

Internal Briefing - Scheme Changes 2023-24

Boundary Commission Review and Repeal of the Fixed Term Parliaments Act

The Boundary Commissions for England, Scotland, Northern Ireland and Wales are nearing completion of the review of 645 parliamentary constituency boundaries. This review is likely to result in significant changes to boundaries to reflect the distribution of electors since the data on which the existing constituencies are based was established.

The changes are based on statutory rules regarding the electoral quota and geographical size, the changes will vary but are likely to include:

- Remaining unchanged or a change of name only;
- Minor changes to align constituency boundaries with local government ward boundaries;
- Major changes such as existing constituencies being merged, expansion or contraction of existing boundaries and constituencies which will cross county council or unitary authority boundaries.

The formal report will go to the Speaker before 1 July 2023, and recommended changes to constituencies will be implemented for the next General Election after the date on which the legislation is approved. Any by-elections held in the meantime will be held on the basis of the old (existing) constituencies.

A further factor is the repeal of the Fixed Term Parliaments Act which means that it is no longer possible to define the eligibility of the winding-up payment with reference to the fixed parliamentary term.

Taken together we are considering the impact on LOOP, winding up payments and other additional support. As this will require changes to the Scheme, we will issue a statutory consultation to consider these changes. The date has not yet been confirmed but this is likely to be in January next year. Until publication, there is little that can be communicated externally about the content of the consultation.

Holding response

As above, it is important that we do not share details of the proposed changes until the statutory consultation has been issued. The most appropriate response in the meantime is to advise that IPSA is aware that boundary changes/repeal of the FTPA will impact on some MPs and their staff. We are currently considering the issues involved and proposed changes would be subject to consultation.

Internal Information

This is the proposed summary of the changes; this information **should not** be communicated externally.

Loss of Office Payment (LOOP)

We propose to re-define the eligibility to LOOP by removing the requirement for MPs to stand in the 'same' seat as, following boundary changes, it may be difficult to determine what the 'same seat' means.

It is proposed that MPs will be eligible to receive LOOP if they lose their seat at a general election, meaning that they were an MP on the day before the dissolution of Parliament and a candidate for re-election; but not re-elected.

Timing of Payment

We believe that the prompt payment of any LOOP entitlement would be of more benefit to a former MPs and are proposing to pay LOOP at the end of the winding-up period, rather than waiting for former MPs to complete all tasks, which can be delayed for reasons outside their control. Known debts such as for deposit loans could still be offset against the LOOP payable, and IPSA would retain the ability to withhold payment in exceptional circumstances.

Winding-Up Payments

We propose to re-define the eligibility to the winding-up payment by removing the requirement for MPs to stand in the 'same' seat at all general elections. Also, it will no longer possible to define the eligibility of the winding-up payment with reference to the fixed parliamentary term.

It is proposed that former MPs will be eligible to receive a winding-up payment if one of the following conditions apply: they lose their seat, stand unsuccessfully in a new seat, or stand down at a general election.

Additional Support

We are considering what practical and non-financial measures could assist former MPs and their staff.

We are also considering the impact on budgets in the event that constituency including removal and associated costs if the constituency office needs to re-locate.

Additional information

The Scheme will change from April 2023, planned to take effect at the first general election after this date although it should be noted that the LOOP changes would not be implemented until the first general election after the Boundary Commission review has been completed and the legislation approved.

All remaining eligibility conditions and qualifying criteria for both LOOP and the winding-up payment will remain the same.

It is not anticipated that Scheme changes will be required to provide for a different approach to setting budget amounts. The additional funding for constituencies in the London Area will continue to be made available.

The Consultation is being issued today:

Internal Briefing

1. Background

As a result of the constituency boundary changes and the repeal of the Fixed Term Parliaments Act, IPSA has revisited the eligibility rules for the loss of office payment (LOOP) and winding-up payments; including the timing of payments, the length of the winding-up period and the provision of other non-financial support to former MPs and their staff after an election.

A consultation was launched after the Easter recess on 13 April. As normal, we wrote to statutory consultees and other senior stakeholders, and communicated with our customers, this closed on 2 June. The Board considered the results of the consultation and agreed changes in June 2023 and in finalising these proposals, they considered the Administration Committee report published in February 2023.

2. LOOP Eligibility

The current Scheme provides for LOOP to be paid to MPs who stand unsuccessfully for re-election. The eligibility criteria for these payments assume that it will be possible for an MP to stand in the 'same seat', and if someone were to stand unsuccessfully in a new seat, they would not be eligible to receive a payment.

It was agreed that LOOP will be paid to all MPs who lose their seat at a general election, meaning that they were an MP on the day before the dissolution of Parliament and a candidate for re-election; but not re-elected. This would include where they stand unsuccessfully in a new or different seat.

3. LOOP Calculations

There are no changes to the calculation of LOOP, or the requirement that, in line with statutory redundancy provisions, a minimum of two years' service is required. These issues may be reviewed as part of the statutory review of MPs' remuneration, due in the first year of the next parliament.

4. LOOP Payment

Under the current Scheme rules, the timing of the LOOP payment and the circumstances in which this is payable are specific, and payment can only be made following the completion of key activities occurring at the end of the winding-up process. This process can take months, sometimes due to circumstances outside of both IPSA's and the former MP's control. In these cases it would be unfair to withhold the payment of LOOP until all actions have been completed and risk causing financial hardship.

It was agreed that LOOP will be paid at the end of the winding-up period, rather than once all winding-up tasks are complete. There would be remaining discretion for IPSA to withhold amounts relating to known debts and to withhold payment in cases of exceptional risk.

5. Winding Up Payment

The current Scheme provides for a winding-up payment to be made in one of two circumstances: where an MP stands for re-election in the same seat but is unsuccessful, or where an MP stands down at a 'snap' election.

As with the eligibility rules for LOOP, these criteria assume that it will be possible for an MP to stand in the 'same seat'. They also assume that a five-year fixed-term Parliament is the norm.

There is also an expectation that work will continue in order to close down offices and deal with outstanding matters although they are not eligible to receive a salary (under the PSA requirements).

It was agreed that the winding-up payment be paid to all MPs who lose their seat, stand unsuccessfully in a new or different seat or stand down at a general election, meaning that all former MPs would be eligible to receive a winding-up payment if they leave Parliament at a general election.

The winding-up payment will not be paid to MPs who leave Parliament outside of an election (some MPs who leave during a term do so because they have been subject to a successful recall petition which could be considered as part of the statutory review of MPs' remuneration).

6. Taxable Status of LOOP and Winding Up Payments

Under s291 of the Income Tax (Earnings and Pensions) Act 2003, payments made under s5(1) of the Parliamentary Standards Act 2009 'in connection with a person's ceasing to be a member of the House of Commons' are exempt from tax.

Our previous approach has been to treat them as redundancy payments consistent with statutory tax legislation, meaning that they are exempt from tax up to the threshold of £30,000 and any payment above £30,000 is taxed at the prevailing rate.

We are making further enquires with HMRC to clarify whether these payments are captured by the specific MP related income tax legislation to ensure the correct tax treatment. If they are captured then any associated payments when leaving office will be paid without any liability to tax.

7. Winding Up Period

The Scheme currently provides for a 2 month winding-up period following an election (or MP's departure from Parliament for a different reason). A former MP can continue to incur costs during the winding-up period to support them in completing their outstanding parliamentary functions.

The bulk of these activities can take place during the two-month winding-up period, in most cases the time taken to fully close down a former MP's parliamentary affairs and financial affairs with IPSA is longer. The reasons for delay vary but may include loss of key staff who leave the MP's employment after being made redundant; administrative delays, either on the part of IPSA or the office; disputes with landlords or other suppliers.

After the 2019 election, the average time taken to complete winding up was around 7 months on average although arguably impacted by the Covid pandemic.

It was agreed that the winding-up period be extended from 2 months to 4 months.

8. Start Up Payments

Under the current Scheme rules, newly elected MPs are entitled to an additional £6,000 to fund start-up costs, such as the purchase of equipment and furniture for their constituency office. There are no specific provisions for additional funding to MPs elected to a new seat, in terms of setting up a new

office or closing down their old office (although removal costs come from the central contingency budget).

The start-up supplement of £6,000 will be made available to all newly elected MPs at the next election. We will not routinely offer the start-up supplement to all MPs; we will invite MPs to apply for contingency funding if office moves are needed.

9. Staff Relocation

We do not think it would be appropriate to cover staff members' commuting costs where the constituency office is relocated, and this would certainly have tax implications. MPs are able to offer home-based and hybrid contracts to staff if they live far from the office.

10. Calculations

Alternative LOOP and winding-up payment calculations

MP salary for 2023-24: Basic £86,584 / Committee Chairs £17,354
Weekly basic pay = £1665.08

LOOP

LOOP is calculated as double the statutory redundancy entitlement.

Statutory redundancy calculation: For each full year you've worked for your employer: up to age 22 - half a week's pay; age 22 to 40 - 1 week's pay; age 41 and older - 1.5 weeks' pay.

The length of service is capped at 20 years and weekly pay is capped at £571 (£594 in Northern Ireland).

Examples using double statutory calculation but with NO WEEKLY PAY CAP:

	Current LOOP calculation	No weekly pay cap
MP aged 35 with 5 years' service	£5,710	£16,650.80
MP aged 50 with 15 years' service	£22,269	£64,938.12
MP aged 65 with 20 years' service	£34,260	£99,904.80

Examples using double statutory calculation with weekly cap but with PRO RATA CALCULATION FOR PART YEARS:

	Current LOOP calculation	With part-years
MP aged 35 with 4 years 6 months' service	£4,568	£5,139
MP aged 50 with 15 years 3 months' service	£22,269	£22,697.25
MP aged 65 with 19 years 9 months' service	£32,547	£33,831.75

Winding-up payment

The winding-up payment is an amount representing two months' net pay using the MP basic salary. It is a single amount payable to all eligible MPs based on certain assumptions about tax and NI deductions; it therefore is not intended to be equivalent to an individual's actual take-home pay.

Estimated winding-up payment amounts representing different periods CALCULATED ON BASIC PAY ONLY AND BASIC PAY PLUS COMMITTEE CHAIRS PAY:

Period	Basic pay only	With CC pay
2 months	9077.65	10610.74
3 months	12901.92	15201.11
4 months	16726.20	19791.93

11. Consultation Responses

We received 65 responses, 58 responses to the online survey and 7 written responses.

The breakdown of the responses were as follows:

- 5 (7.7%) Statutory Consultees
- 16 (24.6%) MPs
- 31 (47.7%) MP staff
- 7 (10.7%) former MPs
- 6 (9.2%) members of the public and other stakeholders.

Written responses included the following:

- Leader of the House (on behalf of the Government)
- Chair of the Administration Committee
- Unite Union and
- MAPSA

To note, neutral comments that did not impact on the results (such as N/A or Unsure) were disregarded. Some negative comments were received, e.g to remove existing allowances rather than to change or extend.

Question 1: Do you agree that IPSA should amend the eligibility for LOOP to be payable to MPs 'if they lose their seat at a general election, meaning that they were an MP on the day before the dissolution of Parliament and are either a candidate for re-election, but not re-elected; or stand unsuccessfully in a new seat'?

94.7% positive response.

Question 2: Do you have any comments on the wider eligibility of LOOP payments?

There were a range of views. A few stated that loss of office should be seen as an exit from a 'fixed-term contract' that has not been renewed, and therefore no redundancy-type payment is necessary.

Some respondents commented that LOOP was insufficient and advocated for a fixed amount or a return to 'resettlement grant' arrangements to combat the potential for financial hardship.

criticised IPSA's 'unwillingness' to revisit LOOP and compared it with arrangements in the Scottish Parliament, which provide one month's salary for each year of service, with a minimum of six and maximum of 12 months.

Other comments noted that a policy which might encourage an MP to stand in any seat may result in undesirable behaviour, such as an MP standing in an unrelated/uncontested seat or multiple MPs standing for the same party in order to qualify for LOOP. This could lead to reputational risk or damage for IPSA if policies are seen to incentivise people to contest elections and therefore to interfere with electoral outcomes.

One respondent suggested that this could be mitigated with controls such as payment being contingent on an MP not losing their deposit – in other words MPs with no realistic prospect of winning a seat would not be incentivised to stand just to receive LOOP.

The loss of constituency numbers within certain districts or nations may lead to MPs standing down without LOOP rather than the attempting to stand elsewhere to qualify.

Question 3: Do you agree that any LOOP entitlement should be paid at the end of the winding-up period?

82% positive response.

Question 4: Do you agree that IPSA should amend eligibility for the winding-up payment to be payable to former MPs if 'they lose their seat, stand unsuccessfully in a new seat, or stand down at a general election'?

91.2% positive response.

Question 5: Do you have any comments about the wider eligibility for the winding-up payment?

Many comments in this section related to the length of the winding-up period, and others referred to LOOP rather than the winding-up payment. Of those specifically relating to eligibility for the winding-up payment, some advocated for this to be paid in all cases, not just in the context of an election, including where an MP leaves Parliament for reasons of ill health or other personal reasons.

Question 6: Do you have any views about whether the winding-up period should be longer than two months?

In the overwhelming majority of cases, responses supported an extension of the winding up period, citing the existing two-month period as being insufficient. Nearly half of all comments suggested an extension to the existing period, and just over a quarter stated that it should be extended to three months. Further comments specified either four months or a period of time beyond four months, up to a maximum of one year.

referred to evidence heard by the Administration Committee that it took some former MPs eight months to wind up their affairs after the last election.

Only a handful of responses disagreed with an extension, either finding the existing timescale adequate or suggesting that this should be reduced or removed in its entirety. One respondent referred to the risk that a longer period could result in the office being short-staffed, because staff

members wouldn't want to stay that long; instead, the two months could be kept but with greater discretion for Office Managers to take longer than two months in exceptional circumstances.

In response on behalf of the Government, [redacted] wrote '*should the evidence bear this out, we would support an extension of the winding-up period to better reflect the amount of time it takes to conclude an MPs' parliamentary affairs. Any extension should be kept as short as necessary so as to not incur unnecessary costs for the taxpayer*'.

Question 7: Do you have any comments about the funding provided to MPs who are elected to a new seat or whose constituencies change following the boundary review?

In total, 24 comments were received for this question, 23 of which agreed that additional funding should be provided to MPs who are elected to a new seat or whose constituency boundaries change following the review. Twenty-one comments centred on the office facilities and included consideration of moving offices if they needed to be centrally located within a new boundary. Although some items could be removed additional costs suggested included news leases, signage or furniture.

One comment suggested that this should be a transparent process via contingency funding, which would require the MP to make a clear public argument for why they needed to move their office and why they are seeking additional funds. Another suggested that funding could be dependent on certain criteria, such as the degree of change resulting from the boundary review. Comments also included the provision for winding up old offices and support with workload.

One MP raised the issue of staff relocation, where the constituency office is moved a significant distance away and staff are facing very long commutes. The MP suggested a 'relocation subsidy' for staff for the first year after the election to support the transition and help with staff retention.

Question 8: What additional, non-financial support do you think IPSA should provide to MPs leaving Parliament?

The most popular answer within this question was the provision and support with future job searches. Examples include MPs and staff being provided with guidance for CV completion, introductions to recruiters or head-hunters, or opportunities to transition into alternative employment within Parliament. The next most popular answer was for counselling and mental health services to support both MPs and their staff. Examples were given of the strain on mental health at the last general election and the need to avoid this in future. Suggestions also included retraining or provision of courses to help secure alternative employment.

A few respondents strongly disagreed with the idea of any support for former MPs. A couple said that financial support was more important than non-financial. [redacted] stated that, although not a matter for Government, [redacted] was committed to working closely with IPSA in considering any new proposals, and referred to a survey being run through the House of Commons Commission on what additional support and services can be developed to enable MPs to do their job better. Results are expected to be reported back to the Commission and Administration Committee in summary form in July 2023.

Question 9: What additional support do you think IPSA should provide to MP's staff?

This question received the highest number of comments in the survey (51). Around a third related to the types of non-financial support outlined under Question 8, such as counselling and mental health

services, recruitment and retraining. As for other questions, the subject of staff relocation was highlighted, with suggestions that a relocation or travel allowance could be provided or help with finding alternative employment if needed as a result of an office move.

Written responses from Unite and MAPSA highlighted the impact on staff, including job losses and changing work locations and environments. Both also referred to the need to handle redundancies properly and to support staff members through the process.

14 respondents commented on staff redundancy provision and many of those on the comparison with LOOP (to note: staff redundancy is calculated in the same way as LOOP, i.e. double statutory redundancy). Comments also covered the need for continuity of service to be recognised if staff move to employment with a different MP; and also advocated a more generous redundancy package without the two-year minimum service.

EDI

Question 10: What likely or actual impact do you believe the Scheme and matters raised in this consultation may have on equality and diversity in relation to MPs and their staff?

A few respondents said that the changes proposed were likely to improve equality and diversity. A handful also suggested there was no impact, and one said that these are much bigger issues that 'tweaks' to the Scheme wouldn't resolve.

Respondents commented on the potential impact on former MPs' quality of life and possible financial hardship due to loss of income. This would be magnified for younger MPs with shorter length of service, those who are expecting or have recently had a child, and single parents. Other comments suggested there was a greater impact on those who are older but who are not yet eligible to take their pension entitlement.

Some responses said that people from poorer or more diverse backgrounds would be discouraged from standing for elected office as a result of the provisions in the Scheme. One respondent suggested that the difficulties experienced by former MPs would be worse for someone with a disability or who is neurodivergent or who did not speak English as their first language.

12. Q & As

Why are you doubling the Winding Up payment for MPs?

Former MPs cannot receive a salary once they cease to be an MP but they still have work to do to close down their offices. The payment is 'doubling' simply to reflect the duration of time. They will receive the net equivalent of one month's salary for each month that this takes. The anticipated length of time to effectively close down the office is 4 months.

Why should MPs get paid for 4 months after they leave Parliament?

Why does it take 4 months to close down an office and get rid of a few papers?

Once an MP leaves office there are numerous tasks to complete, not only for themselves but as a person who has accommodation arrangements in place as part of that employment, a constituency office and as an employer of a number of people who may also find themselves out of work. In addition there are duties and responsibilities to their constituents and cases which are ongoing and

which need to be drawn to either a satisfactory conclusion or arrangements made to ensure there is a continuity of service.

In more detail, the former MP will have to vacate their accommodation, make arrangements to close down their office including the return and disposal of equipment and furniture and carry out repairs or restitution of office changes. They will need to have redundancy conversations with staff, and manage and support their departure while balancing the ongoing requirements of the office and case work. They may not be able to influence which key staff are retained for the full period of time.

All ongoing casework will have to be assessed to ensure that it is at a stage so documents and correspondence can be updated and transferred and in the case of the next general election, it may be that existing cases are transferred entirely to a different constituency, rather than the incoming MP.

Finally all their financial affairs need to be in order and timely claims made to ensure that IPSA can swiftly close down their budgets.

After the 2019 election, the average time taken to complete winding up was around 7 months on average although arguably impacted by the Covid pandemic.

What other jobs get a payment like this?

The eligibility for LOOP payment is already within the Scheme, the amount of the loss-of-office payment will be equal to double the prevailing statutory redundancy entitlement if they have held office for a continuous period of at least two years at the point they lose their seat.

The winding up period and subsequent payment is designed reflect the similar circumstances and responsibilities as if the 'job' were being made redundant.

Why aren't you changing the Loss of Office Payment for MPs who lose their seat?

Although MPs are not employees, the LOOP payment has been envisaged as a way of mirroring redundancy arrangements which exist for other citizens. Adhering to its principle of treating MPs to the extent possible in line with other citizens, the underlying calculations for LOOP have not been consulted upon, however the eligibility has been updated to ensure that MPs standing in a 'different' or 'new' constituency are not penalised if they are unsuccessful. This could be considered as part of the statutory review of MPs' remuneration after the next election.

If you have lost your seat because of a boundary change what support will you get?

If an MP stands for election and is unsuccessful, or they stand down, they will receive the equivalent net salary for 4 months to ensure support throughout the closing down period.

They will also be eligible to receive a loss-of-office payment if they meet the eligibility criteria.

If you lose your seat via a boundary change can you get LOOP? Or do you need to stand and lose somewhere else?

The new rules still require that an MP must be a candidate for re-election in order to be eligible to receive LOOP. We understand that in some cases, MPs will need to stand for election in a new

constituency, and maybe even one that is some distance from their previous constituency, due to the boundary changes.

The IPSA Board considered this issue carefully, including options for making some assessment of how 'significant' a change needed to be made to a constituency before it would impact on LOOP eligibility. However, this could be seen to lead to arbitrary decisions.

Although MPs are not employees, the LOOP payment has been envisaged as a way of mirroring redundancy arrangements which exist for other citizens. Adhering to its principle of treating MPs to the extent possible in line with other citizens, the Board decided that it was not appropriate to change the requirement for an MP to have to try to remain in office in order to qualify for LOOP. Other employees who resign from their roles are not entitled to redundancy payments.

MPs who opt not to stand for re-election will still receive the winding-up payment to provide financial support over four months as they wind up their affairs.

Internal Briefing

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The changes are based on statutory rules regarding the electoral quota and geographical size, the changes will vary but are likely to include:

- Remaining unchanged or a change of name only;
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- Major changes such as existing constituencies being merged, expansion or contraction of existing boundaries and constituencies which will cross county council or unitary authority boundaries.

The formal report will go to the Speaker before 1 July 2023, and recommended changes to constituencies will be implemented for the next General Election after the date on which the legislation is approved. Any by-elections held in the meantime will be held on the basis of the old (existing) constituencies.

A further factor is the repeal of the Fixed Term Parliaments Act which means that it is no longer possible to define the eligibility of the winding-up payment with reference to the fixed parliamentary term.

Taken together we are considering the impact on LOOP, winding up payments and other additional support. As this will require changes to the Scheme, we will issue a statutory consultation to consider these changes. The date has not yet been confirmed but this is likely to be in January next year. Until publication, there is little that can be communicated externally about the content of the consultation.

Dealing with enquiries/FAQs

Until the consultation is issued, we have been agreed,

IPSA is aware that boundary changes will impact on some MPs and their staff. We are currently considering the issues involved and would consult on any proposed changes next year."

Internal Information

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Loss of Office Payment (LOOP)

1. We propose to re-define the eligibility to LOOP by removing the requirement for MPs to stand in the 'same' seat as it may be difficult to determine what the 'same seat' means.
- 2.
3. It is proposed that MPs will be eligible to receive LOOP if they lose their seat at a general election, meaning that they were an MP on the day before the dissolution of Parliament and a candidate for re-election; but not re-elected.

Timing of Payment

4. We believe that the prompt payment of any LOOP entitlement would be of more benefit to a former MP as they prepare to leave parliament and transition to alternative employment. We are proposing to pay LOOP to former MPs with the first payroll which takes place during the winding-up period.

Winding-Up Payments

5. We propose to re-define the eligibility to the winding-up payment by removing the requirement for MPs to stand in the 'same' seat at all general elections.

As it will no longer possible to define the eligibility of the winding-up payment with reference to the fixed parliamentary term we propose to update the requirement for standing down at a general election 'under a fixed parliamentary term'.

6. It is proposed that former MPs will be eligible to receive a winding-up payment if one of the following conditions apply - they lose their seat, stand unsuccessfully in a new seat, or stand down at a general election.

Section 3: Additional Support

(Lift consistent wording from the General election guidance about start-up costs/newly elected clarification etc)

Support for MPs

1. IPSA recognises that there are challenges for former MPs as they prepare for, and transition to, life outside parliament. IPSA would like to consider a broader package of practical and non-financial measures that could be implemented so that additional support can be provided to MPs who lose their seats. We are committed to working with the House to explore this further and provide assistance where possible.

Commented [MV1]: I don't think it's just about the changes - there's a sense that former MPs don't get enough support in general as they make the transition to life outside Parliament.

Get some views from [redacted] but would suggest wording to say something like 'support for former MPs should not be limited to financial support...' Could also reference the interviews done after last election if there's anything useful in there about the difficulty of finding new employment.

7. IPSA also recognises that the fixed term parliaments changes outlined in this consultation may also impact on MP's staff. We would like to understand what additional support can be provided to staff during the winding up process.

Additional information

8. All changes would take effect at the next general election.
9. All remaining eligibility conditions and qualifying criteria for both LOOP and the winding-up payment will remain the same.
10.
 11. The Scheme changes will not be changed to allow for differential budgeting. The additional budgets for London will continue to be made available.