

HOUSE OF LORDS

Secondary Legislation Scrutiny Committee

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6th Report of Session 2017–19

**Draft Regulation of Social  
Housing (Influence of Local  
Authorities) (England)  
Regulations 2017**

**Correspondence: European Union  
Financial Sanctions (Amendment of  
Information Provisions) Regulations 2017**

**Oral evidence and correspondence:  
Quality of information provided in  
support of secondary legislation**

Includes 8 Information Paragraphs on 8 Instruments

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### *Secondary Legislation Scrutiny Committee*

The Committee was established on 17 December 2003 as the Merits of Statutory Instruments Committee. It was renamed in 2012 to reflect the widening of its responsibilities to include the scrutiny of Orders laid under the Public Bodies Act 2011.

The Committee's terms of reference are set out in full on the website but are, broadly, to scrutinise —

(a) every instrument (whether or not a statutory instrument), or draft of an instrument, which is laid before each House of Parliament and upon which proceedings may be, or might have been, taken in either House of Parliament under an Act of Parliament;

(b) every proposal which is in the form of a draft of such an instrument and is laid before each House of Parliament under an Act of Parliament,

with a view to determining whether or not the special attention of the House should be drawn to it on any of these specified grounds:

(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;

(e) that the explanatory material laid in support provides insufficient information to gain a clear understanding about the instrument's policy objective and intended implementation;

(f) that there appear to be inadequacies in the consultation process which relates to the instrument.

The Committee may also consider such other general matters relating to the effective scrutiny of secondary legislation as the Committee considers appropriate, except matters within the orders of reference of the Joint Committee on Statutory Instruments.

### *Members*

Lord Faulkner of Worcester

Lord Haskel

Lord Sherbourne of Didsbury

Baroness Finn

Rt Hon. Lord Janvrin

Rt Hon. Lord Trefgarne (*Chairman*)

Lord Goddard of Stockport

Lord Kirkwood of Kirkhope

Baroness Watkins of Tavistock

Baroness Gould of Potternewton

Baroness O'Loan

### *Registered interests*

Information about interests of Committee Members can be found in the last Appendix to this report.

### *Publications*

The Committee's Reports are published on the internet at [www.parliament.uk/seclegpublications](http://www.parliament.uk/seclegpublications)

The National Archives publish statutory instruments with a plain English explanatory memorandum on the internet at <http://www.legislation.gov.uk/uksi>

### *Information and Contacts*

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

# Sixth Report

## INSTRUMENT DRAWN TO THE SPECIAL ATTENTION OF THE HOUSE

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### Draft Regulation of Social Housing (Influence of Local Authorities) (England) Regulations 2017

*Date laid: 14 September 2017*

*Parliamentary procedure: affirmative*

*Summary: These Regulations propose to reduce the influence that local authorities have over private registered providers of social housing (PRPs). In October 2015 the Office for National Statistics (ONS) announced that PRPs would be classified as public bodies, due to public sector influence on the sector. The Department for Communities and Local Government has said that the only reason for bringing these Regulations forward is to enable ONS to reclassify housing associations to the private sector. While taking the views of some key interested parties, the Department did not subject the Regulations to a formal, public consultation, which could otherwise have included the tenants of the 100 housing associations (out of the total of 1,500 in England) estimated to be affected by the Regulations.*

**We draw these Regulations 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. The Department for Communities and Local Government (DCLG) has laid these draft Regulations with an Explanatory Memorandum (EM). The Regulations propose to reduce the influence that local authorities have over private registered providers of social housing (PRPs),<sup>1</sup> in particular by restricting the percentage level of officers that a local authority may nominate as board members of a PRP, and by removing a local authority's ability to hold voting rights as a member of a PRP.
2. In the EM, DCLG says that some local authorities, mainly because of stock transfer agreements to PRPs, have the ability at present to appoint local authority representatives to the PRP's board. In agreeing a stock transfer, a local authority and a PRP will enter into a contractual agreement covering all aspects of transfer, including the sale of the housing and the future relationship between the local authority and the PRP. The Department explains that PRPs play a critical role in delivering new homes: in England, they provide approximately a third of all new homes annually.
3. DCLG states that, in October 2015, the Office for National Statistics (ONS) announced that PRPs would be classified as public bodies, due to public sector influence on the sector, namely controls over their business exerted by central government through the Homes and Communities Agency, and by local authorities. The ONS' decision, which brings on to the public accounts all 1,600 PRPs in England, responsible for some £70 billion of commercial borrowing, means that as public bodies their future borrowing will be added to the deficit.

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<sup>1</sup> Private registered providers are businesses (often housing associations) which are registered with the Homes and Communities Agency (HCA) and provide social housing (as defined in the Housing and Regeneration Act 2008: "the 2008 Act"). The HCA carries out the function of the Regulator of Social Housing (under the 2008 Act).

4. We obtained additional information from DCLG, which we are publishing at Appendix 1. In response to our questions, the Department has said that the only reason for bringing these Regulations forward is to enable ONS to reclassify housing associations to the private sector. At the same time, it has stressed that it remains mindful of the overall working relationship between local authorities and housing associations, and has sought to ensure that it did not disrupt that relationship.
5. We note, however, that, in the EM, DCLG states that, as a result of the Regulations, a local authority will be able to nominate board members only to a proportion representing 24% of the total board membership; and that, while this will still allow a local authority to be represented on the board and to participate in any voted business, it will prevent it from blocking any voted decisions (as this may be considered to constitute control). **In our view, this seems to us to imply a potentially significant change in the working relationship. We put this point to DCLG, which has responded that the Regulations do not prevent local authorities from taking part in board debates or decisions—a response which does not lead us to alter our view.**
6. In the EM, DCLG states that no formal consultation was carried out for the Regulations, although it took views from the National Housing Federation, Local Government Association, the national federation of arm's length management organisations, a selection of private registered providers and local authorities.
7. We asked why there had been no formal consultation, and why DCLG did not see a case for taking the views of tenants of PRPs. The Department has told us that it estimates that around 100 out of the total of 1,500 housing associations may be affected by the Regulations, which will mainly apply to those where stock has been transferred from a local authority; and that, where a transfer has occurred, tenants voted for that transfer and for the promises made around stock improvements as a result of the transfer. **Given the small numbers of housing associations involved, and the fact that the tenants had already voted for the transfer, DCLG did not consider that a full consultation was required. We have no knowledge of the views of the tenants concerned, but it is not obvious to us that their silence may necessarily be assumed to imply consent to these proposed changes.**

## CORRESPONDENCE

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### **European Union Financial Sanctions (Amendment of Information Provisions) Regulations 2017 (SI 2017/754)**

8. These Regulations were laid on 18 July of this year by HM Treasury (HMT), and brought into force on 8 August. We considered them at our meeting on 5 September and took the view that they need not be drawn to the special attention of the House. In the Explanatory Memorandum, HMT explained that enforcement of financial sanctions measures backed by criminal law required a “relevant institution” to report to HMT, and that hitherto “relevant institution” had been defined in such a way as to apply to only financial institutions. SI 2017/754 has extended the organisations to which the domestic legislation and associated criminal law applies, to include other businesses or professions. Those affected include independent legal professionals, trust or company service providers, estate agents, dealers in precious metals and stones, casinos, and accountants.
9. On 25 September, Mr Joe Egan, President of the Law Society, wrote to us to raise concerns about HMT’s handling of the Regulations, notably that there was only minimal discussion with stakeholders, and that the Regulations could cause significant harm both to firms providing advice, and to the ability of individuals subject to sanctions to seek legal advice. Our Chairman subsequently wrote to Mr Stephen Barclay, MP, Economic Secretary to the Treasury, asking him to comment on these concerns, and Mr Barclay has replied, setting out HMT’s views on its engagement with stakeholders and the impact of the Regulations. We are publishing the correspondence at Appendix 2.

## ORAL EVIDENCE AND CORRESPONDENCE

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### Quality of information provided in support of secondary legislation

10. On 12 September, the Committee took oral evidence on the quality of information provided in support of secondary legislation from Elizabeth Gardiner, First Parliamentary Counsel and Permanent Secretary in the Cabinet Office, Jonathan Jones, HM Procurator General, Treasury Solicitor and Head of the Government Legal Service, and Sir Chris Wormald, Head of the Government policy profession and Permanent Secretary in the Department of Health.<sup>2</sup>
11. The three Permanent Secretaries first gave evidence to the Committee on this matter in a session held on 12 July 2016.<sup>3</sup> As a result of that earlier evidence session, an “improvement package” was designed for implementation across Whitehall, in order to address the Committee’s concerns about the adequacy and consistency of material included in Explanatory Memoranda and Impact Assessments laid before Parliament alongside statutory instruments.
12. On 2 August of this year, the Rt Hon. Damian Green, MP, Minister for the Cabinet Office, wrote to the Committee to provide an update on the improvement package, in advance of the evidence on 12 September. We are publishing the Minister’s letter, and our reply, at Appendix 3 to this report.
13. Sir Chris Wormald said that the seven future actions which he and his colleagues had identified in 2016 could be grouped under three main headings: awareness, and whether senior civil servants took this issue as seriously as they should; capacity, particularly training, development and guidance, both centrally and at departmental level; and process, both at departmental level and centrally, for checking the material that eventually came to Parliament. He said that there had been a considerable amount of progress with these three main objectives, but there was still much more to do before these initiatives resulted in the kind of consistent improvement to the information supporting statutory instruments which both the Committee and the leaders of the civil service wished to see.
14. The Committee took a particular interest in the process changes described in evidence. These included notably: a review panel, with members drawn from officials in major Government Departments, whose remit would be to look at 5% of all SIs and EMs and to offer feedback to the Departments responsible; the panel would first meet in October 2017; the nomination in each Department of a Minister with responsibility for secondary legislation, and of a Senior Responsible Owner (SRO) - a senior civil servant - accountable both for process and quality of SIs within the Department; and the extension of the role of the Cabinet Office’s Parliamentary Business and Legislation Committee (PBL) to take an overview of all secondary legislation across Government. Sir Chris said that the combination of these three process changes would give a much clearer structure for addressing the questions that this Committee had raised.

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2 Oral evidence taken on 12 September 2017 (Session 2017–19): <http://www.parliament.uk/documents/lords-committees/Secondary-Legislation-Scrutiny-Committee/CORRECTED-TRANSCRIPT-SLSC-QI-inquiry-12-09-17-Gardiner-et-al.pdf>

3 Oral evidence taken on 12 July 2016 (Session 2016–17): <http://www.parliament.uk/documents/lords-committees/Secondary-Legislation-Scrutiny-Committee/CORRECTED-TRANSCRIPT-120716-Gardiner-et-al.pdf>

15. The Committee welcomed the continuing commitment of the Permanent Secretaries to deliver improvements in Departments' handling of secondary legislation, and their recognition that it was essential that the work be done to the highest quality, particularly in view of the likely demands of preparing and presenting secondary legislation related to the UK's withdrawal from the EU. The Committee will keep these issues under review, and expects to take evidence again in 2018.

## **INSTRUMENTS OF INTEREST**

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### **Draft Business Contract Terms (Assignment of Receivables) Regulations 2017**

16. The Department for Business, Energy and Industrial Strategy (BEIS) has laid these draft Regulations with an Explanatory Memorandum (EM) and Impact Assessment. In the EM, BEIS says that the assignment of receivables (that is, invoices and other rights to be paid money under a contract) is a mechanism by which businesses are able to raise finance based on money owed to them. These Regulations will facilitate access to finance for businesses, by nullifying terms in business contracts which prohibit the assignment of receivables or hinder a person to whom a receivable is assigned from exercising their rights. We sought further information from BEIS, in particular about whether permitting the assignment of receivables would impose any disbenefits on the debtors involved. We are publishing BEIS' answers to our questions at Appendix 4; we note the Department's statement that, from the perspective of the debtor, there is no financial detriment, though there were objections of principle to interfering with the free negotiation of contracts between parties.

### **Draft Community Drivers' Hours Offences (Enforcement) Regulations 2017**

17. Community drivers' hours offences (CDHOs) are enforced by roadside checks of a driver's tachograph card or digital tachograph record sheet. Up until now only offences at the time of the compliance check could be subject to 'on-the-spot' penalty fines with offences in the 28 days prior to that date having to be being pursued in a Magistrates' Court. This instrument broadens the methods of enforcement available for certain CDHOs (defined in the instrument) committed in the 28 days prior to detection by enabling roadside enforcement officers to issue 'on-the-spot' penalties for those too as an alternative to court proceedings. This instrument makes these penalties available to enforcement officers in respect of the specified CDHOs whether committed by UK or non-UK drivers; it also applies such penalties to certain Community drivers' hours rules infringements committed outside of Great Britain. These changes will also bring the UK in line with some other Member States, who already issue 'on-the-spot' penalties for historical infringements of the rules rather than bringing court proceedings.

### **Kigali Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer (Cm 9496)**

18. According to Defra's Explanatory Memorandum (EM), the Montreal Protocol has so far succeeded in phasing out 98% (by potency) of the chemicals responsible for causing damage to the ozone layer, which as a result is showing the first signs of recovery. The main family of replacement chemicals, hydro fluorocarbon gases (HFCs) do not damage the ozone layer but are potent greenhouse gases. Under the Kigali Amendment to the Montreal Protocol, developed countries agreed to phase out the production and use of HFCs to achieve an 85% reduction between 2019 and 2036, and developing countries agreed to an 80% reduction over a longer timetable (either between 2024 and 2045 or between 2028 and 2047).

19. The growth of refrigeration and air conditioning in developing countries means that without this agreement, HFC use could have amounted to as much as 11% of global greenhouse gas emissions by 2050. The reductions facilitated by the Kigali Amendment are likely to avoid almost 0.5 Celsius of global warming by the end of this century making a major contribution to the Paris Climate Agreement goal of keeping the global temperature increase below 2 Celsius.
20. The Montreal Protocol requires developed country parties to contribute to a fund to help developing countries achieve their HFC reduction commitments; this will require between \$5.8 and \$9.8 billion over 30 years. The UK's share amounts to £9.1 - £15.4 million per year over 30 years. This contribution will be met from the UK's existing commitment to spend 0.7% of Gross National Income on development assistance. The Kigali Amendment will enter into force on 1 January 2019 or 90 days after 20 states have ratified it.
21. This instrument ratifies the UK's participation in the treaty. In the EM the Government states its intention, subject to parliamentary approval, to incorporate this legislation into UK law to enable the UK to continue to meet its UN obligations after Brexit.

#### **Police, Fire and Crime Commissioner for Essex (Fire and Rescue Authority) Order 2017 (SI 2017/864)**

22. Section 6 of the Policing and Crime Act 2017 made provision for the creation by order of a corporation sole<sup>4</sup> as the fire and rescue authority for a specified area and for the person who is for the time being the Police and Crime Commissioner (PCC) for that area to take on responsibility for governance of those fire and rescue services. Statutory tests mean that the Secretary of State can only give effect to such a proposal where it appears to her to be in the interests of economy, efficiency and effectiveness, or public safety. This Order makes provision for the creation of the first such joint authority for the borough council areas of Southend-on-Sea and Thurrock, and Essex County Council, which is to be known as the Essex Police, Fire and Crime Commissioner Fire and Rescue Authority.

#### **Facilitation of Tax Evasion Offences (Guidance About Prevention) Regulations 2017 (SI 2017/876)**

23. These Regulations, laid by HM Treasury (HMT) with an Explanatory Memorandum (EM), bring into operation guidance<sup>5</sup> required by the Criminal Finances Act 2017 ("the 2017 Act"). Part 3 of the 2017 Act creates offences of corporate failure to prevent facilitation of UK tax evasion offences and corporate failure to prevent facilitation of foreign tax evasion offences. In the guidance, HMT says that, in the past, attributing criminal liability to a relevant corporate body required prosecutors to show that the senior members of that body were aware of the illegal activity, typically those at the Board of Directors level. This meant that earlier criminal law most advantaged those bodies that deliberately turned a blind eye to wrongdoing and preserved their ignorance of criminality within their organisation.

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4 Consequential details relating to the establishment of the corporation sole are in Fire and Rescue Authority (Police and Crime Commissioner) (Application of Local Policing Provisions, Inspection, Powers to Trade And Consequential Amendments) Order 2017 (SI 2017/863).

5 See: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/560120/Tackling\\_tax\\_evasion\\_-\\_Draft\\_government\\_guidance\\_for\\_the\\_corporate\\_offence\\_of\\_failure\\_to\\_prevent\\_the\\_criminal\\_facilitation\\_of\\_tax\\_evasion.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/560120/Tackling_tax_evasion_-_Draft_government_guidance_for_the_corporate_offence_of_failure_to_prevent_the_criminal_facilitation_of_tax_evasion.pdf) [accessed 11 October 2017]

The new corporate offence aims to overcome the difficulties in attributing criminal liability to relevant bodies for the criminal acts of employees, agents or those that provide services for or on their behalf. In the EM, HMT sets out the consultation which it carried out in relation to the guidance, which was developed alongside consideration of the draft clauses which later formed Part 3 of the Criminal Finances Act 2017. HMT has finalised the guidance taking account of points made by respondents.

#### **Alternative Fuels Infrastructure Regulations 2017 (SI 2017/897)**

24. This instrument transposes Directive 2014/94/EU on the Deployment of Alternative Fuels Infrastructure which aims to build-up the recharging and refuelling infrastructure for alternative fuels across the European Union, by harmonising certain standards for such infrastructure. This instrument implements the Directive's requirements for common standards for the equipment required to recharge electric vehicles and refuel hydrogen fuelled vehicles located on the street or in car parks, and in harbours for seagoing ships at berth. For electric vehicle recharging this instrument requires infrastructure operators provide ad-hoc access to users, which means users will be able to charge their vehicles without any requirement for a pre-existing contract with the particular operator or membership of a scheme. The Directive also requires electric vehicle recharging points to have the capacity to meter intelligently, and for their location to be available on an open and non-discriminatory basis.

#### **Social Services and Well-being (Wales) Act 2014 and the Regulation and Inspection of Social Care (Wales) Act 2016 (Consequential Amendments) Order 2017 (SI 2017/901)**

25. This instrument laid by the Department for Work and Pensions (DWP) amends various sets of existing secondary legislation in consequence of the coming-into-force, from 6 April 2016, of the Social Services and Well-being (Wales) Act 2014 ("the SSWbWA 2014"). In particular it includes reference to provisions which currently refer to the Children Act 1989 and the Care Act 2014 which no longer applies in relation to Wales. Paragraph 4.4 of the original Explanatory Memorandum (EM) said that in the interim the Interpretation Act 1978 enabled references to the Children Act 1989 in DWP secondary legislation to be read as references to SSWbWA 2014 but did not apply to the provision of care and support for adults in Wales. Although the paragraph concluded "the DWP is not aware of anyone having been disadvantaged during the period in question" this is a surprisingly long period for a Department to leave the issue unresolved. When contacted by the Committee DWP revised their view to state that the Interpretation Act did apply to both children and adults. When asked about the reason for the delay of almost 18 months between the SSWbWA 2014 coming into force and the making of this instrument DWP simply attributed it to competing priorities. **Although the delay may have been of no material consequence, we are concerned that the DWP did not seem to be fully on top of this legislation.**

**Care Quality Commission (Reviews and Performance Assessments)  
(Amendment) Regulations 2017 (SI 2017/914)**

26. This instrument adds six new sectors to the Care Quality Commission regulatory regime. Any service provider which has been assessed must display its most recent performance rating on its website and at its premises. Following consultation these Regulations add six new categories of service providers to the list:
- cosmetic surgery (requiring intravenous sedation, general anaesthesia or the insertion of an implant)
  - termination of pregnancy
  - independent ambulance services
  - independent dialysis treatment
  - refractive eye surgery
  - treatment of drug, substance or alcohol misuse.
27. The Department of Health estimates that this extension will cover about 1,000 providers and that access to clear information about the quality of those services will be of considerable help to the public in making an informed choice.
28. The consultation considered also including “independent community healthcare services” in CQC ratings but the Department was concerned that certain types of providers in this category failed to realise that they were affected and so failed to engage with the discussion. These Regulations do not therefore extend CQC assessment to that sector at this time but a further consultation exercise is being conducted to address the complexity of this sector which includes online and digital services. The consultation will also seek to exclude those already rated by other agencies. The new consultation document can be accessed on <https://www.gov.uk/government/consultations/new-expanding-performance-assessments-of-providers-regulated-by-cqc> . Further regulations relating to this sector are expected to be laid early in 2018.

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

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### **Draft instruments subject to affirmative approval**

- Draft Business Contract Terms (Assignment of Receivables) Regulations 2017
- Draft Charitable Incorporated Organisations (Consequential Amendments) Order 2017
- Draft Community Drivers' Hours Offences (Enforcement) Regulations 2017
- Draft Criminal Justice (Scotland) Act 2016 (Consequential Provisions) Order 2017
- Draft Government Resources and Accounts Act 2000 (Audit of Public Bodies) Order 2017
- Draft Scotland Act 1998 (Insolvency Functions) Order 2017
- Draft Scotland Act 1998 (Specification of Devolved Tax) (Wild Fisheries) Order 2017
- Draft Scottish Banknote (Designation of Authorised Bank) Regulations 2017
- Draft Selection of the President of Welsh Tribunals Regulations 2017
- Draft Small Business, Enterprise and Employment Act 2015 (Consequential Amendments, Savings and Transitional Provisions) Regulations 2017

### **Draft instruments subject to annulment**

- Draft Harborough (Electoral Changes) Order 2017
- Draft London Borough of Croydon (Electoral Changes) Order 2017
- Draft South Lakeland (Electoral Changes) Order 2017
- Draft Tendring (Electoral Changes) Order 2017

### **Instruments subject to annulment**

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|-------------|--|
| Cm 9496     | Kigali Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer           |
| SI 2017/831 | Repayment of Student Loans and Postgraduate Master's Degree Loans (Amendment) Regulations 2017 |
| SI 2017/849 | Goods Vehicles (Plating and Testing) (Miscellaneous Amendments) Regulations 2017               |
| SI 2017/850 | Motor Vehicles (Tests) (Amendment) Regulations 2017  |
| SI 2017/851 | Road Vehicles (Construction and Use) (Amendment) Regulations 2017                              |
| SI 2017/852 | Road Vehicles Lighting (Amendment) Regulations 2017  |

- SI 2017/856 Building (Amendment) Regulations 2017
- SI 2017/863 Fire and Rescue Authority (Police and Crime Commissioner) (Application of Local Policing Provisions, Inspection, Powers to Trade and Consequential Amendments) Order 2017
- SI 2017/864 Police, Fire and Crime Commissioner for Essex (Fire and Rescue Authority) Order 2017
- SI 2017/868 Employers' Duties (Miscellaneous Amendments) Regulations 2017
- SI 2017/870 Social Security (Infected Blood and Thalidomide) Regulations 2017
- SI 2017/871 Valuation of Minor Intermediate Leasehold Interests (England) Regulations 2017
- SI 2017/873 Operation of Public Service Vehicles (Partnership) (Amendment) Regulations 2017
- SI 2017/874 Goods Vehicles (Licensing of Operators) (Amendment) Regulations 2017
- SI 2017/876 Facilitation of Tax Evasion Offences (Guidance About Prevention) Regulations 2017
- SI 2017/877 Trade Union Ballots and Elections (Independent Scrutineer Qualifications) (Amendment) Order 2017
- SI 2017/878 Recognition and Derecognition Ballots (Qualified Persons) (Amendment) Order 2017
- SI 2017/879 Merchant Shipping (Registration of Ships) (Amendment) Regulations 2017
- SI 2017/880 Public Interest Disclosure (Prescribed Persons) (Amendment) Order 2017
- SI 2017/881 Road Vehicles (Authorised Weight) and (Construction and Use) (Amendment) Regulations 2017
- SI 2017/883 Democratic People's Republic of Korea (European Union Financial Sanctions) (Amendment) (No. 2) Regulations 2017
- SI 2017/885 Immigration and Nationality (Fees) (Amendment) Regulations 2017
- SI 2017/888 Firefighters' Pension Scheme (England) (Amendment) Regulations 2017
- SI 2017/889 Civil Procedure (Amendment No. 2) Rules 2017
- SI 2017/892 Firefighters' Pension Schemes and Compensation Scheme (Amendment) (England) Order 2017
- SI 2017/895 Civil Enforcement of Parking Contraventions (Wokingham Borough Council) Designation Order 2017
- SI 2017/896 United Nations and European Union Financial Sanctions (Linking) (Amendment) Regulations 2017
- SI 2017/897 Alternative Fuels Infrastructure Regulations 2017

- SI 2017/899 Lobsters and Crawfish (Prohibition of Fishing and Landing) (Amendment) (England) Order 2017
- SI 2017/900 Income-related Benefits (Subsidy to Authorities) Amendment Order 2017
- SI 2017/901 Social Services and Well-being (Wales) Act 2014 and the Regulation and Inspection of Social Care (Wales) Act 2016 (Consequential Amendments) Order 2017
- SI 2017/906 Friendly Societies Act 1992 (Modification of Part 2) (Northern Ireland) Order 2017
- SI 2017/908 National Health Service (General Medical Services Contracts and Personal Medical Services Agreements) (Amendment) Regulations 2017
- SI 2017/914 Care Quality Commission (Reviews and Performance Assessments) (Amendment) Regulations 2017
- SI 2017/915 Criminal Procedure (Amendment No. 4) Rules 2017
- SI 2017/920 Nuclear Installations (Excepted Matter) Regulations 2017
- SI 2017/922 Nuclear Installations (Insurance Certificate) Regulations 2017
- SI 2017/944 Proscribed Organisations (Name Change) (No. 2) Order 2017
- SR 2017/176 Loans for Mortgage Interest Regulations (Northern Ireland) 2017
- SR 2017/185 Jobseeker's Allowance (Hardship) (Amendment) Regulations (Northern Ireland) 2017

## APPENDIX 1: DRAFT REGULATION OF SOCIAL HOUSING (INFLUENCE OF LOCAL AUTHORITIES) (ENGLAND) REGULATIONS 2017

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### Additional information from the Department for Communities and Local Government

*Q1: In the EM, you say: “The Housing and Planning Act 2016 contained a package of deregulatory measures (in sections 92, 94 and in Schedule 4) aimed at reducing public sector control over private registered providers to enable the Office for National Statistics (ONS) to reconsider the classification of private registered providers.” Is the sole reason for these Regulations the issue of the ONS’ classification of private registered providers, and the related issue that their future borrowing will be added to the deficit? In preparing the Regulations, did the Government give consideration to the underlying issue of whether, for policy reasons, local authorities should nonetheless be able to exercise substantive control over such providers?*

A1: The only reason these regulations have been introduced is to seek ONS to reclassify housing associations to the private sector. In preparing these regulations, we have ensured that these only go as far as we have to, to reclassify housing associations. In developing these regulations we have been mindful of the overall working relationship between local authorities and housing associations seeking to ensure we do not disrupt the relationship. Local authorities remain able to influence housing associations through the various contracts and other agreements jointly negotiated.

*Q2: You have said that DCLG remains mindful of the overall working relationship between local authorities and housing associations, and has sought to ensure that it does not disrupt that relationship. However, in the EM, you say that, as a result of the Regulations, a local authority will be able to nominate board members only to a proportion representing 24% of the total board membership; and that, while this will still allow a local authority to be represented on the board and to participate in any voted business, it will prevent it from blocking any voted decisions (as this may be considered to constitute control). How do you reconcile these two statements?*

A2: It is essential that housing associations and local authorities continue to work together to provide homes for those in housing need by use and improvement of existing stock and the provision of new homes. These regulations do not impact on that fundamental principle. The regulations do prevent local authorities from blocking constitutional change on their own within a Large Scale Voluntary Transfer but do not prevent them from taking part in the debate or Board decision. The role of all Board Members, including those from a local authority, is to take responsibility for directing the activity of the Association, ensuring it is well run and delivering the outcomes for which it has been set up. The role of a Housing Association’s Board is to ensure delivery of the association’s objects, set strategic direction and uphold the association’s values.

*Q3: In the EM, you also say: “No formal consultation has been carried out for these regulations. We have taken views from the National Housing Federation, Local Government Association, national federation of arm’s length management organisations, a selection of private registered providers and local authorities.” Why was there no formal and public consultation? Did DCLG not see a case for taking the views of tenants of private registered providers?*

A3: These regulations will not affect all housing associations, we estimate around 100 out of the total of 1500 may be impacted. They will mainly apply to those where stock has been transferred from a local authority. Where a transfer has occurred tenants voted for that transfer to take place and the promises made around stock improvements as a result of the transfer. The housing association through contracts with the local authority will still need to deliver on these promises. Given the small number of housing associations impacted and that the tenants have already voted for the transfer we did not feel a full consultation was required.

*Q4: In the EM, you also say: “8.4 In respect of local authorities, the points made by consultees specifically related to retaining oversight of the activity of a private registered provider and allowing a local authority officer still to be able to be appointed chairperson of the private registered provider ... 8.5. In this instrument we have sought to retain a local authority role within these organisations whilst meeting the objective of reducing local authority control over these private organisations ... “ How many local authorities offered comments? What were the majority views on the issue of retaining oversight of the activity of a private registered provider? And does the local authority role provided for in the Regulations accord with those views, or not?*

A4: Only two local authorities offered comments and, in both instances, the overall message was for housing associations to be classified as private sector and to continue building. One specific comment from a local authority related to the ability of a local authority representative being chair of a housing association. We have ensured that these regulations do not prevent that.

These regulations relate to direct appointments by a local authority to a housing association board. Through these regulations, we have ensured that local authorities maintain oversight on the activity of the housing association without being able to block constitutional change. Through our engagement with housing associations, it was made clear that the relationship between the local authority and association changes as the organisation matures. Housing associations and local authorities will usually have a wide-ranging relationship through planning, housing management etc. and these regulations do not change this. Housing associations are able to appoint to their board representatives from local authorities where these appointments have been undertaken through an open and transparent process.

*Q5: In the EM you also say: “The instrument provides for an exemption where the private registered provider is also an arm’s length management organisation. Arm’s length management organisations (ALMOs) are established by local authorities to manage their housing stock. The rationale for this exemption is that these organisations were already classified to the public sector. This exemption means that ALMOs may continue to have more than 24% of board members nominated by local authorities and their shares will be held by local authorities.” Can you confirm that Grenfell Tower in the LB of Kensington and Chelsea was managed by an ALMO?*

A5: Grenfell Tower in LB Kensington and Chelsea was managed by Kensington and Chelsea Tenant Management Organisation (KCTMO). KCTMO was first established as a Tenant Management Organisation in 1996 taking over management responsibilities for the totality of the social housing stock in the RB of Kensington and Chelsea. In 2002, KCTMO gained ALMO powers and took over the responsibility for financing investment in housing, including major capital works to bring the properties they managed up to Decent Homes Standard. The Council still owns the properties and remains the legal landlord; as well as

retains responsibility for strategic housing policies and homeless people. These regulations only relate to ALMOs that are also registered with the Regulator of Social Housing. There are only eight ALMOs that are regulated, KCTMO is not one of them.

*Q6: More generally, will the implementation of the changes proposed in these Regulations have any impact on the application of safety requirements to housing stock managed by private registered providers?*

A6: These regulations have no impact on the requirement of housing associations to meet safety requirements in their stock. Housing associations need to meet all applicable statutory requirements and are regulated under the consumer standards by the Regulator of Social Housing. The Home Standard published by the Regulator states that registered providers shall meet all applicable statutory requirements that provide for the health and safety of the occupants in their homes. Failure to meet this standard means that a housing association is in breach of regulatory standards.

**22 September and 3 October 2017**

**APPENDIX 2: EUROPEAN UNION FINANCIAL SANCTIONS  
(AMENDMENT OF INFORMATION PROVISIONS) REGULATIONS  
2017 (SI 2017/754)**

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**Letter from Joe Egan, President of the Law Society, to Rt Hon. Lord  
Trefgarne, Chairman of the Secondary Legislation Scrutiny Committee**

I am writing to raise concerns about the process followed by HM Treasury when drafting, laying and bringing into force the European Union Financial Sanctions (Amendment of Information Provisions) Regulations 2017, SI 2017/754. The process allowed almost no opportunity for Parliamentary scrutiny before the Statutory Instrument (SI) came into effect, and only minimal discussion was undertaken with stakeholders before laying the SI.

HM Treasury initially contacted the Law Society on 8 May to inform our policy team that they expected to produce an SI in mid-August. They provided a very short summary of its intended purpose and asked that the Law Society provide views by 12 May.

We responded on 16 May, raised a number of concerns about the stated policy intention and asked HM Treasury for clarification on the content. Given the time available for comments, we were unable to carry out the level of consultation with our members that we usually would. We received a reply addressing some of these points on 15 June.

On 13 July, the Office of Financial Sanctions Implementation (OFSI), part of HM Treasury, contacted the Law Society requesting our comments on a draft chapter of its Financial Sanctions Guidance, addressing the changes that were to be brought into effect through the SI by 28 July. At this time, the SI was not available, and no draft was provided. The SI was laid on 18 July, giving us 10 days to comment on the Guidance while being able to refer to the text of the SI. This, again, did not provide enough time for us to consult with our members.

Two days after the SI was laid, both Houses of Parliament rose for summer recess. The SI came into force on 8 August, four weeks before either House returned.

HM Treasury stated in the Explanatory Note to the SI that it did not consider an impact assessment was necessary, as it expected the impact to be minimal. Having consulted with some of our members, we disagree with this assessment, and believe that the new Regulations have the potential to cause significant harm both to firms providing advice, and the ability of individuals subject to sanctions to seek legal advice.

I very much hope that your Committee will take our concerns on board and will bring this matter to the special attention of the House.

**25 September 2017**

### **Letter from the Chairman to Stephen Barclay MP, Economic Secretary to HM Treasury**

We have this week received a letter from Mr Joe Egan, President of the Law Society, raising several concerns about the Regulations. I am enclosing the text of Mr Egan's letter as an annex to this one.

The Secondary Legislation Scrutiny Committee, which I chair, cleared these Regulations from scrutiny at its meeting on 5 September. The Regulations were laid on 18 July and came into force on 8 August.

Mr Egan raises three main concerns: that HM Treasury undertook only minimal discussion with stakeholders before laying the Regulations; that the process followed allowed almost no opportunity for Parliamentary scrutiny before the Regulations came into effect; and that the Regulations have the potential to cause significant harm both to firms providing advice, and the ability of individuals subject to sanctions to seek legal advice, contrary to statements in the Explanatory Memorandum to the instrument.

I am sure that the Committee will wish to consider Mr Egan's letter when it next meets, on 10 October. I would ask you, therefore, to let me know how HM Treasury responds to the concerns which he has raised, and to do so by replying to this letter by 6 October.

**27 September 2017**

### **Letter from Stephen Barclay MP to the Chairman**

Thank you for your letter of 27 September and providing me with the opportunity to respond to Mr. Egan's letter to your Committee of 25 September outlining his concerns with the timing and level of consultation before the introduction of the above Statutory Instrument (SI) and the potential impact on the legal sector.

It is important to the Government not only that we meet our international obligations and enforce sanctions effectively, but also that we do so in a manner which minimises the burden of compliance on businesses.

Mr. Egan raises concerns over the level of consultation which occurred before the SI was introduced into Parliament and came into force. This Regulation amends the scope of the reporting requirements set out in existing UK SIs, which transpose EU financial sanctions, to those entities which are already obliged to report under the relevant EU Regulations. It does not represent any substantial change in Government policy. Whilst there is no requirement to consult on this measure, HM Treasury, via the Office of Financial Sanctions Implementation (OFSI) did engage with a number of representative bodies, including those whose members are affected by the Regulation, to obtain feedback on its recently updated version of general guidance. OFSI received comments from various bodies including The Law Society (England & Wales), The Law Society Scotland, and the Solicitor's Regulatory Authority.

The revised OFSI guidance provides information regarding several different areas of financial sanctions implementation, including the obligation to report. OFSI will continue to consult with stakeholders over the coming months to ensure that reporting is efficient and its guidance is continually developed to be supportive of that goal.

On the issue of the timing of the introduction of the SI, the Government wanted to ensure that our domestic sanctions enforcement mechanisms were up to date and reflect the existing EU regulations appropriately. The Government undertook consultation and adhered to the required Parliamentary rules and procedures, including the 21 day period, though does appreciate this unfortunately fell close to recess.

Mr. Egan states that the SI could cause harm to firms providing legal advice and the ability of individuals subject to sanctions to seek legal advice. These concerns were raised by the Law Society to the Treasury on 16 May, with a reply addressing these points sent by the Treasury on 15 June. OFSI have also addressed these concerns in published guidance - on which the Law Society were consulted - including through an explicit statement that reporting requirements do not apply to information to which legal professional privilege is attached (in line with comments received from The Law Society). We therefore do not consider that the amendment changes the current position on professional secrecy, confidentiality or self-incrimination, causing any harm to firms providing legal advice and the ability of individuals subject to sanctions to seek legal advice.

I would like to thank you again for the opportunity to respond to Mr. Egan's concerns.

**5 October 2017**

## APPENDIX 3: QUALITY OF INFORMATION PROVIDED IN SUPPORT OF SECONDARY LEGISLATION

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### Letter from Rt Hon. Damian Green MP, First Secretary of State and Minister for the Cabinet Office, to Rt Hon. Lord Trefgarne, Chairman of the Secondary Legislation Scrutiny Committee

Last autumn my predecessor wrote to you to outline the steps that were being taken to implement improvements in Government support for secondary legislation scrutiny; the “7-point plan”. This followed an evidence session with Chris Wormald (Head of Policy Profession), Elizabeth Gardiner (First Parliamentary Counsel) and Jonathan Jones (Treasury Solicitor) on 12 July last year.

As Minister for the Cabinet Office in the new Government, I would like to take the opportunity to update you about the progress that has been made prior to the Permanent Secretaries’ next evidence session, scheduled for September this year.

Details of the 7-point improvement plan are outlined at the end of this letter. I have ensured that there is a focus on success measures across the plan so that we can show where the improvements have been made.

We are expecting a huge amount of secondary legislation in the coming session associated with the Great Repeal Bill. We are working to rapidly implement our improvements which will lead to the required consistency, clarity and effectiveness of Explanatory Memoranda at this critical time.

Following a letter in March from the Committee raising specific concerns to a particular department, we offered staff from that department priority booking to a new learning event, which took place at the end of April. The aim is that this learning, as it embeds into departments, will reduce the reporting of explanatory memoranda.

This improvement package is a key part of increasing the capability and skills for Civil Servants when working with Parliament.

#### 2 August 2017

#### *Annex: progress against 7-point improvement plan to improve secondary legislation scrutiny support*

1) *The SI hub to examine all SLSC and JCSI reports to draw out key concerns which need to be addressed.*

Progress: the SI hub has been drawing out the key issues and these are addressed in training/learning activities.

2) *Senior Policy and Legal Profession champions to work closely together to review best practice and disseminate across the Civil Service.*

Progress: good working relationships have been developed by sharing experiences of all groups involved in the SI process across departments, leading to a better understanding of good practice. The Champions have promoted a range of training across the professions

3) *To review existing guidance on the preparation of EMs and update as necessary*

Progress: a quick guide for the Policy Professions to complement the existing guidance is being drafted. This will be ready by the autumn.

4) *Policy Profession Board to take ownership and regularly review progress of the improvement plan*

Progress: the Policy Profession Board took ownership of this issue in September; it last discussed this programme at its April meeting and was pleased with the progress made. Heads of Profession took specific actions back to their individual departments.

5) *Policy and Legal Professions to work collaboratively to review all learning and development offerings regarding secondary legislation, Impact Assessments and Explanatory memoranda*

Progress:

- Events held on 24 April and 23 June- Effective EMs training
- Impact assessments will be built into future training
- Success measure is a reduction of reported Ems

6) *Departments demonstrate positive improvements in this area*

Progress: departments have taken ownership of quality and consistency of making secondary legislation to complement the learning offered, and monitoring undertaken, centrally.

- Each department has a Senior Responsible Owner for all legislation; primary and secondary
- All EMs will have SCS sign-off before submission
- Departments are working with the central policy profession to identify and highlight examples of good practice, good quality control processes, and identification/ prioritisation of individuals to attend relevant training.
- Inter-departmental networks are operating

7) *To monitor progress, including reviewing a selection of EMs every 6 months*

Progress: a sampling and monitoring process was set up and trialled. Following evaluation, that process has been amended:

- A group of civil servants with a proven track record of writing and preparing effective EMs will form a panel which will review a selection of EMs on a six monthly basis - key findings reported and acted upon
- This will be overseen by the “Three Permanent Secretaries” centrally; the SROs (mentioned in point 6) will take departmental responsibility.
- Success measure is a lower incidence of adverse reports and a lesser requirement to relay Sis

### Letter from the Chairman to Rt Hon. Damian Green MP

Thank you for your letter of 2 August of this year. You wrote in advance of the evidence session which we held with Elizabeth Gardiner, Jonathan Jones and Sir Chris Wormald on 12 September, and I am now replying in the light of that evidence.

We were pleased to see the update which you provided in your letter. On 12 September, we were able to discuss the different strands of activity with the Permanent Secretaries, and we were left in no doubt of their commitment to ensuring that the information provided to Parliament in support of secondary legislation is of the right quality. This is very encouraging. There is clearly more to be done, and the Committee may well wish to invite the Permanent Secretaries back in 2018 for a further review of progress.

In your letter, you acknowledge in particular that there is likely to be a huge amount of secondary legislation resulting from the EU (Withdrawal) Bill during this session, and that this underlines the need rapidly to secure improvements to support for Parliamentary scrutiny. This is of course in the forefront of our thinking as well. We are glad that you are keeping progress with the improvement initiatives under review, and would welcome a further update from you early in the New Year.

**11 October 2017**

## APPENDIX 4: DRAFT BUSINESS CONTRACT TERMS (ASSIGNMENT OF RECEIVABLES) REGULATIONS 2017

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### Additional information from the Department for Business, Energy and Industrial Strategy

*Q1: The beneficiaries of the changes proposed by these Regulations are businesses wishing to raise finance by assigning invoices etc. But what are the disbenefits to the debtors concerned? On page 4 of the IA, there is a statement that debtors will be “largely unaffected”: what is the effect to which this alludes?*

A1: From the perspective of the debtor, there is no financial detriment. The main objection raised was that this is a statutory modification of contract law or, as one respondent put it, regulations should not interfere with the free negotiation of contracts between parties. This is an objection of principle rather than a disbenefit.

The effect on the debtor is that the obligation to pay the receivable has transferred to another party. This has a practical consequence, in that the debtor will need to change its records so as to pay the amount due to a different bank account. Some details of the invoice will become known to a third party, which may be of concern (the question of confidentiality is addressed below).

The assignment also means that if the debtor is late in making payment, it will be dealing with professional credit controllers representing the assignee (a bank or specialist finance house) rather than with its supplier. Where the debtor is a large firm that fails to meet its own payment terms, it can usually rely on suppliers tolerating this since the commercial relationship is so unequal. That is no longer the case following assignment of the invoice.

Some respondents suggested that there was a disbenefit to debtors in that they would lose the ability to set off costs incurred (for example from dealing with faulty goods) against the amount owed on previous invoices. This is a matter of interpretation of the legal principle of mutuality and respondents took different views. Invoice financiers and academic experts were of the view that mutuality was not affected by assignment. They also considered that the law was clear that a debtor cannot be placed in a worse position by an assignment.

*Q2 At 8.5 and 8.6 of the EM, you refer to concerns about commercial confidentiality. 8.6 suggests that debtors are, or may be, unhappy with the solution proposed. Is this the case?*

A2: Confidentiality was an issue raised by several debtors, who were concerned that as a consequence of the assignment of invoices, information about their business would be revealed to third parties. However none of the respondents who favoured an exemption on grounds of confidentiality were able to give examples of where their commercial confidentiality could be impinged by an assignment. Other respondents suggested that if an exemption were granted, confidentiality clauses could be used disingenuously by debtors wishing to prevent assignment. This was a persuasive argument.

In response to these concerns, the draft Regulations are framed so as to require only the minimum disclosure necessary for the assignment of receivables to take place and for the assignee to be able to exercise their rights. This protects legitimate requirements relating to commercial confidentiality.

One respondent thought that there should be a way to protect commercial confidentiality for national security reasons and this exemption has been incorporated into the draft Regulations.

*Q3: In section 8 of the EM, you refer to a 2013 discussion paper, a 2014 consultation, and more recent processes of engagement. Could you spell out more closely the dates of these exercises and provide web-links to documents setting out the Government's response in each case. (These details should be included in the EM.)*

A3: On 7 December 2013, Government published the discussion paper BIS/13/1324 *Building a responsible payment culture*. This asked whether removing contractual barriers to the assignment of invoices would be helpful to small businesses. The Government response BIS/14/793 was published on 30 May 2014. Both of these documents are available at <https://www.gov.uk/government/consultations/late-payment-of-finance-building-a-responsible-payment-culture>.

The links are as follows:

Discussion paper: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/273436/bis-13-1234-building-a-responsible-payment-culture.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/273436/bis-13-1234-building-a-responsible-payment-culture.pdf)

Response: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/315462/bis-14-793-building-a-responsible-payment-culture-government-response.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/315462/bis-14-793-building-a-responsible-payment-culture-government-response.pdf)

On 6 December 2014 Government published a consultation BIS/14/1232 together with a draft Statutory Instrument BIS/14/1232/AN1 and a draft Impact Assessment BIS/14/1233. These three documents are available at <https://www.gov.uk/government/consultations/invoice-finance-nullifying-the-ban-on-invoice-assignment-contract-clauses>.

There were 20 responses to the consultation, which were summarised in a document published on 27 February 2015 and available at: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/408130/bis-15-165-nullification-of-ban-on-invoice-assignment-clauses-summary-of-responses.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/408130/bis-15-165-nullification-of-ban-on-invoice-assignment-clauses-summary-of-responses.pdf).

The Government response BIS/15/441 was published on the same day and is available at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/451773/BIS-15-441-nullifying-the-ban-on-invoice-assignment-contract-clauses-government-response.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/451773/BIS-15-441-nullifying-the-ban-on-invoice-assignment-contract-clauses-government-response.pdf).

*Q4: Finally, at 7.2 of the EM, you say that "Invoice finance allows a business to assign the right to future payment to a finance provider in exchange for funds typically representing 80% of the value of the invoices." Assuming that the 20% of the invoices' value foregone by the business is the return to the finance provider for providing the funds, are there implications for the debtors concerned? Do they simply pay 100% of the invoice as originally generated, or does the finance provider seek to recover a higher amount from the debtors?*

A4: There is no additional cost to the debtor, who pays the invoice in the usual way. This payment will be made either to the assignee (invoice financier) or to an account in the name of the supplier, if the arrangement is for confidential invoice finance.

The cost to the supplier is typically made up of two elements: a 'service charge' to administer the facility, typically 0.25% to 0.5% of invoiced sales, and a 'discount charge' typically LIBOR plus 2.5% to 3.5% on the amount outstanding at any one time. The fees vary according to the invoice financier, industry sector, number of customers and past credit history. Larger suppliers will typically be able to negotiate more favourable terms.

The cost to the supplier therefore depends on the terms of their arrangement with the invoice financier and the time taken by the debtor to settle the invoice. For a typical invoice that is paid in 60 days, the total cost to the supplier could be in the range 1% to 1.5% of the invoice value. As soon as payment is received the invoice financier releases the balance of funds to the supplier, having deducted the relevant charges.

**22 September 2017**

## APPENDIX 5: INTERESTS AND ATTENDANCE

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

For the business taken at the meeting on 10 October 2017, Members declared no interests.

### **Attendance:**

The meeting was attended by Baroness Finn, Lord Goddard of Stockport, Lord Haskel, Lord Kirkwood of Kirkhope, Baroness O'Loan, Lord Sherbourne of Didsbury, Lord Trefgarne.