HOUSE OF LORDS

Secondary Legislation Scrutiny Committee
(Sub-Committee A)

4th Report of Session 2017–19

Proposed Negative Statutory Instruments under the European Union (Withdrawal) Act 2018

Includes a Recommendation on the following:

Mutual Recognition of Protection Measures in Civil Matters (Amendment) (EU Exit) Regulations 2018

Draft Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018

Includes 2 Information Paragraphs on 2 Instruments

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Secondary Legislation Scrutiny Committee (Sub-Committee A)

The Committee's terms of reference, as amended on 11 July 2018, are set out on the website but are, broadly:

To report on draft instruments and memoranda laid before Parliament under sections 8, 9 and 23(1) of the European Withdrawal Act 2018.

And, 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 the grounds specified in the terms of reference.

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

Baroness Bowles of Berkhamsted
Rt Hon. Lord Chartres
Lord Faulkner of Worcester
Baroness Finn
Lord Haskel
Lord Hogan-Howe
Rt Hon. Lord Lilley
Lord Sharkey
Rt Hon. Lord Trefgarne (Chairman)
Rt Hon Lord Walker of Gestingthorpe
Lord Wood of Anfield

Registered interests

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

Publications

The Sub-Committee's Reports are published on the internet at http://www.parliament.uk/seclegapublications

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

Committee Staff

The staff of the Committee are Christine Salmon Percival (Clerk), Paul Bristow (Adviser), Nadine McNally (Adviser), Philipp Mende (Adviser), Jane White (Adviser), Louise Andrews (Committee Assistant) and Ben Dunleavy (Committee Assistant).

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 hlseclegscrutiny@parliament.uk.

Fourth Report

PROPOSED NEGATIVE STATUTORY INSTRUMENTS UNDER THE EUROPEAN UNION (WITHDRAWAL) ACT 2018

Instruments recommended for upgrade to the affirmative procedure

Mutual Recognition of Protection Measures in Civil Matters (Amendment) (EU Exit) Regulations 2018

Laid: 22 October 2018

Sifting period ends: 6 November 2018

1. A "protection measure" is a court order which imposes restrictions on an individual who has caused a threat to, and on whom obligations have been imposed in respect of, another individual: for example, an order for a stalker to keep away from the protected person. In a "no deal" situation, these Regulations provide that courts in England, Wales and Northern Ireland will continue to recognise and enforce protection measures ordered in EU Member States without further procedure. However, the Regulations would repeal the legislation that sets out how UK courts can issue equivalent orders, as EU courts would not be obliged to recognise and enforce them. The Ministry of Justice (MOJ) states that this is so protected persons are not misled about the effectiveness of such a UK order if they go to an EU Member State and put themselves at risk. MOJ also states that use of these protection measures is minimal.

2. These Regulations appear to create an uneven playing field where there may be a burden on UK courts and policing to enforce EU orders but no reciprocal benefit to UK citizens seeking enforcement in EU Member States. The Committee was also concerned that the MOJ had been unable to provide better figures on the number of such cases, thereby making it difficult to assess the degree of imbalance. In its 37th Report,[1] the SLSC stated that it would be paying close attention to the principle of reciprocity in legislation. For this reason, given the apparently one-sided nature of the arrangements provided for by these Regulations, **we recommend that the instrument should be upgraded to the affirmative procedure.**

Proposed Negative Statutory Instruments about which no recommendation to upgrade is made

- Environmental Assessments and Miscellaneous Planning (Amendment) (EU Exit) Regulations 2018
- Planning (Environmental Assessments and Miscellaneous Amendments) (EU Exit) (Northern Ireland) Regulations 2018
- Planning (Hazardous Substances and Miscellaneous Amendments) (EU Exit) Regulations 2018

1 37th Report, Session 2017–19 (HL Paper 174).

INSTRUMENTS DRAWN TO THE SPECIAL ATTENTION OF THE HOUSE

Draft Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018

Date laid: 17 October 2018

Parliamentary procedure: affirmative

These draft Regulations are laid by the Department for Transport and set out the Government's contingency measures for the licensing and oversight of flights to and from the UK in the event of "no deal" with the EU. Under these Regulations, UK air carriers will require a "route licence" as well as an "operating licence" (currently required under EU law) for operations beyond the UK. Air carriers from the European Economic Area will also have to obtain a "foreign carrier permit" in order to operate to the UK. We draw these Regulations to the attention of the House so that it may press the Minister on how the Government will ensure there is no detrimental effect on aviation services between the UK and the EU after exit day.

We draw these Regulations to the special attention of the House on the ground that they give rise to issues of policy interest likely to be of interest to the House.

Background

3. Under existing EU rules, an "operating licence" is required by EU and UK air carriers to operate on most routes within the European Economic Area (EEA) without the need for advance permission from individual national authorities.

4. An operating licence (issued by the Civil Aviation Authority (the CAA)) ensures that air carriers meet aviation safety requirements (by holding an air operator certificate), that they are financially solvent, sufficiently insured, and that the individuals managing the air carrier are of good repute.

5. At present, a "route licence" (also issued by the CAA)[2] is required for UK air carriers to fly on routes either wholly or partly outside the EEA. In addition to the requirement to hold a route licence, flights between the UK and non-EEA countries are governed by bilateral air service agreements.[3]

6. For airlines licenced by countries outside the EEA, a "foreign carrier permit" is required from the CAA in order to operate flights to, from, or within the UK.

Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018

7. These Regulations are laid by the Department for Transport (DfT) along with an Explanatory Memorandum (EM). The EM failed to provide a sufficient explanation of the changes. As a result, we requested additional supplementary material from DfT.

8. The Regulations are laid under the European Union (Withdrawal) Act (the Withdrawal Act) using powers under section 8 given to Ministers to

2 Civil Aviation Authority, *Route Licences*: https://www.caa.co.uk/Commercial-industry/Airlines/Licensing/Licence-types/Route-licences/ [accessed 6 November 2018].

3 *Ibid.*

deal with deficiencies arising from the withdrawal of the UK from the EU. They are subject to the mandatory affirmative procedure under Schedule 7, Part 1, paragraph 2(c) to the Withdrawal Act which requires the affirmative procedure to be applied whenever a provision "creates, or widens the scope of, a criminal offence."[4]

"No deal" with the EU

9. In the event of "no deal" with the EU, UK and EU airlines will lose the automatic right to operate air services between the UK and the EU without the need for advance permission from individual states.

10. We asked DfT what would happen to these services in the absence of an agreement. They explained:

> "… in the event of 'no deal' the UK expects to grant permission to EU carriers to operate to UK airports. We expect this to be reciprocated by EU states granting permission to UK air carriers to operate to points in the EU. If a multilateral agreement with the EU can't be reached, we would seek bilateral arrangements with individual states."

11. **Whilst acknowledging that the Government's preferred approach is to reach an agreement with the EU on aviation, the House may wish nonetheless to press the Minister further on how, in the event of "no deal", bilateral arrangements between the UK and individual states will be put in place before exit day to ensure there is no gap in the continuation of flights between the UK and the EU after 29 March 2019.**

12. In the absence of an agreement with the EU, the exemption from the requirement to hold a route licence in order to operate air services to the EU (because the operating licence previously covered this) is revoked, and the Regulations require UK licenced air carriers to have both a route licence and an operating licence to operate air services outside of the UK. We asked the DfT how many route licences are available and how carriers will be made aware of the changes. DfT explained that as many licences as required are available. Furthermore, they said:

> "The vast majority of air carriers already hold a route licence as it maximises their commercial flexibility and the number of potential services they can offer. All carriers have been individually contacted and invited to apply to the CAA for a route licence free of charge."

13. **In the event of no agreement with the EU, UK airlines will now also need a route licence as well as an operating licence to operate air services to the EU. This will impose an additional burden on the CAA and the House may wish to press the Minister on what resources the Government are providing to the CAA to ensure that it can deal with any increase in applications before exit day from airlines requiring a route licence.**

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4 DfT has explained: "The Secretary of State currently has the power to direct aircraft operating to a country outside the EEA to provide electronic data in respect of the passengers and crew. In future he will be able to request such data from an aircraft operating to any foreign country. Failure to comply with such a direction is a criminal offence. Where the current EU regulations assign functions to the Member States' relevant national competent authorities, these are already functions that are already exercised by the Secretary of State or the Civil Aviation Authority. Clarity is brought to the regulations by referring directly to either the SofS, or CAA where appropriate."

14. If no alterative agreement is reached with the EU, all foreign carriers, including EEA carriers, will have to apply to the CAA for a foreign carrier permit to gain permission to operate to the UK. We asked the DfT what costs they envisaged EEA carriers would incur in applying for one of these permits. They told us:

> "The CAA operates on the basis of cost recovery from industry and issues foreign carrier permits on behalf of the Secretary of State. A Foreign Carrier Permit currently costs £75 … The CAA processes thousands of permit applications a year and is upgrading its systems to be able to process applications from EEA carriers. Since those EEA carriers operate to the UK today and thus meet the necessary requirements, we do not foresee problems in being able to issue permits to EEA carriers."

15. We asked the DfT what assessment they had made on the impact of operations if EU Member States did not apply for these permits and therefore ceased operations in the UK. The DfT told us:

> "The UK is the largest market for air services in the EU. We fully expect EU carriers to want to continue to serve the UK as it would be to their commercial detriment not to. We are having ongoing conversations with EU carriers and expect them to make these applications in good time ahead of exit day."

16. **In the event of no agreement, EEA airlines will now also need to apply for a foreign carrier permit to operate in the UK. The House may wish to press the Minister on what basis these expectations are founded and how the Government are working with EU carriers to ensure they have the necessary permits in place before exit day so there is no gap in aviation post Brexit. As EEA carriers will now all have to apply to the CAA for a permit (in the event of "no deal"), the House may wish to press the Minister on what assurances the Government can give that the CAA has the administrative capacity and resources in place to deal with a significant increase in applications.**

Operating Licence Post Exit

17. The Regulations remove the current requirement for air carriers to be majority owned and controlled by EU nationals. The EM explains that this "would no longer apply to UK nationals, and the amendment means that all UK licensed air carriers will continue to meet the requirements for holding an operating licence,"[5] and that the

> "… provision is redundant because, post EU exit, airline ownership requirements in relation to air services between the UK and the EU will be covered by the relevant air services agreements entered into between the UK and the EU and/or EU Member States. Clauses in such agreements routinely specify that traffic rights under the agreement shall only be available to carriers meeting specific, but varying, ownership and control requirements. As the UK will be bound by obligations negotiated under these agreements, it would not be appropriate to retain a separate ownership and control provision in licensing legislation."[6]

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5 Department for Transport, *Explanatory Memorandum* (paragraph 7.3): http://www.legislation.gov.uk/ukdsi/2018/9780111173428/pdfs/ukdsiem_9780111173428_en.pdf [accessed 6 November 2018].

6 *Ibid*.

18. The Government's technical notice *Flights to and from the UK if there's no Brexit deal* states that:

> "EU-licensed airlines would need to consider how to continue to meet that requirement if, for example, they had significant investment from or ownership by UK nationals. EU airlines which have received significant investment from UK nationals should check the implications for the validity of their operating licence with the relevant national authorities."

"Wet Leasing"

19. "Wet leasing" is a commercial arrangement where an aircraft is provided with crew, maintenance and insurance (as opposed to a dry lease, which includes just the aircraft). EU law currently provides for an internal market in the wet leasing of aircraft and harmonises restrictions on the leasing of aircraft from third countries.

20. These Regulations maintain the current regime of approvals for UK carriers wishing to lease aircraft. The EM explains that:

> "… this requires the UK licensed carrier to satisfy the safety regulator that leasing an aircraft not registered in the UK will not endanger safety because that aircraft meets safety standards equivalent to those of the UK. When leasing from beyond the EEA, the carrier must also demonstrate to the satisfaction of the Secretary of State that there is an exceptional need or a seasonal capacity requirement for the aircraft or that the leasing is necessary to overcome operational difficulties, and that a suitable aircraft is not available within the EEA. The Secretary of State can withhold approval if there is not a reciprocal level of market access with the country from which the carrier proposes to lease an aircraft."[7]

21. During DfT meetings with carriers, "a small number of carriers expressed disquiet that the market access arrangements for the leasing of aircraft would not be reciprocal with the EU, but understood that this could not be amended through legislation and would require an agreement between the UK and EU."[8]

22. **The House may wish to press the Minister on the issues of reciprocity that arise in maintaining the current wet leasing arrangements, as carriers may not benefit from the same arrangements in EU states post exit.**

Conclusion

23. Given the potentially significant impact on flights between the UK and the EU in the absence of an agreement with the EU, **we draw these Regulations to the attention of the House on the ground that they give rise to issues of public policy likely to be of interest to the House.**

7 *Explanatory Memorandum*, paragraph 7.5.
8 *Explanatory Memorandum*, paragraph 10.4.

INSTRUMENTS OF INTEREST

Draft Bank Recovery and Resolution and Miscellaneous Provisions (Amendment) (EU Exit) Regulations 2018

24. In the Explanatory Memorandum to these Regulations, HM Treasury (HMT) says that the Banking Act 2009 ("the 2009 Act") established the UK's Special Resolution Regime. This provides the Bank of England, the Prudential Regulation Authority (PRA), the Financial Conduct Authority (FCA) and HM Treasury with tools to protect financial stability by effectively resolving failing banks and other institutions,[9] while protecting depositors, client assets, taxpayers and the wider economy.[10] The Bank Recovery and Resolution Directive (BRRD)[11] of 2014 established a common approach within the EU to the recovery and resolution of banks and investment firms. The BRRD reflected the Financial Stability Board's (FSB)[12] Key Attributes of Effective Resolution Regimes for financial institutions ("the Key Attributes").[13] The 2009 Act was amended in 2014 as part of the UK's implementation of the BRRD. HMT says that the Regulations are intended to ensure that the UK's Special Resolution Regime is legally and practically workable on a standalone basis once the UK has left the EU. It states that, while the policy aims of the BRRD will remain a core element of this regime, providing conformity with the FSB's Key Attributes, some changes are required to address places where UK legislation is deficient as a result of the UK's withdrawal from the EU. We obtained additional information from HMT, in particular about the relationship between the UK's Special Resolution Regime, the BRRD's requirements and the FSB's Key Attributes, and we are publishing this at Appendix 1.

Public Lending Right Scheme 1982 (Amendment) (EU Exit) Regulations 2018 (SI 2018/1083)

25. The Public Lending Right Scheme (PLR) gives authors a right to receive payments from a central fund based on the number of times their books are lent out by public libraries. Eligibility to register for the PLR is dependent on an author's residency, at the time of application, in an European Economic Area (EEA) State. "EEA State" is defined as a Member State of the EU, Norway, Iceland and Liechtenstein. After exit day, the UK will no longer be an EEA State. These regulations amend the reference to "EEA State" to ensure that authors resident in the UK will continue to be eligible to register

9 In the Explanatory Memorandum, HM Treasury states that the resolution regime may cover banks, building societies, investment firms, banking group companies and central counterparties.

10 In a 2017 publication, the Bank of England says: "The need for a financial system to have an effective resolution framework is a key lesson from the global financial crisis of 2008. During the crisis, governments had to resort to 'bailouts' as some banks had become too big, complex, and interconnected to be put into insolvency like other types of firm… Resolution aims to change this by providing powers to impose losses on investors in failed banks while ensuring the critical operations of the bank can continue." See The *Bank of England's approach to resolution* (October 2017): https://www.bankofengland.co.uk/-/media/boe/files/news/2017/october/the-bank-of-england-approach-to-resolution.pdf?la=en&hash=FC806900972DDE7246AD8CD1DF8B8C324BE7652F [accessed 6 November 2018].

11 Directive 2014/59/EU establishing a framework for the recovery and resolution of credit institutions and investment firms.

12 The Financial Stability Board (FSB) is an international body that monitors and makes recommendations about the global financial system. See: http://www.fsb.org/ [accessed 6 November 2018].

13 Financial Stability Board, *Key Attributes of Effective Resolution Regimes for Financial Institutions*: http://www.fsb.org/what-we-do/policy-development/effective-resolution-regimes-and-policies/key-attributes-of-effective-resolution-regimes-for-financial-institutions/ [accessed 6 November 2018].

for the PLR, as well as residents of a EEA State, following the UK's exit from the EU. The Committee asked the Department for Culture, Media and Sport (DCMS) what impact this had on reciprocal rights post exit. DCMS stated that:

> "some other EEA states have their own lending rights systems which may remunerate eligible authors for library lending in those states. However, not all such systems are run in the same way as in the UK (for instance, the eligibility for authors will vary from scheme to scheme). They are not therefore directly reciprocal to the UK's PLR scheme and decisions about how these systems operate and whether UK-resident authors qualify for these after exit will be a matter for individual states rather than the EU/EEA as a whole. Nevertheless, as UK-resident authors benefit from library lending rights systems in other EEA states, we want to encourage those states to continue with these arrangements."

DCMS has also explained that the Authors' Licensing and Collecting Society (ALCS):

"… believes that ensuring the UK's PLR scheme continue to remain open to residents of EEA states is important to supporting ALCS in continuing to work in partnership with relevant organisations in EEA states to ensure that the UK resident authors it represents can continue to benefit from such lending rights systems following the UK's Exit from the EU …".

INSTRUMENTS NOT DRAWN TO THE SPECIAL ATTENTION OF THE HOUSE

Draft instruments subject to affirmative approval

Bank Recovery and Resolution and Miscellaneous Provisions (Amendment) (EU Exit) Regulations 2018

Occupational and Personal Pension Schemes (Amendment etc.) (EU Exit) Regulations 2018

Occupational and Personal Pension Schemes (Amendment etc.) (Northern Ireland) (EU Exit) Regulations 2018

Draft instruments subject to annulment

Babergh (Electoral Changes) Order 2018

Copeland (Electoral Changes) Order 2018

Warwick (Electoral Changes) Order 2018

Instruments subject to annulment

SI 2018/1083	Public Lending Right Scheme 1982 (Amendment) (EU Exit) Regulations 2018
SI 2018/1105	Cultural Tests (Films, Television Programmes and Video Games) (Amendment) (EU Exit) Regulations 2018
SI 2018/1111	Armed Forces Pension Schemes and Early Departure Payments Schemes (Amendments Relating to Flexible Working and Miscellaneous Amendments) Regulations 2018

APPENDIX 1: DRAFT BANK RECOVERY AND RESOLUTION AND MISCELLANEOUS PROVISIONS (AMENDMENT) (EU EXIT) REGULATIONS 2018

Additional information provided by the HM Treasury

Q1: In the Explanatory Memorandum (EM) you say: "This instrument amends the UK's Special Resolution Regime that was established by the Banking Act 2009 and then amended in 2014 as part of the UK implementation of the BRRD [Bank Recovery and Resolution Directive]." You also say: "The BRRD established an EU wide framework for the recovery and resolution of credit institutions and investment firms that are failing or likely to fail, reflecting the Financial Stability Board's Key Attributes of Effective Resolution Regimes for financial institutions (FSB Key Attributes)." Did the UK's Special Resolution Regime of 2009 itself reflect the FSB Key Attributes? Did amendment of the UK's Special Resolution Regime in 2014 make any significant changes to the policy aims underlying the UK's regime, rather than simply embedding the regime in a EU context? And is it indeed the case that "the policy aims of the BRRD will remain a core element" of any future standalone regime, so that the UK will not revert to any policy differences that may have existed prior to 2014?

A1: The FSB Key Attributes of Effective Resolution Regimes for Financial Institutions was first published in October 2011, whereas the UK's Special Resolution Regime was established by the Banking Act 2009. In this sense the UK Special Resolution Regime was not designed to reflect the FSB Key Attributes because it preceded the publication of the Key Attributes. Nonetheless, the provisions of the UK Special Resolution Regime were largely in line with those set out in the FSB Key Attributes, and indeed the UK played an important role in developing the latter. The latest FSB review of resolution regimes identified no gaps in the United Kingdom's policy toolkit for bank resolution, while the 2016 IMF United Kingdom Financial Sector Assessment Program (FSAP) report noted that the United Kingdom's bank resolution regime was robust and that the Bank of England's work to implement policies ensuring firms can be resolved is advanced.

The amendments of the UK's Special Resolution Regime in 2014 did not result in any significant changes to the policy aims underlying the UK's regime. Rather, the primary purpose of these amendments was to embed the regime in a EU context, which required some changes to the legislation. For further detail of these changes the Committee may wish to consider the relevant impact assessment which can be found at the following address (https://www.legislation.gov.uk/ukdsi/2014/9780111123782/impacts/2014/342).

Examples of changes made to ensure that the UK's Special Resolution Regime met the requirements of the BRRD include:

- Adding a power for the PRA or the FCA to appoint a temporary administrator to a failing firm.
- Imposing new limits on the operation of a "bridge institution" so that there is a 2-year limit on the resolution authority operating it, with the possibility of extension.
- A new "asset separation tool" that allows the resolution authority to transfer some or all of the assets, rights or liabilities of an institution under resolution to an asset management vehicle.
- Changes to the creditor hierarchy–the order in which creditors recover money in an insolvency.

These changes are maintained through this SI, which only makes the amendments necessary to ensure that the legislation remains fully functional and without deficiencies after exit.

Reverting to any policy differences that existed prior to implementation of the BRRD in 2014 would not be within the vires of the power in section 8 of the European Union (Withdrawal) Act 2018 and would therefore not be possible in this SI.

HM Treasury is satisfied that the current Special Resolution Regime provides the Bank of England, the Prudential Regulation Authority (PRA), the Financial Conduct Authority (FCA) and HM Treasury with an effective set of tools to protect financial stability in the United Kingdom. International standards are nonetheless constantly evolving, and consequently HM Treasury will continue to monitor whether the effectiveness of the regime can be further improved in the future.

Q2: In the EM, you refer to the possibility of refusal of third country resolution actions. What follow-on steps would be taken by the UK's regulators if they refused such an action?

A2: There is an existing framework for recognising third country resolution actions within the Special Resolution Regime. This applies where those actions are broadly comparable in terms of their objectives and anticipated results to actions taken under the UK regime. The mechanism is contained at section 89H of the Banking Act 2009. Under this SI, EEA resolution actions would become subject to the third country regime, to reflect their change in status following exit.

Refusal of third country resolution actions (or part of them) is only possible where the Bank of England and HM Treasury are satisfied that one or more statutory grounds for refusal exist. These are set out in section 89H(4) of the Banking Act 2009 and cover:

- recognition would have an adverse effect on financial stability in the UK;
- in order to achieve one or more of the special resolution objectives, it is necessary to take action in respect of a branch of the bank in question located in the UK;
- the third country resolution action treats creditors (particularly depositors) who are located or payable in the UK less favourably than creditors who are located or payable in the third country and have similar rights;
- recognition would have material fiscal implications for the UK; and
- recognition would be unlawful under section 6 of the Human Rights Act 1998.

If one or more of these conditions are met and recognition is refused (in whole or in part), the Bank of England is obliged to make an instrument documenting this. The instrument is subject to various procedural requirements, which include sending a copy to the relevant institution and other UK regulators, publication on the Bank of England website and in two UK newspapers, and HM Treasury laying a copy before Parliament.

Where recognition of a third country resolution action is refused, the Bank of England has powers (with approval from HM Treasury) to independently resolve a UK branch of a third country institution where appropriate. This is provided for in section 89JA of the Banking Act 2009. These are "back-stop" powers to be used

in the event that co-operation between resolution authorities proves ineffective, and where action is required in the public interest.

Q3: In the EM, you say that the Government will publish a revised version of the Special Resolution Regime's Code of Practice document in the context of the draft instrument. When will this be published? Will it be before the Regulations are brought into effect (if this becomes necessary)?

A3: In the event of a 'no-deal' outcome of the UK's negotiations with the EU then this legislation will come into effect on exit day. In such a scenario HM Treasury will ensure that a revision of the Special Resolution Regime's Code of Practice is published before exit day.

26 October 2018

APPENDIX 2: INTERESTS AND ATTENDANCE

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 5 November 2018, Members declared no interests.

Attendance:

The meeting was attended by Baroness Bowles of Berkhamsted, Lord Chartres, Baroness Finn, Lord Haskel, Lord Hogan-Howe, Lord Lilley, Lord Sharkey, Lord Trefgarne, Lord Walker of Gestingthorpe and Lord Wood of Anfield.