HOUSE OF LORDS

Secondary Legislation Scrutiny Committee

18th Report of Session 2024–25

Drawn to the special attention of the House:

# Draft Infected Blood Compensation Scheme Regulations 2025

# Local Authorities (Changes to Years of Ordinary Elections) (England) Order 2025

## Includes information paragraphs on:




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## *Secondary Legislation Scrutiny Committee*

The Committee's terms of reference, as agreed on 29 July 2024, 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 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*

Lord Bethell
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Baroness Lea of Lymm
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Lord Russell of Liverpool
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Lord Watson of Wyre Forest

## *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), India Kearsley (Adviser), Philipp Mende (Adviser), Chris Smith (Adviser) and Kezia Williamson (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.

# Eighteenth Report

## INSTRUMENTS DRAWN TO THE SPECIAL ATTENTION OF THE HOUSE

### Draft Infected Blood Compensation Scheme Regulations 2025

***Date laid: 12 February 2025***

***Parliamentary procedure: affirmative***

*These Regulations complete the establishment of the Infected Blood Compensation Scheme, to compensate those directly and indirectly infected with contaminated NHS blood, blood products or tissue, and those affected by virtue of their relationship to an infected person. The scheme is being delivered in response to the recommendations of the Infected Blood Inquiry. It offers a tariff-based core route to compensation which is expected to provide sufficient compensation in most cases, and a supplementary route to compensation for those who can evidence greater injury or loss.*

*We found the Explanatory Memorandum (EM) to these Regulations a significant improvement on that for previous Regulations establishing the scheme, which was overly complex and technical. However, the EM to these Regulations is light on explanation of the core route to compensation for affected persons. The Cabinet Office has provided additional explanation, including on the evidence affected persons will need to provide.* ***Whilst we welcome the flexibility of the Infected Blood Compensation Authority (IBCA) in accepting alternative evidence in support of claims, we question how feasible it is that some of the evidential requirements can be met.***

*The IBCA began making compensation payments from the end of 2024 and is adopting a "test and learn" approach to processing claims, which it says will result in compensation being paid more quickly overall. This approach means the IBCA will invite people to claim in groups and invite some people within a particular group to claim before others within that group****. The House may wish to seek further clarity on how the IBCA will decide which individuals within a group to invite to claim compensation first.***

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

#### *Background*

1. These Regulations set out the full basis for a statutory compensation scheme for those who contracted certain serious diseases as a result of infected blood, blood products or tissue ("infected blood") given as part of NHS treatment between 1970 and 1991, and those who were affected by the impacts of infected blood.

2. Following the publication of the Infected Blood Inquiry Report on 20 May 2024,[1] the then Prime Minister, the Rt Hon Rishi Sunak MP, confirmed

1 Infected Blood Inquiry, 'The Inquiry Report' (20 May 2024): https://www.infectedbloodinquiry.org.uk/reports/inquiry-report [accessed 18 February 2025].

that the Government would pay comprehensive compensation to those who have been infected and affected.

3. Infected persons are those who have been directly or indirectly (such as via transmission from mother to child) infected by NHS blood, blood products or tissue contaminated with HIV or Hepatitis C, have developed a chronic infection from blood contaminated with Hepatitis B or died of acute Hepatitis B. Affected persons are partners, parents, children and siblings of an infected person, and in some circumstances, carers of an infected person.

4. The Cabinet Office laid Regulations in 2024 which established the first tranche of the compensation scheme, for infected persons to claim core compensation.[2] These Regulations set out the basis for core compensation for affected persons, as well as a supplementary route to compensation for infected and affected persons where the core route does not sufficiently cover the particular circumstances of their injury or loss. The Cabinet Office says the core route is expected to provide sufficient compensation in the vast majority of cases.

### *2024 Regulations*

5. The Explanatory Memorandum (EM) explains that these Regulations "restate and expand" the 2024 Regulations. We were unfamiliar with the use of these terms in this context and asked the Cabinet Office what was meant by this; it explained:

> "The 2025 Regulations revoke the 2024 Regulations but the provisions of the 2024 Regulations are contained within the 2025 Regulations (with some different wording/simplification where that was sensible). In line with guidance to ensure the Explanatory Memorandum is accessible, we chose to use the terms 'restate and replace' to make clear that the policy of the 2024 Regulations remains unchanged–despite the legal text being revoked."

6. We note that in his oral statement to the House of Commons on the Infected Blood Compensation Scheme following the laying of these Regulations, the Paymaster General and Minister for the Cabinet Office, the Rt Hon Nick Thomas-Symonds MP, explained that this approach was taken for "simplicity", and that to have "a single set of regulations that consolidates the provisions means that it has been possible to cover all compensation routes for all eligible people in a single place".[3]

7. As these Regulations restate the provisions of the 2024 Regulations, and we considered those Regulations when they were laid,[4] this report only considers the new policy introduced by these Regulations.

### *Quality of explanatory material*

8. In our report on the 2024 Regulations, we were critical of the poor quality of the EM which used overly technical language and lacked basic information about how the compensation scheme would work in practice.[5] We set out our expectations for the explanatory material for the second set of regulations

2 Infected Blood Compensation Scheme Regulations 2024 (SI 2024/872).
3 HC Deb, 13 February 2025, col 435 [Commons chamber].
4 SLSC, *2nd Report* (Session 2024–25, HL Paper 4).
5 SLSC, *2nd Report* (Session 2024–25, HL Paper 4).

to implement the scheme. **Overall, we found that the EM to the new Regulations provided a much clearer explanation of the background, scope and delivery of the scheme, though we did find it light on explanation of the core route to compensation for affected persons.**

*Awards for affected persons*

9. The core route of the compensation scheme has five categories of award:

- the injury impact award (to compensate for past and future physical and mental injury);
- the social impact award (to compensate for past and future social consequences including stigma and social isolation);
- the autonomy award (to compensate for distress, suffering and interference with a person's family and private life);
- the financial loss award (which comprises a basic award for notional expenses such as travel to medical appointments and insurance, and an additional award for past and future loss of earnings); and
- the care award (to compensate for past and future care needs and associated expenses).

10. While all infected persons can claim under all five awards, the Regulations set out that all affected persons can claim under the injury impact and social impact awards. In supplementary material, the Cabinet Office explained that for affected persons, the injury impact award is designed to recognise "the physical and mental injury, emotional distress and injury to feelings that may have been caused or will in future be felt as a result of: infected blood and/or related medical treatments; the death of an infected person; [and/or] the anticipation of a loved one's early death in the future." The social impact award recognises that affected people also suffered stigma as a result of their family member's illness.

11. The EM states that affected persons can also claim under other awards, depending on their circumstances. When asked for more detail about this, the Cabinet Office explained that the autonomy award will be available to affected partners, parents and children only, recognising that certain affected people "are likely to have experienced the most significant impact on their private lives and autonomy". This recognises, for example, the loss of marriage or partnership, or the loss of opportunity to have children. The financial loss award is available to affected persons who were financially dependent on an infected person, such as bereaved partners and children under the age of 18.

12. Some people who provided care to an infected person may be considered an affected person and will therefore be eligible to claim as an affected person. Such carers are defined as those "who, without reward or remuneration, provided personal care or support greater than would otherwise reasonably have been expected".[6] This may include other family members and friends

6 Cabinet Office, *Infected Blood Compensation Scheme Summary* (12 February 2025) p.10: https://assets.publishing.service.gov.uk/media/67b3252f4a80c6718b55be12/Government_Update_on_the_Infected_Blood_Compensation_Scheme.pdf [accessed 20 February 2025].

who would otherwise not be eligible as an affected person by the nature of their relationship to the infected person.

13. Affected persons (whether partners, parents, children, siblings or eligible carers) will not be eligible to claim for the care award in their own right. In supplementary material, the Cabinet Office explained that the Infected Blood Inquiry Expert Group advised that care costs should be awarded to the infected person as they are calculated based on the infected person's care needs, and that it should be up to the infected person (or those administering their estate if they have died) to choose how to divide compensation between those who provided care, such as affected persons. The Government has accepted this advice.

*Evidential requirements*

14. Affected persons can only make a claim where their case is linked to that of an eligible infected person claiming through the scheme. In supplementary material, the Cabinet Office explained that affected persons must provide proof of this (such as an offer letter for the infected person's compensation), as well as the year of the infected person's infection and if deceased, the date of their death.

15. An affected person must also provide proof that they are a partner, parent, child or sibling to the infected person. When asked what evidence could be provided to prove such a relationship, the Cabinet Office explained that this may be evidenced through, for example:

> "a marriage certificate or a civil partnership certificate; a birth certificate or an adoption certificate; a council tax statement; a bank statement; a document relating to the ownership or rental of any property where the infected and affected person cohabited; insurance; tax; employment; medical information; child benefit entitlement; [and] schools attended by the infected or affected person. Where the documentary evidence listed above is not available, the regulations also allow IBCA [the Infected Blood Compensation Authority] to consider supporting written statements from an individual independent of the person who is claiming."

16. **We welcome the wide range of evidence that will be accepted, as well as the flexibility to accept written statements, especially given that many of the relevant documents may be decades old and therefore may no longer be available.**

17. Affected carers of infected persons (described in paragraph 12 above) will need to evidence that they provided an average of at least 16.5 hours of care per week to an infected person over at least six months, without reward or remuneration. The Cabinet Office elaborated on the evidential requirements for this:

> "Where an application seeks to establish eligibility as a carer, the regulations require proof of the average number of hours of care, the nature of care, the date when care was first provided and the length of time such care was needed. This is needed in order to calculate the amount of compensation they would be eligible for."

18. **We are unclear as to what form this evidence could take and question how feasible it is that care provided by a family member or friend to an infected person unremunerated, and therefore likely informally, could be evidenced in this way, especially if that care took place many years ago. We urge similar flexibility in evidential requirements for affected carers as for other affected persons.**

### *Estates of affected persons*

19. The EM states that although the estate of a deceased infected person can make a claim for compensation on behalf of the deceased person, the estate of a deceased affected person cannot make a claim for compensation. We queried why this was the case. The Cabinet Office replied:

> "Where an eligible affected person sadly dies before accepting an offer of compensation, their estate is not eligible to claim. Should a person who is affected pass away after accepting an offer of compensation from IBCA, but prior to the payment being made in full (either as a lump sum or through periodic payments), their estate will be able to claim the compensation they are eligible for.
>
> This reflects the recommendation of the Infected Blood Inquiry Chair, Sir Brian Langstaff,[7] who stated that 'it is right that these affected persons should be compensated in their own right–but to go further, and allow a claim by their estate … is to draw the circle too widely'."

20. There may be a small cohort of affected people who pass away between receiving an offer of compensation and deciding to accept that offer. It is unclear how such cases would be treated because we understand that the affected person's estate would not be making a claim but deciding whether or not to accept the compensation for which the deceased affected person had been considered eligible. **The House may wish to seek clarity from the Minister on this.**

### *Delivery of payments*

21. Compensation is being delivered by the IBCA. When the 2024 Regulations were laid, the Government said it expected the IBCA to start making payments to eligible infected persons by the end of 2024. We were sceptical of this timeline at the time, given that the IBCA was still being established and its service being built just four months from the end of the year.[8]

22. The EM to these Regulations confirms that the first payments to infected persons were made in December 2024. The IBCA's website states that 67 people were invited to make a claim by mid-January 2025, and the IBCA is "on track" for 250 people to start their claim by the end of March 2025.[9] Given there are an estimated 30,000 victims directly or indirectly infected with contaminated blood, and an unknown number of people affected by the scandal,[10] we asked whether the small numbers of people invited to claim

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7 Infected Blood Inquiry, *Second Interim Report* (5 April 2023) p.36: https://www.infectedbloodinquiry.org.uk/sites/default/files/2023–04/Infected_Blood_Inquiry_Second_Interim_Report.pdf [accessed 20 February 2025].

8 SLSC, *2nd Report* (Session 2024–25, HL Paper 4).

9 Infected Blood Compensation Authority, 'Infected Blood Compensation Payments to be scaled up in 2025': https://www.ibca.org.uk/news/payments-to-be-scaled-up-in-2025 [accessed 20 February 2025].

10 SLSC, *2nd Report* (Session 2024–25, HL Paper 4) paragraph 48.

was having the effect of delaying long-awaited compensation even further. The Cabinet Office responded:

> "IBCA is an operationally independent arms-length body. It is right that IBCA has the operational independence to take decisions on the roll out and operation of the Scheme, as was the will of Parliament exercised through the Victims and Prisoners Act. We have been assured by IBCA that their test and learn approach will ensure that they are able to adapt their service as they roll it out. [ … ] Whilst this test and learn approach may mean the service is not fully open for applications from everyone in 2025, IBCA has been clear that it aims to open the compensation service to people from all groups in 2025. IBCA has assured CO [Cabinet Office] and the infected blood community that this approach means it will deliver compensation to everyone who's eligible more quickly overall.
>
> Cabinet Office and IBCA recognise the urgency of providing payments to people who are eligible as soon as possible and this is a shared priority. There is no will or intention for payments to be delayed to people for whom justice is already long overdue."

23. The IBCA's website sets out the sequence of groups that will be invited to claim,[11] however the Cabinet Office's statement suggests that some people within a group will be invited to claim before others in their group. **It is not clear how the IBCA will decide which individuals to invite to claim first from their particular group. The House may wish to press the Minister for more details on this.** We consider this especially important given the context that many of those eligible for compensation may be nearing the end of their lives, though we note that the IBCA "will explore" how this cohort may be invited to claim first in their group.[12]

### *Conclusion*

24. The infected blood scandal represents a long-standing injustice, and we welcome the full establishment of the compensation scheme. **We recognise the Government's commitment to delivering compensation as fully and as quickly as possible, though we urge flexibility, particularly for affected carers, in evidential requirements where possible and greater clarity on the sequencing of individual invitations to apply for compensation.**

11 Infected Blood Compensation Authority, 'Infected Blood Compensation Payments to be scaled up in 2025': https://www.ibca.org.uk/news/payments-to-be-scaled-up-in-2025 [accessed 20 February 2025].

12 Infected Blood Compensation Authority, 'Infected Blood Compensation Payments to be scaled up in 2025': https://www.ibca.org.uk/news/payments-to-be-scaled-up-in-2025 [accessed 20 February 2025].

## Local Authorities (Changes to Years of Ordinary Elections) (England) Order 2025 (SI 2025/137)

***Date laid: 11 February 2025***

***Parliamentary procedure: negative***

*This Order postpones the elections for nine local authorities in England which were scheduled for May 2025 to May 2026, to help the areas "deliver both reorganisation and devolution to the most ambitious timeframe". The local authorities are East Sussex, Essex, Hampshire, the Isle of Wight, Norfolk, Suffolk, Thurrock, Surrey and West Sussex. While the Ministry of Housing, Communities and Local Government says that there is precedent for postponing local elections and that this "in no way pre-judges the outcome of a local government reorganisation process", we note that concerns and questions have been raised, including about the level of local support and consultation and the democratic mandate underpinning the approach.*

**The Order is drawn to the special attention of the House on the ground that it is politically or legally important and gives rise to issues of public policy likely to be of interest to the House.**

25. This Order postpones the elections for nine local authorities in England which were scheduled for May 2025 to May 2026 to help the areas "deliver both reorganisation and devolution to the most ambitious timeframe". The Order forms part of the Government's devolution programme. The nine local authorities are East Sussex, Essex, Hampshire, the Isle of Wight, Norfolk, Suffolk, Thurrock, Surrey and West Sussex.

### *Background*

26. In December 2024, the Government published its *English Devolution White Paper*[13] which sets out how the Government plans to implement its manifesto pledge to "transfer power out of Westminster through devolution and to fix the foundations of local government". Part of this programme involves local government reorganisation for remaining two-tier areas, and for unitary authorities "where there is evidence of failure or where their size or boundaries may be hindering their ability to deliver sustainable and high-quality public services". The Government has also launched a Devolution Priority Programme for areas which are "ready to come together" and meet the "sensible geography criteria" set out in the White Paper, and which would like to progress to an accelerated timescale with inaugural mayoral elections in May 2026.

27. Following publication of the White Paper, the Ministry of Housing, Communities and Local Government (MHCLG) invited proposals for reorganisation from local authority areas and committed to a "phased approach to delivery, taking into account where reorganisation can unlock devolution, where areas are keen to move quickly or where it can help address wider failings". The MHCLG committed to consider requests from councils to postpone local elections in May 2025 where this would "help the area to deliver both reorganisation and devolution to the most ambitious timeframe",

13 Ministry of Housing, Communities and Local Government, *Policy paper: English Devolution White Paper* (16 December 2024): https://www.gov.uk/government/publications/english-devolution-white-paper-power-and-partnership-foundations-for-growth/english-devolution-white-paper [accessed 20 February 2025].

either through the Devolution Priority Programme or "where reorganisation is necessary to unlock devolution or open up new devolution options".

*Postponement of local elections*

28. The MHCLG says that it received requests for postponement from 18 councils (Derbyshire, Devon, East Sussex, Essex, Gloucestershire, Hampshire, the Isle of Wight, Kent, Leicestershire, Lincolnshire, Norfolk, Oxfordshire, Suffolk, Surrey, Warwickshire, West Sussex, Worcestershire and Thurrock). Following an assessment, the MHCLG agreed that the local elections could be postponed in eight of those areas (East Sussex, Essex, Hampshire, the Isle of Wight, Norfolk, Suffolk, Thurrock and West Sussex) where it considered that postponement was "essential for the delivery of the Devolution Priority Programme and complementary reorganisation". The MHCLG also agreed to postpone the 2025 local elections in Surrey in the context of specific financial challenges and on the ground that reorganisation was "essential to unlocking devolution options" and that this "would help deliver both reorganisation and devolution to the most ambitious timeframe".

29. The postponement is for one year, to May 2026, and the Order adjusts the terms of office of existing councillors accordingly. In Thurrock, where May 2025 would have been the first whole council election, subsequent council elections will take place in 2030 and then every four years; in all other areas the postponement will not affect the timing of subsequent elections, and the next elections will be in 2029 with councillors elected in May 2026 serving only a three-year term. The Order also makes provision for by-elections, so that vacancies arising in the six-month period prior to May 2025 must take place in the period between the coming into force of the Order on 4 March 2025 and 1 May 2025. This is to avoid any long-term vacancies.

*Precedent and next steps*

30. The MHCLG says that postponing local elections in areas considering or undergoing local government reorganisation is done "routinely", pointing to Buckinghamshire, Cumbria, North Yorkshire, Northamptonshire, Somerset and Weymouth and Portland as previous examples.[14] According to the MHCLG, postponement allowed these councils to have "open conversations" about proposals and avoid elections to a council which may cease to exist. The MHCLG acknowledges that in contrast to these previous examples, where local government reorganisation was considered on a case-by-case basis and devolution proceeded with on a deal-based approach with individual areas, the new approach as set out in the White Paper "is more ambitious, on a larger scale and at a faster pace", requiring the postponement of elections on a "commensurate scale".

31. The MHCLG emphasises that the bar to postponing the elections in the nine areas was "extremely high", and that the postponement "in no way pre-judges the outcome of a local government reorganisation process, or the Devolution Priority Programme". In areas where local government reorganisation is implemented, further instruments will be made to set out

14 Districts of Aylesbury Vale, Chiltern, South Bucks and Wycombe (Changes to Years of Elections) Order 2018 (SI 2018/1355); Cumbria (Changes to Years of Elections) Order 2021 (SI 2021/174), North Yorkshire (Changes to Years of Elections) Order 2021 (SI 2021/175); Northamptonshire (Changes to Years of Elections) Order 2018 (SI 2018/1324); Somerset (Change to Year of Election) Order 2021 (2021/176); and Borough of Weymouth and Portland (Change to Year of Election) Order 2018 (SI 2018/256).

the arrangements for elections to the current and future councils, with the intention of electing new shadow unitary councils as soon as possible, as is the usual approach for local government reorganisation.

*Concerns*

32. There has been some media coverage of the postponement,[15] and the MHCLG says that there has been a significant amount of correspondence from local councils, political groups within councils, Members of Parliament and the public, as well as campaign letters and petitions. In the Explanatory Memorandum (EM), the MHCLG states that "the majority of views expressed were opposed" to postponing the elections, and that concerns and questions had been raised about the "removal of democratic rights of voters" and "the ongoing democratic mandate of incumbent councillors, particularly where significant decisions on the future of an area are to be taken", with some arguments having been expressed "in party political terms". Concerns have also been raised about the level of consultation and engagement with local residents.[16] **We note that the MHCLG acknowledges and summarises these concerns in the EM. However, it does not, as it should have done, provide a response to the issues raised. The House may wish to question the Minister further on this.**

33. Asked whether the last local elections in 2021 provided a sufficient mandate for local reorganisation that was not on the agenda at the time, the MHCLG highlighted the "well-established precedent for postponing elections where councils are preparing for local government reorganisation" (see paragraph 30) and pointed to the response by the Minister for Local Government and English Devolution, Jim McMahon MP OBE, to a similar question in a House of Commons debate. The Minister said:

> "the councillors who have their terms extended are legitimate and have the powers and rights of any other councillor. [ … ] we need to be careful that we do not undermine the democratic process by trying to portray councillors who believe in their communities and who by and large are doing a good job, regardless of party politics, as somehow not there by right. They have been elected; it just so happens that in some places their term will be extended by a short period."[17]

34. Given that the Government describes its approach as "bottom-up" we asked whether in the absence of local elections in the nine areas this year, there would be opportunities for local residents to express their views on the proposals for the reorganisation of their local government. The MHCLG responded:

> "The local government reorganisation process is at a very early stage. On 5 February, the Government issued invitations to councils in two-tier areas in England and neighbouring unitary councils to prepare proposals for local government reorganisation. For areas where May 2025 elections have been postponed, those proposals are due to be submitted on 9 May (where local government reorganisation is essential

15 See, for example, BBC, 'Council shake-up sees elections delayed in nine areas', 5 February 2025: https://www.bbc.co.uk/news/articles/c9qjdex1ed8o [accessed 20 February 2025].

16 English Devolution and Local Government Debate, House of Lords, Hansard Vol. 843, Col 1265, 12 February 2025.

17 Local Government Reorganisation Debate, House of Commons, Hansard Vol. 760 Col. 361, 15 January 2024.

> to unlock devolution) or 26 September (Devolution Priority Programme areas).
>
> The timeline for the preparation of proposals is expressly designed to allow sufficient time for councils to carry out engagement necessary to develop robust and evidenced unitary proposals. It is for councils to decide how best to engage locally in a meaningful and constructive way. Our guidance to councils is that proposals should include evidence of local engagement, an explanation of the views that have been put forward and how concerns will be addressed. Before deciding which, if any, proposal to implement for an area, the Secretary of State must undertake a statutory consultation on the proposal."

*Conclusion*

35. While there is precedent for postponing local elections in the context of facilitating the reorganisation of local government and devolution, the Government acknowledges that this Order enables such postponements on a larger scale than on previous occasions and that there is considerable opposition to the policy. Given that questions and concerns have been raised about the Government's approach, including about the democratic mandate and level of local support and consultation, the MHCLG should have addressed these specific concerns in the EM. We note the Government's view that it is "for councils to decide how best to engage locally in a meaningful and constructive way" on proposals for local government reorganisation, and that the Secretary of State must undertake a statutory consultation before deciding which proposals to implement. **The House may wish to explore further with the Minister how the views of local residents will be sought and taken into account in future stages of the process**.

## INSTRUMENTS OF INTEREST

### Draft Agriculture (Delinked Payments) (Reductions) (England) Regulations 2025

36. These draft Regulations propose the percentage reductions that will be applied to delinked payments in England for 2025. Delinked payments were introduced in 2024 to replace Direct Payments which were made to farmers under the Basic Payment Scheme (BPS) in England during the UK's membership of the EU and during the agricultural transition period after Brexit. Unlike the BPS, delinked payments are not based on the amount of land a farmer has, but on a recipient's historic BPS payments. During the agricultural transition period, delinked payments are being phased out in England by 2027 to free up funds for new farming support schemes, such as the Environmental Land Management schemes. As in 2024, the proposed reductions would be progressive, with the highest percentage reduction applied to amounts falling within the highest payment band.

37. The Department for Environment, Food and Rural Affairs (Defra) expects that 80% of the 82,000 delinked payment recipients will have their payment reduced by 76% in 2025, compared to a 50% reduction in 2024. Defra announced the 2025 reductions in October 2024 and estimates that they will lead to a further £550 million reduction in payments compared to 2024. Defra says that this money will be re-invested in full into the other schemes for farmers and land managers in England, within an overall farming budget of £2.4 billion for 2025/26.

### Draft Civil Proceedings and Magistrates' Courts Fees (Amendment) Order 2025

38. Most court fees are set under primary legislation that restricts the fee to no more than the cost of providing the service for which the fee is charged. This Order would restate three fees under different primary legislation, allowing them to be set above cost. This follows a Ministry of Justice (MoJ) review of its costing methodology for court processes, which identified that these fees, set out below, are at risk of recovering more than the latest, reduced, estimates of their cost:

    - Applications by local authorities for orders to demand payment of council tax arrears. The fee is 50p per application and it raises around £1.1 million per year.

    - Applications for warrants of entry, mainly used by utility companies to enter private homes to disconnect gas or electricity. The fee is £22 and raised £7.2 million in 2022/23.

    - Fees charged on the sale of a ship or goods worth more than £100,000 which are seized following a claim made to the High Court. The fee depends on the value of the ships and the MoJ states that there are "not many" applications but that it is nevertheless an "important" source of income, given that some ships may sell for several million pounds.

39. The MoJ states that the fees will not change from their current level. The MoJ also said that, in contrast, a number of other fees, which are also now estimated to be above cost, will be revised downwards in a subsequent

statutory instrument. The MoJ told us that those other fees combined raise around £2 million per year. The MoJ said it chose to restate the above three fees rather than reduce them because they "generate crucial income [ … ] for the purpose of cross-subsidising areas where we charge no or very low fees (e.g. for protection orders relating to domestic abuse), by extension reducing the cost to the taxpayer, and where we are confident setting them above cost will not impede access to justice".

### Draft Disclosure (Scotland) Act 2020 (Consequential Provisions and Modifications) Order 2025

40. The Disclosure (Scotland) Act 2020 ("the 2020 Act") created a new oversight system for the disclosure of a person's criminal record in Scotland; for example, during recruitment for roles working with children or vulnerable adults and during adoption procedures. The system replaces the Police Act 1997, as applied in Scotland, and the Protection of Vulnerable Groups (Scotland) Act 2007. The 2020 Act includes provisions such as: setting out when police forces must provide criminal records information for disclosure; what "other relevant information" (ORI) must be disclosed—that is, information about a subject's criminal or other behaviour which has not been tested at trial or led to a conviction; and allowing the subject of the information to review and make representations about ORI, prior to disclosure.

41. The 2020 Act applies directly in Scotland but not in the rest of the UK. This Order would therefore extend the measures so that, for example, in response to a request from Scotland, police forces in the rest of the UK must provide information in the same way as the Scottish police. The Explanatory Memorandum emphasises the way in which the Order would create consistency in how disclosure requests originating in Scotland are dealt with across the UK. However, we note that the system creates other inconsistencies. For example, for a request originating in Scotland, police throughout the UK must provide the subject with the opportunity to make representations about ORI and must have regard to them. For requests originating elsewhere in the UK, the police have a power to seek representations but are not under a duty to do so. **The House may wish to enquire whether such issues create additional complexities for police forces throughout the UK**.

### Draft Industrial Training Levy (Construction Industry Training Board) Order 2025

42. This Order would enable the Construction Industry Training Board ("CITB") to raise a levy on employers in the construction industry for 2025, in order to fund the CITB's function of promoting training in the industry. Ordinarily, instruments set the levy for the forthcoming three years.[18] However, in 2023, the then Government commissioned an independent review of the effectiveness of the CITB and the parallel Engineering Construction Industry Training Board. Following a delay caused by the general election and change of government, the review, and the Department for Education's (DfE) response, were published on 30 January 2025.[19] The review expressed concerns about a "hollowing out" of the construction workforce and described structural issues such as: low productivity;

18 For example, the previous order was (once made) the Industrial Training Levy (Construction Industry Training Board) Order 2022 (SI 2022/492).

19 Department for Education, '2023 Industry Training Board (ITB) review' (30 January 2025): https://www.gov.uk/government/publications/2023-industry-training-board-itb-review [accessed 18 February 2025].

demographic and technological challenges; and shortages of labourers, tradespersons, supervisors and managers.

43. The delay in publishing the review prevented the full process that precedes a three-year levy order (known as achieving 'consensus' with the industry) from taking place, so in this Order the DfE is exercising a power that allows a single one-year extension. The Order would not change the rate of the levy, but it would increase, by a measure of industry wage inflation, the thresholds below which no levy is payable and below which a reduced rate is payable.

44. In March 2025, the DfE intends to begin the consensus process for a new three-year order, covering 2026 to 2028, on the basis that the review and the DfE's response provide the industry with "full transparency". However, the review concluded that the Industry Training Boards require a "new vision" and a "refocused strategy", while the response accepted the issues raised were "complex", were "likely to require additional scoping of form and function, and in some cases, consultation with industry", and would require cross-departmental work over the next year. **While no concerns arise from the levy extension proposed in this Order, we note that, for the future period, agreement with the industry will be sought when there is little clarity about how the CITB will operate and, therefore, what the levy will be funding.** We also note that the review of the CITB and the levy take place in the context of the new Government's increased housebuilding targets. We therefore welcome the DfE's intention to work closely with other relevant departments, particularly the Ministry of Housing, Communities and Local Government, as it develops its proposals for the future of the CITB.

## Draft Online Procedure Rules (Specified Proceedings) Regulations 2025

45. The Online Procedure Rule Committee (OPRC) was established by the Judicial Review and Courts Act 2022 to make rules governing practice and procedure for specific types of online court and tribunal proceedings. This instrument is required to define the types of proceedings for which the OPRC can develop rules. It specifies three areas:

- The new digital possession service contained in the Renters' Rights Bill.
- Family proceedings in England and Wales relating to financial remedies.
- Certain First Tier and Upper Tribunal proceedings related to property.

46. In relation to the digital possession service, the Ministry of Justice (MoJ) told us that the Committee's rules will be "designed to align" with provisions in the Renters' Rights Bill, including enabling an "end-to-end digital service", although "the final decision as to whether a tenant should be evicted will remain a judicial one".

47. We asked the MoJ whether the OPRC's rules would be ready at the point the provisions in the Renters' Rights Bill come into force, assuming they pass through Parliament in a similar form to now. The MoJ said that the rules would be laid in time "to enable the digital service to come into use", and that the rules:

> "will be required for implementation of the digital possession service. This service will reflect the primary legislative provisions under the Act when they come into force."

48. **This does not directly answer the question of whether the OPRC rules, which will enable the digital service that will be required for the Bill's provisions to operate to their full extent, will be in force by the time the relevant provisions in primary legislation come into effect. The House may wish to press the Minister further on this point.**

### Draft Guidance on Improving planning performance: criteria for designation

49. This draft guidance sets out revised criteria for assessing local planning authority performance. Performance in the local planning system is measured in relation to the quality and speed of decision-making by local planning authorities. The guidance was first issued in 2013 and is revised regularly. It was last updated in 2022. The main difference between the 2022 guidance and this latest version is that the time period that is used to assess a local planning authority's average performance in relation to the speed of its decision-making is reduced from 24 to 12 months. The Ministry of Housing, Communities and Local Government (MHCLG) says that this aims to make it easier to identify underperformance or recognise improved performance. We do not wish to comment on this change or other aspects of the revised guidance.

50. We are, however, concerned about the process followed by the MHCLG. The draft guidance was laid under section 62B of the Town and Country Planning Act 1990 and, while not a statutory instrument, it is subject to the negative procedure which allows Members of either House to raise concerns or object to the legislation over a so-called 'prayer period' of 40 days. The role of this Committee is to scrutinise the policy merit of all secondary legislation that is subject to either the negative or affirmative procedure on behalf of the House. In doing so, we rely on departments to send us copies of all relevant secondary legislation for scrutiny.

51. In this case, the MHCLG failed to do so. **We regret that we were therefore unable to scrutinise the draft guidance and provide the House with a view on the changes within the prayer period, which expired on 29 January 2025**. There is a further concern in this case, as the MHCLG also failed to send us earlier updates of the guidance in 2018 and 2020. In contrast, when the guidance was updated most recently in 2022, we did receive it for scrutiny as required. We raised this inconsistency with the MHCLG and welcome its reassurance that to prevent future occurrences, the MHCLG will produce internal guidance for officials that will "outline the correct procedures for submitting documents" to our Committee and "emphasise the importance of adhering to these protocols". **We remind all government departments that they should send all secondary legislation that is subject to the negative or affirmative procedure, including statutory codes of practice and guidance, to our Committee once the legislation has been laid before Parliament, so that we can scrutinise it on behalf of the House and raise any potential issues or concerns.**

### Pension Protection Fund and Occupational Pension Schemes (Levy Ceiling) Order 2025 (SI 2025/103)

52. The Pension Protection Fund (PPF) provides compensation to pension scheme members whose employer has become insolvent and whose scheme cannot meet its liabilities. It is funded partly by a levy collected from pension schemes. The levy ceiling (the maximum amount of levy that can be charged) is intended to provide both sufficient funding for PPF compensation and reassurance to schemes that the levy will not be above a certain amount in any one year. The Pensions Act 2004 requires that the levy ceiling is increased each year in line with the growth in average weekly earnings (AWE); this Order therefore increases the levy ceiling for 2025/26 by 4%, from approximately £1.35 billion to £1.40 billion.

53. Ordinarily, we would not highlight secondary legislation that merely increases a limit by a standard index such as AWE. However, the amount of levy the PPF decides to collect has decreased significantly in recent years. In 2021/22, the PPF collected £475 million, representing around 43% of the ceiling for that year.[20] For 2025/26, the PPF has announced that it intends to collect £45 million, which represents 3.2% of the levy ceiling.[21] **We welcome reductions in the levy paid by pension schemes where possible, but question how much reassurance the levy ceiling provides to pension schemes in the context of a considerably lower levy in recent years.**

54. The levy forms a diminishing part of the PPF's funding, due to strong performance on investment returns.[22] However, the PFF is unable to reduce the levy to nil because legislation would prevent it from being raised again.[23] In January 2025, the Government announced it is considering removing this legal limitation, to give the PPF greater flexibility in setting the levy.[24] However, the Department for Work and Pensions previously told us it was considering this in February 2023,[25] following a recommendation from an independent review of the PPF.[26] **Given the Department has been considering this change for two years, the House may wish to ask the Minister what the timetable is for making a decision on removing this limitation.**

### Civil Procedure (Amendment) Rules 2025 (SI 2025/106)

55. This instrument amends the Rules that govern practice and procedure in the Civil Division of the Court of Appeal, the High Court and the County Court. The changes include an increase of 24.5% in the level of costs recoverable in respect of obtaining fixed cost medical reports and medical records in road traffic accident-related injury claims. The Ministry of Justice (MoJ) states

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20 See Appendix 3, SLSC, *30th Report* (Session 2022–23, HL Paper 152).
21 Pension Protection Fund, 'We've finalised our levy plans for 2025/26' (30 January 2025) https://ppf.co.uk/news/Levy-estimate-2025–26 [accessed 17 February 2025].
22 See Appendix 3, SLSC, *30th Report* (Session 2022–23, HL Paper 152).
23 Department for Work and Pensions, 'Departmental review of the Pension Protection Fund (PPF)' (21 December 2022) https://www.gov.uk/government/publications/departmental-review-of-the-pension-protection-fund-ppf [accessed 17 February 2025].
24 Department for Work and Pensions, 'PPF levy flexibility to unlock millions of pounds for growth' (30 January 2025) https://www.gov.uk/government/news/ppf-levy-flexibility-to-unlock-millions-of-pounds-for-growth [accessed 17 February 2025].
25 See Appendix 3, SLSC, *30th Report* (Session 2022–23, HL Paper 152).
26 Department for Work and Pensions, 'Departmental review of the Pension Protection Fund (PPF)' (21 December 2022) https://www.gov.uk/government/publications/departmental-review-of-the-pension-protection-fund-ppf [accessed 17 February 2025].

that the rise reflects inflation (as measured by the Services Producer Prices Index) since the fixed cost regime was introduced in 2014.

56. We have previously been critical of long intervals between changes in amounts set in legislation, followed by large increases, even if the rises reflect inflation; for example, in relation to a 2024 instrument setting Supreme Court fees.[27] We therefore asked the MoJ when these cost recovery levels would next be reviewed. The MoJ's response was non-committal, stating that "there is no specific timetable" and that "officials will continue to monitor both the medical reporting sector and any relevant prevailing economic conditions for evidence that a further review is required". In contrast, in relation to the Supreme Court fees instrument, the MoJ said that henceforth it would review those fees every two years. **We welcomed this commitment at the time and the House may wish to press for a similar specific assurance in this case.**

## Early Years Foundation Stage (Welfare Requirements) (Amendment) Regulations 2025 (SI 2025/132)

57. These Regulations provide a new "experience-based route" (EBR) that allows staff to count as being at 'level three' for the purposes of calculating permissible staff to child ratios in early years (EY) settings.[28] The change is in the context of the extension of free childcare entitlements in September 2025, which the Department for Education (DfE) states would, without changes, require an additional 40,000 staff. The DfE told us that these changes will not increase staff numbers directly but will allow around 7,500 extra children to be looked after with the same workforce. The Department also suggests that there may be an indirect impact as improved career opportunities may attract more recruits to the sector.

58. During consultations, concerns were expressed, including by Ofsted, that the changes could negatively impact the quality of EY provision. In response, the DfE has set a range of criteria that those seeking EBR recognition must meet. These include: already holding a qualification at level two in an EY setting or at level three elsewhere; completing a minimum of 751 to 900 hours of relevant work and supervised practice; and being assessed by a qualified level three EY supervisor. Further safeguards include that the EY institution must have been rated at least 'good' or equivalent in its latest Ofsted inspection, and that the EBR accreditation will not automatically be transferable between EY providers. As a result, the DfE states that it is "confident that we have taken sufficient steps to address [Ofsted's] concerns".

59. The DfE states that EBR will make a difference to workplace numbers from September 2025, but that it is a "temporary measure". The Department intends to introduce a new "assessment-based qualification", providing a full level three qualification on the basis of experience gained, with a "conservative" estimate for implementation of September 2027.

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27 For example, see our comments on the Supreme Court Fees Order 2024 (SI 2024/148) in SLSC, *15th Report* (Session 2023–24, HL Paper 75).

28 A full summary of the existing staff:child ratios can be found at: Department for Education, 'Early years foundation stage (EYFS) statutory framework' (1 November 2024): https://www.gov.uk/government/publications/early-years-foundation-stage-framework--2 [accessed 18 February 2025], pp 29–33.

## Merchant Shipping (Safety of Navigation) (Amendment) Regulations 2025 (SI 2025/134)

60. These Regulations correct errors in domestic legislation concerning the application of international maritime law to certain UK ships. Chapter V of the Annex to the International Convention for the Safety of Life at Sea 1974, to which the UK is a party, includes requirements relating to safe navigation. Following a review of the implementation of Chapter V in UK law, the Department for Transport (DfT) laid Regulations in 2020 to align UK law with international requirements. However, the DfT says it was alerted to errors in the 2020 Regulations, which meant that certain domestic passenger ships were not required to comply with basic standards of safe navigation, such as carriage of navigation equipment, testing of steering equipment or passage planning (the systematic process of assessing a safe route). The error affected around 33 vessels. In supplementary material, the DfT told us it is content that compliance with safe navigation has continued despite the errors, because the ships affected were built to comply with the standards and they are surveyed annually by the Maritime and Coastguard Agency, so that any departure from the standards would have been identified by a surveyor. **While it is inexcusable that such errors were made in the 2020 Regulations, it is right that they are now being corrected.**

61. The Explanatory Memorandum (EM), as we understood it, explained that the Regulations also correct an error whereby such ships had been erroneously required to have Automatic Identification Systems (AIS) under the 2020 Regulations. In supplementary material, the DfT explained that this was not the case. Instead, these ships have not been required to have AIS since 2002, and these Regulations only clarify that position in the 2020 Regulations. The DfT said it "acknowledges that paragraph 5.7 of the EM suggests that the AIS requirement was applied to such ships by the 2020 Regulations (when this is not the case)". **At our request, the DfT has redrafted the EM to ensure that others are not misled as to the purpose of these Regulations. We remind departments that EMs must provide a clear and accurate explanation of the effect of an instrument, and we consider that the original EM fell short of that expectation.**

62. The EM also said that the relevant Marine Guidance Note (MGN) had been updated on gov.uk, however we found that this webpage had not been updated since 2020.[29] On further questioning, the DfT explained that the MGN had been updated elsewhere,[30] and that the webpage referred to in the EM had not picked up this update. **The DfT has now fixed the issue, however guidance should be available where an EM says it is, to ensure that those affected by a change in the law can access information about it. Departments should take care to ensure that explanatory material is accurate on basic points such as this.**

29 Maritime and Coastguard Agency, 'MGN 610 (M+F) SOLAS chapter V: Guidance on the merchant shipping (safety of navigation) regulations 2020' (29 July 2020) https://www.gov.uk/government/publications/mgn-610-mf-solas-chapter-v-guidance-on-the-merchant-shipping-safety-of-navigation-regulations-2020 [accessed 18 February 2025].

30 Maritime and Coastguard Agency, 'MGN 610 (M+F) Amendment 1 SOLAS chapter V – guidance on the merchant shipping (safety of navigation) regulations 2020' (13 February 2025) https://www.gov.uk/government/publications/mgn-610-mf-amendment-1-solas-chapter-v-guidance-on-the-merchant-shipping-safety-of-navigation-regulations-2020 [accessed 18 February 2025].

## Motor Vehicles (Driving Licences) (Amendment) Regulations 2025 (SI 2025/138)

63. These Regulations extend the period during which eligible Ukrainian driving licence holders can drive in Great Britain (GB) without the need to exchange their licence for a GB licence by 18 months, from the current period of 36 months to 54 months. This reflects the introduction of the Ukraine Permission Extension Scheme which will grant successful applicants an additional 18 months stay in the UK. This means some Ukrainian nationals will be entitled to a total of 54 months stay in the UK; it is only this cohort of people who are entitled to this driving licence extension up to 54 months. The extension is intended to continue to support Ukrainians' ability to get around and adapt to life in GB during their temporary stay.

64. In 2023, the standard 12 months driving licence exchange period was extended to 36 months for Ukrainians to reflect their unique circumstances.[31] This was because only Ukrainian licences issued after 28 December 2021 specify the type of vehicle transmission that a driver passed their test in. Therefore, licences issued prior to this date can only be exchanged for a GB automatic licence. However, many Ukrainians arrived in GB with manual vehicles and would have lost the right to drive them or would have had to take a GB manual test to obtain a GB manual licence. Given many Ukrainians do not intend to stay permanently in the UK, the Government considered this an unnecessary burden and granted an extension. We were surprised that the Explanatory Memorandum (EM) to these Regulations did not contain this information. When asked why, the Department for Transport (DfT) explained:

> "It was considered that offering extensive background to the previous extension from 12 to 36 months in the EM to the new extension, which is a more complex policy in regards to eligibility criteria, would make the EM unclear to the reader whereas the consultation document and DMA [De Minimis Impact Assessment] offered more scope for a further explanation of previous policy context."

65. **We disagree on two grounds: first, we consider that this is a key element of the rationale for this further extension; and second, an EM should be a stand-alone document and the reader should not need to refer to other documents to gain a full understanding of the rationale for a policy.** Furthermore, in supplementary material, the DfT agreed that a justification for this further extension is the fact that Ukrainians are not able to exchange their licence for a GB manual licence if they took their test before 28 December 2021.

66. The EM states that current guidance will be updated on gov.uk when the law changes on 3 March 2025. **It is paramount that those affected by changes in the law have access to information before the law changes to ensure that they are prepared.** We are unclear as to why the guidance cannot be updated sooner, though we note that, in supplementary material, the DfT said it will work with the Ukrainian Embassy and diaspora networks to inform those affected by the extension ahead of it coming into force.

31 Motor Vehicles (Driving Licences) (Amendment) Regulations 2023 (SI 2023/666).

67. Driver licensing is a transferred matter in Northern Ireland. Given the visa schemes are UK-wide, we asked the DfT what the situation is for Ukrainians resident in Northern Ireland. It responded:

> "Currently, Northern Ireland (NI) offers Ukrainian driving licence holders a period of up to three years from the date they became resident in Northern Ireland.[32] Informal discussions with Northern Irish officials have suggested, that subject to their own Ministerial approval, NI will explore introducing a further extension from 36 to 54 months in future."

68. **We recognise that this is a transferred matter. However, as some Ukrainians will be concluding the 36th month of their stay in the UK as soon as 4 March 2025, the House may wish to seek assurances from the Minister that the status of Ukrainian driving licences in Northern Ireland will not mean that Ukrainians resident in Northern Ireland are subject to different treatment than in the rest of the UK, or that they face additional financial and administrative burdens in order to continue driving. Any changes to the status of Ukrainian driving licences in Northern Ireland must be communicated extensively and with sufficient notice. We urge the DfT to work closely with the Department for Infrastructure in Northern Ireland on this issue.**

## Elections (Policy Development Grants Scheme) Order 2025 (SI 2025/159)

69. This instrument makes changes to the Policy Development Grant scheme under which £2 million of funding from Parliament is distributed by the Electoral Commission ("the Commission") to eligible political parties to support the development of policies to be included in manifestos.

70. The Ministry of Housing, Communities and Local Government (MHCLG) explains that under the existing scheme, £1 million is split equally between all eligible political parties (those with at least two Members of the House of Commons who have taken the oath of allegiance). The other £1 million is allocated based on a complex three-step formula which, amongst other factors, draws on the size of the registered electorate in each UK nation and the weighted vote share of eligible parties. The MHCLG says that this formula does not account for parties which contest elections in multiple parts of the UK but not across Great Britain, such as the Green Party of England and Wales. Therefore, under the new rules, £1 million of the grant will still be divided equally between eligible parties, while the other £1 million will be divided into pots for England, Scotland, Wales and Northern Ireland based on the proportion of the UK electorate living in each nation. Each nation's pot will then be split equally between the eligible parties that had candidates in at least 50% of the constituencies in the relevant nation at the most recent UK general election.

71. According to the MHCLG, the changes were recommended by the Commission and will simplify and improve the transparency of the scheme, by reflecting different size electorates, rather than vote shares, in each part of the UK, thereby removing the need for frequent updates. The MHCLG says that under the existing rules, the scheme had to be updated nine times in the past ten years.

32 NI Direct, 'Exchanging your foreign driving licence': https://www.nidirect.gov.uk/articles/exchanging-your-foreign-driving-licence [accessed 20 February 2025].

## Education (Student Fees, Awards and Support) (Amendment) Regulations 2025 (SI 2025/162)

72. In our 16th Report of this session, we drew to the special attention of the House an instrument that would increase the maximum level of tuition fees that Higher Education (HE) Providers could charge students, following seven years of freezes.[33] The proposed increase is 3.1%, the estimated rate of inflation for academic year 2025–26. Amongst other points, our Report noted that this measure will not reduce the financial pressures that have built up in Higher Education Providers over seven years of tuition fee freezes.

73. We further noted that the Department for Education (DfE) intended to increase the maximum tuition fee loan available to students by the same amount, so that participation in HE remains free at the point of access for those eligible for support. The DfE also stated its intention to increase the maximum student loan for living costs for 2025–26, again by 3.1%. Amongst other measures, this instrument introduces those increases to maximum tuition fee and living cost loans.

74. In the Explanatory Memorandum, the DfE recognises "the impact that the cost-of-living crisis has had on students", with a 21% fall in the real value of living cost loans since 2020–21. However, the Department rejected an increase of above inflation for 2025–26, saying that "we need to ensure that the student funding system is financially sustainable". Because the rises are by the rate of inflation, the DfE says that they are expected to have a "largely neutral" impact on students and, therefore, "no impact on participation decisions".

33 Draft Higher Education (Fee Limits and Fee Limit Condition) (England) (Amendment) Regulations 2025, in SLSC, *16th Report* (Session 2024–25, HL Paper 77). There is an exception for tuition fees for foundation year courses in "classroom-based subjects": in particular, business and management studies but also including social sciences and humanities. For these, tuition fees, and tuition fee loans, would decrease from £9,250 to £5,760.

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

### Draft instruments subject to affirmative approval

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| Draft | Agriculture (Delinked Payments) (Reductions) (England) Regulations 2025 |
| Draft | Civil Proceedings and Magistrates' Courts Fees (Amendment) Order 2025 |
| Draft | Disclosure (Scotland) Act 2020 (Consequential Provisions and Modifications) Order 2025 |
| Draft | Electronic Communications (Networks and Services) (Designated Vendor Directions) (Penalties) Order 2025 |
| Draft | Industrial Training Levy (Construction Industry Training Board) Order 2025 |
| Draft | National Minimum Wage (Amendment) Regulations 2025 |
| Draft | Online Procedure Rules (Specified Proceedings) Regulations 2025 |
| Draft | Town and Country Planning (Fees and Consequential Amendments) Regulations 2025 |

### Draft instruments subject to annulment

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| Draft | Guidance on Improving planning performance: Criteria for designation |

### Made instruments subject to annulment

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| SI 2025/103 | Pension Protection Fund and Occupational Pension Schemes (Levy Ceiling) Order 2025 |
| SI 2025/106 | Civil Procedure (Amendment) Rules 2025 |
| SI 2025/110 | Payment and Electronic Money Institution Insolvency (Scotland) (Amendment) Rules 2025 |
| SI 2025/112 | Valuation Tribunal for England (Membership and Transitional Provisions) (Amendment) Regulations 2025 |
| SI 2025/114 | Transfer of Undertakings (Protection of Employment) (Transfer of Staff to the Civil Nuclear Police Authority) Regulations 2025 |
| SI 2025/124 | Greenhouse Gas Emissions Trading Scheme (Amendment) (No. 2) Order 2025 |
| SI 2025/127 | Excise Duties (Miscellaneous Amendments and Revocations) (Amendment) Regulations 2025 |
| SI 2025/130 | RTM Companies (Model Articles) (England) (Amendment) Regulations 2025 |
| SI 2025/132 | Early Years Foundation Stage (Welfare Requirements) (Amendment) Regulations 2025 |

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| SI 2025/133 | Communications (Television Licensing) (Amendment) Regulations 2025 |
| SI 2025/134 | Merchant Shipping (Safety of Navigation) (Amendment) Regulations 2025 |
| SI 2025/138 | Motor Vehicles (Driving Licences) (Amendment) Regulations 2025 |
| SI 2025/144 | Social Security (Contributions) (Amendment) Regulations 2025 |
| SI 2025/159 | Elections (Policy Development Grants Scheme) Order 2025 |
| SI 2025/162 | Education (Student Fees, Awards and Support) (Amendment) Regulations 2025 |

## APPENDIX 1: INTERESTS AND ATTENDANCE

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

For the business taken at the meeting on 25 February 2025, Members declared no interests.

### Attendance:

The meeting was attended by Baroness Harris of Richmond, Lord Kempsell, Lord Kerr of Kinlochard, Baroness Lea of Lymm, Baroness Ritchie of Downpatrick, Lord Russell of Liverpool, Lord Thomas of Cwmgiedd and Lord Watson of Invergowrie.