HOUSE OF LORDS

Delegated Powers and Regulatory Reform Committee

26th Report of Session 2017–19

# Sanctions and Anti-Money Laundering Bill [HL]: Consideration of Commons Amendments

# Correspondence: European Union (Withdrawal) Bill

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## *The Delegated Powers and Regulatory Reform Committee*

The Committee is appointed by the House of Lords each session and has the following terms of reference:

(i) To report whether the provisions of any bill inappropriately delegate legislative power, or whether they subject the exercise of legislative power to an inappropriate degree of parliamentary scrutiny;

(ii) To report on documents and draft orders laid before Parliament under or by virtue of:

(a) sections 14 and 18 of the Legislative and Regulatory Reform Act 2006,

(b) section 7(2) or section 19 of the Localism Act 2011, or

(c) section 5E(2) of the Fire and Rescue Services Act 2004;

and to perform, in respect of such draft orders, and in respect of subordinate provisions orders made or proposed to be made under the Regulatory Reform Act 2001, the functions performed in respect of other instruments and draft instruments by the Joint Committee on Statutory Instruments; and

(iii) To report on documents and draft orders laid before Parliament under or by virtue of:

(a) section 85 of the Northern Ireland Act 1998,

(b) section 17 of the Local Government Act 1999,

(c) section 9 of the Local Government Act 2000,

(d) section 98 of the Local Government Act 2003, or

(e) section 102 of the Local Transport Act 2008.

## *Membership*

The members of the Delegated Powers and Regulatory Reform Committee who agreed this report are:

Baroness Andrews
Lord Blencathra (Chairman)
Lord Flight
Lord Jones
Lord Lisvane
Lord Moynihan
Lord Rowlands
Lord Thomas of Gresford
Lord Thurlow
Lord Tyler

## *Registered Interests*

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.

## *Publications*

The Committee's reports are published by Order of the House in hard copy and on the internet at www.parliament.uk/hldprrcpublications.

## *General Information*

General information about the House of Lords and its Committees, including guidance to witnesses, details of current inquiries and forthcoming meetings is on the internet at http://www.parliament.uk/business/lords/.

## *Contacts for the Delegated Powers and Regulatory Reform Committee*

Any query about the Committee or its work should be directed to the Clerk of Delegated Legislation, Legislation Office, House of Lords, London, SW1A 0PW. The telephone number is 020 7219 3103 and the fax number is 020 7219 2571. The Committee's email address is hldelegatedpowers@parliament.uk.

## *Historical Note*

In February 1992, the Select Committee on the Committee work of the House, under the chairmanship of Earl Jellicoe, noted that "in recent years there has been considerable disquiet over the problem of wide and sometimes ill-defined order-making powers which give Ministers unlimited discretion" (Session 1991–92, HL Paper 35-I, paragraph 133). The Committee recommended the establishment of a delegated powers scrutiny committee which would, it suggested, "be well suited to the revising function of the House". As a result, the Select Committee on the Scrutiny of Delegated Powers was appointed experimentally in the following session. It was established as a sessional committee from the beginning of Session 1994–95. The Committee also has responsibility for scrutinising legislative reform orders under the Legislative and Regulatory Reform Act 2006 and certain instruments made under other Acts specified in the Committee's terms of reference.

# Twenty Sixth Report

## SANCTIONS AND ANTI-MONEY LAUNDERING BILL [HL]: CONSIDERATION OF COMMONS AMENDMENTS

1. The Committee reported on this Bill in its 7th Report of this Session.[1] The Bill has returned to the Lords having completed its Commons stages. A number of amendments have been made to the Bill in the Commons, some of which confer new delegated powers. The Foreign and Commonwealth Office has provided the Committee with a supplementary Delegated Powers Memorandum.[2]

2. We wish to draw to the attention of the House Amendments 11 and 12 on the list of Commons Amendments.

### Amendment 11—new clause "Enforcement: goods etc on ships"

3. Amendment 11 inserts a new clause which adds to the enforcement powers under clause 17. The Department explains[3] the reasons for these new powers: although there are existing powers under the Customs and Excise Management Act 1979 which allow UK officials to enforce trade sanctions in the UK and its territorial waters, there is nothing that would allow action to be taken beyond the limits of the UK territorial waters. The powers conferred by the new clause inserted by Amendment 11 are intended to bridge this gap.

4. The new clause will allow action to be taken in relation to British ships in foreign or international waters, ships without nationality in international waters, and foreign ships in international waters. Subsection (4) gives examples of the powers which may be conferred under the new clause. They include the power to:

- stop a ship;
- board a ship;
- require any person found on a ship which has been boarded to provide information or produce documents;
- inspect and copy such documents or information;
- in certain circumstances, stop a person found on a ship and search that person;
- seize goods found on a ship;
- require a ship to be taken to, and remain in, a port or anchorage in the UK or elsewhere in order to allow a search of persons or the ship or the seizure of goods to take place.

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1 Delegated Powers and Regulatory Reform Committee (7th Report, Session 2017–19, HL Paper 38)

2 Foreign and Commonwealth Office, Sanctions and Anti-Money Laundering Bill [HL] supplementary Delegated Powers Memorandum

3 See paragraph 9 of the supplementary Delegated Powers Memorandum.

5. The new clause limits the circumstances in which powers conferred by the regulations may be exercised. For example, where regulations confer powers on a person to stop and board a ship, to search a ship, or to require a person to provide information, the power may only be exercised if the person exercising the power has reasonable grounds to suspect that the ship is carrying goods prohibited under the sanctions regulations.

6. The Department states[4] that it is appropriate for the powers to be set out in regulations rather than on the face of the Bill because "this will ensure that any enforcement measures are appropriate to the particular prohibitions and requirements contained in the regulations"; and it will provide greater clarity for both enforcement officers and members of the public if all the enforcement measures are included within the sanctions regulations to which they relate.

7. The Department points out that analogous maritime enforcement provisions are contained in other legislation.[5] Three examples are given:

   - Chapter 5 of Part 4 of the Policing and Crime Act 2017 which confers maritime enforcement powers for the purpose of preventing, detecting, investigating or prosecuting a criminal offence;

   - Part 3 of the Modern Slavery Act 2015 which confers maritime enforcement powers for the purpose of preventing, detecting, investigating or prosecuting an offence under that Act;

   - Part 3A of the Immigration Act 1971 which confers maritime enforcement powers for the purposes of preventing, detecting, investigating or prosecuting offences relating to unlawful immigration.

8. There are, in our view, however, very significant differences between these maritime enforcement provisions and the powers conferred by the new clause:

   - First, whereas in existing provisions the powers and the persons by whom the powers are exercisable are set out on the face of the primary legislation, under the new clause, these matters are left wholly to be set out in the regulations.

   - Second, although the list of powers in subsection (4) of the new clause reflects provisions in the existing legislation, the powers in subsection (4) are not exhaustive of the powers that may be conferred under the new clause.

9. The new clause is drafted in very broad terms and simply refers to the regulations making provision "as to the powers and duties of prescribed persons in relation to" British ships in foreign or international waters, ships without nationality in international waters, and foreign ships in international waters. The only limit as to the nature of the powers which may be conferred by the new clause is that they must be for the purpose of enforcing prohibitions or requirements imposed by trade sanctions regulations[6].

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4 See paragraphs 11–13.

5 See paragraph 10 of the supplementary Delegated Powers Memorandum.

6 Subsection (3) of the new clause defines a relevant prohibition or requirement as being one imposed by regulations for a purpose mentioned in any of paragraphs 2–7, 15(a), (b) or (c) or 16(a) of Schedule 1. These relate to the import and export of goods, the movement of goods outside the UK, and the transfer and acquisition of technology.

10. We were surprised that such significant powers were inserted into the Bill after its passage through the first House. In considering the appropriateness of the wide powers contained in the new clause, the Committee has taken into account the following points:

    - As we note above, where equivalent provision has been made in other legislation, the maritime enforcement powers (including the persons by whom they are exercisable) have been set out on the face of the primary legislation rather than being left wholly to regulations.

    - No explanation is given as to why the maritime enforcement powers need to be so very broad and ill-defined. In particular no reasons are given to explain why it is not appropriate to limit the powers to the matters listed in subsection (4).

    - The Department argues that making provision by regulations, rather than setting it out on the face of the Bill, is needed to ensure that the enforcement measures are appropriate to the particular prohibitions and requirements contained in sanctions regulations. But it is not self-evident that the powers are likely to need to vary depending on the particular prohibitions or requirements in the regulations. No examples are given by the Department to explain why it thinks this is likely to be case.

11. **In the light of these points, the Committee has concluded that the delegation of powers by the new clause inserted by Amendment 11 is inappropriate.**

12. **Given the Department's failure to explain the width of the powers being granted, and why it is not possible to limit the powers to the matters set out in subsection (4) and to specify on the face of the Bill the persons who are to exercise the powers, the House may wish to press the Minister for an explanation.**

13. The level of Parliamentary scrutiny which applies to regulations under the new clause will depend on the context. Where the negative procedure applies to the sanctions regulations (because they include provisions implementing a UN obligation to which the UK is subject), that procedure will also apply to the enforcement powers which are being taken in connection with those sanctions regulations. Similarly where the affirmative procedure applies to the sanctions regulations the affirmative procedure will also apply to the enforcement provisions.

14. **If, in the light of any explanation given by the Minister, the House agrees that such broad powers should be retained, the Committee recommends their exercise should *in all cases* be subject to the affirmative procedure.**

### Amendment 12—new clause "Goods etc on ships: non-UK conduct"

15. Amendment 12 inserts a new clause which allows regulations to confer further maritime enforcement powers. The structure of the new clause inserted by Amendment 12 is very similar to that of the new clause inserted by Amendment 11:

    - The powers are conferred on "prescribed persons".

- The powers are expressed in very broad terms.
- Subsection (2) sets out a non-exhaustive list of the kinds of powers which may be included in the regulations. The list is identical to that given in subsection (4) of the new clause inserted by Amendment 11.
- Limitations are imposed on the exercise of the powers which are similar to those imposed by the new clause inserted by Amendment 11.

16. The key feature of the new clause inserted by Amendment 12 (which distinguishes it from the new clause inserted by Amendment 11) is that it allows maritime enforcement powers to be granted in cases where there is no breach of the sanctions regulations. By virtue of clause 18 of the Bill, prohibitions or requirements in sanctions regulations can only be applied to conduct by a person in the UK, or to conduct elsewhere if it is by a UK person. The powers conferred by Amendment 12 apply to conduct by a non-UK person which takes place outside the UK, where that conduct would have been a breach of trade sanctions regulations if it had been conduct in the UK or by a UK person.

17. The same considerations apply to the powers conferred by the new clause inserted by Amendment 12 as apply to the powers conferred by the new clause inserted by Amendment 11. If anything, in our view, there must be an even stronger case for limiting the width of maritime enforcement powers in cases where there is no actual breach of trade sanctions regulations.

18. **The Committee has therefore concluded that that the delegation of powers by the new clause inserted by Amendment 12 is inappropriate.**

19. **As with Amendment 11, the Department have failed adequately to explain the width of the powers being granted, and why it is not possible to limit the powers to the matters set out in subsection (2) and to specify on the face of the Bill the persons who are to exercise the powers, and the House may wish to press the Minister for a full explanation. If, in the light of any further explanation, the House agrees that such broad powers should be retained, then the Committee recommends that their exercise should *in all cases* be subject to the affirmative procedure.**

## CORRESPONDENCE: EUROPEAN UNION (WITHDRAWAL) BILL

20. We published a report on the Government Amendments to the European Union (Withdrawal) Bill on 23 April 2018.[7] Subsequent exchanges of correspondence between the Government and the Committee are printed at Appendix 1. We are also publishing a letter from the Minister to the Committee setting out the Government's position on various aspects of the Bill. This is also printed at Appendix 1.

7 Delegated Powers and Regulatory Reform Committee (23rd Report, Session 2017–19, HL Paper 124)

## APPENDIX 1: CORRESPONDENCE: EUROPEAN UNION (WITHDRAWAL) BILL

### Letter from Lord Callanan, Minister of State at the Department for Exiting the European Union, to the Rt Hon. Lord Blencathra, Chairman of the Delegated Powers and Regulatory Reform Committee

Thank you for your Committee's report of 23 April on *The EU (Withdrawal) Bill*. The report expressed a number of concerns the Committee continues to have following the amendments to the Bill proposed by the Government.

This letter does not address all of the points raised in your report, which my officials and I are still considering. However, in advance of the debate later today there was one specific technical point to which I wished to respond.

In your report you said:

> "The Government have told us that charging regimes in statutory instruments are standard, including under the Finance Act 1973. We agree. But there is a big difference between charging for a service and taxing people for the use of a service. That difference has been enshrined in UK legislation from the outset of this country's membership of the European Communities. Taxation in statutory instruments made under section 2 of the European Communities Act 1972 is expressly forbidden. Likewise, section 56 of the Finance Act 1973 does not allow for taxation, and was never intended to do so, lest it rendered nugatory the prohibition against taxation by statutory instrument contained in the European Communities Act 1972."

You are correct that the section 2 of the European Communities Act expressly forbids taxation. However section 56 of the Finance Act 1973, which permits the creation of fees "*and other charges*" does allow for taxation.

An element of taxation is the distinguishing feature of a 'charge' that differentiates it from a fee. Indeed, it is precisely for that reason that the ability to make charges sits in the Finance Act 1973 and not in the European Communities Act.

Finance Acts are of course how the House of Commons normally provides for taxation, and in the case of section 56 of the Finance Act 1973 that included any elements of taxation contained in charging regimes made under that power.

These elements are, in many cases, outside the everyday sense of the word tax and are often very minor. For example, a charge requiring people to pay for a body's enforcement costs or to pay levies for participating in a regulated market would normally, under the long established definition currently set out in *Managing Public Money*, be classified as taxation.

Without an element of taxation, some of the charging regimes planned under this Bill by the Government could not be established and the costs of specialist services we have described previously would fall on the public purse to be met from general taxation. Nor could we continue to adjust under our Bill the charging regimes created under section 56 of the Finance Act 1973 after exit.

**25 April 2018**

## Letter from the Rt Hon. Lord Blencathra to Lord Callanan

Thank you for your letter of 25 April. I am sorry to have to return to this issue yet again but there is a fundamental disagreement between us on a key matter of principle and law that my Committee feels we should draw to the attention of the House. We have consistently argued that no statutory instrument under Schedule 4 should be able to impose or increase taxation.

- Taxation by statutory instrument is expressly forbidden under the European Communities Act 1972.
- Taxation is expressly forbidden in regulations made under clauses 7 and 9.
- We contend that taxation is forbidden in statutory instruments made under section 56 of the Finance Act 1973.
- Section 56 is a specific power to impose fees or charges rather than something radically wider in scope that could be used to circumvent the taxation ban in the 1972 Act.

It appears that you agree with the first two points but disagree with the others.

We can find nothing in the *Treasury's Managing Public Money* (hereafter "MPM") that indicates that taxation is permissible in statutory instruments made under section 56 of the Finance Act 1973. It would have been remarkable if the express prohibition found in the 1972 Act had been taken away by necessary implication less than a year later in the same Parliament. So far as we are aware, the Treasury do not authorise Departments to tax people by regulations under section 56 of the 1973 Act. If we are wrong, we would be grateful if you could draw our attention to any regulations made under section 56 where the Treasury have authorised Departments to tax people beyond the ordinary fees and charges limits set out in chapter 6 of MPM.

You say that charges are different from fees in that they can include taxation and "it is precisely for that reason that the ability to make charges sits in the Finance Act 1973 and not the European Communities Act". We disagree. Our understanding of why section 56 was passed was to make clear that, although taxation by statutory instrument is expressly forbidden under the 1972 Act, Government departments may require the payment of fees or other charges (not otherwise amounting to taxation) in connection with services or facilities provided, or documents issued, in pursuance of Community obligations or international agreements or arrangements. Section 56 was clause 44 in the original Bill. It attracted no debate in Parliament, which is consistent with it being uncontroversial.

The Treasury are aware that the standard approach to charges is to recover full cost (MPM, para. 6.2.1) and that anything above this (for example, historic-deficit recovery or crosssubsidisation) always calls for specific statutory authority (MPM, para. 6.4.3) lest article 4 of the Bill of Rights 1688 is offended.

You mention that Finance Acts are how the House of Commons normally provides for taxation. But it does not follow that any fees or charges power in a Finance Act allows for taxation. A ways and means resolution of 12 March 1973 in the House of Commons said that, despite anything to the contrary in the practice of the House of Commons relating to the matters which may be included in Finance Bills, any Finance Bill in that session of Parliament could contain provisions for the payment of fees or other charges in connection with services etc. provided in

pursuance of Community obligations (which was the subject matter of section 56 of the Finance Act 1973).

We agree with the point made by Lord Kerr of Kinlochard at report stage (Hansard, 25 April, column 1641). Taxation has always been expressly forbidden in statutory instruments made under the 1972 Act. If the Bill allows Ministers to tax people in regulations, and other bodies can tax people under tertiary legislation, it is something new and different. The Government have pledged to preserve retained EU law, subject to making no substantial policy changes save by Act of Parliament. Taxation by statutory instrument is neither necessary nor appropriate.

**1 May 2018**

### Letter from Lord Callanan and the Rt Hon. Elizabeth Truss MP, Chief Secretary to the Treasury, to the Rt Hon. Lord Blencathra

Thank you for your continued contribution, and that of the other members of the Delegated Powers and Regulatory Reform Committee, to the debate on the EU (Withdrawal) Bill (the Bill). We would like to thank you very much for your response to Lord Callanan's letter of 25 April regarding section 56 of the Finance Act 1973 (section 56).

It is of course possible to take differing interpretations of section 56 and we understand that the DPRRC may take a different view to the Government. However we wish to make clear that the view set out in Lord Callanan's letter of 25 April is, and has always been, the Government's position. DExEU and HM Treasury have worked closely throughout the design and passage of this Bill to ensure it reflects Government policy and can deliver an exit with certainty, continuity and control.

Given the special context of taxation in our constitution we would agree that each exercise of section 56 needs to be considered very carefully in order to keep to what Parliament intended in 1973. We do particularly believe that section 56 and Schedule 4 to the Bill are both an appropriate form of statutory authorisation for the purposes of article 4 of the Bill of Rights. Neither section 56 nor Schedule 4 to the Bill introduce a power which is "radical" in the sense of simply allowing taxes to be imposed unconnected to the provision of services.

There was not an opportunity to address these points in the debate today but we wish to make a few additional points regarding section 56 of the Finance Act 1973.

You specifically compared section 56 with section 2(2) of the 1972 Act. These are separate and distinct powers, and whilst their application may overlap in practice, it does not follow that the restrictions in the 1972 powers therefore apply to the use of section 56. We consider that it would be odd if the powers connected to implementing EU obligations in the 1973 Act added nothing of substance to the 1972 provisions.

We note that this is not the first time that this question has been considered. Defra's memorandum annexed to the JCSI's 32nd report of session 2002–03[8] describes the background papers to what became section 56. These indicate that section 56 was intended to enable the charging of fees which might go beyond a charge for a service and amount (for example for the purpose of international accounting standards) to taxation, thus falling outside the scope of section 2(2) of the 1972 Act.

8 https://www.publications.parliament.uk/pa/jt200203/jtselect/jtstatin/190/19009.htm#a5

The obvious area of operation for the scope of section 56, going beyond the 1972 Act, relates to those charges which are not, as the Government has said in the passage of the EU (Withdrawal) Bill and Lord Callanan said in his letter of 25 April, taxes in the more general and more ordinary meaning of that word.

The Government considers section 56 deliberately refers not only to "fees" but to "fees or other charges". We have always understood that when legislation refers to a "charge", the reference goes beyond a straightforward fee for a service and may include elements which may cause such "charges" to be properly classified as taxes whilst taking the ostensible form of fees for services.

For example *The Plant Protection Products (Fees and Charges) Regulations 2011* (SI 2011/2132) relies on section 56 to prescribe both fees and charges in connection with regulatory functions undertaken in the implementation of EU Regulations and Directives.

The fees are expressly set out to cover the costs of specific regulatory activities undertaken by the Secretary of State or his or her devolved counterparts; and amounts of fees are specified against listed activities in Schedules 1 and 2 to the Regulations.

The charges are set out separately (regulations 6, 7 and 8) and take the form of an annual charge calculated as a specified percentage of the annual turnover of each regulated person.

These Regulations carefully and appropriately set up a statutory framework of fees and charges; distinguishing the latter from the former due to the fact that the "charges" could potentially go beyond simple fee-for-service arrangements, depending upon how the regulatory regime works in practice.

For example, there could conceivably be an element of cross-subsidy between regulated persons, as the percentage of annual turnover of each person will be at best a rough approximation of the regulatory resources the authorities will be required to devote to that person within a given year. In some circumstances, the two quantities could vary significantly in a particular year, creating a significant element of taxation within what is ostensibly a fee-like "charge". Hence the distinct use of the charging power in section 56 to ensure that both these elements are authorised by Parliament, should the need for this arise in the operation of the regulatory regime.

As an additional point, the scope of delegated powers is set out in the parent Act, not in Managing Public Money. Managing Public Money does provide a statement of the Government policy in these matters. We would also draw your attention to the third bullet point of para 6.1.2 of MPM and the related footnote. The national accounts reflect classification decisions taken by the Office for National Statistics in accordance with the European System of Accounts (ESA10), the national accounts framework enshrined in EU legislation. Certain charges are treated as taxes for these purposes.

Thank you for your continued engagement on this topic, we hope this letter has better explained the Government's position.

**8 May 2018**

## Letter from Lord Callanan to the Rt Hon. Lord Blencathra

I am writing to thank the Committee for its detailed scrutiny of the EU (Withdrawal) Bill throughout its passage to date. In particular, your report published on 1 February was thorough in its consideration of important aspects of the Bill's drafting. I hope that the Government's response was able to inform Committee members' contributions during Report stage. Ministerial colleagues and I have welcomed the ongoing engagement that has taken place between ministers, officials, and Committee members to discuss how to get this vital piece of legislation right.

The Committee has published two further reports, on 23 and 26 April, to provide analysis of various Government amendments tabled during Report stage. Many of the Government's amendments were informed by the analysis of those on the Committee and so I am pleased that you have welcomed many of them in your reports.

Below, I set out the Government's position on some further areas of debate and, in doing so, summarise the points made at the despatch box so far, in advance of Third Reading.

### *Fees*

We wrote to the Committee on 25 April to respond to a specific point raised in your report of 23 April, to make clear the Government's position in advance of Report Stage debate on the relevant parts of the Bill. This concerns Government amendments to prevent regulations under clauses 7 and 9 from imposing or increasing fees. The Committee contends that taxation should not be possible in regulations made under any provision in the Bill, including Schedule 4.

We have since corresponded in a number of follow-up letters regarding the Government's position on section 56 of the Finance Act 1973, to which the powers in Schedule 4 are comparable. We set out that, while section 56 of the Finance Act 1973 is not a power to provide for general taxation, the Government's position is that it is capable of making charges which might go beyond a charge for a service and amount (for example, for the purpose of international accounting standards) to taxation.

### *Sifting Committee*

The Committee has set out its position that the recommendation from a sifting committee of either House to upgrade the negative procedure to the affirmative procedure should be determinative, save where the recommendation is rejected by a resolution of that House. I note that the House accepted recommendations to that effect in approving amendments 70 and 77. We will consider the implications of this as the Bill enters its next stages.

### *"Good Reasons" Statements*

Your Report of 23 April was issued just before the third day of Report stage when amendments to remove the discretion of ministerial judgement on appropriateness, permitting action only where it is "necessary" in the context of the correcting power, the consequential power and the transitional power were agreed to by the House. This is despite the Government bringing forward its own amendments to require Ministers to demonstrate "good reasons" when making certain regulations, as recommended by the Constitution Committee.

The Government continues to believe that the meaning of "necessary" is not clear, for the reasons I set out at Report, and that narrowing the Bill with a "necessary" test risks the Government being unable to proceed with some of its planned corrections, leaving a statute book that is not fit for purpose, which is at odds with the core objective of the Bill.

I am, however, grateful for Committee members' openness in engaging with Ministers and officials on these matters and I hope this continues as the Bill returns to the Commons for consideration of Lords' amendments.

*Sub-delegation*

The Committee's report of 23 April set out why it does not agree with the Government's amendments regarding sub-delegation, which provide that Ministers must make written statements explaining the appropriateness of certain types of sub-delegation. These statements will be published alongside any statutory instrument creating a legislative power which is to be exercised by someone other than Ministers, and/or by making something other than statutory instruments (or devolved equivalents).

These amendments were accepted on 8 May. We have discussed this issue at length with a number of noble Lords; I am pleased that the House agreed that the Government's approach allows for an appropriate allocation of responsibilities which respects the existing framework set by Parliament, ensures democratic accountability for framework legislation which sets the direction of policy, and fits with the existing responsibilities of the regulators.

Thank you again for your continued engagement and detailed scrutiny of the EU (Withdrawal) Bill to date.

**14 May 2018**

## APPENDIX 2: MEMBERS AND DECLARATIONS OF INTERESTS

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

For the business taken at the meeting on 16 May 2018, Members declared no interests.

### Attendance

The meeting on the 16 May 2018 was attended by Lord Blencathra, Lord Flight, Lord Jones, Lord Moynihan, Lord Thomas of Gresford, Lord Thurlow and Lord Tyler.