HOUSE OF LORDS

Secondary Legislation Scrutiny Committee

21st Report of Session 2023–24

Drawn to the special attention of the House:

Electronic Monitoring (Responsible Persons) (Amendment) Order 2024

Windsor Framework (Implementation) Regulations 2024

Town and Country Planning (Former RAF Airfield Wethersfield) (Accommodation for Asylum-Seekers etc.) Special Development Order 2024 and Town and Country Planning (Former RAF Scampton) (Accommodation for Asylum-Seekers etc.) Special Development Order 2024

Official Controls (Location of Border Control Posts) (England) Regulations 2024

Oral Evidence: Quality of explanatory information from the Home Office

Includes information paragraphs on:

Draft Contracts for Difference (Sustainable Industry Rewards) Regulations 2024

Draft Procurement Regulations 2024

Registration and Inspection of Education, Children's Services and Skills (Fees and Frequency of Inspections) (England) (Amendment) Regulations 2024

Biocidal Products (Health and Safety) (Amendment and Transitional Provision etc.) Regulations 2024

Countryside Stewardship (England) (Amendment) Regulations 2024

Immigration, Nationality and Passport (Fees) (Amendment) Regulations 2024

Proceeds of Crime Act 2002 (References to Financial Investigators) (England and Wales and Northern Ireland) (Amendment) Order 2024

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Secondary Legislation Scrutiny Committee

The Committee's terms of reference, as agreed on 8 November 2023, are set out on the website but are, in summary:

To report on draft instruments and memoranda laid before Parliament under section 23(1) of the European Union (Withdrawal) Act 2018 and sections 11, 12 and 14 of the Retained EU Law (Revocation and Reform) Act 2023.

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

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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 https://committees.parliament.uk/committee/255/secondary-legislation-scrutiny-committee/publications/

Committee Staff

The staff of the Committee are Jen Mills (Clerk), Philipp Mende (Adviser), Chris Smith (Adviser), Jane White (Adviser) and Riona Millar (Committee Operations Officer).

Further Information

Further information about the Committee is available at https://committees.parliament.uk/committee/255/secondary-legislation-scrutiny-committee/

The progress of statutory instruments can be followed at https://statutoryinstruments.parliament.uk/

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

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.

Twenty First Report

PROPOSED NEGATIVE INSTRUMENTS LAID FOR SIFTING UNDER THE RETAINED EU LAW (REVOCATION AND REFORM) ACT 2023

Proposed negative instruments about which no recommendation to upgrade is made

- Weights and Measures (Intoxicating Liquor) (Amendment) Regulations 2024
- Health Claims (Revocation) Regulations 2024

DRAWN TO THE SPECIAL ATTENTION OF THE HOUSE

Electronic Monitoring (Responsible Persons) (Amendment) Order 2024 (SI 2024/328)

Date laid: 11 March 2024

Parliamentary procedure: negative

We have previously criticised Explanatory Memorandums (EMs) that set out what the legislation does without giving sufficient context: this is another egregious example. The EM to this Order simply states that, following a re-procurement exercise, Serco Limited will replace Capita Business Services Limited as the provider of electronic monitoring services in England and Wales. Supplementary information included in this Report explains that, in connection with a previous contract for the same service, Serco was required to repay the Ministry of Justice (MoJ) £70.5 million and was fined £19.2 million as part of a deferred prosecution agreement with the Serious Fraud Office (SFO). Serco was also required to undertake a 'self-cleaning' process to make it eligible to bid again for public sector contracts, but ***the House may wish to ask the Government what "self-cleaning" involves in this context, and how it makes a company "reliable". It appears to us remarkable that a contract can be awarded in circumstances where a company has been investigated by the SFO and is subject to a deferred prosecution agreement.***

Separately, the Public Accounts Committee (PAC) has also found fault with MoJ's supervision of its contractors, and a report by the PAC found that avoidable mistakes had wasted £98 million of taxpayers' money. ***The House may also wish to ask why the EM did not inform the House about the relevant background to the contract referred to in the Order, or explain how MoJ has improved its monitoring of such contracts to address the PAC's concerns.***

This Order is drawn to the special attention of the House on the grounds that the explanatory material laid in support provides insufficient information to gain a clear understanding about the instrument's policy objective and intended implementation.

1. The Explanatory Memorandum (EM) provided with this instrument is accurate as far as it goes, but it fails to provide the background information that would make the House aware of the Ministry of Justice's (MoJ) efforts to overcome its past difficulties with similar contracts. We have previously criticised EMs that set out what the legislation does without giving sufficient context, thereby limiting the House's ability to scrutinise the legislation effectively:[1] this is another egregious example.

Description of the legislation

2. For prisoners released from custody, electronic monitoring may be imposed as a licence condition for the purposes of monitoring compliance with other conditions (such as a curfew, exclusion zone or alcohol monitoring condition) or to monitor the person's whereabouts.

1 See for example: M56 Motorway (Junctions 6 to 7) (Variable Speed Limits) Regulations 2022 (SI 2022/607), *5th Report* (Session 2022–23, HL Paper 28) or Universal Credit (Transitional Provisions) (Amendment Regulations) 2023 (SI 2023/1238), *5th Report* (Session 2023–24, HL Paper 24).

3. The EM simply states:

> "In accordance with section 62 (2B) of the Criminal Justice and Courts Services Act 2000, a person may not be made responsible for electronic monitoring of prisoners released on licence unless the person is of a description specified in an order made by the Secretary of State. This Order adds Serco Limited as a responsible person to S.I. 2018/212 and removes Attenti and AMS."

Previous Serious Fraud Office investigation

4. We were, however, aware that MoJ had experienced difficulties with a previous contract for this service and asked for supplementary information. MoJ said:

> "Under previous contracts first awarded in 2005 for electronic monitoring services, Serco and G4S overcharged the Ministry of Justice (MoJ) including multiple times for the same cases and for cases where the monitored person had died. This issue came to light in 2013, contracts were terminated and the matter was referred to the Serious Fraud Office for investigation. Serco repaid the MoJ £70.5m. In 2019, as part of a deferred prosecution agreement, Serco was fined £19.2m and G4S were subsequently fined £38.5m."

Subsequent reappointment of Serco and G4S

5. MoJ continued:

> "The MoJ's recent procurement for new electronic monitoring contracts[2] complied with the Public Contracts Regulations 2015. Although the Regulations allow suppliers to be excluded from bidding for new contracts in certain circumstances, such as fraud, criminal offences and previous poor performance, the grounds for doing so are narrowly drafted. There were no grounds to prevent Serco or G4S from bidding as they had complied with the terms of the deferred prosecution, had not been convicted of an offence, and had "self-cleaned" (in the language of the Regulations) by taking measures to prevent a repeat of the events under the earlier contracts. Each bid was evaluated against the published criteria. Serco were selected as the preferred bidder for the electronic monitoring and field Service and G4S were selected to provide the monitoring devices and systems service."

6. In supplementary information from the Cabinet Office, which has oversight of government procurement policy, we were told that:

> "The Cabinet Office conducted a review into the misconduct by G4S and Serco during the SFO investigation and prior to the deferred prosecution agreement being agreed by the court. This investigation concluded that, although the actions of G4S and Serco would constitute grave professional misconduct, which is a discretionary ground for exclusion under the Public Contracts Regulations 2015, the self-cleaning evidenced by both suppliers was sufficient to demonstrate the suppliers' reliability. This was signed off at a ministerial level, subject

2 MoJ inform us that the value of these contracts is Serco £329.9 million and G4S £175 million, both contracts for six years with an option for a two year extension.

> to 3 years of enhanced monitoring of G4S's corporate renewal actions which concluded on 8th April 2024."

We note, in passing, that the Order under consideration was laid before G4S's enhanced monitoring period had expired.

7. **The House may wish to ask what "self-cleaning" involves and how it makes a company "reliable".**

8. In this Report we also comment on the draft Procurement Regulations 2024 (see paragraph 93 below), which, amongst other matters, "embed transparency so that the spending of taxpayers' money can be properly scrutinised." We therefore asked the Cabinet Office how the new regime would approach a similar example of "misconduct". The Cabinet Office replied:

> "Similar grounds for exclusion and a similar process for the assessment of self-cleaning measures exist under the Procurement Act, so a similar process would occur in the event that misconduct of this nature emerged. If self-cleaning was not sufficient such that the circumstances giving rise to the misconduct are likely to occur again, there would be grounds for exclusion and/or the supplier could be put on the new published debarment list."

9. **The House may wish to ask the Government:**

   - **on what grounds it was decided that procurement regulations should allow a contract to be awarded to a company that has been investigated by the Serious Fraud Office and is subject to a deferred prosecution arrangement;**
   - **for a more detailed explanation of how the decision to defer prosecution was made; and**
   - **how the exercise of ministerial discretion in this case meets the stated policy ambition of "embedding transparency".**

Public Accounts Committee Report

10. In October 2022, the Public Accounts Committee (PAC) published its report into the HM Prison and Probation Service (HMPPS) programme of work to transform electronic monitoring services.[3] MoJ states that this programme of work related to subsequent contracts held with Capita and others, and the PAC review was unrelated to the Serco and G4S overcharging.

11. The Report highlighted significant delays and setbacks and criticised the programme's high-risk and over-complicated delivery model, an overambitious timetable for delivery and a failure to introduce a new case management system. The Committee found that avoidable mistakes had wasted £98 million of taxpayers' money and remedial action cost a further £9.8 million.

3 Committee of Public Accounts, 'Transforming electronic monitoring services—Report Summary' (21 October 2022): https://publications.parliament.uk/pa/cm5803/cmselect/cmpubacc/34/summary.html [accessed 16 April 2024].

Letter from Amy Rees

12. One of the PAC Report's six recommendations was that HMPPS should write to the PAC to set out how it would handle risks in the electronic monitoring programme once new contracts had been awarded. The HMPPS chief executive, Amy Rees, wrote to the PAC in October 2023[4] to explain that in line with government best practice, the new contracts set out accountabilities, roles and responsibilities.

13. The letter says that:

> "During implementation of the new service, suppliers will be required to report on progress and risks through an implementation board. This board will oversee delivery of the integrated implementation plan and ensure risks are appropriately managed through the various phases of transition. The implementation board reports into a service delivery board, chaired by the head of EM [Electronic Monitoring] operations, where ultimate responsibility for holding the suppliers to account and dealing with any issues will take place. This will ensure there is senior-level oversight of progress and risks."

14. Furthermore, the letter says that in addition to their contractual obligations, suppliers have also signed a separate collaboration agreement setting out clear expectations on behaviours and ways of working. They will appoint a suitably senior lead officer who will be specifically accountable for ensuring their team adheres to the requirements set out in the collaboration agreement. These leads will attend the service delivery board.

15. MoJ added that:

> "the contracts referred to in the Order are far more robust than those that were in place between 2005 and 2013. The new contracts are based on the Model Services Contract (a template contract issued by Cabinet Office in August 2023 for use across government that was developed for complex and high-risk contracts and aids assurance).
>
> Further improvements tailored to the lessons learnt from the current electronic monitoring contracts include:
>
> (a) improved access to data enabling the MoJ to more robustly manage the service, assure itself of delivery against contract and make more data-driven decisions;
>
> (b) an improved change mechanism, introducing a tiered approach which allows the service to respond to changes in a more cost-effective way whilst maintaining oversight and control through improved reporting; and
>
> (c) the introduction of a Service Integrator role for Serco to bring additional oversight, proactive management of potential issues arising within the service and continuous improvement."

4 Letter from Amy Rees, Chief Executive, HM Prison and Probation Service, to Dame Meg Hillier MP, Chair of the Committee of Public Accounts (27 October 2023): https://committees.parliament.uk/publications/42290/documents/210140/default/ [accessed 16 April 2024].

Conclusion

16. The PAC's Report was unequivocal:

> "Although HMPPS has identified lessons from the failure of its transformation programme, there remain serious risks associated with its expansion of tagging and the need to procure new contracts by early 2024. Given the long history of poor performance in this area, we remain unconvinced that it is sufficiently well-equipped to handle emerging problems and will continue to monitor developments for the foreseeable future."

17. The PAC report also criticised MoJ's failure to evaluate the project (a concern we have also raised in our own reports):[5]

> "It is unacceptable that, despite our previous recommendations, the Ministry and HMPPS still do not have sufficient data to understand the outcomes of tagging and that police forces and the Probation Service continue to lack timely access to the high-quality data they need to monitor offenders and keep the public safe. The Ministry and HMPPS still do not know what works and for who, and whether tagging reduces reoffending. HMPPS has committed to improving access to data and evaluating its new tagging expansion projects, but appears unambitious about the level of insight that it expects to achieve."

18. **It appears to us remarkable that a contract can be awarded in circumstances where a company has been investigated by the SFO and is subject to a deferred prosecution agreement.**

19. **The House may wish to ask why the EM did not adequately inform the House about the relevant background to the contracts referred to in the Order or explain how MoJ has improved its monitoring of such contracts to address the PAC's concerns.**

Windsor Framework (Implementation) Regulations 2024 (SI 2024/404)

Date laid: 21 March 2024

Parliamentary procedure: negative

These Regulations give the Government new powers to direct Northern Ireland (NI) departments when exercising functions to implement certain aspects of the Windsor Framework. We note that by giving the Government such powers, the instrument impacts directly on the relationship between the Government and the NI Executive and therefore on the UK's constitutional arrangements. This is both politically significant and sensitive and likely to be of interest to the House.

We are disappointed that the Explanatory Memorandum (EM) laid alongside the instrument provides little information about the scope and purpose of the new powers and about their intended use. *On request, the Northern Ireland Office (NIO) provided additional information,*

5 See for example Compulsory Electronic Monitoring Licence Condition Order 2021 (SI 2021/330), *50th Report* (Session 2019–21, HL Paper 256).

including about a helpful Written Ministerial Statement, which is needed to understand properly the Government's approach. This information should have been included in the EM. ***We therefore recommend that the NIO revise the EM, so that it includes a fuller explanation of the changes made by this instrument.***

These Regulations are drawn to the special attention of the House on the ground that the explanatory material laid in support provides insufficient information to gain a clear understanding about the instrument's policy objective and intended implementation.

20. These Regulations give the Government powers to direct Northern Ireland (NI) departments when exercising functions to implement certain aspects of the Windsor Framework, which the UK and the EU agreed in February 2023.[6] The Government says that the instrument is a further step in fulfilling its commitments made in the Command Paper *Safeguarding the Union* in January 2024,[7] which included "providing legal direction to certain public authorities over the implementation and observance of the Windsor Framework and in connection to the UK internal market".

Scope and purpose of the new powers

21. The instrument is supported by an Explanatory Memorandum (EM) and should be considered alongside a Written Ministerial Statement to Parliament ("the Statement"),[8] which the Government issued on the same day the Regulations were laid. The Statement explains that the new powers reflect the fact that the obligations under the Windsor Framework arose from an agreement reached by the UK Government and the EU which "ultimately fall to the Government to uphold", and that it "would not be appropriate to leave them solely to the Northern Ireland Executive to discharge".

22. The EM says that the instrument gives powers for UK Ministers to direct NI departments when exercising functions specifically in relation to Articles 5 to 7 and Annex 2 of the Windsor Framework. The EM does not provide an explanation of the policy areas covered by these provisions, nor does it provide a link to the Windsor Framework. It also does not refer or include a link to the Statement which clarifies that the specific provisions in the Windsor Framework relate to the "requirement to eliminate any physical checks when goods move within the UK internal market system", and that the intention of the Regulations is to give effect to the commitments the Government made specifically at paragraph 96 of *Safeguarding the Union*:

> "As we transition to the UK internal market system, through our risk management approach we will provide clear legal direction to DAERA [the Department for Agriculture, Environment and Rural Affairs in Northern Ireland] and other UK Government authorities to eliminate any physical checks when goods move within the UK internal market system, except those conducted by UK authorities and required as part

6 The text of the Windsor Framework as agreed by the UK and EU is available as an Annex to the Withdrawal Agreement under the heading "Protocol on Ireland/Northern Ireland": https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02020W%2FTXT-20230929 [accessed 16 May 2024].

7 Northern Ireland Office, *Command Paper: Safeguarding the Union*, CP1021 (31 January 2024): https://assets.publishing.service.gov.uk/media/65ba3b7bee7d490013984a59/Command_Paper__1_.pdf [accessed 16 April 2024].

8 Windsor Framework Implementation Regulations: Written Statement HLWS361, Session 2023–24.

> of a risk-based or intelligence-led approach to tackle managing risk through criminality, abuse of the scheme, smuggling and disease risks. To deliver this new intention, the Government will take direct powers at Westminster to direct NI bodies to protect the UK internal market."

23. The Regulations include further provisions which are not mentioned in the EM, including that the NI Assembly cannot compel UK Ministers or UK government officials to give evidence or produce documents in relation to functions that have been exercised using the powers under these Regulations. We asked the Northern Ireland Office (NIO) why this provision was necessary and whether the UK Parliament could hold UK Ministers and government officials to account instead of the NI Assembly. The NIO responded:

> "The provision made in Regulation 7(2) and 7(3) preserves the constitutional principle that UK Government Ministers are accountable to Parliament and not the Northern Ireland Assembly. It is consistent with other parts of the statute book, where Government Ministers can exercise direction powers over NI departments under s.7(4) Identity and Language (NI) Act 2022; and s.3 NI (Interim Arrangements) Act 2023. Parliament's power to send for papers and persons is untouched by these provisions and […] the relevant committees (perhaps the NI Affairs Committee) would in these cases most likely carry out scrutiny as required.
>
> The provision does not suspend the Assembly's scrutiny function. Where Northern Ireland Ministers are providing direction to their Departments, they remain accountable to the Assembly and can be summoned (or the relevant documents requested) as normal."

24. The Regulations further provide that the Advocate General for NI or the Attorney General for NI may take a case to the High Court in NI to determine questions about whether a function is being exercised in order to implement a relevant provision of the Windsor Framework. Again, this provision is not mentioned in the EM. Asked about its purpose and whether there could be a scenario where the two offices represented opposing positions before the High Court in NI, the NIO replied:

> "[T]he powers to direct, control and exercise the functions of certain public authorities under the instrument are limited statutorily to the observance or implementation of Articles 5-7 and Annex 2 of the Windsor Framework and ancillary purposes. It could be possible, where a direction is given using the powers, that there is a disagreement on whether that direction fits within those vires.
>
> Should that be the case, […] it is also possible that the Advocate General for NI and the Attorney General for NI, as the respective chief legal advisers to the UK Government and the Northern Ireland Executive, could differ on their interpretation of the law. In such an eventuality, the Regulation provides that a determination may be sought from the NI High Court on whether something fits within the bounds of the powers in the Regulations or not."

25. We note that the EM refers to guidance that will be issued "shortly after" the instrument comes into force on 12 April. Asked why this guidance had not been published alongside the Regulations, to support a reader's

understanding of the scope of the powers and how they are expected to be used, the NIO explained:

> "The Government provided the Written Ministerial Statement to indicate how the new powers will be used in practice, but requires the vires under Regulation 4 to be in force for it to publish the statutory guidance. Final technical discussion is underway with the relevant departmental officials in Northern Ireland departments on the contents of that guidance, which is important ahead of any publication so that the guidance can be operationalised practically within the Northern Ireland Civil Service."

Consultation

26. The EM includes little information about the consultation process, but the Statement explains that the Government first briefed the political parties in NI on its intention to take forward the legislation in September 2023, and that it worked closely with the NI Department of Agriculture, Environment and Rural Affairs "to ensure that this is a targeted and specific approach". Asked whether any concerns were raised during its engagement with the parties in NI, the NIO told us that:

> "Engagement was conducted on the instrument both last year and earlier this year with Northern Ireland parties, departments and Ministers. It was recognised that some powers are already conferred on UK Government Ministers by the Northern Ireland Act 1998 to direct Northern Ireland departments to meet international obligations. In response to the engagement, the Government limited the scope of the regulations and also indicated in the [Written Ministerial Statement] that it only intended to apply the powers in respect of a targeted set of agri-food related decisions."

27. **We note that the Government limited the scope of this instrument and clarified the intended use of its new powers in response to concerns raised during its engagement with stakeholders in NI. This is important information that should have been included in the EM.**

Conclusion

28. By giving the Government new powers to direct NI departments, these Regulations impact directly on the relationship between the Government and the NI Executive, and therefore on the UK's constitutional arrangements. This is both politically significant and sensitive, and **the House may wish to explore the Government's approach further.**

29. **We are disappointed that the EM provides so little information.** While it follows the new template for EMs which is now used across government, it does not mention the Statement, without which it is not possible to understand properly the scope and purpose of the new powers and their intended use. We remind the NIO that the Government's own guidance, on the new EM template which was communicated to departments as recently as January 2024, states that "EMs should be self-contained documents, and readers should not need to refer to external sources for its contents to make

sense".[9] In this case the EM should have included the explanation provided in the Statement or, at a minimum, referred and linked to the Statement for further information. **We recommend that the NIO revise the EM, so that it includes a fuller explanation of the changes made by the instrument.**

Town and Country Planning (Former RAF Airfield Wethersfield) (Accommodation for Asylum-Seekers etc.) Special Development Order 2024 (SI 2024/411)

Town and Country Planning (Former RAF Scampton) (Accommodation for Asylum-Seekers etc.) Special Development Order 2024 (SI 2024/412)

Date laid: 20 March 2024

Parliamentary procedure: negative

These Special Development Orders (SDOs) grant temporary planning permission for the accommodation of asylum seekers at two former RAF sites at Wethersfield in Braintree and Scampton near Lincoln. The planning permission is for the accommodation of up to 1,700 (Wethersfield) and 2,000 (Scampton) single male asylum seekers, although in practice the Government plans to accommodate a maximum of 800 people at each site. The planning permissions will end on 10 April 2027, and the land will have to be restored to its previous condition within six months, by 10 October 2027.

The use of the two sites is controversial. Two local councils unsuccessfully sought Judicial Reviews of the Government's decision to accommodate asylum seekers at the sites, and we have received four submissions which give an indication of the strength of local opposition. The concerns raised are wide-ranging and include value for money, the use of the SDO procedure, the extent of consultation and engagement with local communities, concerns about safety, pressures on local services, the suitability of the sites and the adequacy of healthcare provision. ***While the Government has responded to the issues raised in the submissions, we consider that, given the strength of local opposition and the wide range of concerns raised, the Government should strengthen its engagement with local councils and communities and other stakeholders. The Government should also demonstrate that the sites are managed in a way that meets the standards to which the Government has committed and protects the health, safety and wellbeing of staff and residents, especially those who are vulnerable, at the sites. The House may wish to press the Minister further on these matters.***

These Special Development Orders are drawn to the special attention of the House on the ground that they are politically or legally important and give rise to issues of public policy likely to be of interest to the House.

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9 Cabinet Office, *Guide to Preparing Explanatory Memoranda (EMs) to Statutory Instruments* (January 2024): https://assets.publishing.service.gov.uk/media/659fc26b3308d200131fbe32/2024_Guide_to_Preparing_Explanatory_Memoranda_.pdf, chapter 6, para 12 [accessed 16 April 2024].

30. These two Special Development Orders (SDOs) have been laid by the Department for Levelling Up, Housing and Communities (DLUHC) and grant temporary planning permission for the Home Secretary to provide accommodation to asylum seekers at two former RAF sites at Wethersfield in Braintree ("RAF Wethersfield") and Scampton near Lincoln ("RAF Scampton"). The planning permission is for the accommodation of up to 1,700 (RAF Wethersfield) and 2,000 (RAF Scampton) single male asylum seekers and failed asylum seekers who are, or are at risk of being, destitute. In practice, the Government plans to accommodate a maximum of 800 people at each site. The SDOs also grant planning permission for parking and for facilities for training and education. The planning permissions will end on 10 April 2027, and the land will have to be restored to its previous condition within six months, by 10 October 2027.

Background

31. DLUHC explains that while the Home Secretary has a statutory duty to provide accommodation and other support to asylum seekers and their dependents who would otherwise be destitute, the asylum system has been under strain, with 119,000 asylum-seekers having to be accommodated by the Home Office in September 2023, almost two and a half times as many as in March 2020 (48,042). According to DLUHC, demand for accommodation temporarily exceeded capacity in 2022, when the lack of onward accommodation saw "dangerous levels of overcrowding" at the Manston short-term holding facility in Kent. DLUHC says that pressures on the availability of asylum accommodation remain, and that demand may again exceed current capacity.

Timeline

32. Against this background, the Government announced in December 2022 that it would end the use of hotels as temporary accommodation and bring forward a range of alternative sites, including former military sites. In March 2023, the Home Secretary confirmed plans to use RAF Wethersfield and RAF Scampton. In April 2023 the Government used a time-limited "permitted development right" (PDR) under the Town and Country Planning (General Permitted Development) (England) Order 2015 to grant temporary planning permission for the accommodation of asylum-seekers at the two sites in an "emergency" situation. RAF Wethersfield began operating in July 2023. As the planning permissions will expire after 12 months, on 10 April 2024, the Home Secretary asked DLUHC in February 2024 to grant planning permission for the two sites for another three years using SDOs, with six months to decommission the sites. The use of the sites may be extended by further legislation, but the Home Office says that it has currently no intention to do so.

Capacity

33. Planning permissions have been granted for the accommodation of up to 2,000 people at RAF Scampton and up to 1,700 people at RAF Wethersfield. The Home Office says that regular occupancy will be capped, however, at a maximum of 800 asylum seekers at each of the sites. Asked why occupancy would be capped in this way, and whether capacity could be extended if necessary in future, the Home Office replied:

> "Implementing a cap on occupancy demonstrates that our priority is listening to local concerns, mitigating impacts, and managing the sites safely. The capacity caps allow us to maintain absolute focus on service delivery. […]
>
> If additional surge capacity is needed to deal with higher than forecast small boat arrivals, a decision may be taken to utilise additional bedspaces at both sites. This could be 445 additional bed spaces at Wethersfield, bringing total bed spaces to 1,245. This could be an additional c.300 bedspace at Scampton, to a total of circa 1,100. If this is the case, there will be a detailed schedule of activity to return the sites to a maximum population of 800 as soon as possible."

Legal challenges

34. The decision to use two former RAF sites to accommodate asylum seekers is controversial; DLUHC refers to the policy in the Explanatory Memorandums (EMs) as "contentious". West Lindsey District Council and Braintree District Council sought Judicial Reviews of the Government's plans for RAF Scampton and RAF Wethersfield respectively. While both claims were unsuccessful, further Judicial Reviews and appeals are underway, including by four asylum seekers who are seeking Judicial Review of the decision to accommodate them at RAF Wethersfield on several grounds, including failure to provide accommodation that is adequate to their vulnerabilities and special needs, restrictions on movements and lack of meaningful activities.[10]

Concerns raised by external submissions

35. We have received four submissions which raise concerns about the use of the two sites, including a joint submission by six organisations in relation to RAF Wethersfield. The concerns are wide-ranging and include value for money, the use of the SDO procedure, the extent of consultation and engagement with local communities, concerns about safety, pressures on local services, the suitability of the sites and the adequacy of healthcare provision. The submissions, and the Government's two responses to our questions that cover the issues raised, have been published in full on our website.[11] Each of the Government's two responses is split into two separate responses for DLUHC and the Home Office. This, according to DLUHC, reflects the "separation between the conflicting functions of Government" as the planning decision-maker (DLUHC) and as the promoter of the development (Home Office).

Concerns about value for money

36. The National Audit Office (NAO) published a report about the value for money of asylum accommodation in March 2024.[12] The report found that while the Home Office had made progress in its plan to reduce the use of hotels to accommodate asylum-seekers, it had incurred "nugatory spending and increased risk" by rapidly progressing its plans to establish large sites, including former military bases. The NAO concluded that it appeared

10 Submissions on the Town and Country Planning (Former RAF Airfield Wethersfield) (Accommodation for Asylum-Seekers etc.) Special Development Order 2024 (SI 2024/411) and the Town and Country Planning (Former RAF Scampton) (Accommodation for Asylum-Seekers etc.) Special Development Order 2024 (SI 2024/412), and government response, para 5.13: https://committees.parliament.uk/publications/44204/documents/220120/default/ [accessed 18 April 2024].

11 *Ibid.*

12 National Audit Office, 'Investigation into asylum accommodation' (20 March 2024): https://www.nao.org.uk/reports/investigation-into-asylum-accommodation/ [accessed 16 April 2024].

"inevitable" that the sites, including RAF Scampton and RAF Wethersfield, "will now cost more than the alternative of using hotels". The report called on the Home Office to "reflect on the lessons from its attempts to establish accommodation at large sites and work in a coordinated way with central and local government, particularly given the wider pressures on available housing".

37. The submissions we received highlighted value for money concerns. The submission from Colin West regarding RAF Wethersfield, for example, referred to "set up costs of nearly ten times the estimate of £5m" and questioned why the Government was going ahead with the policy when there "will be no financial saving from using the base" and "it will be more expensive than using hotels".

38. There is no mention of costs or wider value for money concerns in the EMs. Asked about this, the Home Office responded:

> "Between 2023–24 to 2026–27, Wethersfield is due to cost £338.7 million. This includes site acquisition, set up and running costs.
>
> Between 2023–24 and 2026–27, Scampton is due to cost £403.7 million. This includes site acquisition, set up and running costs.
>
> We have always been clear that the use of asylum hotels is unacceptable, and that's why we acted swiftly reduce the impact on local communities by moving asylum seekers on to alternative accommodation like barges and former military sites.
>
> Large sites provide adequate and functional accommodation for asylum seekers and are designed to be as self-sufficient as possible with on-site facilities, helping to minimise the impact on local communities and services. Their larger capacity allows us to be agile in responding to fluctuations in demand.
>
> While the NAO's figures include set-up costs, it is currently better value for money for the taxpayer to continue with these sites than to use hotels."

39. Given the spending figures provided by the Home Office, we are not convinced by the Government's claim that housing asylum seekers at RAF Scampton and RAF Wethersfield provides better value for money than accommodating them in hotels, but we are not in a position to adjudicate on this question. **The House may wish to press the Minister on the processes used to establish the value for money of this policy.** It is also not clear whether funding for the sites will be from the Home Office or foreign aid budgets;[13] **the House may wish to inquire about that. We do note that the EMs should have set out the expected costs of the two sites and should have acknowledged the value for money concerns raised by the NAO. While the Government is entitled to implement a chosen policy, this does not relieve it of its duty to be transparent about the costs to the taxpayer.**

13 BBC, 'UK foreign aid spending on asylum seekers rises again' (10 April 2024): https://www.bbc.co.uk/news/uk-politics-68781450.amp [accessed 17 April 2024].

Concerns about the use of Special Development Orders

40. The EMs state that the use of an SDO "allows temporary planning permission to be granted in a timely manner (when compared to the other options), in view of the immediate and pressing national need for accommodation for destitute asylum-seekers and failed asylum seekers, while also providing an effective mechanism to make sure the development is appropriate". We note that there is precedent for using SDOs for similar temporary developments, for example to extend planning permission for asylum accommodation at Napier Barracks in Folkestone in August 2021.[14]

41. The joint submission on RAF Wethersfield criticised the timing of the SDO. It argued that, despite the Government knowing in October 2023 or earlier that it would use an SDO to extend the use of RAF Wethersfield, it left it "until the last possible opportunity" to lay the Order in Parliament on 21 March 2024, shortly before the start of Parliament's Easter recess at the end of March and before the PDR expired on 10 April.

42. Asked for further explanation of why the Government had chosen to use SDOs, rather than seek full planning permission through the local planning process, DLUHC replied:

> "There are several ways of granting planning permission. Special Development Orders (SDO) are an established part of the planning system and allow His Majesty's Principal Secretaries of State to grant planning permission by secondary legislation.
>
> The Home Office requested the use of SDOs to balance local interests with an overarching critical national interest, specifically the increasing numbers of asylum seekers that the Home Secretary has a statutory duty to support. The Home Office demonstrated an immediate and pressing need for accommodation and pressure on the availability of asylum accommodation at a national scale. On an issue of larger than local importance such as this it is appropriate for planning decisions to be taken by Ministers. Of the Ministerial routes open for seeking planning permission other than via an SDO, none could address the Home Secretary's need for certainty on when decisions would be taken."
>
> The Home Secretary reasonably needed certainty that planning decisions would be taken before April 2024. This was relevant to the timing of the planning decisions, having regard to the nature of the need for the proposal and its relationship to Government policy, and the date the SDO was laid (recognising the need to satisfy the 21-day rule [which requires a negative statutory instrument to come into force no sooner than 21 days after it has been laid before Parliament])."

43. **While we recognise the need for the Government to act quickly to provide additional accommodation in response to an increase in the number of asylum seekers, we question why the SDOs were not brought forward earlier, given that the expiry date of the current planning permissions has been known for 12 months.**

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14 Town and Country Planning (Napier Barracks) Special Development Order 2021 (SI 2021/962), see: *13th Report* (Session 2021–22, HL Paper 70).

Concerns about a lack of consultation and engagement

44. A lack of consultation and engagement with local communities was a key criticism expressed in the submissions. West Lindsey District Council emphasised, for example, that in relation to RAF Scampton the Council had been clear that the use of a SDO as a planning tool was "entirely inappropriate" and "fail[ed] to ensure extensive and robust consultation be undertaken as part of the decision-making process". The joint submission on RAF Wethersfield criticised that the "SDO process undertaken means that there has been no opportunity for scrutiny of, or input into, the planning conditions to which the SDO is subject". Colin West's submission on RAF Wethersfield criticised that the Home Office "should have applied properly for planning consent" and did "not wish to engage with the local residents or their representatives".

45. We asked the Government whether local communities had been consulted and given the opportunity to ask questions or raise concerns before planning permission was granted, and whether going through the regular local planning application process would have given local communities more comprehensive opportunities to do so. DLUHC replied:

> "The Department is not under any statutory duty to consult when making an SDO. Nor, in these cases, was there considered to be a legitimate expectation of consultation.
>
> The Home Office did engage with various parties […], a report of this engagement, copies of correspondence, and other material was provided to DLUHC as part of the Home Office's planning proposal. Where direct correspondence was received by DLUHC in respect of the sites this was also taken into account where relevant."

46. The Home Office explained that it had carried out a "three-stage engagement process" with relevant parties on the use of the two sites:

> "The Home Office has been working with stakeholders to assess risks and the mitigating actions that can be taken locally. This has been done by a variety of routes, including Multi-Agency Forums (MAF), set up by the Home Office and involving all key local public agencies. Wethersfield and Scampton MAFs each have subgroups which cover key issues such as community safety, how the sites are developing and planning."

47. The Home Office added that it had informed local stakeholders of its intention to seek planning permission through the use of SDOs in October 2023. This included local MPs, council leaders and chief executives, the Integrated Care Board, senior police leads and Strategic Migration Partnerships. The Home Office said that, since then, stakeholders had been kept updated through a number of channels, including local community newsletters[15] and

15 Home Office, 'Wethersfield: community update newsletter' (28 March 2024): https://www.gov.uk/government/publications/asylum-accommodation-wethersfield/wethersfield-community-update-newsletter and 'Scampton: community update newsletter' (25 March 2024): https://www.gov.uk/government/publications/asylum-accommodation-scampton/scampton-community-update-newsletter [accessed 16 April 2024].

public factsheets,[16] MAF meetings in December 2023 and engagement with "technical stakeholders including statutory bodies" in January 2024. Two community events were held in November 2023 for vulnerable residents and local businesses in the Scampton area.

48. The Home Office concluded that, throughout the process, "senior stakeholders have had the opportunity to engage and question the Home Office, including about the SDOs", adding that every two weeks, the Chief Operating Officer for Asylum Support, Resettlement and Accommodation meets with chief executives and directors of Lincolnshire County Council, West Lindsey District Council, Lincoln City Council and Braintree District Council. The Home Office said that there had also been engagement with the offices of local MPs and meetings had taken place or been offered to relevant parish councils.

49. We note that the Government has engaged with local stakeholders, including councils and MPs since the decision was first made to use the sites in spring 2023. **The strength of local opposition, however, as indicated by the submissions, is a matter of concern.** The City of Lincoln Council has asked for local authorities to be engaged and consulted fully on the mechanism that will be used to assess whether the planning conditions of the SDOs have been met. **The House may wish to press the Minister further on the Government's plans for continued engagement and consultation with local communities.**

Concerns about the suitability of the sites and the provision of health services

50. Several concerns raised in the submissions relate to the suitability of the sites and the provision of appropriate healthcare. The joint submission, for example, criticised that RAF Wethersfield was unsuited for the accommodation of asylum seekers due to its "isolated location, prison like surroundings and large number of residents compared to the local community, preventing community cohesion, and causing harm to the mental well-being of the residents".

51. The EMs state that the Home Office made clear in its planning submissions that the sites "may not be suitable for asylum seekers with physical disabilities or complex health needs or those for whom room sharing is not appropriate, such as those with serious mental health conditions and survivors of torture". The Home Office told us that the welfare of individuals at the sites was of the "utmost priority" and that, under its asylum process, all asylum seekers are screened to protect vulnerable individuals and ensure they are placed in suitable accommodation. As part of this screening process, suitability assessment criteria[17] will be used to determine whether an asylum seeker can be housed at RAF Wethersfield or RAF Scampton. Once accommodated, each person's suitability will be assessed at regular intervals; if they are no longer suitable for any reason, they will be moved to alternative accommodation.

16 Home Office, 'Wethersfield: factsheet' (28 March 2024): https://www.gov.uk/government/publications/asylum-accommodation-wethersfield/wethersfield-factsheet and 'Scampton: factsheet' (25 March 2024): https://www.gov.uk/government/publications/asylum-accommodation-scampton/scampton-factsheet [accessed 16 April 2024].

17 Home Office, 'Asylum accommodation requests: caseworker guidance' (8 April 2024): https://www.gov.uk/government/publications/asylum-accommodation-requests-policy#full-publication-update-history [accessed 16 April 2024].

52. DLUHC told us that officials will undertake "periodic spot checks" to ensure that the Home Office complies with the conditions attached to the planning permissions at both sites which specify several requirements, including:

- To remove an individual within 48 hours where the Home Secretary determines the site is unsuitable for that individual.
- To provide core facilities, including a medical centre and medical isolation facilities, and access to key services at the sites, such as low-level mental health support, medical health screening and an immunisation programme.
- To keep the level of service provision on each site under review and to engage with the relevant health bodies.
- To have in place an Operational Management Plan covering policies, procedures and standards relating to, amongst other things, preventing the outbreak or spread of infectious diseases.
- To demonstrate to DLUHC that the facilities and services are adequate to meet the planned phased increases in the number of asylum seekers at the sites.

53. The Home Office explained that, in relation to RAF Wethersfield, it had worked with local and national health partners, including the MAF, "to work through the specifics of healthcare provision being provided on the site", and that a health subgroup of the MAF "was set up specifically to look at how we minimise the impact on local health services and facilitate primary health care on site". According to the Home Office, the Integrated Care Board has confirmed that the healthcare conditions listed in the SDO are being met at RAF Wethersfield, with primary healthcare provision and an accredited mental health nurse on site.

54. The Home Office added that to minimise the impact of the site on local services, onsite facilities also included catering facilities, laundry, faith and multi-cultural spaces and recreational space, with a shuttle bus service available for those living on the site three times a day to Colchester, Chelmsford and Braintree.

55. With regard to RAF Scampton, the Home Office said that it was working with local and national health partners to identify "the specifics of healthcare provision to be provided on the site and to reduce the impact on local health services".

56. **We note the work undertaken to ensure that the sites meet the conditions required by the planning permissions. We are concerned, however, that an assessment did not seem to have been completed to identify the healthcare provision that will be required at RAF Scampton, less than a month before the planning application for that site came into effect**.

Concerns about safety

57. The joint submission raised concerns about a lack of safety for those who live and work at RAF Wethersfield, due to the way it is being operated, the unsuitability of the accommodation and the large number of vulnerable asylum seekers being housed there. The submission referred to the NAO

report which mentioned "instances of unrest" at the site, including hunger strikes and reports of fights and vandalism.[18]

58. In response, the Home Office pointed to its screening programme which includes checks against police and immigration databases and reiterated that individuals would not be placed at the RAF sites if there was evidence that they had any specific needs which could not be met there. The Home Office added that:

> "On arriving, asylum seekers at the site will receive a briefing and orientation about the site and the local community, including traffic safety. In addition to information about how to access services on and off site, the briefing explains what constitutes appropriate behaviour. It sets out acceptable and unacceptable behaviours, as well as their responsibilities as individuals to act as good neighbours. A specialist and experienced security provider is working on site 24/7. We have worked with Essex Police around the security of the site. A police constable dedicated to the area has been appointed. If any criminal activity does occur on site, our provider has robust processes in place to report them to the police."

59. Specifically in relation to the incidents at RAF Wethersfield mentioned in the NAO report, the Home Office explained:

> "The number of staff has increased in line with the number of asylum seekers and is routinely reviewed and monitored. Incident reports are raised, and warning letters are issued if required. Incidents occur for a number of reasons and will continue to do so, as this is part and parcel of running a site.
>
> The number of incidents at Wethersfield is no higher than those that occur in the hotel estate. We have been working closely and routinely with Essex Police to ensure appropriate security arrangements are in place for the safety and security of the asylum seekers and the wider community."

60. **While we note the processes that will be put in place to ensure safety at the sites, we share the concerns raised in the submissions about the potential impact of living on a former military site on potentially vulnerable residents.**

Concerns about specific health and safety risks at RAF Scampton

61. Colin West's submission expressed specific concerns about the presence of toxic substances in the soil and groundwater at RAF Wethersfield due to its use for firefighting training over several decades. Asked about this specific risk and whether an environmental assessment of the site had been carried out, DLUHC confirmed that the site "has a number of on-site contamination risks arising from its former military use" and explained that:

> "An assessment of the environmental impacts of the development was undertaken by suitably qualified and experienced professionals which did not reveal any concerns that were not manageable. Conditions attached to the planning permissions address any potential risks to human

18 National Audit Office, 'Investigation into asylum accommodation' (20 March 2024): https://www.nao.org.uk/reports/investigation-into-asylum-accommodation/ [accessed 16 April 2024] p. 37.

> health arising from potential contamination. These conditions include for example, site control measures and a monitoring and investigation programme."

62. The Home Office responded:

> "An Environmental Impact Assessment screening request was submitted for the site, and further technical assessments including a Preliminary Risk Assessment submitted as part of the planning proposal. As part of the conditions of the Special Development Order a number of further surveys are being undertaken. The safety of individuals remains our absolute priority, and any accommodation used in response to the increasing pressures on the UK asylum system will be fit for purpose and meet all relevant housing and health and safety rules."

Concerns about historic assets at RAF Scampton

63. The submission by West Lindsey District Council raised specific concerns about the protection of listed aircraft hangars and other historic sites at RAF Scampton. Asked about this, the Home Office responded that it was creating a Heritage Asset Management Plan to protect relevant assets at Scampton, adding that "all listed and heritage assets will be inaccessible to asylum seekers accommodated on the site" and all "buildings will be subject to regular inspections by on site security and any damage or wants of repair will be reported to Home Office Estates". The Home Office added that the Operational Management Plan would also "place a duty upon the Home Office, Serco, and appointed facilities management company to observe, manage and respect all heritage assets" and, where appropriate and necessary "fencing or signs will be placed to either warn or prevent access to area of sensitivity or risk".

Conclusion

64. The use of the two sites is controversial, and the submissions we have received give an indication of the strength of local opposition and the wide range of concerns. **We consider therefore that the Government should strengthen its engagement with local councils and communities and other stakeholders. It should also demonstrate that the sites are managed in way that meets the standards to which the Government has committed and protects the health, safety and wellbeing of staff and residents, especially those who are vulnerable, at the sites. The House may wish to press the Minister further on these matters**.

Official Controls (Location of Border Control Posts) (England) Regulations 2024 (SI 2024/416)

Date laid: 22 March 2024

Parliamentary procedure: negative

These Regulations support the implementation of the Border Target Operating Model (BTOM), which will establish a new approach to official controls on imports after Brexit. The instrument introduces two tests that need to be met to allow a

Border Control Post (BCP), where official controls on imports are carried out, to be set up at an inland site, away from the immediate point of entry into England. The tests relate to the nature and volume of the controls required at the BCP and their impact on the area. The Government says that the changes are necessary because the current legislation does not take geographical issues into account sufficiently, especially in relation to English Channel ports which lack suitable land for BCPs to carry out controls.

Concerns have been raised that operating inland BCPs makes it difficult to manage biosecurity and food safety risks, such as the spread of plant pests and animal diseases, when goods and animals that require sanitary and phytosanitary checks are transported between the point of entry and the inland BCP. While the Department says that measures will be put in place to manage such risks, the Government's risk-based approach under the BTOM means that not all consignments will be checked. Defra acknowledges a "small risk" because of this approach but argues that this risk does not increase when inland BCPs are used. We agree that the use of inland BCPs does not make it more likely that harmful goods are not detected. It is a concern, however, that transporting goods and live animals from a port to be checked at an inland BCP, especially where this is located at some distance away, makes it more difficult to contain potential biosecurity risks than carrying out these checks within the compounds of a port. ***The House may wish to press the Minister on how the Government plans to manage these risks effectively.***

These Regulations are drawn to the special attention of the House on the ground that they are politically or legally important and give rise to issues of public policy likely to be of interest to the House.

65. These Regulations support the implementation of the Border Target Operating Model (BTOM).[19] The BTOM was published in August 2023 and sets out a new approach to controls on the import of goods into Great Britain (GB) after Brexit. The BTOM is being introduced in stages and through three major milestones on 31 January 2024, 30 April 2024 and 31 October 2024.[20]

66. Under the BTOM, risk-based sanitary and phytosanitary (SPS) checks on imports of EU goods will be introduced from 30 April 2024, bringing the checks for EU imports in line with those that are already in place for imports from non-EU countries. The checks will be carried out at Border Control Posts (BCPs). The Department for Environment, Food and Rural Affairs (Defra) says that further BCP capacity may be required to carry out the checks and that at some points of entry, especially at ports such as Dover, there may not be any land suitable for additional BCP capacity.

67. This instrument introduces two tests that need to be met to allow a BCP to be located away from the immediate vicinity of the point of entry into England. The Department says that this is necessary because the current legislation is too narrow and does not take geographical issues into account sufficiently, particularly in relation to English Channel ports which may lack suitable land for BCPs to carry out SPS checks, especially where these are conducted on live animals.

19 Cabinet Office, 'The Border Target Operating Model' (August 2023): https://www.gov.uk/government/publications/the-border-target-operating-model-august-2023 [accessed 15 April 2024].

20 *Ibid*, para 11.

68. According to Defra, current legislation already allows the location of BCPs inland and away from the point of entry if specific geographical constraints prevent SPS checks being carried out when goods and animals arrive in the country, and as long as they are located no further than required to overcome the geographical constraints.

69. We have received a submission from Friends of the Earth, which criticises that the Explanatory Memorandum (EM) does not provide a sufficient explanation of the changes made by the instrument and raises concerns about the impact of the changes on the management of biosecurity risks. We have published the submission in full on our website.[21] Biosecurity risks include the spread of plant pests or animal diseases.

How the new tests will work

70. This instrument introduces two new tests that must be met to allow an inland site to be designated as a BCP in England:

- the nature and volume of the official controls required at the BCP would make placing the BCP in the immediate vicinity of the point of entry inefficient; and
- a BCP built in the immediate vicinity of the point of entry would lead to an unacceptable adverse impact on natural resources or visual or natural amenity in the surrounding area.

71. The instrument extends the definition of geographical constraints that enables a BCP to be located away from the first point of entry so that it includes physical and human geographical constraints, such as the built environment around the point of entry. According to Defra, this will ensure that a BCP may be located inland where this is necessary to protect the visual or natural amenity, environment, ecology or local character of the area at the immediate point of entry. The Department says that this could be, for example, where official controls cannot be carried out efficiently at a port without leading to an unacceptable rise in noise or air pollution.

72. The instrument also introduces factors that the competent authority[22] must have regard to when assessing the potential risks arising from locating a BCP inland. Defra explains that this will ensure that the competent authority can only approve an application if it has considered factors relating to biosecurity risk, economic impact, impact on the local area, the likely efficiency of the BCP and any other factors it considers necessary. **The House may wish to enquire whether this also includes factors such as potential congestion around the inland BCP or air pollution as a result of increased traffic**. The instrument makes specific provision to ensure that goods and animals imported via rail may also be checked at an inland BCP which is not in "the immediate vicinity of the first station stop".

73. The instrument applies to England only. Defra explains that while the BTOM operates across GB due to an agreement between the UK, Scottish

21 Submission on the Official Controls (Location of Border Control Posts) (England) Regulations 2024 (SI 2024/416): https://committees.parliament.uk/publications/44202/documents/219938/default/ [accessed 18 April 2024].

22 The competent authorities in England are the Department for Environment, Food and Rural Affairs for live animals, animal products, plants, plant products and wood, and the Food Standards Agency for high-risk food or feed of non-animal origin.

and Welsh governments, the implementation of SPS controls and the accompanying infrastructure are a devolved matter. The Department says that the Welsh and Scottish governments were consulted on the instrument, and that they will consider whether further legislative changes are needed to support their infrastructure plans.

BCPs and the local planning system

74. Asked whether the development of new BCPs would require planning permission, enabling local communities to raise potential concerns about the location of a new BCP through the planning system, Defra explained:

> "This statutory instrument makes no change to planning law, and inland BCPs are already permitted under the existing legal framework. Any additional BCPs which need planning permission will be required to submit a planning application, which will involve consultation with stakeholders and the community. There are a number of variables that determine whether a new or existing building would need to apply for planning consent. Whilst it is likely that most new BCPs would need to apply for planning consent, each new proposed BCP will be assessed on a case by case basis against planning application requirements."

Concerns about biosecurity

75. The Department explains that to manage potential biosecurity and food safety risks that may arise from the inland location of an BCP, the instrument requires that the competent authority must be satisfied that "appropriate measures will be put in place by the person responsible for operating the BCP, to reduce any risk that might arise". According to Defra, this replaces the current legal requirement for inland BCPs to be located no further than required to overcome the geographical constraints. The submission from Friends of the Earth questioned whether, by removing the clear legal requirement not to locate a BCP further away than needed to overcome geographical restrictions at the border and by replacing it with an obligation on the competent authority to satisfy itself that appropriate measures are in place to contain any biosecurity risks, the instrument weakens the protection against such risks.

76. Concerns have been raised about the management of biosecurity and food safety risks when goods and live animals are transported from the point of entry to an inland BCP. The BCP at Sevington, for example, is located more than 20 miles away from Dover.[23] Asked how the Government will manage such risks during the transport of goods and animals from the point of entry to the BCP, and how it will enforce that lorries go to the BCP as required, Defra replied:

> "Where a physical check is required, goods cannot be legally placed on the UK market until the load has been taken to the BCP, inspected, and cleared. An instruction to attend a BCP for an inspection constitutes a legal requirement. Should a vehicle fail to attend the BCP, officials can require the return or destruction of the goods or for the relevant local authority to carry out controls such as an identity or physical check. Any placing of the goods on the market would be illegal and the relevant

23 BBC News, 'Dover legal battle looms over food checks' (9 February 2024): https://www.bbc.co.uk/news/uk-68244374 [accessed 16 April 2024].

local authority would be able to take the appropriate action such as a recall from sale and potential legal action.

The Borders Target Operating Model brings in a risk-based model so not every consignment will be checked. This does mean that if a trader was to add an additional undeclared consignment it would not be necessarily be identified, unless there is a full decant–this was seen as a small risk that was considered with the design of the Border Target Operating Model and does not increase with an inland border facility like Sevington."

77. We agree that the use of an inland BCP does not make it more likely that harmful goods are not detected We remain concerned, however, that transporting goods and live animals from the port of entry to be checked at an inland BCP, especially where this is located at some distance away, as in the case of Sevington, makes it more difficult to contain potential biosecurity risks than carrying out these checks within the compounds of a port. **The House may wish to press the Minister further on how the arrangements will be enforced in practice, including whether the authorities will monitor whether lorries go to an inland BCP for checks if instructed to do so. This also raises the challenge of communicating with drivers who may struggle to follow instructions in English.**

Consultation

78. While the Explanatory Memorandum refers to a consultation with stakeholders, it does not explain whether any concerns were raised and, if so, how these were addressed. Asked for further information, the Department explained:

"Issues raised during two consultation exercises mainly focused on the perceived biosecurity risk and the impact on existing Border Control Posts (in particular the economic impact if more BCPs were built inland, particularly given land away from a port is often cheaper and therefore with lower costs new BCPs could undercut existing BCPs).

The government's position is that the biosecurity concerns are already addressed via new paragraph 3 [of the Regulations], "the competent authority must be satisfied that the person who will be responsible for operating the border control post will put in place adequate measures to manage any risk to human, animal or plant health or, as regards GMOs [Genetically Modified Organisms] and plant protection products, any such risk or risk to the environment, arising from the location of the border control post."

As regards the impact on existing BCPs any application for designation must provide evidence that the BCP would meet an unmet need for sanitary and phytosanitary (SPS) goods. Therefore there is very little risk to existing BCP revenue. None of the replies made a compelling argument for abandoning the proposed legislative changes when examined at an aggregate level."

Conclusion

79. This instrument enables BCPs to be located inland where it is not suitable to have them at the immediate point of entry into England. While the

Department says that measures will be in place to manage any biosecurity or food safety risks arising from the inland location of BCPs, the Government's risk-based approach under the BTOM means that not all consignments will be checked. Defra acknowledges a "small risk" because of this approach but argues that this risk does not increase as a result of placing BCPs inland. We agree that the use of an inland BCP does not make it more likely that harmful goods are not detected. It is a concern, however, that transporting goods and live animals from a port to be checked at an inland BCP, especially where this is located at some distance away, as in the case of Sevington, makes it more difficult to contain potential biosecurity risks than carrying out these checks within the compounds of a port. **The House may wish to press the Minister on how the Government plans to manage these risks effectively and enforce the arrangements in practice.**

ORAL EVIDENCE: QUALITY OF EXPLANATORY INFORMATION FROM THE HOME OFFICE

We have repeatedly raised concerns about the quality of the explanatory material provided with secondary legislation from the Home Office, most recently in relation to two Statements of Changes in Immigration Rules. Lord Sharpe of Epsom, Parliamentary Under Secretary of State, attended an oral evidence session on this subject on 26 March 2024. Lord Sharpe provided helpful information on steps that the Home Office is taking to improve its supporting information. ***However, the session did not remove our doubts about the appropriateness of the Home Office's overall approach to policymaking, which too often appears to react to events, rather than proceeding from rigorous analysis and being supported by evidence. In that case, we are concerned that training specifically around SI explanatory material, while welcome, may not fully address the issues we have raised.***

Background

80. We have recently been critical of the Home Office's explanatory information with a wide range of statutory instruments (SIs). In Session 2022–23, we drew seven Home Office instruments to the special attention of the House on the grounds of insufficient information, more than a third of the entire Whitehall total of 19.[24]

81. Key themes in these comments include:

- Important guidance, that is essential to understanding or implementing the policy, has been missing.
- Impact information has been missing or late—and does not appear to have been used to inform policy design and implementation.
- Explanatory Memorandums (EMs) that are one-sided or selective in the material presented and are missing important context.
- Consultations that are absent or inadequate, again giving rise to questions about the quality of policy design.
- Frequent breaches of the rule that instruments should be laid at least 21 days before they come into effect, not all with adequate justification.

82. More recently, we criticised two Statements of Changes in Immigration Rules (HC 556 and HC 590), partly on the basis that an Impact Assessment (IA), which we were told had been prepared and covered both Statements, was not published alongside them.[25] Moreover, the EMs provided no explanation for this omission or any summary impact information. We have also not received a response to a letter we sent on 6 March 2024 to Tom Pursglove MP, Minister of State for Legal Migration and the Border, requesting further information on the first of these Statements of Changes.

83. We therefore invited the Home Office to provide oral evidence on the absence of impact information in these cases and on the wider inadequacies in explanatory material. Accordingly, Lord Sharpe of Epsom, Parliamentary

24 *Work of the Committee in Session 2022–23* (56th Report of Session 2022–23, HL Paper 264), Table 1.
25 *16th Report* (Session 2023–24, HL Paper 78) and *20th Report* (Session 2023–24, HL Paper 94).

Under Secretary of State, attended an evidence session on 26 March 2024. A transcript of the session is available on our website.[26]

Impact information on Statements of Changes

84. In relation to the unavailability of the IA, Lord Sharpe said that there were "outstanding data issues" preventing publication; in particular, the Home Office was "not totally content with the assumptions" underlying the IA. Lord Sharpe acknowledged that the situation was "regrettable": he said publication was "urgent" and that this would take place "as soon as we are practically able to do so". However, to date, the IA has still not been published, nearly two months after the first instrument to which it relates was laid. **We reiterate the point that we cannot fulfil our role of advising the House, and Parliament cannot scrutinise the legislation, without adequate impact information.**

85. A further point we have made is that the key role of impact information is to inform policy as it is being formulated; for example to help understand the attractiveness of various options. During the evidence session, Lord Sharpe acknowledged that "minor differences [in assumptions] can make a massive difference in the conclusion". **This precisely illustrates our concerns: the reason why a rigorous IA should be carried out at an early stage is to assess properly the real-world effects of policy options; if the policy is implemented without this step, the results may be very different from what the department was expecting. That the Home Office may still have no accurate idea of the expected impact of its policies, even after they have come into force, is alarming**.

86. During the evidence session, Lord Sharpe referred to data published by the Home Office in December 2023 that "provides illustrative estimates of impacts on volumes of inflows on the relevant visa products" from measures including those brought forward in the two Statements of Changes.[27] The data suggested a total effect of 300,000 fewer immigrants per year. **We note this information, but we repeat that it should have been referred to in the EMs. In addition, an IA should go much wider than just providing headline figures**; for example, it should provide an analysis of the effects of the changes on affected industries. In this case a key question that should be addressed is the implications for the supply of labour in the health and care sectors. **We therefore make clear that the December data was not an adequate replacement for an IA.** Our concerns are exacerbated by a recent report by the Independent Chief Inspector of Borders and Immigration on the immigration system as it relates to social care, which found that the Home Office had a "limited understanding" of the sector.[28]

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26 Oral evidence taken before the Secondary Legislation Scrutiny Committee on 26 March 2024 (Session 2023–24), QQ 1-9.

27 Home Office, 'Legal migration statement: estimated immigration impacts' (21 December 2023): https://www.gov.uk/government/publications/legal-migration-statement-estimated-immigration-impacts/legal-migration-statement-estimated-immigration-impacts-accessible [accessed 16 April 2024].

28 Independent Chief Inspector of Borders and Immigration, 'An inspection of the immigration system as it relates to the social care sector' (26 March 2024): https://www.gov.uk/government/publications/an-inspection-of-the-immigration-system-as-it-relates-to-the-social-care-sector-august-2023-to-november-2023 [accessed 16 April 2024].

Timeliness of data

87. At the evidence session, the Home Office was unable to provide any further indication of whether reductions in migration would actually arise as anticipated in the December data. Further, when we asked whether pre-announcing certain of the changes in early December had precipitated a 'closing down sale', whereby there was a surge of applications from those whose right to a visa would be withdrawn, Lord Sharpe said that he did not yet have any data to examine this question. **We find it surprising that the Home Office does not have the ability to analyse immigration data in closer to real time. This amplifies our concerns about the rigour of the Department's overall policy making processes.**

Improving the provision of explanatory information

88. In the evidence session, Lord Sharpe referred to a number of steps the Home Office was taking to improve its provision of information with SIs. These include adopting the new EM template, prepared by the Cabinet Office, for all EMs from 8 April 2024[29] and adopting the new Better Regulation Framework guidance for impact analyses.[30] Lord Sharpe also referred to training for officials, including in conjunction with the staff of this Committee, as well as internal guidance and sharing of examples of good EMs. We further note that the Home Office has recently appointed a new SI Minister, the Rt Hon. Michael Tomlinson MP, Minister of State. **We welcome these steps and look forward to the resulting improvements in explanatory material.**

Conclusion

89. We welcome Lord Sharpe's recognition, in the evidence session, of the importance of impact information in principle. However, it remains the case that, in practice, the Home Office has not provided this information on too many occasions. The evidence session did not reassure us that the Home Office had good reasons for this. **Indeed, it cast wider doubt on the Home Office's overall approach to policy making. Policy changes should be preceded by rigorous analysis and be supported by evidence (itself supported by consultation, if appropriate) and management information. Instead, it appears to us that the Home Office too often reacts to events, without the consequences having been fully thought through.** If so, we are concerned that training specifically around SI explanatory material, while welcome, may not fully address the issues we have raised, as by that stage in the process the die may already have been cast.

29 Cabinet Office, 'Explanatory Memorandum: Template and Guidance' (2 January 2024): https://www.gov.uk/government/publications/explanatory-memorandum-template-and-guidance [accessed 16 April 2024].

30 Department for Business and Trade, 'Better Regulation Framework' (19 September 2023): https://www.gov.uk/government/publications/better-regulation-framework [accessed 16 April 2024].

INSTRUMENTS OF INTEREST

Draft Contracts for Difference (Sustainable Industry Rewards) Regulations 2024

90. The purpose of this instrument is to introduce Sustainable Industry Rewards (SIRs) into the Contracts for Difference (CfD) scheme,[31] the main renewable energy support scheme in Great Britain. The Department for Energy Security and Net Zero (DESNZ) explains that developers of low carbon technologies (such as solar, wind and geothermal) currently require a Supply Chain Plan (SCP) statement to access the CfD scheme. This instrument proposes to replace SCPs with SIRs for all offshore and floating offshore wind developers applying to the CfD. According to DESNZ, this is in response to SCPs having become less effective for offshore wind projects, as global supply chain costs have soared, and market pressures have inhibited long-term investments and more sustainable procurement choices "in favour of a race to the bottom in terms of costs and standards".

91. Under these Regulations, SIRs are to provide extra revenue support to offshore and floating offshore wind applicants if they either invest in new factories in deprived areas closer to deployment zones to shorten supply chains, or if they choose more sustainable supply chain companies to build their projects. The extra support through SIRs is to be allocated via a competitive process before the main CfD auction, for CfD allocation rounds 7 to 9. CfD allocation round 7 is scheduled for 2025.

92. The instrument is supported by an Impact Assessment (IA) which is the first IA that we have considered that uses the new template under the revised Better Regulation Framework.[32] We note, however, that this particular instrument was outside the scope of independent scrutiny by the Regulatory Policy Committee because levy-based measures, such as the CfD scheme, are excluded from the Framework. The Government says that the revised Framework aims to encourage the assessment of a wider range of impacts, such as on trade, innovation and net zero: we found Chapter 6 of the IA particularly helpful on that score. As noted in a recent Report,[33] we will review whether the changes are delivering on their promises once sufficient examples of impact information under the revised Framework have been published.

Draft Procurement Regulations 2024[34]

93. The intention of the Procurement Act 2023 ("the Act") was to overhaul and update arrangements for the £300 billion UK public procurement market following the UK's departure from the EU. It placed particular emphasis on simplification and transparency. These Regulations provide definitions and the operational detail to implement the Act:

31 Under the Contracts for Difference scheme, developers are paid a flat indexed rate for the electricity they produce over a 15-year period: the difference between the 'strike price' (a price for electricity reflecting the cost of investing in a particular low carbon technology) and the 'reference price' (a measure of the average market price for electricity in the market).

32 Department for Business and Trade, 'Better Regulation Framework: Guide for government officials covering all aspects of the Better Regulation Framework' (19 September 2023): https://www.gov.uk/government/publications/better-regulation-framework. A 12-month transition period started in September 2023.

33 *19th Report* (Session 2022–23, HL Paper 88).

34 See also the Report on the Electronic Monitoring (Responsible Persons) (Amendment) Order 2024 (SI 2024/328), above.

- They set out provisions for an improved 'noticing' regime, covering the full lifecycle of public procurement, from planning through to contract expiry.
- They aim to embed transparency so that the spending of taxpayers' money can be properly scrutinised.
- Other provisions: set out how contracting authorities should obtain specified information from suppliers; provide further detail on how certain organisations and contracts are to be regulated; extend the Act to cover devolved Scottish procurement in certain circumstances (reg 47); and disapply the Act in relation to healthcare procurement (reg 43).

The reforms also aim to open up public procurement to new entrants such as small businesses and social enterprises so that they can compete for and win more public contracts.

Registration and Inspection of Education, Children's Services and Skills (Fees and Frequency of Inspections) (England) (Amendment) Regulations (SI 2024/315)

94. Amongst other changes, these Regulations increase by 20% the fees paid by most children's social care providers to the Office for Standards in Education, Children's Services and Skills (Ofsted) for regulation and inspection. The Department for Education (DfE) states that the fees paid by most providers do not cover Ofsted's costs (but where providers are already at full cost recovery level, increases will be capped at the full cost rate).

95. To move closer to full cost recovery, increases of 10% have been applied every year since 2010, with the exception of 2020–21 and 2021–22 when fees were frozen due to the pandemic. However, DfE states that this year a 10% increase would have been inadequate because it would have moved providers further away from full cost recovery. DfE told us that this was primarily due to an unfunded 4.5% pay award for Ofsted staff and that a 4.5% overall increase in Ofsted's costs is more, in pound terms, than a 10% increase in its fees, because fees are a significantly smaller number than costs.

96. DfE states that fees are a very small part of most providers' overall costs; for example, the largest children's homes pay £8,629 per year. DfE also told us that even after this year's increase, only around 17% of providers will be paying full cost. DfE says that full cost recovery for all providers could be achieved by 2029–30 with a year-on-year 20% increase to fees, but that this would be subject to future Regulations.

Biocidal Products (Health and Safety) (Amendment and Transitional Provision etc.) Regulations 2024 (SI 2024/352)

97. Biocides are products and substances which are intended to kill or otherwise control harmful organisms. They are used to protect people and animals, preserve goods, stop pests such as insects or rodents and control viruses, bacteria and fungi. Common examples are disinfectants, wood preservatives and rodenticides. The Health and Safety Executive (HSE) states that these Regulations enable a transition to more modern test methods which do not require testing on live animals. The instrument also introduces a requirement

to test for specific toxicological effects for which no reliable tests previously existed.

98. We have received a submission from the Green Alliance relating to some of the overarching policy issues, in particular potential divergence from the EU regulatory system and the Northern Ireland internal market. HSE has provided a comprehensive response, and both documents are published on our website.[35]

Countryside Stewardship (England) (Amendment) Regulations 2024 (SI 2024/391)

99. This instrument increases the payment rates for some Countryside Stewardship (CS) management activities, all of which make environmental improvements. The Department for Environment, Food and Rural Affairs (Defra) explains that CS agreements provide funding for farmers and others to make environmental improvements through activities such as: conserving and restoring wildlife habitats; managing flood risk; creating and managing woodland; reducing water pollution; and hosting school visits. CS agreements last for five, ten or 20 years.

100. The increases follow a review of prices for the 2024 harvest year. They will be for CS agreements which started on 1 January 2021 or 1 January 2022 under the Countryside Stewardship (England) Regulations 2020. The increases will align the rates with those paid under CS agreements which started under retained EU law (2016–2020) or under the Agriculture Act 2020 from 1 January 2023 onwards.

101. We have received a short submission from Wildlife and Countryside Link which suggested that the instrument could have introduced more effective and ambitious incentives to achieve environmental improvements in the context of the broader strategic plan to deliver environmental targets alongside food production. Defra replied that it was currently exploring how to "ensure that our land-based environment and climate targets are met in a cost-effective and equitable manner, while also maintaining food production". The Department added that it was "committed to introduce a regular cycle of reviews of scheme actions and prices over a rolling 3-year period, starting in 2025" to keep prices up to date, while also "responding to farmer feedback and evidence to maintain progress towards our outcomes". The submission and Defra's response are available on our website.[36]

Immigration, Nationality and Passport (Fees) (Amendment) Regulations 2024 (SI 2024/398)

102. These Regulations increase the fees charged for a range of visa, nationality, Border Force, and passport application services. The Government's intention is to raise the level of income generated through such fees and to move further towards the aim of a "substantially self-funding migration and borders system". Changes include:

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35 Submission on the Biocidal Products (Health and Safety) (Amendment and Transitional Provision etc.) Regulations 2024 (SI 2024/352) and government response: https://committees.parliament.uk/publications/44215/documents/219960/default/.

36 Submission on the Countryside Stewardship (England) (Amendment) Regulations 2024 (SI 2024/391) and government response: https://committees.parliament.uk/publications/44212/documents/219953/default/.

- Increasing fees for most passport applications and renewals by 7.5%. The Home Office told us that total income from passport fees was around 16% lower than the associated costs in 2022–23, and that the Government's "long-term intention" is "to continue to move towards full cost recovery on an incremental basis".

- Increasing certain work and visit visa fees that could not be raised in the last (autumn 2023) round of increases, because they were at their maximum levels. The Home Office has since increased those maxima.[37]

- Substantial increases to fees for some nationality services, such as citizenship ceremonies (rising by 63%) and copies of nationality certificates (by 60%). The Home Office told us that the fee for a ceremony was last increased in 2007 and that for a copy certificate in 2018, and that both remain at or below their unit cost.

- A 20% increase in the fee for Limited Leave to Remain applications, which could not be implemented with other related fees in autumn 2023 because of "technical issues" that have now been resolved.

Proceeds of Crime Act 2002 (References to Financial Investigators) (England and Wales and Northern Ireland) (Amendment) Order 2024 (SI 2024/425)

103. Amongst other measures, this Order adds the Public Sector Fraud Authority to the public sector bodies that have access to powers under the Proceeds of Crime Act 2002, and increases the powers of four existing bodies: the Security Industry Authority; the Food Standards Agency; the Environment Agency; and the Department for Work and Pensions. The Home Office states that the changes are necessary to ensure that "the investigative bodies of organisations are equipped with the right powers […] to investigate, disrupt and recover the proceeds of crime". Powers also include searching for suspect property.

104. We asked the Home Office what steps these bodies are required to take to ensure proper use of these powers. The Home Office told us that there were "many safeguards" in place. These depend on how "invasive" the powers being exercised are, but may include a requirement for prior approval from a senior manager or from a Crown Court judge. There are also Codes of Practice on the exercise of functions and a court may take account of any failure to comply with a Code. **It is essential that such safeguards exist and operate effectively.** Whilst acknowledging the different context, the evidence presented to the Post Office Horizon IT Inquiry is a reminder of the importance of public bodies using their powers appropriately.

37 In the Immigration and Nationality (Fees) (Amendment) Order 2023 (SI 2023/977); see our comments in *44th Report* (Session 2023–23, HL Paper 217). The key issues raised in our Report, namely fees for Electronic Travel Authorisations and for student visas, are not affected by these Regulations.

INSTRUMENTS NOT DRAWN TO THE SPECIAL ATTENTION OF THE HOUSE

Draft instruments subject to affirmative approval

Draft	Combined Authorities (Finance) (Amendment) Regulations 2024
Draft	Contracts for Difference (Sustainable Industry Rewards) Regulations 2024
Draft	Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Legal Aid: Domestic Abuse) (Amendment) Order 2024
Draft	Procurement Regulations 2024

Instruments subject to annulment

SI 2024/315	Registration and Inspection of Education, Children's Services and Skills (Fees and Frequency of Inspections) (England) (Amendment) Regulations 2024
SI 2024/352	Biocidal Products (Health and Safety) (Amendment and Transitional Provision etc.) Regulations 2024
SI 2024/369	Childcare (Free of Charge for Working Parents) (England) (Amendment) Regulations 2024
SI 2024/378	Air Navigation (Overseas Territories) (Environmental Standards) Order 2024
SI 2024/381	Motor Vehicles (Driving Licences) (Amendment) Regulations 2024
SI 2024/384	Air Navigation (Overseas Territories) (Amendment) Order 2024
SI 2024/391	Countryside Stewardship (England) (Amendment) Regulations 2024
SI 2024/398	Immigration, Nationality and Passport (Fees) (Amendment) Regulations 2024
SI 2024/413	Civil Aviation (Environmental Protection) (Amendment) Regulations 2024
SI 2024/418	Levelling-up and Regeneration Act 2023 (Consequential Amendments) (England) Regulations 2024
SI 2024/421	Domestic Abuse Act 2021 (Amendment) Regulations 2024
SI 2024/425	Proceeds of Crime Act 2002 (References to Financial Investigators) (England and Wales and Northern Ireland) (Amendment) Order 2024
SI 2024/426	Proceeds of Crime Act 2002 (Application of Police and Criminal Evidence Act 1984) (Amendment) Order 2024
SI 2024/453	Levelling-up and Regeneration Act 2023 (Consequential Amendments) (No. 2) (England) Regulations 2024
SI 2024/454	Registrar of Companies and Register of Overseas Entities (Fees) (Amendment) Regulations 2024

SI 2024/455	Cosmetic Products (Restriction of Chemical Substances) Regulations 2024
SI 2024/456	National Health Service (Charges for Drugs and Appliances) (Amendment) Regulations 2024
SI 2024/474	Building (Registered Building Control Approvers etc.) (England) (Amendment) Regulations 2024

APPENDIX 1: INTERESTS AND ATTENDANCE

Committee Members' registered interests may be examined in the online Register of Lords' Interests at https://members.parliament.uk/members/lords/interests/register-of-lords-interests. The Register may also be inspected in the Parliamentary Archives.

For the business taken at the meeting on 16 April 2024 and included in this report, Members declared the following interests:

Countryside Stewardship (England) (Amendment) Regulations 2024 (SI 2024/391)

Lord de Mauley

Owner of farmland and other property in Oxfordshire and Gloucestershire, including residential properties

Attendance:

The meeting was attended by Lord de Mauley, Baroness Harris of Richmond, Lord Hunt of Wirral, Baroness Lea of Lymm, Lord Powell of Bayswater, Baroness Randerson, Baroness Ritchie of Downpatrick, Lord Rowlands, Lord Russell of Liverpool and Lord Watson of Wyre Forest.