

Public Authorities (Fraud, Error and Recovery) Bill

FIFTH MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
IN GRAND COMMITTEE

The amendments have been marshalled in accordance with the Instruction of 15th May 2025, as follows –

Clauses 1 to 7	Schedule 4
Schedule 1	Clauses 78 to 91
Clauses 8 to 69	Schedule 5
Schedule 2	Clause 92
Clauses 70 to 74	Schedule 6
Schedule 3	Clauses 93 to 106
Clauses 75 to 77	Title

[Amendments marked ★ are new or have been altered]

**Amendment
No.**

Clause 76

LORD SIKKA

- 92** Clause 76, page 45, line 7, at end insert –
“(2A) The functions are exercisable only when accompanied by an authorised person from the police force.”

Member's explanatory statement

This amendment seeks to restrict investigators' powers of entry, search and seizure to situations when they are accompanied by an authorised person from the police force.

LORD SIKKA

- 93** Clause 76, page 45, line 30, after “State” insert “and authorised by the court”

Member's explanatory statement

This amendment seeks to curb powers of the Secretary of State to appoint authorised investigators through requiring court authorisation.

Schedule 4

BARONESS SHERLOCK

94 Schedule 4, page 95, line 8, leave out “items subject to legal privilege,”

Member's explanatory statement

See the explanatory statement for my amendment to Schedule 4, page 101, line 15.

BARONESS SHERLOCK

95 Schedule 4, page 96, line 18, leave out “an item subject to legal privilege,”

Member's explanatory statement

See the explanatory statement for my amendment to Schedule 4, page 101, line 15.

BARONESS SHERLOCK

96 Schedule 4, page 101, line 15, leave out from beginning to end of line 24 and insert –
“Material subject to legal privilege

- 10 Nothing in this Schedule confers power to –
- (a) require any person to provide information, or
 - (b) seize, remove, take a copy of or otherwise record anything,
- in respect of which a claim to confidentiality of communications could be maintained in legal proceedings.”

Member's explanatory statement

This amendment, together with my other amendments to Schedule 4, simplifies the drafting of new Schedule 3ZD to the Social Security Administration Act 1992 by creating a single prohibition on the seizure etc of information subject to legal privilege.

BARONESS SHERLOCK

97 Schedule 4, page 103, line 4, leave out “items subject to legal privilege and”

Member's explanatory statement

See the explanatory statement for my amendment to Schedule 4, page 101, line 15.

Clause 85

BARONESS SHERLOCK

98 Clause 85, page 51, line 27, leave out “, payment, credit”

Member's explanatory statement

This amendment and my other amendment to clause 85 remove unnecessary references to a payment or credit, both of which are within the relevant definition of "benefit" already as a result of section 121DA(5) of the Social Security Administration Act 1992.

BARONESS SHERLOCK

99 Clause 85, page 51, line 30, leave out “, payment, credit”

Member's explanatory statement

See the explanatory statement for my other amendment to clause 85.

Clause 88

VISCOUNT YOUNGER OF LECKIE
BARONESS FINN

99A Clause 88, page 54, leave out lines 5 to 7

Member's explanatory statement

This amendment would ensure that the Secretary of State did not have the power to direct the independent person to review only certain timeframes.

VISCOUNT YOUNGER OF LECKIE
BARONESS FINN

99B Clause 88, page 54, line 10, leave out “may” and insert “must”

Member's explanatory statement

This would compel the Secretary of State to provide information to the independent person for the purposes of a review.

VISCOUNT YOUNGER OF LECKIE
BARONESS FINN

99C Clause 88, page 54, line 15, leave out “may” and insert “must”

Member's explanatory statement

This would compel the Secretary of State to appoint independent reviewers in England, Wales and Scotland.

After Clause 88

VISCOUNT YOUNGER OF LECKIE
BARONESS FINN

99D After Clause 88, insert the following new Clause –

“Consideration of vulnerabilities

- (1) The Secretary of State must have due regard for the external circumstances pertaining to a person under investigation in respect of the mental capacity, economic circumstances, and physical and mental health of the claimant, particularly where the claimant is or may reasonably be considered a vulnerable person.
- (2) For the purposes of this section, a "vulnerable person" includes, but is not limited to, individuals who –
 - (a) lacks mental capacity within the meaning of the Mental Capacity Act 2005;
 - (b) are in receipt of, or have been assessed as eligible for, support relating to mental or physical health conditions;
 - (c) could be reasonably regarded as vulnerable to domestic abuse or coercion.
- (3) The Secretary of State shall ensure that a fair and reasonable assessment of the claimant's circumstances is conducted before any deduction is applied.
- (4) The assessment under subsection (3) may consider evidence provided on behalf of the claimant, including medical reports, financial information, and input from authorised support workers or representatives.
- (5) All decisions to deduct welfare payments shall be documented, with explicit reference to how the claimant’s vulnerability was considered.
- (6) The records under subsection (5) shall be made available to the claimant upon request and subject to audit by an independent body.”

Member's explanatory statement

This new clause would ensure that, before a deduction was applied, due regard was given to the wider circumstances and vulnerabilities of the liable person, which they would have to document, to be made available upon request by the claimant.

Clause 89

BARONESS SHERLOCK

100 Clause 89, page 56, leave out lines 6 and 7 and insert –

- “(i) the period mentioned in section 71ZK(6)(a) for P to appeal against the outcome of the review has passed without P bringing an appeal, or”

Member's explanatory statement

This amendment is consequential on my amendment to clause 89, page 56, line 31.

BARONESS SHERLOCK

- 101 Clause 89, page 56, line 31, leave out from “(5)” to end of line 33 and insert “may not be brought after the end of—
- (a) the period of one month beginning with the day after the day on which P is notified of the outcome of the review, or
 - (b) such longer period (if any) as the Tribunal considers reasonable in all the circumstances.”

Member's explanatory statement

This amendment means that the tribunal can extend the time limit for bringing an appeal in relation to an overpayment notice.

Schedule 5

BARONESS FOX OF BUCKLEY
LORD PALMER OF CHILDS HILL

- 102 Schedule 5, page 104, line 19, leave out “make” and insert “apply to the appropriate court for”

Member's explanatory statement

This amendment removes the power of the Secretary of State to make direct deduction orders and instead provides for direct deduction orders to be made only by a court following an application by the Secretary of State to the court.

BARONESS KRAMER
BARONESS BENNETT OF MANOR CASTLE

- 103 Schedule 5, page 105, line 18, leave out from beginning to end of line 33 on page 106.

Member's explanatory statement

This will prevent the DWP from being able to compel banks to disclose the bank statements of benefits recipients to decide whether to issue a direct deduction powers.

BARONESS SHERLOCK

- 104 [Withdrawn]

BARONESS SHERLOCK

- 105 [Withdrawn]

BARONESS SHERLOCK

- 106 Schedule 5, page 107, line 12, at end insert “the bank where the account in question is held,”

Member's explanatory statement

This amendment, together with my amendments to Schedule 5, page 108, line 1 and Schedule 5, page 108, line 5, requires a notice under paragraph 5(1) of new Schedule 3ZA to be given to the bank in question.

BARONESS SHERLOCK

- 107 Schedule 5, page 108, line 1, leave out “, including before it is given to the” and insert “before it is given to the other”

Member's explanatory statement

See the explanatory statement for my amendment to Schedule 5, page 107, line 12.

BARONESS SHERLOCK

- 108 Schedule 5, page 108, line 5, leave out “before it is given to the persons to whom it is required to be given,”

Member's explanatory statement

See the explanatory statement for my amendment to Schedule 5, page 107, line 12.

LORD PALMER OF CHILDS HILL

- 109 Schedule 5, page 108, line 12, at end insert—
- “5A (1) Before any direct deduction order under this Schedule is made, the Secretary of State has a duty to consider its effect on any person who—
- (a) is a victim of domestic abuse, or
 - (b) the Secretary of State reasonably believes to be at risk of domestic abuse.
- (2) For the purposes of this paragraph, “domestic abuse” has the meaning given by section 1 of the Domestic Abuse Act 2021.”

VISCOUNT YOUNGER OF LECKIE
BARONESS FINN

- 109ZA Schedule 5, page 108, line 12, at end insert—
- “5A (1) Before any direct deduction order under this Schedule is made, the Secretary of State has a duty to consider its effect on any person who is living with a disability.

- (2) For the purposes of sub-paragraph (1), a person is living with a disability if they have a disability under section 6 of the Equality Act 2010.”

Member's explanatory statement

This amendment seeks to ensure the Minister considers the additional costs of living with a disability before making a direct deduction order.

LORD DAVIES OF BRIXTON

- 109A** Schedule 5, page 108, line 14, at end insert "following an affordability assessment in relation to the liable person and"

Member's explanatory statement

This amendment requires the Secretary of State to undertake an affordability assessment before making a direct deduction order.

LORD DAVIES OF BRIXTON

- 109B** Schedule 5, page 108, line 25, at end insert –

“(2A) The amount of the direct deduction order must not reduce the amounts held in the bank account or bank accounts of the liable person to less than £1,000.”

Member's explanatory statement

This amendment sets a safeguarded amount of £1,000 that must be left in one or more of the liable person's bank accounts.

BARONESS SHERLOCK

- 110** Schedule 5, page 108, line 39, leave out “, or a method for calculating the amounts,”

Member's explanatory statement

This amendment means that a regular direct deduction order given by the Secretary of State must specify the amounts to be deducted.

BARONESS SHERLOCK

- 111** Schedule 5, page 109, line 5, leave out “, or different methods for calculating the amounts,”

Member's explanatory statement

This amendment is consequential on my amendment to Schedule 5, page 108, line 39.

BARONESS SHERLOCK

- 112** Schedule 5, page 109, line 8, leave out “, or method for calculating the amount,”

Member's explanatory statement

This amendment means that a lump sum direct deduction order given by the Secretary of State must specify the amount to be deducted.

BARONESS SHERLOCK

- 113 Schedule 5, page 110, line 19, leave out “first notice” and insert “pre-deduction notice”

Member's explanatory statement

This amendment, together with my amendments to Schedule 5, page 111, line 7, and Schedule 5, page 111, line 15, would replace the tag “first notice” with “pre-deduction notice”. This has no substantive effect but is intended to be easier to understand.

BARONESS SHERLOCK

- 114 Schedule 5, page 111, line 7, leave out “first notice” and insert “pre-deduction notice”

Member's explanatory statement

See the explanatory statement for my amendment to Schedule 5, page 110, line 19.

BARONESS SHERLOCK

- 115 Schedule 5, page 111, line 14, leave out “, or calculated in accordance with,”

Member's explanatory statement

This amendment is consequential on my amendments to Schedule 5, page 108, line 39 and Schedule 5, page 109, line 8.

BARONESS SHERLOCK

- 116 Schedule 5, page 111, line 15, leave out “first notice” and insert “pre-deduction notice”

Member's explanatory statement

See the explanatory statement for my amendment to Schedule 5, page 110, line 19.

BARONESS SHERLOCK

- 117 Schedule 5, page 112, leave out lines 14 and 15

Member's explanatory statement

This amendment removes a provision that is redundant (because paragraph 7(5) applies in relation to every direct deduction order).

BARONESS SHERLOCK

- 118 Schedule 5, page 113, line 8, leave out “(6), (7)” and insert “(6) to (8)”

Member's explanatory statement

This amendment ensures that a bank must comply with a further information notice.

BARONESS SHERLOCK

119 Schedule 5, page 114, line 31, leave out from “(1)” to end of line 37 and insert “may not be brought after the end of—

- (a) the period of one month beginning with the day after the day on which the appellant was—
 - (i) given a copy of the direct deduction order, or the varied direct deduction order, in a case within sub-paragraph (1)(a) or (b), or
 - (ii) notified under paragraph 12(3) or, where a review was sought, paragraph 18(6), in a case within sub-paragraph (1)(c), or
- (b) such longer period (if any) as the Tribunal considers reasonable in all the circumstances.”

Member's explanatory statement

This amendment means that the Tribunal can extend the time limit for bringing an appeal in relation to a direct deduction order of the Secretary of State.

BARONESS SHERLOCK

120 Schedule 5, page 116, line 8, at end insert “, or

- (b) such longer period (if any) as the Tribunal considers reasonable in all the circumstances.”

Member's explanatory statement

This amendment means that the Tribunal can extend the time limit for appealing against a penalty under Part 2 of Schedule 5.

BARONESS SHERLOCK

121 Schedule 5, page 116, line 15, at end insert—

“Deputies

- 22A(1) This paragraph applies where a person (a “deputy”) acts on behalf of an account holder (including a liable person) in relation to their account by virtue of—
 - (a) a power of attorney, or
 - (b) an appointment by, or an order of, a court.
- (2) The following provisions apply in relation to the deputy of the account holder as they apply in relation to the account holder—
 - (a) paragraph 1(7);
 - (b) paragraph 3(5)(b) and (c);
 - (c) paragraph 3(9);

- (d) paragraph 3(9A);
 - (e) paragraph 5;
 - (f) paragraph 11(1);
 - (g) paragraph 12;
 - (h) paragraph 13(3), (6) and (8)(b);
 - (i) paragraph 14(3);
 - (j) paragraph 15(3);
 - (k) paragraph 16(2);
 - (l) paragraph 18;
 - (m) paragraph 19.
- (3) Paragraph 13(7)(a) and (b) applies in relation to the deputy of the account holder instead of the account holder.”

Member's explanatory statement

This new paragraph ensures that new Schedule 3ZA to Social Security Administration Act 1992 operates effectively where a person acts on behalf of an account holder by virtue of a power of attorney or an appointment by, or an order of, a court.

BARONESS FOX OF BUCKLEY
LORD PALMER OF CHILDS HILL

122 Schedule 5, page 116, line 17, at the end insert—

““appropriate court” means—

- (a) in England and Wales, the county court;
- (b) in Scotland, the sheriff;”

Member's explanatory statement

This amendment is consequential on the amendment in the name of Baroness Fox of Buckley to Clause 17, page 10, line 19.

Clause 92

LORD DAVIES OF BRIXTON
LORD SIKKA
BARONESS BENNETT OF MANOR CASTLE

The above-named Lords give notice of their intention to oppose the Question that Clause 92 stand part of the Bill.

Member's explanatory statement

This together with the associated amendment to Schedule 6 removes the provisions which provide for disqualification from driving.

Schedule 6

LORD DAVIES OF BRIXTON

Lord Davies of Brixton gives notice of his intention to oppose the Question that Schedule 6 be the Sixth Schedule to the Bill.

Member's explanatory statement

This together with the associated amendment to Clause 92 removes the provisions which provide for disqualification from driving.

Clause 93VISCOUNT YOUNGER OF LECKIE
BARONESS FINN

122A Clause 93, page 60, line 9, after “a” insert “final”

Member's explanatory statement

This amendment and another to clause 105 in the name of Viscount Younger would compel final codes of practice to be laid before Parliament, before the provisions in the Act could come into force.

VISCOUNT YOUNGER OF LECKIE
BARONESS FINN

122B Clause 93, page 60, line 21, leave out “may” and insert “must”

Member's explanatory statement

This would compel the Minister to carry out a public consultation on the draft of the code of practice before it was issued for the first time.

VISCOUNT YOUNGER OF LECKIE
BARONESS FINN

122C Clause 93, page 60, line 24, at end insert “subject to parliamentary review”

Member's explanatory statement

This amendment would ensure that any changes to the code were subject to parliamentary review, in addition to being laid before Parliament, as is set out in subsection (6).

Clause 95VISCOUNT YOUNGER OF LECKIE
BARONESS FINN

122D Clause 95, page 61, lines 9, leave out “reasonably incurs” and insert “or banks as defined in this Act incur”

Member's explanatory statement

This would permit costs incurred by banks, as they are defined in the Bill, to be recovered.

After Clause 96

BARONESS LISTER OF BURTERSETT
BARONESS BENNETT OF MANOR CASTLE
THE LORD BISHOP OF LEICESTER

123 After Clause 96, insert the following new Clause –

“Overpayments made as a result of official error

- (1) Section 71ZB of the Social Security Administration Act 1992 (recovery of benefit payments) is amended as follows.
- (2) In subsection (1), for “The” substitute “Subject to subsection (1A), the”.
- (3) After subsection (1) insert –
 - “(1A) The amount referred to in subsection (1) must not include any overpayment that arose in consequence of an official error where the claimant or a person acting on the claimant’s behalf or any other person to whom the payment is made could not, at the time of receipt of the payment or of any notice relating to that payment, reasonably have been expected to realise that it was an overpayment.”

Member's explanatory statement

This new Clause would bring the test for recovery of Universal Credit overpayments caused by official error into line with Regulation 100(2) of the Housing Benefit Regulations 2006 by providing that they can only be recovered where the claimant could reasonably have been expected to realise that there was an overpayment.

LORD PALMER OF CHILDS HILL

124 After Clause 96, insert the following new Clause –

“Recovery of overpayments of Carer’s Allowance

The Secretary of State may not exercise any of the powers of recovery under this Act in relation to a person who has received an overpayment of Carer’s Allowance until such time as –

- (a) the Secretary of State has commissioned an independent review of the overpayment of Carer's Allowance;
- (b) the review has concluded its inquiry and submitted a report containing recommendations to the Secretary of State;
- (c) the Secretary of State has laid the report of the independent review before Parliament;
- (d) the Secretary of State has implemented the recommendations of the independent review.”

Member's explanatory statement

This new clause would delay any payments being taken from people who the Government may think owe repayments on Carer's Allowance until the independent review into Carer's Allowance overpayments has been published and fully implemented.

BARONESS BENNETT OF MANOR CASTLE

124A After Clause 96, insert the following new Clause –

“Fair process and human intervention

When any automated system has been involved in decision making which will affect a recipient's eligibility for social security or payment, no action shall be taken based on the decision unless –

- (a) the involvement of any automated system have been subject to meaningful human involvement;
- (b) the recipient has been provided with an individual explanation of the relevant decision in their case, including a clear explanation of how an automated system has impacted the decision;
- (c) the recipient has had the opportunity to make representations;
- (d) the recipient is been given information about how they can challenge the decision.”

Member's explanatory statement

This amendment secures fair administrative processes and meaningful human oversight for benefits recipients when they are subject to decision-making processes which include automated systems.

Clause 98

BARONESS SHERLOCK

125 Clause 98, page 63, leave out lines 23 to 25 and insert –

- “(i) the period mentioned in section 71ZK(6)(a) for P to appeal against the outcome of the review has passed without P bringing an appeal, or”

Member's explanatory statement

This amendment is consequential on my amendment to clause 89, page 56, line 31.

After Clause 99

VISCOUNT YOUNGER OF LECKIE
BARONESS FINN

125A After Clause 99, insert the following new Clause –

“Offence of facilitating fraud through dissemination of information

- (1) It shall be an offence for any person, by any means including electronic communication or publication on the internet, to intentionally publish, communicate, or otherwise make available information, advice, or instructions that are reasonably likely to be used by another person to –
 - (a) mislead or deceive public authorities for the purpose of obtaining welfare or social security benefits to which they are not lawfully entitled;
 - (b) circumvent eligibility checks, income or capital assessments, or other lawful mechanisms designed to verify entitlement under any enactment relating to the provision of social security or welfare benefits in the United Kingdom.
- (2) A person commits an offence under this section if they know, or ought reasonably to know, that the information or guidance provided –
 - (a) is intended to facilitate dishonest conduct under the Social Security Administration Act 1992, the Welfare Reform Act 2012, or any associated regulations, or
 - (b) will likely be used to enable or encourage another person to obtain, or attempt to obtain, benefits through deception or misrepresentation.
- (3) It shall be a defence for a person charged under this section to show that –
 - (a) the information was provided for a legitimate public interest purpose, such as journalistic reporting or academic research, and not with the intention of facilitating unlawful conduct;
 - (b) they took reasonable steps to prevent the information from being used for unlawful purposes.
- (4) A person found guilty of an offence under this section shall be liable –
 - (a) on summary conviction, to a term of imprisonment not exceeding 12 months or a fine not exceeding the statutory maximum, or both;
 - (b) On conviction on indictment, to a term of imprisonment not exceeding 5 years or an unlimited fine, or both.
- (5) For the purposes of this section “information” includes written, audio, visual, or digital content, including content distributed via social media platforms, websites and forums.”

Member's explanatory statement

This new amendment would make it an explicit offence to facilitate fraud through the dissemination of relevant information online.

After Clause 100

LORD PALMER OF CHILDS HILL

126 After Clause 100, insert the following new Clause –

“Impact of Act on people facing financial exclusion

- (1) The independent person appointed under section 64(1) of this Act (independent review) must carry out an assessment of the impact of this Act on the number of people facing financial exclusion.
- (2) The independent person must, 12 months after the passing of the Act –
 - (a) prepare a report on the review, and
 - (b) submit the report to the Minister.
- (3) On receiving a report the Minister must –
 - (a) publish it, and
 - (b) lay a copy before Parliament.”

Member's explanatory statement

This new Clause would look into the impact of the Act on people facing financial exclusion.

Clause 105

LORD PALMER OF CHILDS HILL

127 Clause 105, page 66, line 26, leave out subsections (1) to (3) and insert –

- “(1) This section and section (*Recovery of overpayments of Carer's Allowance*) come into force on the day on which this Act is passed.
- (2) All other sections of this Act come into force on such day as the Secretary of State or the Minister for the Cabinet Office may by regulations appoint, but they must not come into force until the recommendations of a report commissioned under section (*Recovery of overpayments of Carer's Allowance*) have been implemented.”

Member's explanatory statement

This amendment which would delay the implementation of the whole Act until the findings of the independent review into Carer's Allowance overpayments has been published and fully implemented.

BARONESS FINN
VISCOUNT YOUNGER OF LECKIE

128 Clause 105, page 66, line 26, leave out subsections (1) to (3) and insert –

- “(1) This section and section 62 (code of practice) come into force on the day on which this Act is passed.

- (2) All other sections of this Act come into force on such day as the Secretary of State or the Minister for the Cabinet Office may by regulations appoint, but they must not come into force until the Minister has issued a code of practice under section 62.”

VISCOUNT YOUNGER OF LECKIE
BARONESS FINN

129 Clause 105, page 66, line 26, leave out subsections (1) to (3) and insert –

- “(1) This section and section 93 come into force on the day on which this Act is passed.
- (2) All other sections of this Act come into force on such day as the Secretary of State or the Minister for the Cabinet Office may by regulations appoint, but they must not come into force until the code of practice under section 93 has been laid before Parliament.”

Member's explanatory statement

This amendment and another to clause 93 in the name of Viscount Younger would compel final codes of practice to be laid before Parliament, before the provisions in the Act could come into force.

VISCOUNT YOUNGER OF LECKIE
BARONESS FINN

129A Clause 105, page 66, line 26, leave out subsections (1) to (3) and insert –

- “(1) This section comes into force on the day on which this Act is passed.
- (2) All other sections of this Act come into force when the Secretary of State publishes a review assessing the operational, financial, and material impact on the Department for Work and Pensions of individuals, who, by any means including electronic communication or publication on the internet, intentionally publish or otherwise make available information, advice, or instructions that are reasonably likely to be used by another person to –
- (a) mislead or deceive public authorities for the purpose of obtaining welfare or social security benefits to which they are not lawfully entitled, or
- (b) circumvent eligibility checks, income or capital assessments, or other lawful mechanisms designed to verify entitlement under any enactment relating to the provision of social security or welfare benefits in the United Kingdom.
- (3) The Secretary of State must lay the review under subsection (2) before Parliament.”

VISCOUNT YOUNGER OF LECKIE
BARONESS FINN

130 Clause 105, page 66, line 35, at end insert –

- “(3A) Sections 72, 73 and 74 may not come into force until the Secretary of State has published, and laid before Parliament, a report outlining the specific process

through which information will be collected in order to fulfil the obligations made out in Chapter 1, Part 2, and in Schedule 3, and their anticipated costs.”

Member's explanatory statement

This amendment seeks to ensure that, before coming into force, Parliament had sight of the mechanisms through which information would be gathered and shared, and the projected costs associated with this.

After Clause 105

VISCOUNT YOUNGER OF LECKIE
BARONESS FINN

131 After Clause 105, insert the following new Clause –

“Repeal of this Act

- (1) Subject to the following provisions of this section, this Act is repealed five years after the day on which it is passed.
- (2) The provisions of this Act are not repealed in accordance with this section but shall continue in force if in each of those five years the total amount recovered through the provisions in this Act exceeds the amount expended in exercising these powers by a margin of £500 million per annum.”

Member's explanatory statement

This is a sunset clause requiring that the net benefit of provisions in the Act must exceed £500 million per annum at the end of a period of five years, else the Act will cease to be in force.

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17 June 2025

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