013
- Health and Social Care Act 2012 (Consequential Amendments) (No.2) Order 2013
- National Health Service (Licence Exemptions, etc.) Regulations 2013
- Occupational and Personal Pension Schemes (Automatic Enrolment) (Amendment) Regulations 2013

Instruments subject to annulment

- SI 2013/1598 Evidence Through Television Links (England and Wales) Order 2013
- SI 2013/1600 National Health Service (Travel Expenses and Remission of Charges) (Amendment) Regulations 2013
- SI 2013/1601 Houses in Multiple Occupation (Specified Educational Establishments) (England) Regulations 2013
- SI 2013/1605 European Communities (Lawyer’s Practice and Services of Lawyers) (Amendment) Regulations 2013
- SI 2013/1609 Superannuation (Admission to Schedule 1 to the Superannuation Act 1972) Order 2013
- SI 2013/1615 Coroners Allowances, Fees and Expenses Regulations 2013
- SI 2013/1616 Coroners (Inquests) Rules 2013
- SI 2013/1617 National Health Service (Direct Payments) Regulations 2013
- SI 2013/1625 Coroners and Justice Act 2009 (Coroner Areas and Assistant Coroners) Transitional Order 2013
- SI 2013/1626 Coroners and Justice Act 2009 (Alteration of Coroner Areas) Order 2013
- SI 2013/1627 Land Registration (Proper Office) Order 2013
- SI 2013/1629 Coroners (Investigations) Regulations 2013
- SI 2013/1636 Protection of Wrecks (Designation) (England) Order 2013
- SI 2013/1637 Credit Rating Agencies (Civil Liability) Regulations 2013
APPENDIX 1: DRAFT PUBLIC BODIES (MERGER OF THE GAMBLING COMMISSION AND THE NATIONAL LOTTERY COMMISSION) ORDER 2013

Annex A: Letter from Rt Hon. Hugh Robertson MP, Minister for Sport and Tourism, to Lord Goodlad, Chairman of the Secondary Legislation Scrutiny Committee

I am writing to you regarding the merger of the Gambling Commission and the National Lottery Commission. I am grateful to your Committee for its helpful report into the proposed merger.

Your report highlighted the potential for either conflicts of interest between the statutory duties of the GC and the NLC or operational bias that respondents from the industry have noted. As a result, you requested that my Department publish guidance on how these perceived conflicts will be managed.

These issues will be addressed in the Management Agreement between the GC and DCMS which is being prepared in advance of the merger. However, I have written to the GC to detail how I expect the GC to manage this process and what safeguards I expect to see put in place. This content would later be included in the Management Agreement between the DCMS and the merged Gambling Commission.

This letter will be published on the Gambling Commission’s website in advance of the debates in the House of Lords and I have attached a copy of this letter. I hope this goes some way to answering your concerns.

9 July 2013

Letter from Rt Hon. Hugh Robertson MP to Philip Graf, Chair of the Gambling Commission

We are in the process of developing the Management Agreement between DCMS and the Gambling Commission reflecting the Gambling Commission’s merger (subject to Parliamentary approval) with the National Lottery Commission.

The Management Agreement should be ready for the commencement of the merged operation. To enable you to make the necessary preparations, and given on-going interest in how the merged Commission would manage perceived or real conflicts of interests, I wanted to set out in advance of Parliamentary debates on the merger the Department’s expectations in relation to the Gambling Commission’s governance. As you will understand, DCMS Ministers need to be confident – and be able to assure Parliament – that arrangements are in place, or have been readied, to successfully manage any conflicts, or perceived conflicts, should they arise.

We have both been clear that any such challenges should be readily manageable. The current legislation is structured so that there is no read-across between the specific statutory functions conferred in respect of the National Lottery and the specific statutory functions relating to other gambling activities; moreover, the amendments to existing legislation made by the merger Order will preserve these differences. In so far as concerns have been expressed, these are essentially directed at separating decision making processes and managing any perceptions of bias. This can be addressed by ensuring that the Gambling Commission introduces safeguards to ensure that its actions are transparent and not vulnerable...
to challenge. For example, the duty in respect of maximising returns to good causes must only apply to decisions on National Lottery matters, and will continue to be an irrelevant consideration in the exercise of functions under the Gambling Act 2005.

We have previously determined that it will be important for the merged Commission to ensure:

- Clear delineation of National Lottery and gambling decision making, as required by the founding legislation
- Effective management of the potential for misuse of commercially sensitive data, whether by using information held to inappropriately inform a decision in another area or by releasing information held to a rival operator
- Transparency and accountability when decisions are taken

DCMS is of the view that being unnecessarily prescriptive as to precisely how the merged Commission should approach governance matters in its expanded regulatory role would give rise to inflexibility. The Department’s Management Agreement with the Gambling Commission will require the Gambling Commission to keep the Department sighted on governance arrangements and any planned changes of significance, in addition to existing reporting requirements. At our quarterly performance discussions, I would like to analyse the operation of these governance arrangements, and explore how any risks that arise are being mitigated.

I would expect the Gambling Commission to put in place arrangements to ensure that:

- Only relevant considerations are taken into account when decisions are being taken and it is able, where required, to give adequate reasons for its decisions by routinely spelling out the legislative provisions being applied and who has seen the material.
- Commissioners and employees are alert to the possibility that the merged body’s statutory functions may occasionally give rise to conflicts and appropriate information barriers are in place to avoid actual, or perceived, conflicts arising in relation to the exercise of its functions under the relevant legislation.
- Those engaged in handling operator specific information are properly trained in data security principles and protocols.

In addition, those arrangements should make clear to interested parties that while the merged Commission will provide a single source of factual advice on regulatory and economic implications for various sectors of changes to legislation, the ongoing oversight and review of legislation would remain for Ministers and ultimately Parliament to determine.

This Management Agreement is still under development. However, I annex a draft of the relevant section for your consideration [not received]; this sets out what we would expect from the Gambling Commission’s governance arrangements. Whilst the Management Agreement will define the principles that will ensure the transparency of your dealings, I expect the GC to outline the specific governance arrangements that it will put in place. I understand that the Commission is already giving thought to establishing a National Lottery subcommittee to enable
commercially sensitive investment and performance National Lottery issues to be considered in detail before recommendations are made to the main Board.

I am certain we can expect a high degree of public and commercial scrutiny around decision-making whilst procedures for the newly merged organisation bed down. I welcome this scrutiny as it will provide opportunities to address any concerns or misperceptions that persist. We will continue to monitor lottery income figures to ensure that this merger has not negatively affected the money available to good causes. As has previously been the case, I would like to continue our periodic performance meetings to monitor the effectiveness of the Commission in implementing these safeguards.

These and any other appropriate matters (including finance) will be set out in the Management Agreement – as is the routine practice between the Department and its other Arms Length Bodies.

9 July 2013

Annex B: Draft Governance Arrangements for Management Agreement

There are three areas of risk to consider:

- Operational conflicts of interest, where the Commission should only consider relevant factors during its decision making. For example, the duty to maximise returns will only apply to National Lottery functions and not to those exercised under the Gambling Act. This risk can be readily managed.

- Perceptions of bias, where the Commission has come to a decision properly applying the relevant legislation but where the outcome results in a perception of bias. This will need to be mitigated by transparency about decisions taken and how they were arrived at.

- The handling of commercially sensitive data, either by using information held to inappropriately inform a decision in another area or by releasing information held to a rival operator. These will need to be mitigated by having in place clear and open data handling protocols.

When exercising its functions the Gambling Commission will need to ensure that:

- It exercises its functions in relation to the National Lottery in accordance with the requirements of the National Lottery etc. Act 1993 (as amended) and any relevant secondary legislation and/or direction from the Secretary of State.

- It exercises its functions under the Gambling Act 2005 in accordance with the requirements of that Act, any relevant secondary legislation issued under that Act and the statement of principles for licensing and regulation, issued pursuant to section 23 of the Act.

- Only relevant considerations are taken into account when decisions are being taken and that suitable protocols are in place to provide assurance to DCMS and others that this is the case.

- There are no reasonable grounds for suggesting that it, or anyone exercising delegated decision making powers on its behalf, has been biased, partial or that a decision is not well founded in any way and that its decision making processes meet the requirements of the Human Rights Act 1998 and the principles of natural justice.
• Appropriate information barriers are in place to avoid any actual, or perceived, conflicts of interest arising in relation to the exercise of its functions under the above legislation.

• Its Commissioners and employees are alert to the possibility that the merged body’s statutory functions may occasionally give rise to conflicts, as a key aspect of minimising the effects of conflicts of interest is to be open and transparent about such situations when they arise, however rare.

• Those engaged in handling operator specific information are properly trained in data security principles and protocols, as whilst holding sensitive commercially confidential information does not, of itself, give rise to a conflict of interest care will be needed to ensure that such information is used appropriately.

• It is able, where required, to give adequate reasons for its decisions. Papers dealing with commercially sensitive decisions routinely spell out the legislative provisions being applied and who has seen the material.

• It should make clear to interested parties that while the merged Commission will provide a single source of advice on the implications for various sectors of changes to legislation, the on-going oversight and review of legislation would remain for Ministers and ultimately Parliament to determine.
APPENDIX 2: DRAFT JUDICIAL APPOINTMENTS REGULATIONS 2013

Letter from Lord Goodlad, Chairman of the Secondary Legislation Scrutiny Committee, to Rt Hon. Chris Grayling MP, Lord Chancellor and Secretary of State for Justice

Following its initial consideration of this instrument, the Committee requested supplementary information about the operation of regulation 2(7) (copy not printed) which indicated that, in relation to the Judicial Appointment Regulations, the Lord Chancellor has, in effect, a power to declare the Lord Chief Justice (or any other person in the judiciary) to be incapacitated. We note that this does not accord with the procedure set out in section 16 of the Constitutional Reform Act 2005 (“the 2005 Act”) whereby the Lord Chief Justice can be regarded as incapacitated if three out of four of the Heads of Division are satisfied that that is the case. For constitutional reasons associated with the principle of separation of powers, the Committee has significant concerns about this difference in procedure between regulation 2(7) and the 2005 Act, and we invite you to explain more fully the justification for it and whether it sets a precedent.

We would also welcome clarification about the use of the term “incapacitated” in the context of these Regulations. The advice we received from your department suggests that the sort of “incapacity” envisaged would be due to a conflict of interests. However, “incapacitated” is defined in section 16(5) of the 2005 Act as “unable to exercise the functions of that office” (more usually through sickness or perhaps absence from the UK). The issue here is not that the Lord Chief Justice (or any other person in the judiciary) is incapable of performing his function but that his impartiality might be perceived as compromised. So we would welcome clarification why, in such circumstances, the Lord Chief Justice could not recuse himself, as he would if asked to try a case involving someone he knew, or why some other solution from within the judiciary could not be found.

10 July 2013

Letter from Rt Hon. Chris Grayling MP to Lord Goodlad

Thank you very much for your letter, highlighting a concern over the wording of regulation 2(7) of the draft Judicial Appointments regulations, which concern the role of the Lord Chief Justice in determining members of selection panels. I hope that I am able to provide some clarification on the queries that you have raised.

Firstly it is important to stress that when we talk about incapacity in the regulations, we are not applying a different definition from that already applied under section 16 of the Constitutional Reform Act 2005. As you correctly say in your letter this is usually taken to refer to incapacity for example through sickness; it does not refer to any issue of conflict. As you say, if the Lord Chief Justice was conflicted in any way he could recluse himself and I agree it would not be for the Lord Chancellor to determine that conflict.

The potential perception of conflict that my officials referred to in response to your Committee’s enquiry does not relate to whether the Lord Chief Justice might be conflicted, instead it relates to the question of whether there might be a conflict among the Heads of Division in taking a decision about the selection process to which they may well have a personal interest in as an applicant. To give an illustrative example, the Heads of Division may all be applicants for the role of the Lord Chief Justice and in such circumstances to ensure the selection process was
perceived to be as independent as possible the Heads of Division should not be involved in the decision as to whether or not the LCJ takes part in the selection process. In reality of course the risk of any impropriety in such circumstances is negligible but it is very important in relation to these senior judicial appointments that there can be no perception of lack of independence.

If the normal process in section 16 regarding incapacity applied, not only would this decision be for the Heads of Division, but the senior Head of Division would also be able to nominate a panel member (even though they may themselves be an applicant). That is why, for these limited circumstances only; the regulations specify that incapacity is to be determined by the Lord Chancellor. This approach protects the Heads of Division from any accusation of undue influence over the process.

I also draw to your attention that the draft wording in the regulations directly replicates the form of works detailed within the transitional provisions in the Crime and Courts Act 2013 (Part 5 of Schedule 13) that are in force and which concern selection for Lord Chief Justice and Heads of Division.

Part 5 of Schedule 13 of the Crime and Courts Act 2013 introduces new sections 71 and 71A into the Constitutional Reform Act 2005. These provisions concern the composition of the selection panels for appointment of Lord Chief Justice and for appointment of Head of Division. In particular, section 71A(8) and (9) deal with what happens when the Lord Chief Justice is incapacitate; and section 71B(3) means that the Lord Chancellor determines when the Lord Chief Justice is incapacitated for these purposes. These provisions are in force by virtue of section 61(11) of the Crime and Courts Act 2013. They were also agreed by the Lord Chief Justice beforehand.

I also wanted to draw your attention that these regulations have been considered by and agreed to by the Lord Chief Justice, before the regulations were laid before Parliament, while they have also been shared with the President of the UK Supreme Court and the Chair of the Judicial Appointments Commission for their awareness.

I hope that the above has clarified the issues that you have highlighted and allayed any concerns that you might have had over the proposed approach.

15 July 2013
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 16 July 2013 Members declared the following interests:

**Draft National Health Service (Licence Exemptions, etc.) Regulations 2013**

Lord Blackwell, as Chairman of Interserve plc, which is a supplier of services to the NHS.

**Draft Occupational and Personal Pension Schemes (Automatic Enrolment) Regulations 2013**

Lord Blackwell, as Chairman of Scottish Widows, Ltd, which is a provider of Automatic Enrolment pension schemes.

**Attendance:**

The meeting was attended by Lord Bichard, Lord Blackwell, Lord Eames, Lord Goodlad, Baroness Hamwee, Lord Methuen, Baroness Morris of Yardley, Lord Norton of Louth, Lord Scott of Foscote and Lord Woolmer of Leeds.