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House of Lords

Monday, 3 June 2013.

2.30 pm

Prayers—read by the Lord Bishop of Derby.

Message from the Queen

2.36 pm

The Lord Chamberlain (Earl Peel): My Lords, I have the honour to present to your Lordships a message from Her Majesty the Queen, signed by her own hand. The message is as follows:

"I have received with great satisfaction the dutiful and loyal expression of your thanks for the Speech with which I opened the present Session of Parliament".

Deaths of Members

Announcement

2.37 pm

The Lord Speaker (Baroness D'Souza): My Lords, I regret to inform the House of the deaths of the noble Lord, Lord Northfield, on 18 April, and of the noble Lord, Lord Gilbert, on 2 June. On behalf of the House I extend our condolences to the noble Lords' families and friends.

Education: Student Loans

Question

2.37 pm

Asked by ***Lord Naseby***

To ask Her Majesty's Government whether they have any proposals to privatise or reorganise the handling and repayment of student loans.

Baroness Garden of Frognal: My Lords, the Government continue to explore options for monetising student loans and launched a sale of the remaining mortgage-style student loans in March. Any future sale of income-contingent repayment student loans would take place only if it reduced the Government's risk exposure to the loan book, represented value for money for the taxpayer and ensured protection of borrowers.

Lord Naseby: My Lords, is my noble friend aware that the selling-off of the earlier mortgage book is greatly welcomed? However, the current loan book now stands at close to an estimated £40 million and no fewer than 22% of students from overseas are either not paying or have disappeared, and that involves a figure of no less than £50 million. What are the Government doing about this failure to repay by students who have taken loans, not least because if no further action is taken, that figure of £50 million will rise well into the hundreds of millions due to the recent increase in student loans?

Baroness Garden of Frognal: My Lords, the Government are investigating ways of making repayments from overseas easier and of clamping down on those who evade their responsibilities, and we will introduce measures as soon as we can. It might be worth pointing out that of the total amounts of student loans, only 3% to 4% go to EU students.

Lord Howarth of Newport: My Lords, is the Minister aware that student loans in the USA, publicly subsidised but largely unregulated, are a means for the enrichment of banks and poor-quality higher education institutions that are permitted to make profits, whereas in the United Kingdom, the student loans system—designed by the Government and administered by the Student Loans Company, which the Government control—has, notwithstanding some flaws, been a source of fairness for society as a whole?

Baroness Garden of Frognal: Yes indeed, my Lords, and I can only be grateful that I am not standing here answering on behalf of the United States' system—because I do not have a brief about that. The system was set up to be as fair as possible to the students whom we wish to encourage to go into higher education if they have the potential and aspiration to do it.

Lord Forsyth of Drumlean: My Lords, does my noble friend think that enough is done to make students aware that although they do not have to repay these loans until they have employment above a certain salary, the interest accumulates immediately? Many of them find themselves facing much larger bills than they imagined.

Baroness Garden of Frognal: One of the really important things, which my noble friend touches on, is that no student has to pay these fees immediately. They start being payable once the students graduate and are in a job where they are earning sufficient money to pay them back, and the payments are then proportionate to their income. However, my noble friend is right that we need to do as much as we can to make sure that students are fully clear about the undertakings they are taking on.

Lord Bilimoria: My Lords, have the Government done a survey regarding one effect of student loans—the fact that students will be burdened with a long-term debt of up £40,000 after they graduate? Has it deterred children from going to university, particularly those from family backgrounds where no one has been to university before? Are the Government comfortable that we have student loans of this magnitude while in Scotland undergraduates still do not have to pay any fees at all?

Baroness Garden of Frognal: The noble Lord mentions the burdensome debt that students are accruing, but I would again stress that they will begin to contribute back for what they have gained from their university education only after they graduate and are earning a salary. We will be monitoring the effect on students from disadvantaged backgrounds. I would also point out that there are very generous forms of mean-tested grants for students, while many universities have instituted

[Baroness Garden of Frognal]
all sorts of bursaries to try to make absolutely sure that no student feels disadvantaged because they come from a low-income family.

Lord Stevenson of Balmacara: My Lords, students who took out loans under the previous Government pay interest based on the base rate plus 1%—so it is currently 1.5%—whereas those who have taken out loans since 2012 will pay RPI plus 3%, currently amounting 6.3%. Does the Minister agree with the recent HEFCE report which suggests that the new financial system contributed to a 12% reduction in students entering HE last autumn?

Baroness Garden of Frognal: Those figures are not holding up as the noble Lord says, because substantial numbers of students are still applying for university. There was of course an increase last year when people applied early, ahead of the new scheme, but the figures we are getting back from the higher education authorities show that the numbers going into higher education are still holding up. We very much hope that the new fee structure will not be a deterrent; in fact, it may well help many of the students whom we most wish to attract to higher education.

Baroness Brinton: My Lords, given that the calculations for the new student loans scheme under the progressive tuition-fee scheme show that it would take a minimum of two to three years before the payments start to come in and therefore balance the system out, what plans do the Government have to review the new arrangements to make sure that they are on track?

Baroness Garden of Frognal: My noble friend makes a valid point. We are constantly monitoring and reviewing the system to make sure that it is providing a good deal, that it is fair and accessible for students and that it is a good deal for the taxpayer. We shall be monitoring it at regular intervals to make sure that it is still doing what we hope it will.

Lord Christopher: My Lords, in the event that there is a sale of these debts, will there be an embargo on the use of bailiffs?

Baroness Garden of Frognal: My Lords, it is not the company but the loan book which was launched in March; the sale of mortgage-style loans is currently out for tender and we do not know how it will result. I can assure the noble Lord that we shall be looking very carefully to ensure that any company that purchases these loans provides protection for the borrowers as well as a financial repayment.

Lord Flight: My Lords, a paper in the Library produced by the Government forecasts a major increase in defaults on student loans to 40% of the total. The two main causes appear to be non-payment by people from overseas—certainly not just Europe—and, more particularly, students not earning enough to meet the requirement to repay. Will the Government consider two options to address these problems? First, it is quite difficult to set up banking arrangements to repay from overseas. If there were standard arrangements such that someone earning dollars could automatically have a standing order to convert dollars into sterling and repay, it would make the admin easier. Secondly, could more attention be given to vocational training after which people's pay is often higher and they get jobs more easily?

Baroness Garden of Frognal: The answer to my noble friend's last point is yes. However, his point on vocational training is slightly wide of the Question that we are discussing. Most of the loans from the Student Loans Company go to UK-based students or students from other EU countries. We have set up much more effective systems for ensuring that payments come through from bank systems and other assurances. He is absolutely right that most of the people who do not repay are those who go into very low-paid jobs. However, the percentage of students who do not entirely repay their loans tends to be higher than the percentage of the total value of the loans repaid. The cost to government will still be less than if the same money were given in the form of a grant.

Education: Part-Time University Study

Question

2.46 pm

Asked by ***Baroness Bakewell***

To ask Her Majesty's Government whether they are taking any action to address the decline in the numbers of those opting for part-time university study.

Baroness Garden of Frognal: My Lords, to encourage new part-time undergraduates, the coalition Government introduced non-means-tested tuition fee loans for the first time in 2012. We have asked HEFCE to continue monitoring changes in part-time demand and supply, and we are working with Universities UK on its review of part-time study, which will identify barriers to participation by prospective part-time students and offer practical advice. Our communications activity for 2013-14, including our student finance tour, will include activities specifically targeted at part-time applicants.

Baroness Bakewell: I thank the Minister for that Answer. I declare an interest as the president of Birkbeck. The increase of university fees in 2012 led to a dramatic downturn in part-time studies, which creates real problems. As part-time study is clearly a way forward in education, with benefits to employers, individuals and the economy, will the Government guarantee that they will implement the findings of the Universities UK review when it is published in the autumn?

Baroness Garden of Frognal: First, I congratulate the noble Baroness on her appointment as president of Birkbeck. Of course, Birkbeck is one of the tremendous organisations, along with the Open University, that provide the major part of opportunities for part-time

students. Certainly, we are hoping that with the introduction of loans for part-time students for the first time, that message will get through and encourage more part-timers to study. Although I cannot stand here hand on heart and agree that the Government will implement every last dot and comma of the Universities UK report, I assure her that we will take it very seriously and keep talking to Birkbeck and the OU about what more can be done.

Lord Storey: My Lords, as my noble friend the Minister has just said, it was this Government who introduced loans for part-time students for the first time, as the noble Baroness, Lady Bakewell, will be aware. Will the Minister tell the House what the Government are doing to increase awareness of the availability of income-contingent loans among part-time students, many of whom are much more cautious with their money?

Baroness Garden of Frognal: My noble friend is right. I have just mentioned the student tour. We also know that the Student Room has dedicated information on finance for part-time students, and we hope that the messages that go out to the different universities and institutions that particularly look after part-time students will encourage them to take advantage of the finances that are available. He is quite right that the older students may well be more cautious, but of course most of the part-time students will also be earning in some capacity or another and therefore may feel that this is a good use of their money.

Lord Morgan: My Lords, the number of part-time students has gone down by 40% since 2010. Since it is known that many of them come from more disadvantaged backgrounds and ethnic minorities, is this policy not a serious blow to not only our universities but the prospects of greater social mobility and equality in this country?

Baroness Garden of Frognal: I agree with the noble Lord that part-time study is an incredible asset in social mobility and a benefit to the community and individuals as well. With the measures that we are taking on student loans and in trying to get the message across to encourage people to study, we hope that we will be able to build on the ideas coming out of the UK Universities review.

Lord Foulkes of Cumnock: My Lords, when did the Minister or one of her colleagues meet with Michael Russell, the Education Minister in Scotland, to discuss this matter and other matters of mutual interest? Can she tell us what matters were discussed at these meetings?

Baroness Garden of Frognal: I am afraid that I personally have not met the Minister; that would be for somebody above my level of responsibility. However, I am quite sure that my colleagues at the Department for Education are regularly in contact with the devolved Administrations. We have a great deal to learn from each other in working together on these matters. Perhaps I will write to the noble Lord.

Baroness McIntosh of Hudnall: Does the Minister have any data on the proportions of men and women who go into part-time higher education? Are the Government aware of any particular obstacles; for example, for women with young children who would like to go back into education?

Baroness Garden of Frognal: I do not have those data readily to hand. Of course, anecdotally, one is aware that part-time education very often appeals to women with children, to help keep their brains active when their bodies are more than active with small children. If we have data, I will write to the noble Baroness. We would hope that there would be no additional barriers to either men or women going into part-time study.

Lord Bates: My Lords, given that part-time study represents a significant investment by people in their own future for the benefit of society and for themselves, would it not be right to consider that those fees should be tax-deductible?

Baroness Garden of Frognal: Again, my Lords, that is for another Question and another day. The noble Lord makes a valid point, but it is not directly relevant to this Question.

Lord Bilimoria: My Lords, in the previous Question I asked the Minister about the difference between England, Wales and Scotland with regard to part-time students. Can the Minister answer, please?

Baroness Garden of Frognal: As I say, I do not have breakdowns of the numbers of part-time students in the devolved Administrations, but we are in constant dialogue with the devolved Administrations to try to ensure that we can learn from best practice. However, as the noble Lord well knows, there are different systems in different parts of the UK.

Legal Aid

Question

2.53 pm

Asked by ***Baroness Deech***

To ask Her Majesty's Government what consideration they have given to the impact of cuts in legal aid on access to justice.

Baroness Deech: My Lords, I beg leave to ask the Question standing in my name on the Order Paper. I declare an interest as a regulator of the Bar, but not its representative.

The Minister of State, Ministry of Justice (Lord McNally): My Lords, these matters were assessed as part of the impact assessments which were published alongside the Legal Aid, Sentencing and Punishment of Offenders Act 2012, and our current consultation on further reforms to legal aid, *Transforming Legal Aid: Delivering a More Credible and Efficient System*.

Baroness Deech: Does the Minister acknowledge that it is widely regarded that the Ministry's own impact assessment on that consultation paper does not adequately address the threat to the vulnerable and to minorities? Has he calculated the extra costs to the justice system of the longer trials and appeals which will inevitably result from inadequate representation, inexperienced advocates and self-representing litigants? Does he agree that the delays and miscarriages of justice that are likely to result will more than swallow up all the estimated savings?

Lord McNally: No, my Lords. The noble Baroness puts forward a worst-case scenario in almost every aspect—one which I do not recognise.

The Lord Bishop of Exeter: My Lords, is the Minister aware of the findings of the Centre for Human Rights in Practice at Warwick University that cuts to legal aid are likely to fall disproportionately on already disadvantaged groups, such as those in rural areas, children, those with disabilities and those who are otherwise already vulnerable or marginalised? What assurances can Her Majesty's Government give that there will be a level playing field of legal aid availability?

Lord McNally: My Lords, when I first answered Questions on legal aid more than three years ago, the first point I made was that legal aid was a system devised to help the poorest and most vulnerable in our society. It follows that if you cut legal aid, those are the sections of society that are likely to be affected. Economic circumstances have forced cuts on my department and we are trying to make the reforms to legal aid as focused and effective as possible, while still protecting the vulnerable in our society.

Lord Pannick: My Lords, I declare an interest as someone regulated by the noble Baroness, Lady Deech. Does the Minister share the widespread concern that the Government's proposal to introduce competitive tendering for criminal legal aid services will remove choice for the consumer, remove the incentive for the provider to maintain quality and inevitably result in the destruction of hundreds of small to medium-sized solicitors businesses up and down the country?

Lord McNally: My Lords, I am greatly reassured that somebody is regulating the noble Lord, Lord Pannick. Again, in response to this consultation, we have heard various parts of the legal profession harping on about the worst-case scenario, which we simply do not accept. We are in consultation and have put forward proposals about legal aid contracts. However, the legal professions are facing a number of changes, irrespective of what we are proposing on legal aid—a point I have made before from the Dispatch Box—and they will have to adjust to the new circumstances if they are going to survive. We are consulting with the Law Society and Bar Council, and with other bodies and individuals. We are listening and we hope to get a solution that will reflect what the Government can afford to pay on legal aid at the moment but that will also leave us with the protections for our legal aid system that many of us have taken pride in.

Lord Hamilton of Epsom: My Lords, can my noble friend tell the House what the rise in the cost of legal aid has actually been in this country? Is it not inevitable, if we have to find savings in the public sector, that legal aid should find savings like anywhere else?

Lord McNally: That is no more than the blunt truth. In 2010, when we came in, a spending review took place that asked for 23% cuts across the board in my department, which at the time was spending £10 billion a year on prisons, the probation service, legal aid, courts services and staff. All five of those have had to take the burden and brunt of the cuts. It is very difficult to make decisions at this time, but we have consulted and listened and are continuing to do so to try to make sure that we end up with a legal profession able to help the most vulnerable in our society through the legal aid fund.

Lord Marks of Henley-on-Thames: My Lords, I know that my noble friend is aware of the widespread view expressed during the consultation on criminal legal aid that competitive tendering on price will prove unworkable and that the proposed changes are being introduced too fast and with too little preparation. In the light of the consultation, will his department consider introducing the changes more gradually and trialling or piloting them before their more general introduction? I declare a similar interest to that declared by the noble Lord, Lord Pannick.

Lord McNally: My Lords, it is about 10 years since the Carter report had a look at this matter. It is more than three years since the previous Labour Government made cuts to criminal legal aid. The Labour Party, in its 2010 manifesto, was the only party to say that it would look for further cuts in legal aid. In that time there have been changes—alternative business structures and other changes—to the legal profession, yet we are still told that this has come as a surprise. Instead of asking for more time and putting forward arguments that are mainly scare stories, it would be good if the legal profession responded to this consultation with a productive dialogue that could put legal aid on a sustainable and lasting footing.

Lord Woolf: Will the Minister assist the House by indicating the steps he is proposing to take, or has taken, in order to monitor the impact of the changes that are being made?

Lord McNally: Of course we continuously monitor this. Some of these proposals are consultations; they are not in place at the moment. We are suggesting that the legal profession keeps in close contact with us, and also that barristers and solicitors start thinking about how best to organise themselves to function in circumstances in which money may be a little tighter than it once was. These are circumstances that many other professions and many other areas of our society have to face.

Violent Extremism

Question

3.01 pm

Asked by ***Lord Pearson of Rannoch***

To ask Her Majesty's Government whether they will encourage an international conference of Muslim leaders to address the issue of violent extremism within that religion.

The Senior Minister of State, Department for Communities and Local Government & Foreign and Commonwealth Office (Baroness Warsi): My Lords, before I answer the noble Lord's Question, I am sure that I speak for the whole House in offering our condolences to the family and friends of Drummer Rigby. They have handled this horrific tragedy with great dignity and resolve, and our thoughts and prayers are with them.

Noble Lords: Hear, hear.

Baroness Warsi: My Lords, this country is resolute in its stand against violent extremism. As the Prime Minister has made clear, there is no religious justification for these acts, and he has stressed that al-Qaeda-inspired terrorism has taken more Muslim lives than any others. We are working with international partners and religious leaders worldwide to combat violent extremism.

Lord Pearson of Rannoch: My Lords, I thank the noble Baroness for that fairly helpful Answer. I would have thought that, as a Muslim, she is well placed to lead such an initiative. As we think of Drummer Rigby, I ask if the Government are aware that there have been many thousands of fatal Islamist attacks worldwide since 9/11, and that most of the victims have been Muslims? I will put the evidence for that in the Library. Secondly, if Islam is a religion of peace, could not a gathering of grand muftis and others agree to issue a fatwa against the jihadists, so that they are cast out of Islam and are no longer Muslim?

Baroness Warsi: My Lords, I take the noble Lord's point that more Muslims than members of any other community have died at the hands of violent extremism. However, I take issue with some of the noble Lord's views. I am familiar with his views on Islam and Muslims. He premised the question by saying, "If Islam is a peaceful religion"; the Prime Minister made it abundantly clear that Islam is a religion of peace.

Noble Lords: Hear, hear.

Baroness Warsi: I can speak as someone who led the community response to the tragic killing of Drummer Rigby, when Muslims in this country came out vociferously and with a single voice said, "This was not done in the name of our faith. This was not done in our name".

Baroness Hussein-Ece: My Lords, is it not the case that people of all faiths and backgrounds have deplored the barbaric murder of Lee Rigby on the streets of Woolwich? Is there not a risk of demonising Muslims, including the 3 million Muslims in the UK, which is not the answer? Does the Minister think that it is appropriate for decent voices of moderation to be drowned out by radicals such as Anjem Choudary—discredited people—who are given a media platform on the BBC and Channel 4? Drowning out other voices does more harm than good. Does the Minister agree with the Deputy Prime Minister, who said at a cross-party interfaith event last week, "Terrorism has no religion"?

Baroness Warsi: I absolutely add my voice to the words of the Deputy Prime Minister. I agree with my noble friend that one of the positives to come out of this tragedy is the way in which communities of all faiths have stood united and said that we will not be divided by the extremists who conduct these horrific acts in the way that they have.

Lord Lea of Crondall: Does the Minister recognise the importance of encouraging Christian-Islamic dialogue at all possible levels, nationally and globally? Is it not the case that the justification of jihad in the Koran could be paralleled by similar blood-curdling references in the Bible if one wanted to interpret them in that way? Therefore, dialogue should be on the basis that both sides have issues to discuss with each other.

Baroness Warsi: My Lords, one of the worst things that politicians often say is, "I made a speech on this"—but I made a speech on this. It was on unpicking the arguments between religion and reason. I absolutely agree that a literal interpretation of any faith can lead to perverse results. However, I can also assure the noble Lord that, both domestically and internationally, we are engaged in a whole series of interfaith projects, which bring people from different religions, and indeed people of no religion, together to create the space and the dialogue that create better understanding.

The Lord Bishop of Derby: My Lords, from these Benches we extend our sympathy and prayers to Drummer Rigby's family and pray for his soul. Until recently, I was co-chair of the Inter Faith Network for the UK. My fellow co-chair was a very distinguished Muslim scholar and leader. I ask the Minister two things. First, as we have heard, violent religious extremism is not simply an issue for Muslims. In the Inter Faith Network we were constantly reminded, through other faiths across the world, that millions of people suffer from violent extremism, often for political purposes and not religious ones. Secondly, does the Minister agree that, while there is of course a responsibility on those of us who lead religious and political organisations, there are other factors, such as how foreign policy is perceived, that send signals and triggers to people that it is very difficult for leadership on its own to deal with? Therefore, there has to be a partnership between religious and political leaders and those who form our culture for peacefulness and a common stand against violent extremism.

Baroness Warsi: I would draw a distinction between legitimate discussion of foreign policy and, on the other hand, what is clearly violent extremism. The latter cannot be justified in any way in terms of the former. I completely agree with the right reverend Prelate's view that every religion has its extremists. I have colloquially referred to them as "nutters". Pastor Jones is no more representative of Christianity than Anjem Choudary is of Islam.

Local Transport Act 2008 (Traffic Commissioners) (Consequential Amendments) Order 2013

Motion to Approve

3.07 pm

Moved by ***Lord Popat***

That the draft order laid before the House on 25 March be approved.

Relevant document: 23rd Report from the Joint Committee on Statutory Instruments, Session 2012–13, considered in Grand Committee on 21 May

Motion agreed.

Business

3.08 pm

The Chancellor of the Duchy of Lancaster (Lord Hill of Oareford): My Lords, the whole House will have been disturbed and dismayed by the reports in the press over the weekend and today, relating to the alleged misconduct of particular Members of our House. Therefore, I thought I should tell the House that the Sub-Committee on Lords' Conduct agreed earlier today to a request from the House of Lords Commissioner for Standards, Mr Paul Kernaghan, that he proceed to investigate the three Members of the House against whom allegations have been made. Independent external investigation of these allegations is therefore in hand.

To one extent, thanks to the Leader of the Opposition when she was Leader of the House, we are in a better position than in the past. For the past three years we have had in place a clear code of conduct to regulate our behaviour as Members of this House and we have had an independent Commissioner for Standards, whose task it is to investigate whether there has been a breach of that code. I am pleased that the necessary preliminary steps to secure a proper investigation have already been taken. From this point, it is now over to the commissioner, who will make his report on each case to the Sub-Committee on Lords' Conduct.

The allegations made at the weekend are very serious and distressing to us all. I know that I speak for the leaders of all the parties and the Convenor when I say that they do not reflect the House that we know, or the Members who work here out a sense of public service and a desire to hold the Government to account and revise legislation—work to which I suggest we now turn.

Marriage (Same Sex Couples) Bill

Second Reading

3.10 pm

Moved by ***Baroness Stowell of Beeston***

That the Bill be read a second time.

Baroness Stowell of Beeston: My Lords, it is a huge privilege to be leading on this important Bill, which will make marriage of same-sex couples lawful in England and Wales. I will go into detail shortly, but I want to be clear from the outset that this Bill is not just about allowing same-sex couples to marry; it is also about protecting and promoting religious freedom. It is not often that we get to debate and decide legislation that affects people's lives so directly. This Bill addresses things that matter to all of us: our personal freedoms, our faith in what we believe, and the acceptance of who we are and who we love. Perhaps I should declare from the outset that I am not married, and as long as George Clooney is still available I am prepared to wait. But even though I am single—and I of all people understand that not everyone wants to get married—I believe in the institution of marriage.

Like many other people, whether married or not, I believe marriage to be one of the fundamental building blocks of a strong society because of the stability, continuity and security that it promotes. I admire couples who make the big decision to marry. Marriage remains, as it has for centuries, the way in which most people choose to declare their commitment publicly and permanently to the person they love. When we hear two people exchange their marriage vows, whether in a place of worship or at a registry office, we know that we are witnessing a couple commit to the kind of values that we associate with the special enterprise of shared endeavour—loyalty, trust, honesty and forgiveness. We know that through marriage existing families are extended, as is their commitment and support to new family members. We think that is a good thing, and any of us can choose to do this—unless, of course, we happen to love someone of the same sex. This Government think that is wrong, and we want to put it right. So much do we believe in marriage and its importance to our society, we want all couples, whether gay or straight, who are prepared to affirm publicly their commitment to each other and all the responsibility and joy that comes with it, to be free to marry.

Some people argue that civil partnerships have provided same-sex couples with equality already, and allowing them to marry is not needed. They are right that civil partnerships provided equivalent legal rights. Indeed, the progress made by the last Labour Government in advancing gay rights was massive, and I salute them for all that they achieved. I am grateful to the Labour Front Bench for supporting this Bill. But in 2004, Parliament did not provide same-sex couples with the equal opportunity to marriage itself; back then, we could not conceive that society would allow it. So instead a separate legal regime was established just for same sex-couples. Marriage, the exchange of vows, and all that that means, remained available only to men and women prepared to make that commitment to each other. Less than 10 years on, independent polling, all of which is included in the House of Commons Library research paper on the Bill, shows that the majority of people in this country are now ready to open up marriage to everyone. Indeed, support is growing all the time, and we are not alone; change is happening around the world.

As to my own party's position, in 2006, at the first Conservative Party conference after he became leader, David Cameron voiced his support for marriage and equated the commitment of same-sex couples with that of opposite-sex couples. In 2010, the Conservative

Party made it clear that it would consider the case for equal marriage in its document *A Contract for Equalities,* which was published alongside the election manifesto. In 2011, David Cameron said, to wide applause at the Conservative Party conference, that he supported same-sex marriage because he is a Conservative. This coalition Government think that now is the right time to make this change.

The Government have decided to take this step to allow same-sex couples to marry because we believe that doing so really matters. Gay and lesbian couples being allowed to marry—to join the institution that they, too, recognise as important—matters because it marks the final acceptance of who they are. Allowing same-sex couples to marry and not separating them out from the rest of society matters to families. For parents especially, it means peace of mind. A gay son or daughter will be able to aspire to the same things as their straight brother or sister and be recognised and respected equally.

Allowing same-sex couples to marry also matters to all of us who believe in the institution of marriage. Marriage, this vital element of our social fabric, stands a much safer chance of remaining important to future generations if we make sure that it reflects modern society. We believe that marriage will become nothing but stronger if we open the doors to couples who are currently excluded only because they happen to love someone of the same sex.

The Bill provides a new freedom for same-sex couples to marry, but theirs is not the only freedom that concerns us. The Bill also protects and promotes religious freedom. That is why, as well as allowing same-sex couples to marry in civil ceremonies—in register offices and approved premises such as hotels—the Bill takes an entirely permissive approach to religious marriage ceremonies. It will be for religious organisations to decide for themselves whether they wish to marry same-sex couples according to their rites. Some have already said that they will; these include the liberal Jews, the Quakers and the Unitarians. In this way, the religious freedom of these organisations and perhaps others in the future is promoted by this Bill. Equally, no religious organisation or individual can be forced to conduct or participate in a religious marriage ceremony of a same-sex couple. The religious freedom of those organisations and individuals is protected. The Government's public consultation in 2012, which prompted nearly 230,000 responses and became the largest of its kind ever, was important in informing our approach. Since we published our proposals in December last year, we have discussed this permissive approach with a wide range of religious organisations, and I am pleased to report that they are generally content with the protection provided in the Bill.

The Bill has been carefully crafted to contain each element of the quadruple lock which the Government committed to last December and which I outlined to this House when I repeated the Statement by my right honourable friend the Secretary of State at the time. Because it is so important, I will explain the quadruple lock again. First, it ensures that the Bill states explicitly that no religious organisation or individual minister can be compelled to marry same-sex couples or to permit such a marriage to take place on their premises; it provides an opt-in system for religious organisations which wish to conduct marriages for same-sex couples; it amends the Equality Act 2010 so that it is not unlawful discrimination for a religious organisation or individual minister to refuse to marry a same-sex couple; it ensures that the duty on the clergy of the Church of England and the Church in Wales to marry parishioners will not extend to same-sex couples, and that Anglican canon law, which says that marriage is a union for life of one man with one woman, is unaffected.

I turn now to other rights that we all have and will continue to have because they are not affected by the Bill, most specifically the right to freedom of expression. Some people are concerned that the Bill will impact on freedom of speech, that people such as teachers—or, indeed, anyone while at work—will not be able to criticise same-sex marriage. I can reassure the House that this Bill does not in any way affect the perfectly legitimate expression of the perfectly legitimate belief that marriage should only be between a man and a woman. Teachers will be expected to teach the factual and legal position when teaching about marriage, as with any area of the curriculum, but they will not be expected to promote or endorse views that go against their own beliefs. It will be unlawful to dismiss a teacher purely for doing so.

That said, and as noble Lords would expect, the expression of personal beliefs should be done in a professional way and not in a way that would be inappropriate or insensitive to pupils, some of whom may be gay, transgender or the children of a same-sex couple. We are clear that the existing protections for teachers are sound. However, we are, of course, aware that these concerns exist. As the Minister for Sport and Tourism explained in the other place, we are continuing to discuss those concerns further with religious groups to ensure that we have done all we can to put the position beyond doubt. The same is true for employees generally and what they say about same-sex marriage, whether at work or not.

Freedom to express beliefs about marriage is not affected by this Bill. Discriminating against someone because they believe, or express the view, that marriage should be between a man and a woman only is unlawful under the Equality Act 2010. Article 9 of the European Convention on Human Rights also guarantees the right to freedom of thought, conscience and religion. At the same time, I must make it equally clear that it is not acceptable for an employee to act in an offensive or discriminatory way because of someone's sexual orientation. It is wholly wrong to persecute someone for being gay, lesbian, bisexual or transgender. It is not wrong for someone to say that they do not believe in same-sex marriage. Some people have also expressed concerns that the religious protections in the Bill could be successfully challenged, whether before domestic courts or the European Court of Human Rights. We are confident that the protections are robust and effective, but rather than my talking about this in detail now, other noble Lords far more expert than I in these legal matters will no doubt wish to offer their views during the debate.

[Baroness Stowell of Beeston]

I turn to other aspects of the Bill and to some of the changes already made during its passage in response to our engagement with religious organisations and others. Part 1 allows same-sex couples to marry and provides the religious freedoms and protections I have already mentioned. Part 2 enables an individual to change their legal gender without having to end their marriage. Part 2 also contains an important new clause—Clause 14—added during Commons Report stage by a government amendment. This requires the Secretary of State to arrange for a review of the options and future of civil partnerships in England and Wales. With the Government's agreement, this clause was amended to require that the review will begin as soon as practicable and will include a full public consultation. I am pleased to tell the House that the Government are already preparing for this review and will publish its terms of reference before Committee.

Other changes made by the Government in response to issues raised include fine-tuning the religious protections in specific areas, such as to protect the position of chaplains employed by secular organisations and the Church of England's ecclesiastical law. We have clarified the arrangements concerning Scotland and Northern Ireland and made changes to improve fairness—for example, in relation to pension rights where a married partner has changed legal gender. Even though the Government have already made changes to the Bill, we continue to listen to concerns and are, of course, willing to consider further changes if necessary to make the protections clearer. Indeed, I should say that I, along with my noble and learned friend Lord Wallace of Tankerness, my noble friend Lady Northover and the Bill team officials, with all of whom I have the pleasure of working, will be glad to listen to the concerns of Peers and others with an interest in the Bill.

I speak in support of same-sex couples who want the opportunity to marry because, very simply, this Government consider their love and commitment to be no different from that of opposite-sex couples. We believe that same-sex couples should be able to marry if they want to, and that extending that choice is the right thing to do for them and for the future of marriage. If we want future generations to support marriage, we need the institution to reflect our modern inclusive society. I know that many noble Lords will also speak in support of the Bill today and I am grateful to them, but I also respect those who disagree with me. I understand that many who do not support same-sex marriage do so on the grounds of religious principle. To them, I would point to the religious freedoms which the Bill protects and promotes and say this: no religion or faith will be required to change its doctrines or practices because of the Bill if it chooses not to.

I also understand that some noble Lords are unsure whether to support this measure for a range of reasons personal to them. We all have the right to move at different paces when faced with change, but to those who feel unsure let me say this: same-sex marriage is new and different from what we have known up to now and I am not trying to say it is not. However, this change—allowing same-sex couples to marry—will not affect the nature or quality of existing marriages or new marriages between men and women. The Bill simply extends the opportunity for that same quality to be shared by all couples who honour the institution and desire it for themselves.

The Bill is a force for good and I commend it to the House. I beg to move.

Amendment to the Motion

Moved by ***Lord Dear***

To leave out from "that" to the end and insert "this House declines to give the Bill a Second Reading".

3.25 pm

Lord Dear: My Lords, I should like to thank the Minister for setting out the Government's position on what is, by any stretch of the imagination, a contentious Bill.

"I don't know what you mean by 'glory', Alice said. Humpty Dumpty smiled contemptuously. Of course you don't—till I tell you. I meant 'there's a nice knock-down argument for you!' But 'glory' doesn't mean 'a nice knock-down argument', Alice objected. When I use a word, Humpty Dumpty said, in rather a scornful tone, it means just what I choose it to mean—neither more nor less".

I would suggest that if we substitute the word "marriage" for "glory" we get somewhere very close to the essence of today's debate. As Humpty Dumpty might have said: "There's a nice knock-down argument for you. Marriage means just what I choose it to mean—neither more nor less".

If we move away from Lewis Carroll's Alice and back through the looking glass, we find ourselves in a world where an ill considered Bill seeks to overturn centuries of tradition, heedless of public opinion and the views of religious leaders and blind to the laws of unintended consequences. It seeks to alter totally the concept of marriage as we have always known it, it seeks to divide a nation with an argument that hides behind the concept of equality when in reality it is about sameness, and it stands on its head all considerations of electoral mandate.

I am conscious that around 90 speakers await their turn to speak today and tomorrow so I will deal only very briefly with the essential elements of the arguments against the Bill but take, in turn, four things: the concept of the rule of the majority; the impact of the Bill on society; the flawed process that it has undergone so far; and, last but by no means least, the question of whether it is proper or appropriate to vote the Bill down at Second Reading.

First, I refer to the question of the extent to which a civilised society should accede to the wishes or the desires of a very small minority in its midst. In the debate on the humble Address on 9 May this year, an impassioned reference was made to the plight of homosexuals in Uganda and in other repressive regimes. This seemed to suggest that, if we were to defeat the Bill, this country could quickly regress to a state something approaching that in Uganda and elsewhere where homophobia is prevalent. Nothing could be more fanciful and nothing could be further from the truth. Like many other Members of your Lordships' House, I have, for many years, championed the extension

and the protection of minority rights, including homosexual rights and equality, and I have seen and applauded this country's change of attitude towards homosexuality, from thinly veiled intolerance 50 years or so ago to a position of understanding and acceptance today.

With the introduction of civil partnerships, we have seen the legal rights of homosexual couples put on a par with those in a conventional marriage, with all the financial benefits available to both groupings. Indeed, those in a homosexual civil partnership are significantly better off in that respect than family members who live together without the benefits of such a partnership. Doubtless, we shall hear more of that as the debate progresses—more about the two sisters living together or the elderly parent and the unmarried daughter in the same household. All those are of course unable to enjoy the same financial benefits available to those in civil partnerships. In that respect, homosexual equality has outstripped equality for those in family relationships.

However, this part of the argument is much more about the lengths to which a society should go in order to embrace the demands from very small minorities. The utilitarian approach of Jeremy Bentham—the greatest good for the greatest number, where a simple majority carries the day—was challenged first by John Stuart Mill and then by other theological and jurisprudential writers in the 19th century. Very sensibly, it has been moderated over the years to a point where any society wishing to be thought of as civilised, tolerant and mature is judged by the degree to which it can accept minority views, even when those views fail to accord absolutely to the norms and views of the majority. However, there must come a point when, provided full equality for all under the law is guaranteed—this, I suggest, is perhaps the nub of this argument—the majority view should prevail, especially when the minority is tiny and the overwhelming majority is affronted. It is all a question of balance, wisely, and not least sensitively, applied.

The present danger of redefining marriage could well turn out to be counterproductive because tolerance can be overstretched. Look to contemporary France for an example. The similarities with this country are numerous. France has much the same population as our own, is still coming to terms with a revised role in the world, has an old and enduring national religion, has financial problems, and its leadership is questioned. Same-sex marriage has recently been forced through the French parliamentary process, with the result that mass demonstrations, and occasionally riots, have taken place in major cities in that country. Worse, the incidence of serious homophobic violence has markedly increased. I do not foresee violent street demonstrations in this country but I fear that the Bill, should it become law, could well create such opposition to homosexuals in general that the climate of tolerance and acceptance in this country that we have all championed, supported and seen flourish over the years could well be set back by decades—certainly for a long time.

Let me move on. In headline form only, let me pose a question or two. What is the impact of the proposed legislation on society? A change in the law would herald uncertainty in a number of areas, rather than certainty, and I will touch only briefly on those aspects now, confident that the other 90 or so speakers who follow me will explore some of these issues in much greater depth. Marriage between a man and a woman has been a part of life for centuries, predating nation, church and law. The lifelong commitment of a man and a woman is part of our history and culture. Evidence abroad, for example in Spain, shows that a redefinition of marriage actually undermines support for marriage in the wider society. There, marriage rates have plummeted. Noble Lords may advance their own theories as to why this has occurred in Spain and elsewhere but the facts are there for all to see and it is reasonable to conclude that redefining marriage is a contributory factor.

In the field of education very real fears exist that teachers who fail to endorse same-sex marriage could be dismissed. The Minister touched on this and other similar issues. Government reassurances that this will not be the case have been challenged as naive by leading counsel. Parents will not have a legal right to withdraw children from lessons that endorse same-sex marriage in the curriculum. The effect on schools will undoubtedly be divisive, and we should reflect on the fact that calls have already been made for children to act out gay weddings in class. I have to hand an opinion by leading counsel, prominent in employment law, who concludes that the Bill would create a duty to promote or endorse and not just to explain the new definition of marriage in sex education. Furthermore, he advises that schools could discipline teachers for failing to teach positively about same-sex marriage alongside opposite sex marriage.

Employment law is not likely to protect those who, as a matter of conscience, refuse to endorse the new law. Some noble Lords from the legal profession will want to expand their opinions on this at length. The fact that matters such as this are so strongly disputed, with leading counsel on both sides of the argument, must show that there is legitimate concern that cannot be shrugged off by mere rhetoric.

The well-being of children within marriage is a matter of very serious concern, certainly for those who accept the view that the best family grouping in which to grow up is a stable environment with two married parents, one of each sex. These and other major factors will be hotly debated today and tomorrow and they will highlight the sharp divisions that exist on almost every aspect of this Bill.

So if divisions exist—and they do—we should ask to what extent the Government have considered the totality of the problem. In a matter as fundamentally important and potentially so contentious as this, one could reasonably have expected any Government with pretentions at governing by consensus to have conducted deep and thoughtful research before drafting legislation. This Bill is hallmarked by the very lack of such an approach. A royal commission, or other similar learned group, might have been expected to call on the very best minds from the fields of theology, philosophy, sociology, jurisprudence and finance in order to take a long look at all the implications, to identify the pros and cons and to make mature recommendations. The Government did nothing of the sort. Instead, they seem to have relied on old, often partial, research and

[LORD DEAR]

opinion that give only a fragmentary picture of the problem. There was no royal commission; no committee of inquiry; no mention of the Bill in any party manifesto prior to the last general election; no report from any parliamentary Select Committee. The Leader of the Conservative Party, questioned on Sky television only three days before the general election, declared that he had no plans for such a Bill. There was no Green Paper, no White Paper and no pre-legislative scrutiny. It was not included in the Queen's Speech either last year or this year. However, after its introduction a few months ago, the results in the recent local elections were catastrophic. Around 450 seats were lost by the coalition parties, with all the analysis showing that the Bill was a significant factor in the swing of voters away from the main parties.

The Bill's progress through the House of Commons was inauspicious. Back-Bench contributions at Second Reading were limited to only four minutes. The Government then delegated the Bill to a committee of 19 hand-picked MPs rather than to a Committee of the Whole House. Its membership was stacked 15 to four in favour of the Bill and not a single amendment was accepted by the Government. Committee debates were limited to only five days, in contrast to the Hunting Bill, when the Standing Committee lasted for 14 days.

The main parties announced a free vote, but there is a question mark over the freedom of that vote. In a letter signed by 15 MPs and circulated on 15 May, serious doubts were cast, citing,

"varying degrees of coercion, with threats made, for example, to an MP's future political career or withdrawal of party support at future elections".

Therefore, the apparent solid majority for the Bill in the other place must be considered, in part, at least, in that light.

The Government's consultation exercise was about how to introduce the changes and not whether to do so. To put it bluntly, the results were rigged. The figures given by the Government indicated a total of 228,000 responses, with 53% said to be in agreement with the Bill and 46% against it—about even, tilting slightly towards approval for the Bill. However, that ignored two critical facts. First, the responses in favour were largely collected on the internet—anonymously, with no check as to whether the respondents were resident in the UK and no check on multiple entries from single respondents. Secondly, the Government accepted a signed petition collected by the Coalition for Marriage and arbitrarily counted it as one vote, deliberately ignoring the fact that it contained 509,000 verifiable signatures. That petition has now grown, I am told, to 660,000 signatures, although at the time of its closure there were, as I said, 509,000 verifiable signatures. Had that number of 509,000 been included, as it clearly should have been, it would have shown 83% of respondents against the Bill. That considerable public opposition is borne out by many reliable opinion polls. Some polls of course suggest the opposite but many have failed to make clear the existence of civil partnerships in posing the question to those being polled.

At this stage, I should say that since my name became linked in public with opposition to the Bill and I became something of a lightning conductor in public for all these issues, the number of communications I have received on the matter by e-mail and in my postbag falls just short of 1,000, of which 38—I counted them this morning—are in favour of the Bill and the remaining almost 1,000 are against it. I think that many noble Lords have had very similar results, if not in those numbers, then certainly in proportion.

Opposition from formal religious groups divides on the same lines. Quakers, Unitarians and Liberal Jews of course support the Bill but we should remember that together they represent less than 1% of the religious community. The largest bodies—the Church of England, Roman Catholics, Sikhs, Muslims and others—all adamantly oppose it.

Lastly, I turn to the vote at Second Reading. Understandably, some noble Lords have queried whether it is proper to challenge a Bill in this way at Second Reading in your Lordships' House. I fully understand that question and I recognise and support the proud and long-standing tradition in this House to take particular care over every aspect of any Bill and to give it a full and fair examination before voting. However, that holds good only in normal circumstances, and the circumstances that we face today are abnormal. I am advised by the clerks that it is perfectly proper to vote on Second Reading. The 2006 Joint Committee on Conventions affirmed that the House of Lords retains the power to reject government Bills in free-vote situations. Votes against a Bill at Second Reading are unusual but they are not unknown. Examples that closely parallel these present circumstances are the War Crimes Bill and the Sexual Offences (Amendment) Bill, both of which occurred just over 10 years ago but both were free-vote issues without a mandate from a manifesto. The Health and Social Care Bill in October two years ago is the most recent and reliable example.

So if we can do it, and have done it, why oppose the Bill at this stage? Quite simply, I contend that the Bill is in a mess. It is ill thought-through, lacks support in the population as a whole and is likely to antagonise, or even inflame, public opinion. It has nothing to do with equality, which is already in place with civil partnerships, and it attempts to dignify an admittedly very small minority of partnerships with the description "marriage"—a term that has been understood differently for centuries.

If that were not enough, there is more. This House is asked to debate and examine a Bill that has not yet come anywhere near identifying all the consequences of change. The official government estimate of the numbers of amendments to existing legislation that would follow should the Bill become law is, in their words, at least 8,000 and they are still counting. It is no good telling me that there is provision in the Bill to take care of that, because the experience in Argentina, where similar legislation was passed in 2010, is chilling. In a paper provided by Dr Ursula Basset for the Pontificia Universidad Católica Argentina, she explains the changes now being debated in that country, which passed legislation similar to that which is on the table in front of us, in order to establish a redefined civil code. She said:

"It quickly became clear that legalising same-sex marriage required a revolution to our internal law. It impacted laws regulating public order, identity, gender, rules of kinship, filiation, marriage, names, marital property arrangements, divorce, alimony, parental rights, succession, domestic violence, adoption, artificial reproductive techniques, surrogate motherhood, liberty of conscience, criminal law, tax law and employment law, among other topics. All of these subjects would need to be attuned to the gender-neutral paradigm ... same sex marriage law in Argentina has turned the law upside down—no stone has remained unturned".

That is what we face. Were we to consider the Bill in Committee, on Report and at Third Reading without at least some of that information at hand, it would frankly be like wandering into the dark blindfold. Hard on the heels of the procedure today at Second Reading, it looks as if we may be denied the chance of properly considering the Bill in Committee, since, to date, only two days have been allocated by the usual channels.

Even worse than that, we know that as the Bill left the House of Commons on the last day before the recess the Government announced their intention to conduct an immediate review of the whole issue of heterosexual civil partnerships. That is in Clause 14, which was introduced as a manuscript amendment. How can we be expected to consider turning the law of marriage on its head without taking full account of the implications of heterosexual civil partnerships as well? If we must consider changing marriage, let it be with all the facts at our disposal, all the consequences identified, all the financial implications worked out, all the social advantages and disadvantages known, and not blunder into a legal, theological, moral and sociological minefield.

I ask that this Bill should be defeated now, and not allowed to take up valuable parliamentary time in the later stages, when so many other pressing matters demand our attention. It should be defeated. The concept should be sent back to the drawing board because this is too serious and too important a matter to be introduced on a whim and handled in such cavalier fashion. The House of Lords is the final check, perhaps the only check, on the power of the Executive. It should use that power sparingly, but, on this occasion, use it positively. I beg to move.

3.48 pm

Baroness Royall of Blaisdon: My Lords, we live in a civilised and tolerant society, not in Alice's Wonderland. I am proud to open this Second Reading debate on behalf of the opposition Benches. I know that a small minority of my noble friends are against this Bill, and, naturally, I respect their views, but the majority on my Benches, alongside the shadow Cabinet, Labour's National Policy Forum and the Labour Party conference, warmly support both the Bill and the debate, which will enable us to recognise and affirm the loving and lasting commitment of couples who love each other. They must include the noble and learned Lord, Lord Brown of Eaton-under-Heywood, who with his wife is today celebrating their golden wedding anniversary. I am sure that the whole House will join me in sending them our heartiest congratulations.

I pay tribute to my right honourable and honourable friends and to those of all parties in the other place who have enabled the Bill's safe passage. Many of them have shown considerable political courage. This is a hugely important milestone for equality, respect and dignity in our society, which rightly values stable relationships within the framework of marriage. I also thank the noble Baroness, Lady Stowell of Beeston, for an excellent introduction to the Bill—I hope that George Clooney was listening, of course—and for making herself available at all times to discuss concerns and answer questions. From experience, I know that it is particularly challenging for a Whip to take responsibility for a controversial piece of legislation, and I know that she will do a terrific job.

In an ever-changing world where turmoil and instability are too often the norm, it is a cause for celebration when two people of either the same or the opposite sex wish to commit their lives to each other through marriage. I am the product of a happy marriage and I had the good fortune to enjoy nearly 30 years of marriage. Our aim, like that of so many other couples, was to grow old together and to support each other in sickness and in health. We had our ups and downs, but the fact that we were married increased our resolve to make our relationship work, and it was the framework within which we wanted to raise our children. Of course, I have friends who are single and who are great parents, and friends who have lived together for many years and who are wonderful parents, such as my noble friend the Chief Whip—although I am delighted to say that on Saturday, he and his partner Jill are going to be married. I celebrate that and I would like to be able to celebrate the marriage of gay friends, with or without children.

Last week, I thought a lot about marriage: not just because of the Bill, but because I was choosing a wedding dress with my daughter, Charlie. We talked about marriage, which she described as an important ritual that would enable her to make a commitment to the man she loves in front of family, friends and our community. If Charlie wanted to marry Katherine instead of Kane, would I feel any different? No, I would not, and I would want other parents to have the same joy as I in celebrating the marriage of their children, whether they love people of the same or the opposite sex.

Some people ask why the Bill is necessary when we already have civil partnerships—often, I have to say, the same people who opposed those partnerships when we introduced them in 2004. Civil partnerships were a fantastic step forward and continue to be a great source of joy and security, but some people wish to choose marriage. It has a special status in our society, both historically and symbolically, and it represents a very particular value that the state has placed on the relationship. I well understand that this Bill has caused anguish for some people of faith who have concerns either because of the impact of the Bill on their faith or on the grounds of faith. I respect all genuine concerns—although clearly not those that are rooted in homophobia—and I am sure that our consideration of this Bill will be conducted with our usual tolerance, respecting our differences. I have to say, however, that I simply do not understand those who say that equal marriage can harm or undermine marriage between a man and a woman. Surely if we value and cherish marriage, we should want all those who wish to marry

[Baroness Royall of Blaisdon]
to be able to do so, and we should welcome the fact that marriage would be strengthened by opening it up to more couples. Surely we should be encouraging our young people, who see the love and strength their parents draw from their marriage, to aspire to the same commitment regardless of whether it is with another man or another woman.

There has been much discussion about whether there are sufficient protections for religious organisations. Just like equality, freedom of religion is central to a human rights-based society. That is why it is vital that the Bill does not impose an obligation on any faith group to conduct same-sex marriages. The Minister has spoken in detail about the quadruple lock and we are satisfied that the protections the Government have put in place in the Bill are sufficient to ensure that no faith group will be at risk of a human rights challenge for refusing to solemnise same-sex marriage. Naturally, this House will carefully scrutinise the protections contained in the Bill for religious freedom. I welcome that, and I look forward to the contributions of the noble Lord, Lord Pannick, and my noble friend Baroness Kennedy, who were crystal clear in their evidence to the Public Bill Committee.

I look forward also to the contribution of the most reverend Primate to this debate. I know that the Church of England has rightly been working closely with the Government and I am pleased that there is agreement that the safeguarding of the position of canon law has been achieved and that the quadruple locks offer the necessary protection. I know that the Bishops now warmly support civil partnerships and I have read of the Bishop of Salisbury's endorsement of same-sex marriage. Both are matters to be celebrated. I have also had excellent discussions with some right reverend Prelates in which we agreed that, from their perspective, the Bill would not result in the sky falling in or family life falling apart, while from my perspective it would not be a panacea for relationships, be they gay or straight. I also take this opportunity to send our best wishes to the most reverend Primate the Archbishop of York for a speedy recovery.

Naturally, I am glad that the Government have listened to the concerns of the Church of Wales that were raised by my colleagues in another place, which resulted in an amendment to ensure that the Lord Chancellor will have no power of veto over the church's decision, should it wish in future to provide for same sex marriages. The position of the Quakers and Unitarians, and of Reform Judaism, is absolutely clear, and I am delighted that the Bill will enable them to opt in to performing same sex marriage according to their religious rites.

Last week, while thinking about the Second Reading, I watched "The Times of Harvey Milk". I wept at what one might call a chilling reminder of the pain and suffering that gays and lesbians endured a few short years ago—their lives blighted by society's attitude towards their sexuality. That was 1970s America, but in the 1960s in this country people were locked up or punished for loving someone of the same sex. The Conservative Government introduced Section 28 in 1988 and it was not repealed until the Labour Government came to power. We had a proud record in making progress against discrimination and in favour of equality, and I am grateful for the generous comments of the noble Baroness. As well as civil partnerships, we equalised the age of consent, ended the ban on LGBT people serving in our Armed Forces, made homophobia a hate crime, outlawed discrimination in the workplace and in goods and services, and did much more. The measures were controversial at the time but now have widespread support.

We have come a long way, but there still needs to be a cultural shift. The Bill is not only hugely important for same sex couples who wish to marry, and for transgender people who are in a marriage; it can play a critical role in driving attitudinal change. As noble Lords are aware, 20,000 homophobic crimes are still committed in this country every year, and many children suffer homophobic bullying. They are not just children who may be growing up to be gay, but those with lesbian or gay parents. Ninety-five per cent of secondary-school teachers have reported hearing anti-gay language in their schools. The Marriage (Same Sex Couples) Bill will be a useful tool in tackling these attitudes. It will not just ensure legal equality in the eyes of the state but encourage society to celebrate the identity, relationships, commitment and love that lesbian and gay people share.

There are some outstanding issues in relation to the Bill that were raised in the other place and have not been resolved. First, pension rights are the subject of considerable debate. Currently, the Bill provides for less generous pension rights for same sex married couples than for those of opposite sexes in respect of survivor benefits. In the Commons we called on the Government to come forward with an immediate review into the implications of equalising pension rights, and we will urge them to do this in the course of the Bill.

Secondly, our Front Bench supported amendments to allow couples to have humanist marriages in England and Wales, as almost 3,000 already choose to do in Scotland. On Report in the other place, the Attorney-General raised new concerns about the amendments' compatibility with the Human Rights Act. However, we hope to resolve these issues in Committee in this House.

Thirdly, on transgender issues, the Bill will enable individuals to change their legal gender without having to end their marriage, righting a big injustice in our society. We welcome these amendments brought forward by the Government on Report in another place to protect pension rights for spouses who change their legal gender, as a result of issues raised by my colleagues and others during the Public Bill Committee. However, we will look carefully at further amendments that may be brought forward in relation to transgender marital issues.

With regard to heterosexual civil partnerships, a matter of much debate in the Commons, we are pleased that the Government have now committed to an immediate review of the introduction of such partnerships. I welcome the fact that the terms of reference for this review will be available before Committee. There were long debates on the issues of teachers and registrars. Our views on this are clear, but it is right that these issues of great importance should be debated fully in your Lordships' House.

I am grateful to the Government for giving extra time for this Second Reading debate and ensuring that the vote will take place at a proper time. Some in this House will vote in favour of the amendment tabled by the noble Lord, Lord Dear, and against the Bill. I respectfully remind him that proposals to fragment our National Health Service did not appear in any of the party manifestos, nor in the coalition agreement. Perhaps more importantly, I refute the noble Lord's suggestions about support for the Bill. The latest YouGov polling shows that 71% of people support same-sex marriage, including three out of five people of faith. The noble Lord also alleged that the Bill would affect divorce rates. It is true that divorce rates in Spain increased, but that was because it liberalised its divorce laws at exactly the same time as introducing same-sex marriage.

In respect of the composition of the Public Bill Committee and the allegations that its membership was stacked, the only reason that the committee was thus constituted is that the same MPs had previously insisted on a free vote across the Commons. This meant that the committee's membership represented the very heavy Commons vote in favour of the Bill at Second Reading. In terms of e-mails and postbags, I am sure that those who are against the Bill wrote to the noble Lord, Lord Dear, while those who are in favour of the Bill wrote to me. To that extent we should question the comments made by the noble Lord.

However, all in all, I trust that following the detailed and careful scrutiny that this House will give, noble Lords will be convinced both by the safeguards in terms of religious faith and the arguments in terms of removing discrimination and extending the dignity and joy of marriage to same-sex couples. I firmly believe that our society will be strengthened when more couples are able to choose to make a lifetime commitment to each other, and when all members of our communities are able to celebrate their identity and relationship within the institution of marriage.

4.01 pm

Baroness Barker: My Lords, I declare an interest. Many years ago, I had the great good fortune to meet someone. She and I have loved each other ever since—that is, apart from the occasional spectacular argument, usually about driving or DIY. As the slogans on the T-shirts used to say, it happens in the best of families. It was therefore with great relief that I read the letter from the Bishop of Salisbury to the noble Lord, Lord Alli, in which he said:

"Whilst marriage is robust and enduring, what is meant by marriage has developed and changed significantly".

There have been many changes to what constitutes marriage over the years. In 1836, there was the change that allowed civil marriage. In 1949, there was the change that made 16 the minimum age for marriage. Those changes came about because of campaigns that were run by minorities and resisted by majorities for a very long time, but they are not changes that would now be overturned.

What we are doing today does not undermine any existing or future marriage. It extends the status of marriage to gay men and lesbians who want to make a public commitment in the presence of their families and friends, and sometimes their co-religionists. It reflects the wishes of those people who today do not want just to tolerate lesbians and gay men; they want to celebrate and support them as people in their own right.

Some noble Lords say that allowing gay people to get married is unfair because it leaves other sorts of relationships, such as those of siblings, without the same legal rights as those who choose a marital status. If enabling gay marriage will be unfair to another relationship, such as that of two sisters, then existing marriage laws are unfair. I think we all understand that relationships which adults enter into voluntarily are wholly distinct from relationships which are determined by consanguinity. If family members could become civil partners, it would be really easy for a bullying parent or sibling to force a member of their family into a relationship simply in order to protect property. I do not think that any of us want to legislate for that.

A great deal has been made about the issue of a conscience clause for registrars and other public servants. I grew up in a time and a place when discrimination in public services on the grounds of religion was not uncommon. It caused resentment and divided communities. The idea that public servants should decide, according to their personal beliefs, who does and does not receive a public service is just wrong. Taxes are levied on a non-discriminatory basis and services should be provided on a non-discriminatory basis.

Some opponents of this Bill say that we should not be addressing this—not when we have these huge economic difficulties. I disagree. Discrimination always comes with a price tag. In the United States, hundreds of employers—some very small; some of the biggest in the world, such as Nike and Microsoft—are assisting legal cases in support of gay marriage. These employers need to recruit and retain the most productive staff to make their businesses competitive—and that includes LGBT staff. These businesses want their gay employees to be able to focus on their jobs, not to be dealing with the inequality that means that they and their families always have to sit at the back of the bus. If those businesses have figured out that same-sex marriage is good for business, so should we.

This is a Bill about religious freedom. As somebody who was raised a Methodist, that is something that has been important to me all my life. No religion will be compelled to offer a same-sex marriage. On the same basis, it would be wrong to deny the rights of those religious organisations that wish to extend their fellowship to gay people and their families.

There is no impediment which would prevent this House from doing its job and subjecting this Bill to the high standards of scrutiny that it would apply to any other. In doing so, Members of your Lordships' House will think long and hard, as they always do, about what is right and in the best interests of our society.

I and many of my colleagues on these Benches look forward to joining with noble Lords from all parts of the House to ensure that gay people and their families are afforded the dignity and respect that others take for granted, and that families, faiths and communities can grow stronger together as a result.

4.06 pm

The Archbishop of Canterbury: My Lords, the initial proposals published at the end of the autumn have needed much work to get them into today's form. Much of that work has been done through detailed legal effort and discussion. I am deeply grateful to the DCMS teams and especially to the Secretary of State for the thoughtful way in which she has listened and the degree to which she has been willing to make changes in order to arrive at the stage we have reached today.

We all know, and it has been said, that this is a divisive issue. In general, the majority of faith groups remain very strongly against the Bill, and have expressed that view in a large number of public statements. The House of Bishops of the Church of England has also expressed a very clear majority view—although not unanimous, as has been seen by the strong and welcome contribution by the Bishop of Salisbury.

The so-called quadruple lock may have some chance of withstanding legal scrutiny in Europe, and we are grateful for it, although other faith groups and Christian denominations that have written to me remain very hesitant. There have been useful discussions about the position of schools with a religious character and the issues of freedom of conscience. I have noted the undertaking of the Minister on those subjects and am grateful for what she has said. The Minister has put forward all her views today with great courtesy and persuasive effect. I join in the remarks of the noble Baroness, Lady Royall, in appreciation of that. I have to say that personally I regret the necessity of having to deal with the possibility of a Division at this stage on a Bill passed by a free vote in the other place.

I was particularly grateful to hear the speech of the noble Baroness, Lady Royall, and agree with the proud record that was established in this area by the previous Government during the years in which they held office. If I may, I will pass on her comments with gratitude to my colleague the most reverend Primate the Archbishop of York.

It is clearly essential that stable and faithful same-sex relationships should, where those involved want it, be recognised and supported with as much dignity and the same legal effect as marriage. Although the majority of Bishops who voted during the passage of the Civil Partnership Act through your Lordships' House were in favour of civil partnerships a few years ago, it is also absolutely true that the church has often not served the LGBT communities in the way it should. I express my sadness and sorrow for that considerable failure. There have been notable exceptions, such as my predecessor, the late Archbishop Ramsey, who vigorously supported decriminalisation in the 1960s. It is also necessary to express, as has been done already, total rejection of homophobic language, which is wrong and, more than that, sickening.

However, I and many of my colleagues retain considerable hesitations about the Bill. My predecessor, the noble and right reverend Lord, Lord Williams of Oystermouth, showed clearly last summer in evidence to the consultation that it contains a series of category errors. It confuses marriage and weddings. It assumes that the rightful desire for equality, to which I have referred supportively, must mean uniformity, failing to understand that two things may be equal but different. As a result, it does not do what it sets out to do. Schedule 4 distinguishes clearly between same-gender and opposite-gender marriage, thus not achieving true equality.

The result is confusion. Marriage is abolished, redefined and recreated, being different and unequal for different categories. The new marriage of the Bill is an awkward shape, with same-gender and different-gender categories scrunched into it, neither fitting well. The concept of marriage as a normative place for procreation is lost. The idea of marriage as a covenant is diminished. The family in its normal sense, predating the state and as our base community of society, as we have already heard, is weakened. I am sure that these points will be expanded on by others in the debate, including those from these Benches.

For these and many other reasons, those of us in the churches and faith groups who are extremely hesitant about this Bill in many cases hold that view because we think that traditional marriage is a cornerstone of society, and rather than adding a new and valued institution alongside it for same-gender relationships, which I would personally strongly support to strengthen us all, the Bill weakens what exists and replaces it with a less good option that is neither equal nor effective. This is not a faith issue, although we are deeply grateful for the attention that the Government and the other place have paid to issues of religious freedom. However, it is not at heart a faith issue. It is about the general social good. Therefore, with much regret—but entire conviction—I cannot support the Bill as it stands.

4.13 pm

Lord Fowler: My Lords, I will be brief. First, I congratulate the most reverend Primate on his speech. It was, as we might have guessed, impressive, well argued and, above all, compassionate. I thank him for that, but fear that I disagree with his conclusion.

Before I get to that, perhaps I could deal first with the amendment of the noble Lord, Lord Dear. I have a deep respect for this House. I do not share the dismissive and, frankly, offensive views of the noble Lord, Lord Oakeshott, on the "Today" programme, which was the first interview I heard on flying in from Washington just in time for this debate. I accept and recognise that this is an appointed House, and it is an enormous privilege to be appointed to it. However, with that privilege come limitations on what we can do. Of course we can question legislation and seek to improve it. However, in my view, we cannot defeat at Second Reading the declared will of the House of Commons when, on a free vote, it has voted by over two to one to pass this legislation.

The noble Lord, Lord Dear, expressed doubts about the voting. I was in the Commons for 31 years and the allegations he repeated sound very much like the consistent complaint made by those who have been defeated in a free vote. No party and no set of Whips would respect someone who could be persuaded by pressure to change his view on a free vote. That part of the noble Lord's speech is frankly nonsense. I believe MPs have the authority that comes from their election and which they retain as long as they are MPs. Much is said

about public opinion, and we have heard it already, but we should recognise that they and they alone are answerable to the public on this issue and not us in this House. We cannot take over that role; that is not our position. I thought that this was exactly the case some of us were putting a few months ago to avoid the prospect of two elected Houses standing side by side.

We would be profoundly wrong, if not politically suicidal, to vote against a Second Reading. However, I do not argue the case purely on those grounds—I also strongly believe in the Bill itself. Parliament should value people equally in the law and enabling same-sex marriage removes a current inequity. I believe that there are many gay and lesbian couples who want more than civil partnership, although it is something of a wonder to me to see how civil partnerships have suddenly become so popular among those I do not remember supporting them up until now. We should recognise that there are many deeply religious gay and lesbian couples, including people in the church, who want the commitment that marriage offers. This Bill, rather than weakening the institution of marriage, strengthens it, and our purpose as a Parliament should be to encourage the stability it can bring.

Just before I left Washington I had a meeting with a senior doctor who happens to be gay. Washington DC already has a law enabling equal marriage, as do other American states and they appear to have managed perfectly well. As it happens, he had not pushed for the change but he said that, quite apart from the rights of the individual, it sent out a much wider message for gays and lesbians that, in his words: "We are like everyone else". That was the point and the message that was being put out. An obvious fact, you might say, but one that is denied by many countries around the world. It is denied by their Governments and their people and sometimes, I regret to say, by their churches. Over the past few months I have travelled to some of those countries and have seen the prejudice. I acknowledge freely the profound impact that that has had on me, which very much affects my attitude this afternoon.

I say to the noble Lord, Lord Dear, that this is my argument regarding the foreign experience and not the travesty of it which he sought to set out. I have seen equality fiercely denied in eastern Europe; in a country such as Ukraine, which he mentioned, too often politicians show their contempt for gay people and violence against them is the result. I have particularly seen equality denied in countries in sub-Saharan Africa such as Uganda. For several years there was a popular paper there whose sole purpose was to expose gay people, photograph them, give their addresses and invite the violence against them that followed. Homosexuality is a criminal offence there and of course the British first made it one, as we have in other African countries.

I am not optimistic enough to believe that our decision here tomorrow will break down the persecution, hostility and discrimination. However, it will show decisively how this country has changed, and the value we place on gay and lesbian people in our society. I believe that it will show support for the persecuted minorities around the world—and make no mistake, they exist. At home, I believe it will show the gay and lesbian community our belief in equality—I thought that the noble Lord, Lord Dear, was a little complacent about the position on that—and, above all, their right to expect what we all expect; nothing more, but certainly nothing less. For some of us, that is a fundamental moral issue.

4.20 pm

Baroness Kennedy of The Shaws: My Lords, this issue raises a great deal of passion because it touches on things that we all care about: equality, human rights and our religious beliefs. The noble Lord, Lord Pannick, and I were invited before the committee that examined this Bill before its passage through the House of Commons. We were asked to present a legal view on the likely success of any challenge to the special protections being given to religious organisations—the churches and so on—in the Bill. We both took the opportunity to speak to legal organisations, to colleagues in the law and to people who often took different positions and different sides on many issues concerning rights. We were both firmly of the view that the protections provided by the Bill to churches, religious organisations and church ministers are strong and should reassure this House that there is no real risk of a successful challenge.

There is no obligation whatever on religious organisations to host gay marriages if they do not wish to do so. The legal position is that it is permissible but absolutely not required in law. Any requirement on a church, religious organisation or minister to conduct same-sex marriage contrary to the religious convictions of its members would violate Article 9 of the European Convention on Human Rights. The protections of that article are very strong and any analysis of the jurisprudence will show that the desire to maintain those protections is strong. The case brought by the Muslim community against the Bulgarian Government, which went all the way to the European Court of Human Rights, laid down an important principle: the autonomous exercise of religious freedoms, and that exercise by religious communities, is indispensable for pluralism in a democratic society.

Why, then, is this Bill going through? It is going through because over my lifetime as a practitioner in the law we have seen a huge change in the position of gay people in our communities. It is interesting to note in this House, where the average age is above 60, that people above the age of 60 express the greatest concern about any change in the law. People under the age of 60 by and large favour this change. You have to ask yourself why that might be. I think it is because of the growing tolerance in our society and the desire to see people treated as equals regardless of race, sexuality or gender. That is something that we should cherish and see as an enormous achievement for our society.

The claim is that marriage is a union between a man and a woman by tradition, custom and practice. The noble Lord, Lord Dear, articulated it at the beginning of the debate. Of course, initially the idea was that marriage was about protecting property and making claims on children, and its purpose was to produce and provide a framework for the protection of property and in which children could be raised in a decent and wholesome way. That conception of marriage came into being before we knew as much as we now do about the human condition. We have now separated

[Baroness Kennedy of The Shaws]
out the sexual act for the purposes of procreation from the sexual act as a source of sexual fulfilment. Even the churches would acknowledge that.

A woman or man can nowadays know for sure that they cannot conceive a child, but none of us would expect that to reduce in any way their entitlement to marry. A couple may decide to marry and enjoy what they see marriage as providing for their relationship, even if they know that they will not have children. We know those—there are many in this House—who, on the death of their partner, have gone on to marry again after the age at which they would ever have children or provide the framework for the conventional family. They do so because they want to create a special commitment to the person whom they choose to marry.

We have to ask ourselves whether some of the reasons and rationales for maintaining something are not disguising other concerns. We have changed the meaning of marriage. We have changed it intentionally to be inclusive and to make it possible for people who want to make a commitment in love to another to be able to enter into this public declaration in the way that we do. We must also remind ourselves what it is touching upon. It is touching upon the desire in most human beings to love and be loved. It is part of the whole nature of our humanity. That people, gay or straight, should want to do that—to declare it in the presence of those they consider to be their community and to be part of the whole that is our society—is surely an advance on marriage as it is currently constructed. It means that, in fact, we are enhancing rather then diminishing the meaning of marriage.

Therefore, as I close these few comments I say that, having reviewed the law, Article 9 of the European convention—which protects religions—is about the needs of community and society, and how they have to be balanced with individual needs. In doing that, the churches can have the protection that they have so earnestly sought from the Secretary of State. However, we are also strengthening our society by giving the right to marry to those who earnestly want it and want to be able to live openly and publicly in a declaration of love. I submit to the House that that has to be something that the law should support.

4.28 pm

Baroness Brinton: My Lords, last month it was wonderful to hear the general acclamation in the House for the First Reading of the Alan Turing (Statutory Pardon) Bill. It was the first time in my brief two and a half years in your Lordships' Chamber that I have heard such a response to the First Reading of a Bill. It demonstrates how societal attitudes towards homosexuality have moved on over the past 60 years. It was brought home to me five years ago when my husband and I celebrated our silver wedding anniversary and two close gay friends invited us to their civil partnership, with a date chosen to mark 25 years of their private commitment to one another. Over that 25-year period they have been harassed and attacked, and are so cautious still that they would rather that I did not mention them by name. That ceremony was a moving event, but it was not marriage; it was a legal arrangement that helped provide them with certain protections, but it was not the commitment that you have with marriage. I support civil partnerships but believe that marriage should be available to those who want to make that greater commitment.

The core of marriage to me as a Christian—and, by the by, as a member of the Church of England—is that the commitment made by two people of their undying love to each other, through good times and bad, through sickness and health, stable and faithful, as the most reverend Primate the Archbishop mentioned, is a building block of our society. I respect those for whom the theological arguments are core to their beliefs and practice but, frankly, I struggle to find those arguments expressed by Jesus himself in the New Testament. I also want to quote from the letter of the Bishop of Salisbury, who I suspect will be quoted frequently today. He says:

> "The desire for the public acknowledgment and support of stable, faithful, adult, loving same sex sexual relationships is not addressed by the six Biblical passages about homosexuality which are concerned with sexual immorality, promiscuity, idolatry, exploitation and abuse. The theological debate is properly located in the Biblical accounts of marriage, which is why so many Christians see marriage as essentially heterosexual. However, Christian morality comes from the mix of Bible, Christian tradition and our reasoned experience. Sometimes Christians have had to rethink the priorities of the Gospel in the light of experience".

He goes on to cite slavery and the apartheid system in South Africa. I would add to that the church's view, and that of society, about contraception early in the 20th century. My noble kinswoman Baroness Stocks was roundly and publicly harassed for working alongside Marie Stopes for early contraception. Society today would be horrified if that were to be repeated.

There are other faith groups that agree that same sex marriage is important. I briefly quote from Rabbi Lea Mühlstein, from the progressive West London Synagogue, who says:

> "Judaism holds that every person was created in the image of God. It is clear to me that the divine image in all of us demands from each of us that we be treated equally before the law. As such, I am divinely obligated to respect the needs and wishes of my congregants—whether they be straight or gay, lesbian or bisexual".

The Quakers, as ever, set the pace on this. In 1963, in their paper, *Towards a Quaker View of Sex*, they said:

> "Surely it is the nature and quality of a relationship that matters; one must not judge by its outward appearance but by its inner worth … We see no reason why the physical nature of a sexual act should be the criterion by which the question whether or not it is moral should be decided. An act which expresses true affection between two individuals and gives pleasure to them both, does not seem to us to be sinful by reason alone of the fact that it is homosexual".

The Quakers see God in everyone, and all commitments to relationships as of equal worth. So I am pleased that the Quakers have said publicly that they will opt into the registration arrangements and carry out equal marriage with enthusiasm.

The quadruple lock protects and facilitates same-sex marriage for religious groups. Speaking as a member of the Church of England, I hope that we might begin a debate that acknowledges the breadth of views within our church, even if the noise from those opposed to equal marriage is louder than that made by those of us who believe that love and marriage is God-given to all.

Very briefly, I turn to Clause 12 in Part 2, which rights a dreadful wrong faced by transgender people in a marriage. It has caused immense distress to those already facing the turmoil of major changes in their lives. I am delighted that these proposals now accept that changed gender status should not imperil an existing marriage.

I, like others, am concerned about voting at Second Reading. My point is that as Peers we should not be voting on whether we like or dislike the Bill. It is important that we give this House the chance to debate and amend as we see fit—a strength that this House has shown to another place on many occasions.

Our society has moved on even in the eight years since the introduction of civil partnerships. Surveys show that a majority of people welcome same-sex marriage—including, as has already been mentioned, three out of five of those with faith. It is important that we move forward to hearing that public voice. Now is the time for equal marriage. Please do not let my friends have to wait another 20 years, until their golden anniversary, before they can choose to marry.

4.35 pm

Lord Waddington: My Lords, surely the noble Lord, Lord Dear, was correct to start his speech by saying, in graphic language, that this Bill is about imposing an entirely new meaning on a term as familiar and fundamental as "marriage". Throughout history, in all countries and cultures, marriage has been the union of a man and a woman; and although not every married couple have or want children, the core function of the union has always been the procreation and joint care of children. Over the years, of course, there have been changes in marriage law, but throughout history there has been no change in the essential nature of the institution—the union of a man with a woman. It has never been a matter of gays being banned from marrying. It was never even thought remotely possible that the term could be applied to two people of the same sex. Now we are told that it is unjust to treat same-sex and opposite-sex relationships differently, but surely it is no disrespect to anyone, just common sense, to point out that we are talking of two types of union which are indeed different—entirely different. From the obligation to care for any children, and to consummate the marriage or face a decree of nullity, to the commitment to sexual fidelity, with the threat of divorce on the grounds of adultery, there is no way in which the union of a man and a woman, with all these serious implications, can be compared with the wish of a couple to see their partnership publicly recognised.

I remind your Lordships of something that may have been forgotten. On 11 February 2004, the noble Lord, Lord Filkin, speaking for the then Labour Government, declared from the Dispatch Box—unchallenged by any Member of the House—that,

"marriage should be possible only between people of opposite gender".—[*Official Report*, 11/2/04; cols. 1093.]

He went on to say:

"The concept of same-sex marriage is a contradiction in terms, which is why our position is utterly clear: we are against it, and do not intend to promote it or allow it to take place".—[*Official Report*, 11/2/04; cols. 1094-95.]

What on earth has happened to turn what was out of the question those few years ago into a great national priority? Is it because of a change in the law in other countries? If that is the case, we should look at what has happened in Spain, Holland and Scandinavia, where, since same-sex marriage has been allowed, the decline in heterosexual marriage has been precipitous.

Finally, this Bill is not just about enlarging the rights of same-sex couples; it will have a dramatic effect on others. With the Deputy Prime Minister calling opponents of the Bill bigots, with Lynne Featherstone saying they are,

"fanning the flames of homophobia",

and with traditional marriage being likened to apartheid and slavery, there is already a nasty whiff of intolerance about, directed at those who support traditional marriage, and with freedom of conscience and freedom of speech threatened.

Let us not forget that our courts have already ruled in a number of cases, including the celebrated case of the Catholic adoption society, that the demands of equality are more important than the right of people to observe the dictates of their faith. So woe betide those working in the public service who express the view that marriage is the union of a man and a woman. Each will, if not threatened with dismissal, have a torrid time being treated as bigots. Ordinary people with deep feelings about the sanctity of marriage will also be demonised as homophobic and will be very lucky if they do not finish up accused of hate crime.

For this, Mr Cameron thought it was worth picking a fight with his best supporters. It was a big mistake.

4.40 pm

Lord Pannick: My Lords, I warmly welcome the Bill for the reasons stated by the Minister and the noble Baroness, Lady Royall, in their admirable speeches opening the debate.

I much regret that the noble Lord, Lord Dear, should think it appropriate to seek to deny a Second Reading to a Bill which has received overwhelming support in the other place on a free vote. The noble Lord emphasised what he described as the majority view in the country at large. I have to tell him and others who share his views that the world out there has moved on and that for most people, particularly those under 60, the sexuality of their neighbours is neither a concern nor a threat, as the noble Baroness, Lady Kennedy, said. It bemuses people that any element of unequal treatment should remain in our society simply by reference to people's sexual orientation.

Many people outside the House listening to the debate or reading it in *Hansard* in due course will wonder why the noble Lord, Lord Dear, and his supporters, all of whom rightly value the institution of marriage, seek to deny the same happiness, fulfilment and status to other people simply by reference to their sexual orientation. I am a paid-up member of the married club and glad to be so. It is precisely because of the value of marriage that it should not be denied to same-sex couples. There is no question of the Bill being introduced on a whim, as the noble Lord suggested. It is being introduced on a fundamental question of principle to address a wrong that needs to be addressed.

[LORD PANNICK]

I wish to comment on a theme which appears to drive the Bill's opponents. The noble Lord, Lord Dear, referred to what he described as centuries of tradition and the concept of marriage as we have always known it, and the noble Lord, Lord Waddington, made similar points. This is to treat the law of marriage like the law of the Medes and the Persians which, according to the Book of Daniel, chapter 6, verse 8—the devil can quote scripture—"altereth not". The reality is that the law of marriage in this country has altereth a lot. It has altereth a lot from time to time according to changes in social conditions and social attitudes. The noble Baroness, Lady Barker, made this point in her powerful contribution to the debate.

Prior to legislation in 1907, a man could not marry his deceased wife's sister. Prior to 1921, a man could not marry his deceased brother's widow. Other prohibited degrees were removed in 1931. All of this information is in the valuable *Halsbury's Laws of England* edited by the noble and learned Lord, Lord Mackay of Clashfern. The Gender Recognition Act 2004 allowed a transsexual to marry in his or her acquired sex even though, I remind the noble Lord, Lord Waddington, procreation is plainly not possible in such circumstances. The minimum age for marriage has been altered from time to time; the law related to the validity of non-Anglican marriages has developed over time; the law of divorce has been amended from time to time; other incidents of marriage have been the subject of change. Until case law in the 1990s when the first judgment in the modern era was given by the noble and learned Lord, Lord Brown of Eaton-under-Heywood, the law proceeded on the basis that a husband could not be criminally liable for raping his wife if he had sexual intercourse with her without her consent.

It is, therefore, simply unsustainable for critics of the Bill to suggest that there is anything unprincipled in Parliament amending the law of marriage in a fundamental manner to recognise social developments and to do it in accordance with basic principle.

I will make one other point if I may. I have provoked the noble Lord.

Lord Dear: As we are both Benchers of Gray's Inn, the noble Lord would have to go a long way to provoke me. Before we go any further, may I ask the noble Lord if he has taken notice of the fact that at no stage in my address did I say that because the law and custom of marriage were well established we should continue in the same vein? The main thrust of my address was that sufficient research has not been carried out into the laws of unintended consequences. Could he address that?

Lord Pannick: I cannot address every point made by the noble Lord. If he fails, as I hope he does, to prevent the House from debating the detail and the arguments in Committee and on Report, I very much hope that the House will address every point made by him. I focused on his completely unsustainable suggestion that there are "centuries of tradition" and that the concept of marriage as we have always known it is being removed. I am quite happy to try to deal with every point if noble Lords want me to make a speech of 30 or 40 minutes but I will not trespass on the tolerance of the House to do so.

I do not accept that there are unintended consequences. I will deal finally with just one suggestion of an unintended consequence made by the noble Lord and other critics—that the Bill is going to force religious bodies to conduct same-sex marriages contrary to their religious principles. The noble Baroness, Lady Kennedy, mentioned that we both gave oral evidence on this subject to the House of Commons Public Bill Committee. I explained my view that there was no realistic possibility whatever that any court, domestic or European, would compel a church or other religious body to conduct a same-sex marriage ceremony contrary to the doctrines of that religious faith. The reason is very simple: under this Bill, a same-sex couple will be able to enter into a civil marriage. Their only reason for wanting a religious ceremony would be to gain a religious benefit. All, and I mean all, case law confirms that courts will leave religious bodies to decide on the allocation of religious benefits. None of the other legal concerns raised by the opponents of the Bill seems to have any basis whatever.

I am confident that this House will give a Second Reading to the Bill tomorrow and I very much look forward to a reasoned debate in Committee on all questions of detail.

4.50 pm

The Lord Bishop of Leicester: My Lords, having conducted some 400 weddings as a parish priest, making the journey with couples as they anticipate a lifelong commitment has been one of the great privileges of the ordained life. I have witnessed personally the stability, fulfilment and anchor for life for so many, which has been transformational. However, I have also observed that the open and public recognition of gay relationships that civil partnerships now provide displays many of the very qualities for which marriage itself is so highly celebrated. I speak as one whose respect for and appreciation of gay clergy is deep and who recognises in them sacrificial lives and fruitful ministries. I also recognise the need for some humility at this moment in speaking on matters of equality from these Benches. I add my appreciation to that of the most reverend Primate for the way in which the Secretary of State and her colleagues have tried to accommodate the Church of England's concerns at every point in this process. I entirely endorse what the noble Baroness, Lady Kennedy, and others have said about the need to continue to make progress on the inclusion of gay people in our society, and I entirely accept what the noble Lord, Lord Pannick, has said about change and development in our understanding of the institution of marriage.

Yet I cannot support the Bill and, from the post bags of those of us on these Benches, the reasons why are shared by many who do not hold the Christian faith and by the great majority of the leaders of the other world faith traditions. I want to highlight three reasons.

First, this legislation does not resolve the decades-old debate about when undeniable differences between men and women matter and when they do not. Modern

political discourse tends to recognise as public goods only things that can be equally appropriated by any given individual, regardless of difference. This involves a difficulty in entertaining notions of public rights and obligations that might pertain to one sex rather than the other, or to one sexual orientation rather than another. As Professor John Milbank has written in a paper for the ResPublica think tank:

"The risk of this exclusive focus on individual rights is that the needs and capacities of people in their specific differences, which may be either naturally given or the result of cultural association, tend to be overridden. And so it is that injustice can arise in the name of justice".

I could not help noticing in the debate in this House on International Women's Day the underlying assumption that women bring a special quality to the public square and that the complementarity of men and women is what enriches and stabilises society. Yet, in the realm of public discourse, assertion of sexual difference in relation to marriage has become practically unspeakable, in spite of the fact that it is implicitly assumed by most people in the course of everyday life. Equal marriage will bring to an end the one major social institution that enshrines that complementarity.

Secondly, the Bill, introduced in haste, has not allowed enough time for a weighing of gains and losses to the well-being of society. Do the gains of meeting the need of many LGBT people for the dignity and equality that identifying their partnerships as marriage gives outweigh the loss entailed as society moves away from a clear understanding of marriage as a desirable setting within which children are conceived and raised? In traditional Christian societies, the price you pay for getting married is, in principle, a heavy one—sexual fidelity till death us do part and, for some, a responsibility for the socialising and educating of children. As the ResPublica paper on this subject pointed out:

"As people become more and more reluctant to pay that price, so do weddings become more and more provisional, and the distinction between the socially endorsed union and the merely private arrangement becomes less and less absolute and less and less secure".

As sociologists regularly observe, this gain in freedom for one generation may imply a loss for the next. Regardless of the best intentions of advocates of equality, if we detach the procreation of children as being one of the core purposes of marriage, then no social institution enshrines that purpose for the generations ahead. This is not, of course, to say that those who cannot or do not wish to have children are any less married.

Thirdly, as others have said, there is a difficulty here in the use of language. Put simply, there are two competing ideas of marriage at play in this debate. The first is perhaps traditional and conjugal, and extends beyond the individuals who marry to the children they hope to create and to the society they wish to shape. The second is more privative, and is to do with a relationship abstracted from the wider concern that marriage was originally designed to speak to. As the most reverend Primate has pointed out, this category error lies at the heart of this Bill as drafted.

In deciding whether to give this Bill a Second Reading, I have to ask myself several questions. Is it clear that it will produce public goods for our society that outweigh the loss of understanding of marriage as we have known it? Has the debate in the country and in Parliament been conducted in a way that will enable our society to adapt wisely to a fundamental social change? At a time of extreme social pressure, is this innovation likely to create a more cohesive, settled and unified society? Lastly, at this stage, is it appropriate to frustrate the clear will of the Commons on this Bill?

I have concluded that the answer to all these questions must be no and therefore, if it is the unusual intention of this House to divide at Second Reading, I shall have no alternative but to abstain.

4.57 pm

Lord Jenkin of Roding: My Lords, I shall come back to the speech of the right reverend Prelate at the end of my remarks. Like all of us, I have had a very large amount of correspondence on this subject, much of it by e-mail. Thanks to the Whitsun Recess, I have been able to reply to a great many of these—not all, but most.

My own starting point is something that I learnt many years ago as an undergraduate faced with what was, for me, a new involvement with people who were not heterosexual. I asked my grandfather, who was an extremely wise lecturer at the Edinburgh medical school, all about it. He said, "My dear boy, it is as foolish to condemn those who have homosexual proclivities as it is to condemn them for having red hair". I have lived with that all my life and I have always opposed discrimination against homosexuals.

In the exchanges I have had through e-mail and other communications, I have identified three clear lines of argument against the Bill. The first I can deal with very briefly. There have been references to homophobia: I am afraid that some of the messages I have received actually reek of homophobia. I was reminded of some of the arguments advanced when Parliament abolished the criminal liability for homosexual conduct between consenting adults. There were those same dreadful arguments, deeply shaming, and I am very sorry that they still exist.

The second argument is one that has been referred to several times in this debate so far. The question is: does the Bill redefine marriage? It was put to me by one correspondent that:

"The Government's plans will redefine the marriages of the 24 million married people without their consent".

Other people have referred to their anniversaries. Last year, my wife and I celebrated our diamond wedding, and I have to say that it has been a marriage with mutual comfort and support. Is this Bill going to redefine that marriage? I cannot see how that could possibly happen. I was grateful to my noble friend on the Front Bench for confirming that nothing in this Bill will redefine our marriage or indeed those of the other 24 million married people in this country. One has to regard that argument as really quite misconceived. As others have said, it is not irrelevant that there is a great deal more support for the Bill among young people who are facing marriage, are about to get married or hope to get married than there is among the population generally. They do not see it like that. One has only to think of the possibility of the following

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happening. A young man poses the question to his intended, "Will you marry me?" and she replies, "Oh no. This Bill has made it all totally different. It's for gays and lesbians—I can't possibly marry you". That is pure fantasy and I do not think we should pay too much attention to it.

The other argument that I have been rather more impressed by, and which again has been mentioned, is the question of the potential liability and difficulties for people, particularly in the public service, who find themselves, in a sense, implementing the provisions of the Bill in one way or another. A number of people, including some of those who have expressed support for the Bill, have voiced these concerns to me, and that is something that this House will need to look at quite carefully. I was very much comforted by the assurance given to us by my noble friend on the Front Bench that Ministers are considering what more might be done to allay those anxieties. I regard that as very important.

Finally, I return to the right reverend Prelate the Bishop of Leicester. I hope that he will not feel it is unfair if I call him my "old friend", as indeed he is. I have come to the firm conclusion that there is nothing to fear in gay marriage and that, indeed, it will be a positive good not just for same-gender unions but for the institution of marriage generally. The effect will be to put right at the centre of marriage the concept of a stable, loving relationship. As a practising Christian, perhaps I may make the point to the Bishops' Benches, including to the most reverend Primate, that there is every reason why, in time, the Anglican Church should come to accept that, although I recognise that it may take some time. The character of love which marriage reflects—that it is faithful, stable, tough, unselfish and unconditional—is the same character that most Christians see in the love of God. Marriage is therefore holy, not because it is ordained by God, but because it reflects that most important central truth of our religion: the love of God for all of us.

5.03 pm

Lord Anderson of Swansea: My Lords, some tend to label anyone who opposes this Bill as part of a group of homophobic bigots. Once that is said, the argument has stopped. As a Labour Peer, I wholly dismiss that—I find it insulting. I note, for example, that some key elements of the homosexual lobby, including Stonewall, have come to support same-sex marriage only in the fairly recent past. For me, there is a clear distinction between anti-discrimination, which I support, and seeking an absolute equality, which I oppose. I recall that as a young barrister I was saddened to see before the courts a trail of men whose lives and careers had been ruined by the then law. I am also glad that the legal discrimination which existed has been removed by the Civil Partnership Act. If there are deficiencies, they can be met by amendments of the Act itself to further protect same-sex couples.

Today, proponents of the Bill appear to argue on the basis of equality, but equality is not an absolute good. I am not a Roman Catholic, but saw this same false reasoning employed against Roman Catholic adoption agencies. Reasonable compromises were cast aside by zealots in the name of equality. The juggernaut rolled on. The result was that children lost out, as those caring agencies were forced to close.

In this case, the good in question is the institution of marriage, which has never yet been changed. Of course there have been changes in the law of marriage, but nothing as fundamental as this change to the institution. Marriage as traditionally defined is the union between a man and a woman. A bedrock principle, it relates to the rights of children and their need to know their identity, and is a generational bridge between the past and the future. Its fundamental position in our law is well illustrated by the number of statutes that will have to be changed if the law is now passed. The Bill seeks to make equal that which is not equal. The relationship between a man and a woman is unique. Same-sex relationships are different. Perhaps we should seek to find another name for them, if same-sex couples seek dignity. Thus there is the problem with this Bill of dealing with first, adultery, and secondly, non-consummation. In the Bill, same-sex couples are not required to take account of these criteria, but are still deemed to be married.

Some argue, as we have just heard from the noble Lord, that love between any two people is a decisive consideration: "amor vincit omnia". However, love is not everything. The law of marriage discriminates on grounds of age and affinity: you cannot marry a parent, sibling or child, or marry someone who is already married. Why exclude these categories in the new definition? Hence, in the Netherlands, a court has endorsed a three-way cohabiting contract. In Brazil a three-way union has been allowed. Today, the borders are clear. Where, then, are the new borders as one sets out on this path? There will be increased pressures for polygamy. In short, marriage should surely not be available for everyone, even if they love one another. The state cannot lightly modify the meaning of words that have stood the test of time, as with Orwellian Newspeak.

The Government announced their proposals in March last year. There was no manifesto commitment, Green Paper or White Paper, and very inadequate consultation on the "how" and not the "whether". There is no evidence of substantial demand, although there would be some pent-up demand at first. There is no evidence of claims that the change would strengthen the family or the institution of marriage. There is no evidence that the Government, in their haste, have examined the effects of the change in other countries. There is no evidence, either, of any serious attempt to protect conscientious objectors, teachers, social workers, registrars, foster parents, or churches which use public halls for worship.

Why the hurry? If the Government were so attached to the principle of equality, they would have changed both institutions—marriage and civil partnership—from the outset, and would not have been forced into a messy last-minute deal to ensure the passage of the Bill. This is not the way to deal with a hallowed institution that has been fundamental to civilised societies from time immemorial. A French philosopher, who was a disciple of Rousseau, once observed that our Parliament can do anything save change a man into a

woman. This Government appear to think otherwise—or at least that Parliament can change traditional gender relationships.

We know that Mr Cameron likes consulting the people in referendums. Indeed, not only has he promised an "in or out" referendum on EU membership in 2017, he has enacted already for a referendum whenever there is a transfer of power to Brussels. Surely this proposed change is far more fundamental to our society than any transfer of power to Brussels. Therefore, I challenge him to call a referendum. He and his friends will put their case for yes, while many of us—Labour, Conservative and Cross-Bench—will be on the other side. Let the people decide.

5.05 pm

Baroness Cumberlege: My Lords, I refer noble Lords to my interests as set out in the *Register of Lords' Interests*. Many erudite Members have already spoken in the debate and I know that many more will contribute later on today and tomorrow. They will discuss what is right and what is wrong with this Bill. I start from the premise that all people have a contribution to make to society, each in their different way. I respect them all as individuals and I respect their partnerships.

I am very fortunate in that I have never felt any discrimination in being a woman. When I started in public life nearly 50 years ago, it was actually an advantage to be a woman. When I entered your Lordships' House, only 5% of Members were women. When I told my husband that I was one in a million, which I was, he was unimpressed. Also—perhaps I should not tell your Lordships this—when I first came here I received more Valentine cards than I ever had as a teenager. I do not ask for or want equality; I value being different. I do not want to be called a man or treated as a man because women are different. As the right reverend Prelate the Bishop of Leicester said, sometimes we bring something new to politics, to business, to discussions and to life.

As your Lordships may be aware, I have a particular interest in health and medical issues, where I have seen new specialties emerge. Initially, they were part of an existing institution or a royal college. After a while, they felt confident enough to establish and create their own specialty, as with the Royal College of General Practitioners and the anaesthetists. These royal colleges are now accepted and are respected institutions in their own right.

"Marriage" is the word that means a union of a man and a woman. Same-sex couples have a yearning for equality. Initially, they want to attach their union to an existing institution and use existing words. Marriage between a man and a woman is different from a union between two women or two men. I believe that the lesbian, gay, bisexual and transgender communities should have the confidence to establish their own institution. What they lack is the lexicology to establish and name their own institution, which will be respected and accepted. I believe that, in time, LGBT people will regret attaching their unions to heterosexual marriage. Soon they will say, "No, we are different. We want be different and we need to create our own institution". Like a flag, a motto or a name, they need to find their own terminology, their own symbols to express their rights and their different contribution to society—acknowledgment and respect for their own institution of partnership. I urge these people to be bold, to be confident and eschew the institutions of others, to build their own and be themselves. It might be sensible to negotiate with LGBT organisations to see if a solution can be found.

I do not think there is any need to be overly influenced by what is happening in other countries. We need to look at our own situation differently. It should be for LGBT communities to kick over the traces and be innovative. They should not seek to attach themselves to the institution of marriage. Their rights are assured and their love is acknowledged. Adopting an ancient word in the belief that same-sex marriage is the same as heterosexual marriage is false; it is patently different. This false premise on which the Bill is founded undermines its rationale. We should reject this flawed Bill and have a rethink.

5.15 pm

Lord Harries of Pentregarth: My Lords, I understand very well the unease that many of your Lordships feel about this Bill. I was brought up in a world where homosexuality was whispered about in dark corners and any hint of its expression resulted in expulsion. Our understanding of homosexuality is undoubtedly the biggest social change of my lifetime.

My own change and understanding came about when I realised—for example, through reading the biographies of gay people—that often, from a very early age, they had found themselves predominantly attracted to members of their own sex, not just physically but as whole persons. While some people are bisexual and there is a degree of fluidity in the sexuality of others, we know that for a significant minority their sexuality is not a matter of choice but as fundamental to their identity as being male or female. That is a fact that must bring about a decisive shift in our understanding.

The question arises as to how the church and society should respond to this. Both have an interest in helping people live stable lives in committed relationships. For this reason, many of us warmly welcome civil partnerships, not just because of the legal protections that they rightly afford to those who enter into them but because they offer the opportunity for people to commit themselves to one another publicly. Personally, I take a high view of civil partnerships. The idea of a lifelong partnership is a beautiful one. I deeply regret that the Church of England has not yet found a way of publicly affirming civil partnerships in a Christian context. I wish that it had warmly welcomed them from the first and provided a liturgical service in which the couple could commit themselves to one another before God and ask for God's blessing upon their life together. If only the church had made it clear that although these relationships might be different in some respects from the union of a man and woman, they are equally valid in the eyes of the church and, more importantly, in the eyes of God.

Sadly, too many who now say that they accept civil partnerships have done so only slowly, reluctantly and through gritted teeth. Today we are not in a situation where civil partnerships are regarded as different but equal to marriage. Rightly or wrongly, the impression

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is inevitably created that one form of relationship is inferior to the other, and people believe that marriage is a profounder and richer form of relationship than a civil partnership.

Most importantly, many gay and lesbian people believe this and want to enter not just into a civil partnership but a marriage: a lifelong commitment of love and fidelity, for better, for worse, for richer, for poorer, in sickness and in health. Marriage affords legal advantages that are denied to civil partnerships, such as their legal status in many countries, but that is not the main point. The point is that those who wish to enter into this most fundamental of human relationships should be able to do so legally. I am aware that this involves a significant change in our understanding of marriage, but marriage has never had a fixed character. The noble Lord, Lord Pannick, eloquently pointed out that its legal meaning has changed over the years; and no less significantly, its social meaning has changed.

For most of history, among the upper classes, marriage was primarily a way of controlling titles and wealth. Among all classes, it involved the radical subservience of women. Often it went along with a very lax attitude—by males, not females—to relationships outside marriage. Contraception was forbidden and this resulted in many children, and as often as not the wife dying young. Only in the 18th century did we get a growth in emphasis on the quality of the relationship of the couple. Now, this mutual society, help and comfort that the one ought to have with the other, in prosperity and adversity, is rightly stressed. This is equally valued by all people, whatever their sexuality.

I really do not underestimate the linguistic dissonance set up by this Bill and the consequent unease felt by many but, for those reasons that I have briefly outlined, I warmly welcome it. I believe in marriage. I believe, with the Jewish rabbi of old, that in the love of a couple there dwells the shekinah—the divine presence; or, to put it in Christian terms, that which reflects the mutual love of Christ and his church. I believe in the institution of marriage and I want it to be available to same-sex couples as well as to males and females.

Woolwich and the EU Council

Statement

5.20 pm

The Chancellor of the Duchy of Lancaster (Lord Hill of Oareford): My Lords, with the leave of the House I will now repeat a Statement made by my right honourable friend the Prime Minister in another place. The Statement is as follows.

"With permission, Mr Speaker, I would like to make a Statement on the recent European Council and also update the House on the dreadful events in Woolwich.

The European Council was called specifically to discuss energy policy and tax evasion. We also discussed the situation in Syria, prior to the lifting of the arms embargo agreed at the Foreign Affairs Council last week.

On energy policy, we agreed to continue our efforts to complete the single market in energy so that we drive competition between suppliers and force prices down. We also put down a marker to get rid of unnecessary regulation in making the most of indigenous resources such as shale gas. Europe has three-quarters as much shale as the United States, yet while the Americans are drilling 10,000 wells a year we in Europe are drilling fewer than 100. We must extract shale in a safe and sustainable manner but we have to do more to ensure that old rules designed for different technologies do not hold us back today.

On tax, to crack down on tax evasion you need proper exchange of tax information. In Europe, this has been stalled for decades because of the selfish actions of a minority of countries. I made tackling tax evasion a headline priority for our chairmanship of the G8. This has enabled us to ramp up the pressure and make some real progress. So at the European Council we agreed that there should be a new international standard of automatic information exchange between tax authorities and proper information on who really owns and controls each and every company.

On Syria, the situation continues to deteriorate. There is a humanitarian crisis so Britain is leading the way with humanitarian support. We need diplomatic pressure to force all sides to come to the table; and in recent weeks I have held talks with Presidents Putin and Obama to help try to bring that about. But we have to be clear: unless we do more to support the opposition, the humanitarian crisis will continue, the political transition will not happen and the extremists will flourish. That is why it is right to lift the EU arms embargo on the Syrian opposition. There needs to be a clear sense that Assad cannot fight his way to victory, nor use the talks to buy more time to slaughter Syrians in their own homes and on their own streets.

I regret to say that the EU arms embargo served the extremists on both sides. It did not stop Assad massacring his people, it did not stop the Russians sending him arms and it did not stop Islamist extremists getting their hands on weapons either. It just sent a signal that for all its words, the EU had no real ability to support the responsible opposition that could be the basis of an inclusive transition. That is why the Foreign Secretary and the French Foreign Minister secured agreement to lift the arms embargo in Brussels last week.

We should also be clear about the Syrian national coalition. They have declared their support for democracy, human rights and an inclusive future for all minorities, and we—not just in Britain but across the EU—have recognised them as legitimate representatives of the Syrian people. The EU has agreed a common framework for those who, in the future, may decide to supply them with military equipment and there are clear safeguards to ensure that any such equipment would be supplied only for the protection of civilians and in accordance with international law.

This does not mean that we in the UK have made any decision to send arms, but we do now have the flexibility to respond if the situation continues to deteriorate. However, with 80,000 killed, 5 million having fled from their homes, rising extremism and major regional instability, those who argue for inaction must realise that that has its consequences too.

Let me turn to the dreadful events in Woolwich. I am sure the whole House will join me in sending our deepest condolences to the friends and family of Drummer Lee Rigby. What happened on the streets of Woolwich shocked and sickened us all. It was a despicable attack on a British soldier who stood for our country and our way of life. And it was a betrayal of Islam and of the Muslim communities who give so much to our country.

There is nothing in Islam that justifies acts of terror, and I welcome the spontaneous condemnation of this attack from mosques and Muslim community organisations right across our country. We will not be cowed by terror and terrorists who seek to divide us will only make us stronger and more united in our resolve to defeat them.

Let me update the House on the latest developments in this investigation, on the role of the Intelligence and Security Committee and on the next steps in our ongoing efforts to fight extremism in all its forms.

While the criminal investigation is ongoing, there remains a limit on what I can say. Two men, Michael Adebowale and Michael Adebolajo, have been charged with the murder of Drummer Lee Rigby. Both are appearing in court today. There have now been 10 further arrests as part of the ongoing investigation. Two women have been released without charge, and eight men have been released on bail. The police and security services will not rest until they have brought all of those responsible to justice.

I am sure the whole House will join me in paying tribute to the work of our police and security services for all they do to keep us safe from violent extremists. Already this year there have been three major counterterror trials in which 18 people were found guilty and sentenced to a total of 150 years in prison. Much more of the work of our security services necessarily goes unreported. They are Britain's silent heroes and heroines and the whole country owes them an enormous debt of gratitude.

It is important that we learn the lessons of what happened in Woolwich. This Government strengthened the Intelligence and Security Committee and gave it additional powers to investigate the activities of the intelligence agencies. I have agreed with my right honourable friend the Member for Kensington this morning that his committee will investigate how the suspects were radicalised; what we knew about them; whether any more could have been done to stop them; and the lessons we must learn. The committee hopes to conclude its work around the end of the year.

To tackle the threat of extremism we must understand its root causes. Those who carried out this callous and abhorrent crime sought to justify their actions by an extremist ideology that perverts and warps Islam to create a culture of victimhood and justify violence. We must confront this ideology in all its forms.

Since coming into government we have made sure the Prevent strategy focuses on all forms of extremism, not just violent extremism. We have closed down more websites and intervened to help many more people vulnerable to radicalisation. Since 2011 the Home Secretary has excluded more preachers of hate from this country than ever before through our Prevent work; 5,700 items of terrorist material have been taken down from the internet; and almost 1,000 more items have been blocked where they are hosted overseas. But it is clear that we need to do more.

When young men born and bred in this country are radicalised and turned into killers we have to ask some tough questions about what is happening in our country. It is as if for some young people there is a conveyor belt to radicalisation that has poisoned their minds with sick and perverted ideas. We need to dismantle this process at every stage: in schools, in colleges, in universities, in our prisons, on the internet—wherever it is taking place.

This morning I chaired the first meeting of the Government's new task force on tackling extremism and radicalisation. I want the task force to ask serious questions about whether the rules on charities are too lax and allow extremists to prosper; whether we are doing enough to disrupt groups that incite hatred, violence or criminal damage; whether we are doing enough to deal with radicalisation in our university campuses, on the internet and in our prisons; how we can work with informal education centres, such as madrassas, to prevent radicalisation; and whether we do enough to help mosques expel extremists and recruit imams who understand Britain.

We will also look at new ways to support communities as they come together and take a united stand against all forms of extremism. Just as we will not stand for those who pervert Islam to preach extremism, neither will we stand for groups like the English Defence League who try to demonise Islam and stoke up anti-Muslim hatred by bringing disorder and violence to our towns and cities.

Let us be clear: the responsibility for this horrific murder lies with those who committed it. But we should do all we can to tackle the poisonous ideology that is perverting young minds. That is not just a job for the security services and the police, it is work for us all. I commend this Statement to the House".

5.30 pm

Baroness Royall of Blaisdon: My Lords, I am grateful to the noble Lord the Leader of the House for repeating the Statement given earlier in the other place by the Prime Minister. I welcome the Statement he has given.

I start where the Statement did, with the EU summit and the conclusions on tax avoidance. We need international agreement on transparency, transfer pricing, tax havens and other issues, so we welcome the steps forward on transparency. However, do the Government agree that we need proposals for fundamental reform of the corporate tax system to prevent profits being shifted from one country to another? Seeking international agreement is clearly the right way forward but there are measures, including measures on transparency, which could still be introduced if agreement were not reached. Will the Leader of the House confirm that Britain will act if we cannot get international consensus?

I turn next to the devastating violence in Syria, which continues unabated. I share the deep concern set out in the Statement about what is happening. The number of Syrian refugees who have fled the conflict has now reached 1.5 million, half of whom are children. As so often happens, the most vulnerable continue to

[Baroness Royall of Blaisdon]
pay the price for war. This is a situation where there are no good options. The question is: which is the least worst option? Despite the enormous obstacles, we believe that a comprehensive peace deal still remains Syria's best chance of ending the two years of violence, and support American and Russian efforts to bring Syria's warring parties around the negotiating table this month in Geneva. The peace conference is due to take place in the coming weeks but the Statement did not refer to it. I would be grateful if the Leader of the House could explain why, or perhaps give a few more details.

As the conference remains the best—indeed, at present, the only—immediate hope of limiting the violence and achieving an inclusive political settlement, its success must not be put at risk. In light of this, can the Leader of the House explain the Government's view of the risks that lifting the EU arms embargo may pose to the prospect of any peace talks? The Government say that there are safeguards on the use of those weapons. Can the noble Lord therefore set out to the House what those safeguards are? However well motivated, is not the danger of this course of action that it will lead to further escalation, as has been illustrated by Russia's response?

The Government are right: the international community cannot continue to stand by while innocent lives are lost. However, I am sure that the Leader of the House will agree that in the action we must take, our primary aim must be to ensure a reduction in the violence. The Government tell us that the lifting of the arms embargo has provided flexibility. Given the concern in this House and beyond, can he assure us that he will come back to this House before any decision by the British Government is made to arm the opposition in Syria?

I turn to the vile murder of Drummer Lee Rigby. I join the Leader of the House, the Prime Minister, this House and, I believe, the whole country in expressing our total revulsion at this appalling act. Lee Rigby served his country with the utmost bravery and was killed in an act of the utmost cowardice. All of our thoughts are with his family and friends, and with our troops who serve with incredible courage all around the world and have seen one of their own murdered. I join the Leader of the House and the Prime Minister in singling out for special praise members of the public, and I would include Ingrid Loyau-Kennett, who intervened so bravely to try to protect Lee Rigby. We should also praise the quiet determination of local leaders and residents in Woolwich who are not allowing their community to be consumed by division and hate.

Over the past 10 days we have seen attempts by some to use this evil crime as justification to further their own hate-filled agenda, as the Leader of the House said, attempting to ignite violence by pitting community against community. However, they will fail because the British people know that this attack did not represent the true values of any community, including Muslim communities who contribute so much to our country.

Governments must do three things after such an attack, and we will support the Government on all three. The first is to bring the perpetrators to justice. We welcome the swift court appearance of the suspects. The second is to seek to bring people together in the face of attempts to divide us. The third is to learn the lessons of this attack. We welcome the Intelligence and Security Committee investigation.

We also welcome the task force on extremism. I agree with the Government that the task force should look again at issues around radicalisation and helping communities to take a stand against extremism—issues covered in the original Prevent strategy. Can the Leader of the House confirm whether the task force will be looking into earlier intervention to prevent young people being radicalised? Will he also confirm whether the task force will heed the calls from youth workers to look more carefully at the links between violent extremism and gang-related activity—something which was raised with my party by community leaders in Woolwich last week? Specifically on legislation, and in the light of recent events, can the Leader of the House update the House on the Government's current view on the need for legislation on communications data?

Whatever the origin, and whatever the motive of the terrorists, our response will and must be the same: the British people will never be intimidated. Across every faith, across every community, this is a country united, not divided, in abhorrence at the murder of Lee Rigby. We have seen people try to divide us with acts like this before. They have failed, and they will always fail.

5.36 pm

Lord Hill of Oareford: My Lords, I am very grateful to the noble Baroness for her overall welcome, and I associate myself very much with many of the points that she made, particularly about the awful situation in Woolwich.

On the noble Baroness's specific questions on the Statement and the proposals on tax, our view—and it may be hers as well—is that it is best if this is done on an international basis. We can use the G8—as my right honourable friend the Prime Minister is doing—the G20 and the OECD to drive that agenda forward. We need to take action. It is a global problem and it is best to address it in that way.

I agree very much with the noble Baroness's comments about the overall situation in Syria. I think she said that there are no good options and that we are talking about the least bad option, and I very much take that point.

On Geneva 2, the Prime Minister and the Foreign Secretary—the Government—have always been clear that we are very much in favour of a negotiated political solution, so we welcome the fact that the Russian/American talks will be taking place. That is why my right honourable friend the Prime Minister himself has had talks with Presidents Putin and Obama to try to bring about diplomatic pressure, so that all sides will come to the table.

As for the risks of lifting the EU arms embargo, as the Statement made clear, it would be wrong to deny that there are risks with all courses of action. However, the risks of inaction are also clear to see. As the noble Baroness made clear in her comments about the numbers

of those already displaced and suffering and the numbers who have been killed, the price of doing nothing is extraordinarily high.

As for the safeguards on the use of weapons, the framework agreed at the Council made it clear that any provision of arms would be only to the Syrian national coalition, and it has to be intended for the protection of civilians. There are safeguards to ensure that delivery goes to the right hands, and confirmation that existing obligations on arms exports remain in place.

As for the flexibility of the embargo, the Foreign Secretary regularly updates the House of Commons on developments. I know that he will continue to do so. Things can move fast and he needs to be able to reflect and respond to that.

On Woolwich, I associate myself with the noble Baroness's praise for the local leaders. I agree with her about the three things she set out that we, all of us together, need to do—to bring the perpetrators to justice, to bring people together and to learn the lessons. I am grateful to her for her welcome for the new task force on extremism and, indeed, for the role that the ISC will be carrying out. She made a number of practical suggestions on points to do with earlier intervention and with violent extremism and gangs and the link between them. They are very sensible points. There is no monopoly of wisdom here and we should be open to all kinds of sensible, intelligent suggestions from people who know, and try to take those into account.

As for communications data and legislation, my right honourable friend the Prime Minister earlier this afternoon made clear that we need to have a frank debate about this issue. There is a problem—we know that 95% of serious crimes involve the use of communications data—but it needs to be addressed in a sensitive and careful way. If we can find a way of getting cross-party support to take this forward that would be desirable.

Overall, I am grateful to the noble Baroness for the support she gave for the steps that the Government have taken specifically on Woolwich, and I associate myself with the tributes that she paid to the people involved in that situation.

Earl Attlee: My Lords, perhaps I may remind the House of the benefit of short questions for my noble friend the Leader so that he can answer as many questions as possible.

5.41 pm

Lord Campbell-Savours: My Lords, the Leader of the House referred to the Cameron/Rifkind discussions on the role of the ISC. Can we be assured that the ISC will not be prevented in any way from carrying out a full inquiry to report by December as a result of what the Leader referred to as the ongoing inquiries being carried out by the police? Can we be assured that the police inquiry will not stop the ISC inquiry from taking place?

Lord Hill of Oareford: My Lords, following the conversation that the Prime Minister had with the right honourable Member for Kensington this morning, I know that the ISC is able to go wherever it needs to go to carry out its inquiry. The timetable of reporting by the end of the year is the one to which it is working. If there is further information I can get to amplify that, I will come back to the noble Lord. My understanding is that the terms of reference, as it were, of the ISC have been agreed and the very clear view is that it should be able to carry out its inquiry and do its work in whatever way it thinks it needs to in order to look into the matters properly so we can all see and learn the lessons.

Lord Dholakia: My Lords, I thank the Leader for repeating the Statement. Before I ask a couple of brief questions, I want to express my sentiments and those of this side of the House, as the Prime Minister did, to the family and friends of Drummer Lee Rigby. I was delighted that the noble Baroness, Lady Warsi, from the Front Bench, was so forthright in her condemnation of what happened in Woolwich.

We fully endorse the need for transparency on tax matters and welcome the exchange of information between tax authorities internationally. Does my noble friend agree that it is time that law-abiding taxpayers are made aware of those who are involved in tax evasion? What arrangements are in hand to ensure that tax loopholes will be closed by legislation? With regard to the task force, it would be so nice to see representatives from minority ethnic communities being brought into it so that their contribution in trying to tackle the problem of radicalisation and terrorism could also be recognised.

Lord Hill of Oareford: My Lords, on the last point, I agree that it is important that we should draw on the widest possible experience and expertise in the way that my noble friend suggests. I am very grateful for his remarks and I know that he and his Benches share the feelings of the whole House about what happened in Woolwich. He is absolutely right to say what he said about that. With regard to transparency on tax matters, that is one of the main issues that my right honourable friend the Prime Minister will be pursing at the G8. He has made it one of the three legs he is pursuing in terms of the agenda at that summit meeting. My noble friend is right that we need to keep pursuing that but in a way that recognises that this is a global problem and we need to try to tackle it across the board.

Lord Lea of Crondall: My Lords, a couple of points arise. On taxation, does this not demonstrate that, far from the European Union involvement getting in the way of global agreement, as some people might argue, points (a) to (e) in the Council's statement demonstrate that these are very good building blocks for the G8 and that the EU's role is very helpful. On Syria, I echo the thrust of one of the questions from my noble friend Lady Royall. The country is swimming in arms—coming from this side and indeed an escalation tit-for-tat from Moscow. How is the option of sending more arms and that degree of armed support potential for the Syrian National Coalition squaring and compatible with us wishing to be seen as an honest broker at the conference in Geneva? Maybe there is a simple answer. I would be very glad to hear it.

Lord Hill of Oareford: I am not sure I will be able to give as simple an answer as the noble Lord would like. On his first point though, he and I may be in agreement. The EU can certainly help to play a part in this, as can the G8, the G20, the OECD and all the rest. With regard to arms for Syria, I emphasise again that no decision has been taken to send arms into the conflict. As I said to the noble Baroness, Lady Royall, it is clearly the case that the Government's desired outcome, as it must be everyone's, is that there should be a negotiated, peaceful, diplomatic solution. Lifting the embargo, we would argue, gives the Governments of EU member states the flexibility to bring pressure to bear on Assad to realise that the negotiated route is the way forward he needs to take. I agree with the noble Lord that if it is at all possible to secure that outcome that is the one we would all prefer.

The Archbishop of Canterbury: My Lords, I welcome the Statement from the Leader. Obviously we join in our sense of grief with the family of Lee Rigby. In the same way as the whole country will have been shocked and felt a loss of trust in human nature at this atrocious event, I am sure that, as the noble Baroness said, we will also be reassured and have a renewed sense of trust when we see the support that has come out from all sectors of the community for the family and also the courage of those such as Ingrid Loyau-Kennett. Does the noble Lord agree that preventing future atrocities like this in the UK requires international action to improve dialogue, especially where there is widespread violence in the name of faith, which tends to slide over into our own country, often with impunity, and also supporting those resisting attacks in the name of faith or suffering such violence themselves in places such as west Africa and elsewhere?

Lord Hill of Oareford: I very much agree that there are multiple levels and stages of this. There are people born and bred in our own country who have been radicalised and we need to do what we can to address that problem. That is the focus of the work that the task force that was set up and had its first meeting today will address. We should also seek to encourage what can be done more broadly internationally to bring pressure to bear and to debate these issues.

Lord Kilclooney: My Lords, religion is much more important in many parts of the world than it is in England. The message that the West is against Islam is presented to the Islamic community across the world, and this is succeeding by default. Does the Leader of the House recall that British troops rescued Muslims from a secular regime which invaded Kuwait, from Orthodox Christians in Kosovo and from attacks by Orthodox Christians on Roman Catholic Christians in Croatia? Is it not about time that Her Majesty's Government began to say, loud and clear, that on many occasions we have come to aid and support our Muslim neighbours?

Lord Hill of Oareford: I obviously agree that Britain and other western countries have made a contribution and that it is important that that message is communicated. It needs to be done in such a way that the message will have resonance. By the same token, it is extremely important that all members of local communities, whether they are Muslims, Christians or whoever, work in the way that the noble Lord suggests. They must make it clear that the fear that some people perhaps have is not based in reality, given the behaviour of this country and the West towards Islam.

Baroness Farrington of Ribbleton: My Lords, will the Minister give an assurance that the Government, in looking at tax evasion and capital being moved around, will also look at the rights of workers, many of whom are being abused by the very companies that evade taxation and then criticise our income support projects, which are there to make up those companies' shortfalls? Secondly, will he join me in saying that not only are extreme forms of Islamophobia unacceptable, but that parents, teachers and youth workers should listen very carefully for those children who, because of what they hear at home, or because of prejudice or for other reasons, can be heard using the phrase "You're a Muslim" as a term of abuse? It is low-level abuse but it is a problem. I remember the head of a school in Lancashire many years ago saying, "We don't have to deal with this because we don't have any of those children here". However, that low-level abuse can lead to an atmosphere of hostility. I hope that the Leader will agree with me on that.

Lord Hill of Oareford: I certainly agree with the common-sense point that the noble Baroness makes, and I am sure that everyone would agree. On her first point, the particular Council meeting talked about tax, but I will make sure that my colleagues who deal with these things day to day have heard the noble Baroness's remarks about employment rights and the rest of it.

Lord Carlile of Berriew: My Lords, as part of our memorial to the late Drummer Rigby, will my noble friend assure the House that the Government remain committed to the "Prevent" strand of counterterrorism policy, and that they will ensure that it is not deprived of funding, as it has been in the past two years? Further, will he give an assurance on behalf of the whole Government that the communications data issue will be reconsidered on the merits, on the evidence and on a multipartisan basis, and on no other foundation?

Lord Hill of Oareford: I am aware of my noble friend's strong views on the communications data point. As my right honourable friend the Prime Minister said this afternoon, we need to look at these issues extremely carefully, in a sensitive way but bearing in mind those facts of the sort to which my noble friend refers. On his first point, it is clearly the case that the "Prevent" strand of work that the Government carry out is extremely important. It has been successful in many ways. We will step up the focus of the Government's work on addressing radicalisation, and we will obviously need to make sure that the agencies charged with that work are adequately funded.

Lord Anderson of Swansea: My Lords, one feature that is common to the outrage in Woolwich, the attack on the French soldier at La Défense in Paris and 7/7 is not often remarked upon. The perpetrators of those

acts, or at least some of them, were recent converts to Islam. Will the task force look at this phenomenon? Obviously, it needs to work closely with the responsible leaders of the Muslim community, who stand to lose the most from any increase in such racial tension as the Government, properly, try to drain the swamp. Will the Minister also look at schools, on which he is an expert, and at what is being done in some of the Saudi-financed schools and the effect on the young people there?

Lord Hill of Oareford: The noble Lord raises two very pertinent points, both in terms of schools—madrassahs—and universities, where there are clearly issues. It is right that the task force set up will want to talk to community leaders about these things, and I am sure that it will want to look into the kind of broad issues to which the noble Lord, Lord Anderson, refers.

Lord Pearson of Rannoch: The Statement says that the murder of Drummer Rigby was a "betrayal of Islam", and that there is nothing in Islam which justifies acts of terror. However, since 9/11 some 107,000 people have been killed and some 174,000 injured, most of them Muslim, in many thousands of attacks, the perpetrators of which claim Islam and the Koran as their inspiration. In my Oral Question this afternoon, therefore, I asked the Government whether they would encourage a gathering of great Islamic clerics—the grand muftis and the ulema—to agree to issue a fatwa against the jihadists, to cast them out of Islam and to declare that they are no longer Muslim. I regret to say that the Minister, the noble Baroness, Lady Warsi, failed to answer that Question. Would the Leader of the House now care to do so? Surely this huge problem can be cured only from within the Muslim community.

Lord Hill of Oareford: It is clearly the case, as the noble Lord says, that the Muslim community needs to be very closely involved in everything we do to address this problem. In many of these cases, particularly in the recent case of poor Lee Rigby, it is encouraging that the Muslim community has been very clear in its condemnation of what happened. I am not sure that it is within my gift, powerful though the Leader of the House is in theory, to convene a global gathering of muftis. I find it hard enough to convene a gathering of three or four Peers in your Lordships' House. However, I am sure that my noble friend Lady Warsi will have heard the noble Lord's point again.

Baroness Hamwee: My Lords, in Northern Ireland we made progress when our Governments were prepared to talk to people who engaged in violence. In order, as the Prime Minister said, to,

"tackle the threat of extremism",

and "understand its root causes", should we not be prepared to have conversations with those whose actions in this country, part of the UK, we in no way condone? Talking to perpetrators does not amount to endorsing their views or their actions, but we can learn.

Lord Hill of Oareford: My right honourable friend the Prime Minister has made clear that in trying to address this issue he is keen to learn from a range of people. The Government already do that; they challenge people and can learn from that. However, I am not able to say whether we will be able to go as far as my noble friend specifically suggests.

Lord Davies of Stamford: My Lords, the noble Lord said that lifting the EU arms embargo in Syria has provided the basis for individual member states to exercise some influence as and when they decide to sell arms. However, was not the lifting of the EU embargo itself potentially a major instrument of influence on both sides in the Syrian civil war? Would it not have been more sensible to have made lifting that embargo contingent on the behaviour of both parties, for example at the forthcoming Geneva talks? Have we not thrown away a particularly valuable diplomatic instrument rather prematurely?

Lord Hill of Oareford: As I said in reply to an earlier question, clearly the Geneva talks are extremely important and we all want them to go as well as they possibly can. The argument in favour of the step that the French, British and other member states took last week was that the decision gives them greater flexibility. They and we are not saying that we want to take this step, but it gives us greater flexibility. We hope that that will lead to the kind of pressure to which the noble Lord refers, and to a sensible outcome at the Geneva 2 talks.

Lord Selkirk of Douglas: Will my noble friend confirm that, with regard to the future, there is a clear distinction to be drawn between freedom of speech and incitement to commit crimes of violence that results in such crimes, and that the latter can most certainly be proceeded against?

Lord Hill of Oareford: I agree with both points that my noble friend has made. Freedom of expression is important and we are always keen to hold on to that vital principle in our country. However, by the same token, we must be able to act against people who step across the line and incite violent extremist behaviour, and that is what the Government want to do.

Marriage (Same Sex Couples) Bill

Second Reading (Continued)

6.01 pm

Viscount Astor: My Lords, we come back to the Bill. This is a Bill that divides friends, families, political parties, different faiths and, indeed, the Church of England. The problem seems to be that there are different views on what the word marriage means and what it stands for. To many it is an adjective that describes an event—not necessarily a religious event—that takes place in a registry office, on a lawn, on a beach, in a hotel or, I am told, even in a swimming pool. Sometimes it is a religious event in a church. Sometimes it is the only occasion on which the couple actually go to church. Sometimes the couple already have children or have been married before or are of different religious faiths. Thus the word marriage is used by many different people to describe many different types of event.

[Viscount Astor]

There are also those who believe that marriage is a sacred religious ceremony and that marriage must be between a man and a woman for the procreation of children. Therefore, we have different groups of people using the same word in different contexts. That is the fundamental issue that divides us and causes us concern today.

It is a difficult issue. Was there a huge clamour for the Bill? No, it came only from a few. Most affected seemed happy with civil partnerships. Was it sensible to introduce it as a government Bill? That will be debated, I suspect, for many months. However, we have a Bill that has gone through another place and arrived in this House, and we have to deal with it.

I understand those who have strong feelings against the Bill, but I will make one important point. I understand and sympathise with those who want to get married but feel excluded by their church. It happened to me. Some 37 years ago I went to see our local vicar to arrange my marriage. I told him that my future wife was a Roman Catholic. He said that that did not matter and that we could go ahead. Then I then told him that she had been married before and had two small children. He immediately withdrew his offer of marriage and rather reluctantly offered a service of blessing. I felt upset and excluded. The Roman Catholic Church offered my wife an annulment, and said that it would then be happy to conduct the marriage. It seemed odd to have an annulment when one already had two children. Luckily, the Church of Scotland came to our rescue and we were duly married. Now the Church of England has changed its rules so that divorcees can marry. The church has evolved. It has changed its view on this and on many other issues. We now have women priests, and perhaps one day we will have women bishops.

Where do I stand in this debate? To many the Bill is welcome. We must not forget that there are a substantial number of children living with same-sex couples who want their parents to have the full recognition of marriage and the protection that that gives the family. Then we have the contrary view. To many, this Bill is divisive and unnecessary. As a Conservative, I believe in freedom and tolerance—two aspects not always very relevant in many marriages. "Compromise" might be the term most popular in my marriage, as I always seem to be the one who is compromising.

The churches and other faiths should be able to decide whether or not they want to have same-sex marriage ceremonies in their church. It should be up to them. It should not be imposed by the state. If they do not wish to conduct the ceremony, they should not be forced to. The strong and clear clauses in the Bill provide for that protection. I have listened to those who claim that the European Court of Human Rights might overrule British law. If it does, I would be delighted, as then we could all agree to leave this outdated and flawed institution that has allowed so many dangerous terrorists to remain in this country.

Therefore, I support the Second Reading of the Bill. More importantly, it would be quite wrong and highly damaging to the reputation of the House not to allow the Bill to proceed to Committee, where all the arguments for and against can be fully debated. We are a revising Chamber. We have an absolute right to send an amended Bill back to another place—but after debate, Report and Third Reading. The noble Lord, Lord Dear, said the Bill would, "take up valuable time". I say to the noble Lord that we have the time, and I am sorry that he has not got the time to deal with the many complex clauses and issues in the Bill.

To reject a Bill on Second Reading that has been passed by another place—however strong the opinions—would have a grave knock-on effect on the relationship between the two Houses. Rejection at Second Reading has occurred occasionally, but it is against the traditions of the House and has happened very rarely. We must give the Bill a Second Reading. If we do not, we would be seen as undemocratic and not as the guardian of democracy, which is how we are now often seen. If we did not accept the Bill, we would hasten the threatened changes to the nature and composition of the House, against which so many of us have fought for so long.

6.06 pm

Lord Brooke of Alverthorpe: I will continue in a similar vein. Regrettably, the noble Lord, Lord Dear, is not with us. I had a number of letters from him seeking to persuade me to his view, that I should vote for what I now see as his wrecking amendment to the Bill, even though the Bill had been adopted by a very sizeable majority in the elected Chamber and, unusually, on a cross-party basis and without the normal, formal whipping taking place.

It is true that there was not any mention of this legislation in any of the parties' manifestos, but that is not necessarily unusual. After all, as the noble Lord, Lord Dear, pointed out, we recently dealt with a major piece of legislation relating to the National Health Service and social care. There was no mention of that in anybody's manifesto, but such a major change none the less came through to us. In many respects the changes emanating from that may have an even greater effect on society at the moment than what will emanate from the legislation before us today.

I suspect also that many of the people who may be tempted to vote with the noble Lord, Lord Dear, voted for legislation—the Care Bill—that had not been in any manifesto. I hope that they will weigh those issues up in their heads before they decide whether they move forward. Also, had the House of Lords Reform Bill come up from the Commons, even though such an attempt to move towards a more democratic Chamber had been in all the parties' manifestos, I rather suspect that there would have been a majority of noble Lords still opposing it. Overall, we should be prepared to dismiss the argument that this is undemocratic and has not gone through the proper procedures, and move on to Committee and start to examine it.

I will be brief because such magnificent speeches have been made already from different points of view, but particularly in support of the Bill. I am generally in favour of it. I have been married for nearly 47 years—sometimes on a rollercoaster, but protected from strain on the journey together mainly because I was in a marriage. I am strongly in favour if it—and in favour of it for all, regardless of gender. I believe that there should be equal treatment before the law and, even more importantly, equal treatment before God.

On the general social good side, to which the most reverend Primate referred, research shows that marriage encourages and strengthens lifelong relationships and makes for a better society—it is particularly important for this. It is better for families and for individuals. If we accept that, surely we should do everything that we can to encourage more marriage, as the noble Baroness, Lady Kennedy of The Shaws, argued, rather than oppose this extension of marriage, and possibly create different groupings within it, which may bring difficulties.

I accept that equal marriage will change marriage to a degree. We would be misleading ourselves if we thought that everything would be precisely the same in future. It will not—it will change. But as the noble Lord, Lord Pannick, so ably demonstrated in his contribution, there have been many changes to marriage over the generations, and this is just one on the route as we move forward. Overall, it will have a positive impact on society, and it will strengthen and encourage lifelong relationships and commitments.

The noble Lord, Lord Jenkin of Roding, listed what he believed were the ingredients for a successful marriage. I boiled down the items he listed to two major ones. Love and tolerance are the essence, as I see it, of a successful marriage—to which, from my own experience, I would add faith. I was interested to hear the most reverend Primate say at the beginning that this is not a faith issue but concerns general social good. I would argue that that is not so and that the principal churches in the country are holding back in an area where they should be moving forward. I trust that in due course they will move forward to embrace the totality of the population who come under God's guidance and leadership.

We should have faith that we can get this Bill right—and faith, too, that the changes will make for a better society in future. As I prayed with my wife this morning, I asked what Jesus Christ would do. If he was here today, which way would he vote, and would he cast the first stone?

6.13 pm

Lord Browne of Belmont: My Lords, as I have studied the development of this Bill thus far, I have been profoundly alarmed by the violations of constitutional due process that seem to have accompanied it at every turn. I firmly believe, given the four recent precedents for this House rejecting a Bill approved in another place on a free vote—the two war crimes Bills, the sexual offence Bill and Criminal Justice (Mode of Trial) (No. 2) Bill)—which were backed by the 2006 Joint Committee on Conventions report, that it is both consistent with our role as a revising Chamber, and indeed an established expression of it, for us to support the Motion proposed by the noble Lord, Lord Dear, today.

In my brief contribution, I would like to focus on three particular points. First, I would like to highlight how no Member of the other place has an electoral mandate to redefine marriage. Secondly, I will consider the shameful consultation which the Government conducted on this issue. Thirdly, I will look at how the Bill so far has not received effective scrutiny.

No Member of the other place has an electoral mandate to redefine marriage. I do not doubt the sincerity of the Prime Minister and of many Members of the other place in supporting the redefinition of marriage, but the fact is that no member of the Conservative Party, Liberal Democrats or Labour Party has any mandate to introduce this change. There was no Green Paper; there was no White Paper. It was not in the Queen's Speech; it was not in any party's manifesto. In certain cases, if the change is minor, uncontroversial, or in response to an unanticipated security crisis, it may possibly be appropriate to bring forward a legislative change without a mandate. That, patently, is not the case with the Bill before us today, which proposes changing a key social definition at the heart of our society that has been defined one way for millennia. It is quite extraordinary to me that any Government should ever dream of making such a change without a manifesto mandate, the denial of which demonstrates no regard for the electorate.

Regardless of our views on same-sex marriage, I think that we would all agree that the consultation on the introduction of same-sex marriage has been seriously deficient. Initially, the Government said that the consultation was about how to redefine marriage rather than whether or not it was actually a good idea to do so. However, the consultation did eventually include a "whether" question after an outcry from opponents of the proposals. When the Government agreed to include the whether question, the Coalition for Marriage asked whether petition signatories could be counted as submissions to the consultation, as endorsement of the petition had the effect of answering question 1 of the consultation. It was told yes, and on this basis opponents of redefinition were not advised that they needed to make a separate submission to the consultation, and on this basis many thousands did not do so.

When the Government published their response to the consultation, they said that, while of course they would have regard for the petition, they would not count it as part of the consultation, enabling them to claim a narrow majority in favour of redefining marriage. The fact that the Government thereby excluded the views of half a million people despite the assurance that had been given has been a cause of real fury, completely alienating many people from the political process. I find it remarkable that the Government thought that it was acceptable to exclude those people from the consultation, which would have found that more than 80% of submissions were opposed to the plan, if they had been included.

It is also important to highlight the fact that the Government were absolutely firm in the consultation document that same-sex weddings would not be allowed on religious premises. Those who actually managed to get a response registered to the consultation, relying in good faith on the Government's assurances about religious premises, found that the Government's final proposals were radically different to those on which they had consulted. Shortly before Christmas, the Government announced a major policy U-turn: same-sex ceremonies will after all be introduced in churches as well as in civil settings.

Next, we must have regard for what happened in the other place. The Government ensured that the Marriage (Same Sex Couples) Bill was committed to a

[Lord Browne of Belmont]
Public Bill Committee, even though the serious and contentious issues involved in this Bill warranted a Committee on the Floor of the House. The Public Bill Committee was made up of 15 MPs who had voted for the legislation at Second Reading and only four who had voted against. After about 10 hours of evidence sessions, MPs went on to consider the details of the Bill for just less than 20 hours. In contrast, the Hunting Bill was considered for more than 80 hours in the Public Bill Committee. This included recommittal to a Standing Committee after one day of Report. One could go on and on about the time given to debate. At the conclusion of its Commons stages, the Marriage (Same Sex Couples) Bill had received approximately 49 hours of consideration. By contrast, the 2002-03 hunting legislation received twice as much scrutiny, being debated for 97 hours altogether. It seems clear to me that the Marriage (Same Sex Couples) Bill simply has not received the level of scrutiny in the House of Commons that is appropriate for such contentious legislation.

Finally, much more could be said about the lack of respect for constitutional due process that has accompanied this Bill on its journey so far. However, now that the Bill has reached your Lordships' House—a Chamber that, happily, the Executive do not control to quite the same extent—there is an opportunity for things to take a different course. I firmly believe that the only failing to date was the failing to have a manifesto mandate, and it is our responsibility as a revising Chamber, in line with recent precedent and the Joint Committee on Conventions ruling, to vote no today and ask the Government to think again. Those parties committed to redefining marriage can place this commitment in their 2015 manifestos and proceed in the usual manner, if they receive the appropriate mandate.

I encourage all Members of this House to support the noble Lord, Lord Dear, not in the interest of being for or against a particular definition of marriage but in the interest of upholding and protecting constitutional due process.

6.20 pm

Baroness Knight of Collingtree: My Lords, we have been told by many speakers in this debate that the Bill is all about equality. People must be treated equally and Parliament must ensure it. The first statement is reasonable; the second is not. Certainly we are all equal before the law, but a far higher authority than even anyone here has already decided that people are not equal. Some are stronger, cleverer, lazier, plainer or better-looking than others. Some people can see, while others are blind. If anyone brings a Bill to this House to change that, I will be the first in the Lobby to vote for it; but no Bill can change that.

This Bill ignores a fact well understood for centuries: marriage is not about just love. Of course, homosexuals are often very delightful, artistic and loving people. No one doubts that for one single moment. However, marriage is not about just love. It is about a man and a woman, themselves created to produce children, producing children. A man can no more bear a child than a woman can produce sperm. No law on earth can change that. This is not a homophobic view. It may be sad, it may be unequal, but it is true. This Bill is either trying to pretend that it can change men into women, or vice versa, or telling us that children do not need a father and a mother and that a secure framework for children to be brought up in is not really important any more.

There is more mischief here. A free and just country must allow its people to live according to their consciences. We may not agree with their views—that does not matter at all—but they have a right to follow them and live by them. Year by year in Britain, this right is being eroded. The Government assure us that no church and no person will be forced to act against their conscience by this Bill. Did nobody notice, in earlier debates in the other place, that the Government disallowed any amendment that would protect the right to a conscience? It was all going to be fine and dandy because nobody would be forced to do anything that they did not want to do. However, promises of this kind have been made and broken so many times that we know they are false. It is not fine and dandy. These promises cannot be alone in all the promises that have been made over all the years and proved to be false.

As long ago as 1967, nurses and doctors were told that those against terminations would not be forced to do abortions. Then what happened? They could not get a job. Only last month there were press reports of a court case brought by midwives, still fighting after nearly 50 years for the rights that they were promised and never received. Christian teachers now tell us that this Bill will force them to teach homosexuality, entirely against their conscience. Registrars will be forced to conduct same-sex marriages; in fact, several of them have been sacked already because they have said that their conscience was against doing so. That no longer seems to matter. However, to me, it matters a very great deal.

You have to close your bed and breakfast if you will not accept gay couples, although pubs can refuse to serve customers—I do not understand that. You will be sacked from your job if you wear a cross—even a teeny-weeny one. Catholic adoption agencies, as has been mentioned today, have all been closed because they no longer have the right to follow their teaching, despite earlier assurances that they would be allowed to do so. We should watch how much the law of conscience, and each person having a right to it, has been quietly, piece by piece, disappearing. This is a bad Bill, built on lies, and I shall vote against it.

6.26 pm

Lord Craig of Radley: My Lords, first, I take this opportunity to thank the very many members of the public who have taken the trouble to write to me on this topic. Clearly there is much to be said on both sides of the argument. Feelings and emotions are very strong in both directions. To those I have not been able to respond to by now, I apologise. However, their correspondence has prompted me to speak, as well as vote, even though so many of your Lordships are also down to participate.

Do I support the amendment moved by the noble Lord, Lord Dear? The degree of change envisaged in the Bill to the concepts of marriage—both contemporary

and historical concepts—is far more than a mere expansion of meaning on the grounds of equality of treatment. Supportive and caring relationships between two individuals may well be as similar in same-sex as in opposite-sex unions and, of course, are to be welcomed. However, there the similarity or equality ends. Part of the traditional meaning of marriage embraces its consequences—the consequences of sexual intercourse and of procreation, to say nothing of the concepts of adultery or non-consummation. Marriage is far more than a wedding day, an exchange of vows, the honeymoon and mutual support. I know; I have been married happily for 58 years and have children and grandchildren. So I think it is a travesty of interpretation to claim that marriage under this Bill and traditional marriage are so similar as to be categorised and recorded by lexicon as the same.

What has had less emphasis in much of the discussion of this Bill is the issue of unintended consequences if it were to pass into law. Marriage rights have been abused, for example, by foreigners who seek to gain permanent right of abode in this country by contracting a sham heterosexual marriage with a resident. Is there anything in this Bill to prevent same-sex individuals from abusing these proposed new arrangements in this way, or a priest from offering his services for payment or being bribed to enable a same-sex couple to obtain a marriage, a union, of convenience and thus to gain residence for both in England or Wales?

How soon might we see an individual claiming that his human rights are being denied because being married to a man does not allow him the same conjugal rights as if he were married to a woman? Therefore, he might argue, why should he not be allowed to be married both to another man and also—not alternatively—to a woman? It might not be a much greater step beyond that for individuals to argue that a threesome or foursome union would more suit their shared and mutual feelings of love and commitment. Could that, too, be called a marriage?

How much further away from the canon laws that prohibit near relatives from marriages between opposite sexes will the proposals for same-sex unions be compared and allowed to depart? Will the canon laws themselves, in turn, be challenged? Such laws do not have the same rationale in same-sex unions. Where is the equality in that? What would be the financial implications of such extensions to marriage so far as the Treasury is concerned?

Should not all of these and many more unintended consequences of this rushed and, I fear, ill conceived Bill give this House pause for thought and sound reason to discard it now? I strongly endorse the amendment of the noble Lord, Lord Dear.

6.30 pm

Lord Black of Brentwood: My Lords, I am a passionate supporter of the Bill. I support it because I believe in the institution of marriage, which is the bedrock of society and should be open to all. I support it because I believe in the values of the family, and the Bill will, in my view, strengthen them. I support it because I am a Conservative. Respect for individual liberty is at the core of my being and this is a Bill that will add to the sum of human freedom. I support it because I am a Christian and I believe we are all equal in the eyes of God, and should be so under man's laws. I support it because I am one of those people who I fear were rather glibly derided by the noble Lord, Lord Dear, as being part of a tiny minority and, I think, were praised by my noble friend Lady Knight as being delightful, in that I am gay. I am in a civil partnership with somebody with whom I have been together for nearly a quarter of a century. I love him very much and nothing would give me greater pride than to marry him. I hope noble Lords will forgive that personal pronouncement, but it seems to me that my experience goes to the heart of this debate.

Of course, there are strong views on both sides which I respect and the debate today has illustrated them, but by far the most important aspect of this debate are the thousands of our fellow citizens, of whom I am one, who are not yet fully equal. The Bill is about human beings, not ideology. Although some noble Lords may disagree with me when I talk about the press, I assure noble Lords that in the main I really am exactly the same as them, except that I happen to love a man. Why should I be barred from taking part in a special institution that all the rest of you can enjoy? It seems to me that that is the nub of the matter. The speech of the noble Lord, Lord Dear, contained throughout words such as "tolerate" and "toleration". Goodness me, this is 2013. Gay people do not want to be tolerated in this society; they want to be equal in it. My noble friend Lady Cumberlege, for whom I have most enormous respect, not least for her Trojan work on osteoporosis, talks about gay people setting up different institutions. We do not want different institutions; we want the same institutions. Provided it passes, this law will accord me, for the first time in my life, complete equality and respect regardless of my sexuality for what the noble Lord, Lord Jenkin, in an incredibly powerful speech, described as the character of love that I feel able to give. I hope so much that this House, which has always valued the sanctity of the individual, will allow that to happen.

My personal experience aside, there are two strong reasons of principle why I support the Bill. First, as a Conservative, I believe in human liberty. Some words of the great liberal thinker, J S Mill, with which I concur, are deeply relevant to this debate. He stated that,

"the sole end for which mankind are warranted, individually or collectively, in interfering with the liberty of action of any of their number, is self-protection".

The state should interfere in people's lives only where it is preventing harm; for example, banning smoking in public places or criminalising drugs. Marriage between two men or two women who love each other does not produce social harm. It is not endangering anyone. Why should the state actively stop it? That point was echoed in a recent interview in the *New York Times* with the daughter of that great Conservative icon, President Reagan, who was one of my heroes. As we know, he was a social conservative to his core, but he also respected individual liberty and, according to his daughter, would have supported equal marriage. Why would he have done so? He would have done so because of his,

"distaste for government intrusion into private lives".

[Lord Black of Brentwood]

Patti Davis said that he and Nancy brought up their children to understand that there was absolutely nothing wrong with the idea that,

"some men are born wanting to love another man".

That is quite right. If we respect individuality, the structure of our legal institutions must reflect that and it does not. The Bill puts that right by removing value judgments by the state, making the law neutral and allowing all those who want to make a lifelong, loving commitment to each other to marry.

The second reason I support the Bill is because of the power of legislation to change attitudes, something we have heard a little about. When I started in politics in the late 1980s, I learnt at the feet of the noble Lord, Lord Tebbit, for whom I have the most extraordinary respect. At that time, most gay men had little choice but to hide their sexuality. Noble Lords should understand how soul destroying it can be to cover up an aspect of your life. The reason that young people can mostly live openly gay lives today is because legislation from this House and the House of Commons led opinion. The bold reforms of John Major's Government, the repeal of Section 28 and the introduction of civil partnerships by the Labour Government were all in advance of mainstream opinion but have created a more inclusive, more liberal society by being so. This measure will have the same impact. Young gay people at school or university, battling with their consciences as well as, still too often, prejudice, will look to Parliament and see that in the eyes of the UK's lawmakers, they are treated with respect, dignity and equality. As the Prime Minister rightly put it, they will stand taller as a result of our actions. I pay tribute to his huge courage in bringing forward the Bill in the face of much prejudice and misinformation.

I conclude with this thought. The day my partner and I entered a civil partnership in 2006 was immensely special. It produced a tangible strengthening and deepening of our relationship in a way that I did not believe was possible. People sometimes ask me, "Isn't that enough?", and we have heard echoes of that today. Why cannot gay people be happy with what we have already been granted? My answer is that it was the experience of civil partnership which convinced me of the need to go further. If a civil ceremony can produce such a deep change in the relationship between two people, imagine what a proper marriage, morally equal in the eyes of one's family and friends, could do. That is why I can put my hand on my heart and tell noble Lords that this measure will not undermine marriage, it will strengthen it. It will not undermine the family, it will strengthen it. I know that to be true because I have felt it. That is why I beseech noble Lords to join me tomorrow in voting to give the Bill a Second Reading.

6.37 pm

Lord Campbell-Savours: My Lords, that is a very moving speech to follow. I have great difficulty with the Bill, over which I have anguished. However, for the constitutional reason set out by the noble Lord, Lord Fowler, I shall vote for its Second Reading and for it to go into Committee.

The truth is that I cannot get my head round two people of the same sex being in a relationship defined as a marriage, however much they love each other. I hold to a simple traditional view that the word "marriage" can apply only in heterosexual relationships. I need to make it absolutely clear that, as a Labour Peer, I have always supported equality for gay men and women. I have voted repeatedly and consistently over 30 years for the developing gay agenda. I have a whole file of letters from Stonewall and others thanking me for my support as each and every measure has been brought before Parliament. I have huge admiration for Peter Tatchell's drive and courage, and will never forget the experience of knocking on doors in the Bermondsey by-election some 30 years ago when he was the subject of a vitriolic gay-bashing campaign run by the then Liberal Party. We have come a long way since then.

My problem is over the use of the word "marriage". I see it as distinct from civil partnership. I have no problem with the union between two persons of the same sex being given full recognition before God and being blessed in church or wherever. I have no problem with pension-splitting, inheritance tax management or anything that seeks equality with heterosexual couples, provided that we have safeguards against abuse just as we have under current marriage arrangements. Furthermore, I do not want to test the patience of the House by repeating arguments that have already been made on the need to maintain a distinction between marriage and civil partnership.

However, I need to call in aid speeches made by two Members of the other House, both leading gay rights campaigners, during the passage of the Civil Partnership Bill in 2004. The first was by Alan Duncan MP, who stated from the Conservative Front Bench, when defining the distinction between marriage and civil partnership, that,

"the two institutions are designed on similar lines, but they are designed on parallel lines; and parallel lines, as we all know, never meet. They are separate institutions for different groups of people. Gay men and lesbians are different precisely because of who they love, so the formal recognition of that love will itself create differences".—[*Official Report*, Commons, 12/10/04; col. 184.]

He went on to argue further that,

"the clear distinction between a civil … partnership and the institution of marriage will, in my view, be preserved".—[*Official Report*, Commons, 12/10/04; col. 185.]

So when he was considering that Bill he recognised the validity of the distinction that I believe in.

Then we have the comments of Chris Bryant MP in the same debate, who said:

"I do not want same-sex relationships to ape marriage in any sense—several people have used the offensive phrase—because they are different. Although the two share similar elements, they do not have to be identical, so the legal provisions should be distinct".—[*Official Report*, Commons, 12/10/04; col. 228.]

Later, on Report, Chris Bryant, who has led the campaign on these matters in the other House, made himself absolutely clear when he stated that,

"I believe that marriage should be only between a man and a woman".—[*Official Report*, Commons, 9/11/04; col. 810.]

For some reason, he has changed his mind over the past eight years but his position then is my position now. We are arguing over the use of a word—an argument that we thought was settled in 2004 when we approved the Civil Partnership Bill. Some of us want

to retain the word for heterosexual unions, maintaining the distinction. Others want to fuse the two and end the distinction. The noble Lord, Lord Filkin, was quoted by the noble Lord, Lord Waddington, earlier.

I will support the Bill going into Committee. The Bill is not a manifesto Bill but a free-vote Bill, and was carried by an overwhelming majority in the House of Commons. Two-thirds of the House of Commons voted for it, one of the biggest majorities in years. It was sent to us to be scrutinised—not blocked or destroyed. It would be a complete betrayal of our responsibilities if this unelected House, where we all sit by way of patronage, was to block a Bill carried on a free vote in the elected House of Commons on the scale that it was a month ago. Our role is to revise Bills, not kill Bills, and I appeal to the noble Lord, Lord Dear, not to push his amendment to the vote.

6.44 pm

Lord Smith of Finsbury: My Lords, I happen to be gay. I was made this way. It is something I share with hundreds of thousands of our fellow citizens who are worthwhile, virtuous, hard-working, responsible, loving members of society. It is also, incidentally, why I am the honorary vice-president of the Campaign for Homosexual Equality. I am also a Christian and I believe in a loving, accepting, generous God who wants to include people, not reject them. I was in a civil partnership and I know that civil partnership confers nearly all the shared rights and responsibilities that marriage does, but it is not the same. It is not equality: it does not carry the same significance or symbolism and it still labels lesbian and gay relationships as somehow just a little second-class.

The noble Lord, Lord Campbell-Savours, spoke about the speeches made by Alan Duncan and Chris Bryant when civil partnership legislation passed through the House of Commons. Yes, some people—many people—have changed their minds since then. They have done so because of two things. First, it is because society has moved and changed. The attitude from an overwhelming range of our society, especially among young people, has moved on even since eight years ago. Secondly, the success of civil partnerships themselves has demonstrated that where loving commitment can be made and recognised it is to be celebrated and welcomed by society. Some of the things that have been said in the course of public discussion by some—though certainly by no means all—opponents of this Bill have, I fear, been mistaken, misguided and, sometimes, rather hurtful. This has reinforced my view that this change is sorely needed.

I want to make three brief points. First, quite simply, this is about love, commitment and mutual respect. It is about two people wanting to commit themselves to each other and to demonstrate the strength of that commitment to the world. This is something to celebrate, surely, not to reject; to welcome and endorse, not to sideline. To vote against the Bill is, effectively, to say that two people, two members of our human family, cannot be allowed the full flowering of the expression of their love for each other. I ask those arguing against the Bill to think for just a moment about the hurtfulness of what they are doing by saying that.

Secondly, the Bill respects the rights of religious organisations and faiths to opt out, if they wish, of any endorsement of lesbian or gay marriage. I regret that some faith organisations take this view but I would not dream for a moment of imposing on them a requirement to conduct or celebrate something they genuinely believe to be contrary to their faith. However, I beseech them in turn: please do not dare, by voting down this Bill, to impose on me the impossibility of celebrating a commitment in the fullest way that society recognises. Deny yourselves the obligation by all means, but do not deny me the opportunity.

Thirdly, this Bill is, at heart, about a simple principle of equality and equal access to the recognition of love and the standing of loving relationships. I was proud to be part of the Government who brought in so many changes for the better for lesbians and gay men and eliminated so many discriminations and inequalities. Some hurdles remain, however, and this is the highest of them. Voting for the Bill will right a long-standing wrong. It will recognise the equal dignity and worth of all our lesbian and gay citizens. It will challenge the prejudice that is still all too prevalent in our society. It will say, quite simply, that love matters and equally so for everyone. I urge noble Lords to support the Bill.

6.50 pm

Lord Cormack: My Lords, we have heard some very powerful and moving speeches this afternoon. I heard every one of them and I found this to be a rather emotionally draining debate. I greatly respect the noble Lord, Lord Smith of Finsbury, and my noble friend Lord Black of Brentwood, and nobody could have listened to their powerful pleas without being moved by them. It is therefore all the more difficult to take a different line. I find myself very much in sympathy with much of what the noble Lords, Lord Campbell-Savours and Lord Anderson, said and, above all, with much of what the most reverend Primate the Archbishop of Canterbury said.

There is a fundamental flaw in the Bill that arises from the manner of its introduction. Great social changes such as the abolition of the death penalty or the Bill of the noble Lord, Lord Steel, on abortion have generally come about as a result of public campaigns and Private Members' Bills in another place that have attracted the support of government. This Bill has been imposed from on high and in a way that has caused a degree of grief and anguish—I say this directly to the noble Lord, Lord Smith, who also feels grief and anguish—for many of those who believe fundamentally and sincerely that marriage is a relationship between a man and a woman. That is not to denigrate or degrade in any way other human relationships.

I admit to your Lordships that I was one of the very few people who voted on Third Reading in another place against civil partnerships. I did so because I wanted them to be extended according to the so-called "sisters amendment" because I believed that any two people who were in a loving relationship, whether sexual or otherwise, should be able to have the benefits that civil partnerships brought to lesbian and gay people. I have moved since those days and completely accept that civil partnerships have proved to be a good

[LORD CORMACK]
thing. I welcome that, and no one could fail to be touched by what my noble friend Lord Black said about his civil partnership.

However, true equality in a free society is an equality that protects and asserts difference. Yes, as my noble friend Lady Knight said, we are all equal under the law—but we are different. Acts of Parliament—again I quote her—cannot enable a man to bear a child or a blind man to see. There are things that we therefore have to recognise as being different. What we have to aspire to is a society in which all, whether they are different by the colour of their skin, religious beliefs or sexual orientation, are not only equal in the eyes of the law and in the sight of God, as they are, but are not discriminated against in any way for those differences. That is the state in which I wish to see our country.

I was much taken by the powerful speech of my noble friend Lady Cumberlege, who said that you cannot, without changing marriage beyond recognition, have marriage between same-sex partners, but you surely can have an institution that is the equivalent in every sense. I take the point made by my noble friend Lord Black that civil partnerships perhaps do not quite reach that point at the moment. As a Christian who was at one stage opposed, I would welcome the blessing of a union in the church—in my church, the Anglican Church. The most reverend Primate did not go quite so far in his speech as to specifically advocate that, but its logical conclusion was that that is something to which we could and, I believe, should aspire.

If we change the institution of marriage as it is at the moment, we are not making those of the same sex who become married members of an equal institution, because they cannot be. They cannot produce children. I do not say that in any critical sense but merely as an acceptance of the fact. There is a danger that because we sympathise, as we rightly do, and because we want to see the dignity of every human being on an equal footing, we are likely to vote for something that is not in the best interests of society. As a pamphlet I received put it, this is one of the most profound pieces of social engineering ever to be put before Parliament. The changing of the definition of marriage in this way should not happen without a popular mandate. The noble Lord, Lord Anderson, talked about having a referendum on whether people want that change. There some logic in that plea. Certainly, there has not been any manifesto commitment, and although some brush that aside, it is a real point.

I shall vote with the noble Lord, Lord Dear, tomorrow—although I have some misgivings about having a vote—because of the plea that many of us received from colleagues in another place who said that there had not been adequate preparation and that the free vote was questionable. I know that for a fact from many who have spoken to me personally, who were rather anguished about it. I therefore will vote for the amendment tomorrow—with, as I say, some misgivings—and if the Bill is carried I will try and play a constructive part in improving it. The most reverend Primate said, just before he sat down and with much regret, that this was not a Bill that he could support. Nor can I.

6.58 pm

Lord Blair of Boughton: My Lords, I begin by expressing my respect for the speakers who have taken different stances on the Bill, and particularly for those with whom I disagree. I accept that there are many valid reasons for Members of your Lordships' House to put forward objections to the Bill, but I am positive that the tide of history is against the objections.

It is rather odd that I am speaking between the speeches of the noble Lord, Lord Cormack, and the right reverend Prelate the Bishop of Chester. Nearly 50 years ago, I sat in a room in Chester Cathedral taking my common entrance exam in order to go to Wrekin College, where the noble Lord, Lord Cormack, was a teacher. We are in a different country to that of 1965. No Member of your Lordships' House could then have made the speeches that we have heard today about being gay. When I took that exam, abortion was illegal, capital punishment was on the statute books, homosexual acts in private were matters for criminal law, and there was no race relations legislation whatever. We are in a much better country, and the tide of history is running in only one direction.

The Bill represents a great and noble cause—what the noble Lord, Lord Fowler, described as a moral cause. I suggest that, for a non-elected House to object to the Bill in this way, particularly after the events of this last weekend, would damage the reputation of this House.

My last point relates to the quadruple lock. I received many letters—as did all noble Lords—one of which I have one in my hand. It is from a young Christian gay man and it is in ink, so I cannot imagine that he sent it to 850 people, though some other noble Lords may have had it. In it he wrote that he was unable to reconcile his Christianity with his sexuality, and the fact that the Bill was being considered at all was helping him combine those two facets.

St Paul wrote to the Galatians that in Jesus Christ there is neither male or female, gentile or Jew, slave or free. I do not think that that was a coded message that everybody was okay except gays. It was an inclusive statement. As a member of the Anglican world, I hope that one day, before I die, I will see the Anglican Church unlock that quadruple lock from the inside.

7.01 pm

The Lord Bishop of Chester: My Lords, I associate myself closely with the previous speeches from these Benches but want to develop the discussion in a slightly different direction. I should emphasise that I am speaking in my personal capacity as a bishop and not, in any formal sense, on behalf of the wider Church of England.

I want to focus on the potential impact on the relationship between the Church of England and the state. As I listened to the noble Lord, Lord Dear, with his great list of implications for Argentina, I wanted to leap up and say, "And we have the Church of England to think about as well, on top of all that lot". It was an issue that did not receive much attention in the debate in the other place—hardly any at all. I say at the outset that the Church of England has no right simply to maintain the status quo in our relationship with the

state; nor do we necessarily wish to do so. However, the argument that there has been change, as there has been, in church-state relationships is no argument for any particular change. The weakness in the powerful speech of the noble Lord, Lord Pannick, was that all the changes in marriage that he listed were, in themselves, no argument for the particular change that we are discussing now.

The relationship between church and state has evolved and is remarkably different now from how it was in earlier ages. Often changes happen best when they happen almost naturally, in an evolutionary sort of way—that is very much how the British constitution has developed over the years. In that process, it is always important to check that the baby is not thrown out with the bathwater when a particularly striking change is being made and in this Bill, something fundamental and foundational is changing. I enjoyed the speech of the noble Lord, Lord Brooke of Alverthorpe, but I thought he underplayed somewhat the depth of the change that we are talking about.

To me, the clue is in Clause 1(3) of the Bill to which very little attention has been paid. I believe it is unprecedented in statute law. The Submission of the Clergy Act 1533 provides that the church must not promulgate canons that are contrary to what the Explanatory Notes to the present Bill call "general law". Arguably, the 1533 Act also lays a certain obligation on the state not to pass laws which are contrary to the received canon laws of the Church of England. That is how establishment has worked, because to do so would put the Church of England in a very difficult position. That is why Clause 1(3), on marriage, exempts our canons from the scope of the Submission of the Clergy Act. In effect, it creates an amendment to the Act without quite saying so and therefore legally permits statute law and canon law on marriage to be diametrically opposed in future on the very basic point of who can be married to whom.

In the government documents there is an attempt to draw a parallel with divorce, although that hardly applies at all because the canons of the Church of England have never forbidden divorce. There has always been a legal permission to divorce under the canons of the Church of England, and so the changes that have happened in divorce law have never come into conflict with the canons—for the very good reason that it was always permitted in statute law. It is also there in the Old and the New Testament. Therefore, this clause is unprecedented in our legislative history.

This helps us to understand why people feel so strongly, although this is one of the questions that we have not really asked. Of course, the easy answer is that they are homophobic. That is an easy dismissal than can be made, and who am I to say that this is not sometimes part of it? I cannot say that. However, I think the reason why people feel so strongly lies elsewhere. There are two roots to it. One is that marriage is given for the conception, nurture and upbringing of children—that is what it is naturally there for, as other speakers have said. I accept that other family arrangements can successfully bring up children, but there is something naturally given about marriage in relation to children. Our society has broken that connection in many ways, partly through contraception, but to break it in this radical way needs some thought.

The other reason why people feel strongly is because, in the Bible, the marriage relationship is the primary metaphor for how God relates to the world. That is in the Old and New Testament, particularly in the Old, and that is why it is a view also held strongly by Jews and Muslims, for whom the Old Testament is a sacred book. The noble and right reverend Lord, Lord Harries, who is not in his place, alluded to this, but did not pick up on the obvious fact that the relationship between God and the world is not symmetrical. It is not a relationship of sameness, but of difference within a deep bond of love. That is why, in that metaphor, if you try to take away the difference between man and woman, it does not work any more. It is partly why people of faith feel so strongly about this matter. There is something about "vive la différence", which the noble Baroness, Lady Cumberlege, touched on so brilliantly in her speech. There is something basic about it, something visceral, which people feel is being undermined and changed, and that is why they react as they do, even if they do not quite know how to articulate it.

How should we proceed? I have come to the view that a more radical reconstruction of the law on marriage would be the right way forward. I think it would meet a lot of the issues raised in the powerful speeches that have been made. We should consider going some way towards the continental version, which has a legal, contractual relationship that is the same for everyone, absolutely without question. Then we could develop different religious understandings on top of that. That may be a bridge too far: the Government thought so when they drew up this rather rushed legislation. Several Members in the other place drew attention to this as the logical outcome of what we should be doing. Much of what we have heard today would potentially be satisfied, amid our society's many differences, if we separated the legal contract of marriage, which the state establishes as being the same for everyone, and the religious side. I fully accept that that would have implications for establishment but there are unintended consequences of this Bill, as the noble Lord, Lord Dear, said, and that is just one of them. It has not been thought out and if we commit this Bill to a Committee, we are almost saying that the Bill can be improved by tinkering: it cannot. What is wrong with it is just too basic. That is why, with the same regrets that the noble Lord, Lord Cormack, mentioned, I shall be with the noble Lord, Lord Dear, in the Division Lobby.

7.09 pm

Lord Naseby: My Lords, I have been in Parliament for 39 years and I cannot remember an occasion when so many individuals have sent me personal letters or e-mails so strongly opposing a particular Bill.

In my brief contribution, I want to address and focus on the constitutional position. I do so from a background of five years as the 58th Chairman of Ways and Means in another place, handling an equally controversial Bill of four clauses, which took 25 days, including three or four nights, but at least on that

[LORD NASEBY]
occasion every Member had their voice—indeed, I ended up with a vote of no confidence—but thankfully it was carried with a large majority. That is what should have happened with this Bill. This is equally controversial and it should have been handled in another place on the Floor of the House so that all Members could contribute. Sadly, that route was denied them and they ended up with what I would term as a stark Chamber-type Committee, which I think is a tragedy.

Some of us are told that we should not vote on Second Reading in the upper House. I went through the whole of *Erskine May* but could find no reference there as to why we should not. Furthermore, we had it confirmed by the Constitution Committee here in 2006 that, where there is a free vote, we can, if we so wish, vote against Second Reading, and that is equally acceptable where there is no mandate for the Government.

I then looked as dispassionately as is possible for a parliamentarian at how much work had been done in preparing the Bill. There has been no Green Paper, no White Paper and no royal commission. Much has been done on a whim, sadly, and that is not a good start for any controversial piece of legislation. It is made even sadder by the fact that three days before the election one of the candidates for Prime Minister stated that he was "not planning" to introduce same-sex marriage.

I therefore look now at the implications of there being a Second Reading. How many of us are aware of the thousands of pieces of legislation that will have to be amended by both Houses or of the hours that will be taken up with some further primary legislation and a huge amount of secondary legislation? We all know—do we not?—in our hearts how much attention is given to secondary legislation in either the other place or here. There will not be any real debate on those parts of the legislation.

Is that fair and just to the people of this country? Personally, I do not think so, and I say that based on my parliamentary experience. We must not forget that this House is part of the bicameral Parliament and is normally there to act as a revising Chamber. However, ultimately, in my view, it is there as a safeguard to Parliament and democracy as a whole and it carries out that role for all the people of the UK. Safeguards are not met by quadruple locks. Locks can be undone by any fiendishly good legislator anywhere in the world, and there are numerous examples of that happening.

Therefore, tomorrow I shall vote against the Second Reading. I thank the noble Lord, Lord Dear, for the considered manner in which he put forward his amendment and for the clarity and courage that he showed in doing so. As I sat here this afternoon, I said a quiet, short prayer to myself: I prayed that someone somewhere was listening to the many words of wisdom that will be spoken over these two days.

7.13 pm

Lord Young of Norwood Green: My Lords, I support the Bill and oppose the amendment, and I congratulate the Government on having the courage to come forward with this legislation.

I listened carefully to what the noble Lord, Lord Dear, said in moving his amendment and I could not understand his justification for wishing to deny the Bill any Committee discussion. If there are problems with the Bill, surely the obvious place to sort them out is through rigorous examination in Committee.

This has been a fascinating debate with some very powerful and emotional contributions. I cannot attempt to engage in a theological debate with the right reverend Prelates—I fear that as a non-practising Jewish atheist that is probably beyond me. However, treating the matter seriously, as I do, I was interested in the idea that marriage is just one specific type of union between a man and a women and that it is for procreation, if I may paraphrase slightly. I cannot help feeling that the noble Lord, Lord Pannick, was right in saying that the nature of marriage has changed fundamentally since being an institution that discriminated abominably against women, giving them few or no rights whatever when it came to inheritance and even no rights over their children.

I cannot help but reflect that it has changed in relation to my own experience. I have enjoyed marriage so much that I have done it twice—and for the last time, I hope. On the second occasion, my wife wanted our marriage to take place in church and I wanted to respect her views. On that occasion in 1985, I met the rector and he was a very pleasant individual, but he said, "I'm really sorry but I cannot marry you in church because you have been divorced". I now notice that that is no longer the case with the Church of England; it has changed its views. Fortunately, we now live in a very different society from the one that existed when marriage was first conceived. The way that society regards homosexual relationships has changed fundamentally, and we have heard some very powerful contributions about that. As I listened to the speech of the noble Lord, Lord Black, I doubted whether anyone in this Chamber would have been able to make such a contribution 10 years ago. Going back further in time, Oscar Wilde—a particular favourite of mine—while in jail reflected on the temerity of being forced to admit the nature of his relationship.

I have some sympathy with the right reverend Prelates and I would not want the Bill to undermine their right to determine who gets married in church. However, they seem to have great difficulty in determining some of their attitudes, whether on homosexuality or on whether a woman should be a bishop. They are still agonising over that with different wings of the church, but their attitudes will no doubt change over time. I think that we have now reached a point in our society where same-sex marriage is right and I do not believe that it will undermine the relationship of marriage. That is the bit of the argument that I do not understand, and I could not put it any better than the noble Lord, Lord Jenkin. I usually find myself in opposition to him but on this occasion—I am sorry that he is not in the Chamber—I could not have put it any better than he did.

There has also been a lot of talk about children in marriage. I need to remind people that things are changing all the time. We now have gay couples with children—something that, again, a few years ago we

would not have thought of as being a likely occurrence. Therefore, I do not believe that this legislation is going to undermine the nature of marriage, although it will not be right for every person. I have a brother who is gay. He has been in a long-term relationship over a number of years and has never expressed to me any desire to change the nature of that relationship. Therefore, marriage will not be for every gay couple, but for some it will be and the question is whether we should deny them the opportunity. I do not believe that we should. There are genuine concerns and we should ensure that we have the right to take the Bill through its Committee stage to examine very carefully whether what has been referred to as the quadruple lock will cover every eventuality. The noble Lord, Lord Pannick, and my noble friend Lady Kennedy say that they have looked at that very carefully, and I tend—initially, at least—to respect their view, although there may of course be other views. Therefore, I support the Bill. I am opposed to the amendment and I look forward to Committee.

7.19 pm

Baroness Neuberger: My Lords, I rise to support the Bill. I want to make three discrete points in this debate, which has had so many speakers and such high running emotion. First, despite many views to the contrary, marriage is in fact a social construct. It was not always one man and one woman. Indeed, polygamy was widespread in the ancient world, and its reasons were many. To quote from the Hebrew bible, as we call the Old Testament, Solomon was reputed to have a thousand wives. I do not know how he managed. Many people will also know the story of Jacob and how he got the wrong wife first, with Rachel and Leah.

I also want to give a bit of history, which your Lordships may not know. There was a great rabbi, Rabbenu Gershom of Mainz, who in around 1,000 CE, which we call AD, was responsible for what is known as a takkanah, a legal pronouncement which is technically valid for 1,000 years. The takkanah of his that concerns us prohibited polygamy. It applied only to Ashkenazi Jews, those in Germany, Poland and Russia and so on. The Sephardi Jews—North African, Spanish and Portuguese—continued to practise polygamy in some areas, and that continued among Yemeni Jews until the 1950s and 1960s. So for us, marriage was not always just between one man and one woman, nor was it always for the procreation of children. When Rabbenu Gershom's takkanah ran out in around 2000, 13 years ago, you might have expected a wild rush of Ashkenazi Jewish men seeking second, third and fourth wives, but because marriage is a social construct as much as a legal one, curiously that did not happen, and we would not have wanted it to.

These days we believe in marriage between two people, not more, although serial monogamy is commonplace. Marriage has changed dramatically over the millennia and over recent centuries. Divorce, which we Jews have always accepted, has become widely accepted and no longer a disgrace; married women now have property rights, although that took its time; infertility is no longer blamed only on women—it used to be a reason for divorce in Judaism after 10 childless years; and so on. Why, then, can we not change this social construct once again, while still maintaining respect for those for whom marriage is about sacrament, but cannot accept such a change? I think it is important that we do.

Secondly, I want to say something about numbers. In my congregation at the West London Synagogue—the oldest reform synagogue in the UK—where I am senior rabbi, we have about 3,000 members. We also have around 30 gay couples, most—but not all—in civil partnerships now, waiting for the day when they can marry under the chuppah, the wedding canopy, with their parents under that canopy, witnessing them make their vows. For me and my fellow reform and liberal Jews, like the Unitarians and the Quakers, this is about parity of esteem. We see no reason why gay people should not marry as heterosexual people do. We see all human beings as made in the image of God. That means gay and straight. We also believe that human beings are created with the need to seek out and look for a helpmeet in life. That person could be of the same sex, or not. Whichever it is, they deserve the right to be able to create a life together permanently and to celebrate it in marriage.

Thirdly, as several noble Lords have said, this is about righting a wrong. It is about accepting that social conditions and attitudes change and have changed. I hope that noble Lords will accept that that is true. We have heard that no court of any kind, domestic or European, would force a religious organisation to perform such marriages against their will. But those of us in religious organisations which are in favour of equal marriage are longing for the day. I expect the first days after it becomes law, as I hope it does, to consist of marriage after marriage in my synagogue, bringing joy, equality and renewed commitment to people who, until this point, have been denied it. It needs to happen soon. It is a moral imperative to right this wrong.

7.24 pm

Lord Garel-Jones: My Lords, social change is often contentious and, indeed, even controversial. Looking back over the past century, I have been struck by how frequently matters that aroused heated passions when debated faded into consensus once those matters were approved, as I hope this measure will be. In other words, society was ready for the change. Perhaps I may give the House a few examples.

The death penalty was abolished in 1969. In the 1970s, it was a question that lingered on in the Conservative Party—indeed, Conservative Party selection committees generally asked a question about it. One of my former colleagues in another place even offered his services as hangman. The Sexual Offences Act 1967 caused enormous controversy at the time. Even as recently as the Equality Act, some church leaders argued for exemptions that would have allowed homosexuals to be turned away from soup kitchens and hospices.

The 1928 equal franchise Act gave women equal voting rights with men. At this distance it is a little odd to look back at some of the arguments advanced at the time, in all seriousness, against that measure. I give the House but two examples:

"women have a vast indirect influence through their menfolk";

[LORD GAREL-JONES]
and:

"Woman Suffrage tends to establish competitive relations which will destroy chivalrous considerations".

I trust that many noble Baronesses still experience chivalrous consideration from your Lordships but would venture to suggest that this can hardly be put forward as an argument for repeal of the equal franchise Act. Indeed, I know of no serious organisation today which advocates withdrawing the vote from women, making sexual relationships between people of the same sex a criminal offence or, indeed, restoring the death penalty.

I accept, of course, the sincerity with which some Christian organisations oppose this measure. It is right that the Bill should not oblige any church to carry out same-sex marriages. However, as we have just heard from the noble Baroness, there is not complete agreement on this matter among religious groups. Quakers, liberal Jews and Unitarians support the measure, and my noble friend Lord Deben, in a characteristically thoughtful article in the *Tablet*, reminded his fellow Roman Catholics that for over a century it has been accepted that the state has had a role in marriage and that it could and would make its own secular rules for its citizens.

The Bill has been a useful vehicle for opening a discussion on humanist marriage. An amendment on the matter was introduced in another place but was withdrawn as the Attorney-General advised that, as drafted, it was incompatible with the Human Rights Act. I understand that subsequent discussions have ensued with the British Humanist Association, and other issues relating, for example, to the definition of premises need to be resolved. I suspect that it would probably add to the challenges before us on this Bill to attempt to address those issues now. However, I hope that the Minister will assure the House that the dialogue with the British humanists will continue in the hope that this too may be addressed at some point in the future.

Finally, some quarters have criticised the Prime Minister for his personal support of this measure. They say that it is being raised at a time when the country faces huge challenges. Frankly, I find it rather refreshing that a Prime Minister beset, as Prime Ministers are wont to be, by the great political issues of the day is willing to stand up personally and be counted on a moral issue in which he believes and where there is no obvious political payoff.

I rejoice in the fact that this measure enjoys the support of all three party leaders. I confidently expect that, if it is approved, today's controversy will rapidly become tomorrow's consensus.

7.28 pm

Baroness Richardson of Calow: My Lords, as speaker 31 of 94 I am already beginning to feel that most points have been made; forgive me if I repeat some of them. I am a Methodist minister, and I have the privilege of leading many couples through their vows and in a great celebration, in a liturgical way, in church. I believe in marriage. I believe that marriage is the bedrock of our society and brings stability to our communities. I believe that marriage is the best place where children can be nurtured. It is for those reasons that I support this Bill.

Like all of us, I have had many letters and e-mails on the Bill. Some have suggested that of course I will agree to support traditional marriage based on biblical principles. To one of them I am afraid I replied that I hoped he would start at the beginning of the Bible at Genesis and try to find one man and one woman in a committed relationship that had been freely chosen. He would have had an awful long read.

There has always been the suggestion that biblical principles have been used on occasion to support the subjugation of women and the primacy of men. These are things that we have had to contend with. When the Christian church began to look in its societies and move beyond Jerusalem, it had to come to terms with the fact that it was moving into different cultures. There was always the question of whether to challenge the culture or whether to adapt the faith you have received in order to cope with the culture into which you have moved.

Today, as many have said, we are moving into a different culture and we cannot rely on the old ways, simply saying that we will remain faithful to what we once knew. Equality and freedom, life expectancy, control of reproduction and a deeper understanding of sexual orientation have all affected our understanding of what marriage truly is, as have the negative principles of marital breakdown and broken relationships.

Although I would like to do so, I cannot speak on behalf of the Methodist church because it is still considering what its response will be if the Bill becomes law. However, the Methodist church has always based its moral and ethical values on the fourfold foundation of scripture, tradition, reason and experience. Twenty years ago, the Methodist church committed itself to listening attentively to the experience of those for whom a committed heterosexual relationship would not be possible. I think that we must listen attentively to the experience of today, listen to those for whom a lifelong, loving, faithful, joyful and sacrificial relationship can be achieved only in a same-sex partnership. We also have to listen to the responses that some of us have received from those who bear witness, from childcare and adoption agencies, to the value of same-sex partnerships in the bringing up of children and the overwhelmingly positive signs of good relationships.

We have to listen to the experiences of people and bring to bear our scriptural understanding to the experience which is equally valid under God. The depth and quality of relationships that have already been achieved in civil partnerships shows us that they are almost indistinguishable from the relationships experienced in heterosexual marriage. We have to bear witness to that. But we ask: why is it necessary to change if this is already provided for in our society? The one thing that is often missing is a deep acceptance that these relationships are equally valid and fruitful, and that they, too, form the bedrock of our society. They help to build up our communities. That is often missing. If it cannot be called marriage, it is seen to be a second-class relationship; we must address that. I also believe that if this is addressed in society, it may be the encouragement that the churches need in order to move into a different relationship. I long for and look forward to the time when these relationships can

be celebrated within our liturgies and in our church life. I hope profoundly that it will become a reality in my lifetime. For all these reasons, I hope that the Bill progresses to further discussion and that it is passed.

7.34 pm

Lord Edmiston: My Lords, I share many of the concerns of the noble Lord, Lord Dear, although I have to confess that I have spent many a sleepless night agonising over this subject: what is the right position to take? I, too, am a committed Christian and so I have looked for inspiration as to what marriage really is. The earliest reference I can find is in Genesis, chapter 2, which is often used in wedding ceremonies today:

"Therefore shall a man leave his father and his mother, and shall cleave unto his wife: and they shall be one flesh".

One flesh involves a physical and spiritual union: the joining together of the reproductive organs of a man and a woman; the potential for creating new flesh in the form of a child. Non-consummation annuls a marriage and therefore marriage is, and can only be, between a man and a woman. Marriage in the Jewish tradition was considered to be a blood covenant. They used to keep the bed sheets as proof that the covenant had been satisfied. It is a physical impossibility in a same-sex relationship for the reproductive organs to be joined together, and therefore whatever we seek to call it, it cannot be a marriage in the traditional sense. In fact, it changes the nature and meaning of marriage.

The concept of marriage was not really established by the state; it existed well before our parliamentary democracy and is an internationally recognised institution that crosses borders, religions and millennia. I do not think that we should seek to change it. If this Bill were to pass, in due course we would end up having to create a new vocabulary for words like "father", "mother", "husband" and "wife". This has already been flagged in other countries.

The proposed criterion for marriage is that two people love each other. The word "love" does not appear in the official words that are used in the wedding ceremony. If we accept that love is the sole criterion, then why cannot three people love each other? In fact, some countries already accept polygamy. This question has been asked in Canada, while in the Netherlands and Brazil judges have legalised what they call a polyamorous relationship, a cohabitation agreement with multiple sexual partners.

The reason marriage is limited to one man and one woman is that it takes no more and no less to produce children. If we were to accept that love is the precondition for marriage, why should we restrict it? If there is no possibility of genetic offspring or indeed no requirement for consummation, why should not close relatives get married? If that were to happen, I can see all sorts of interesting possibilities for inheritance tax planning. We would open a Pandora's Box. I do not believe we have looked closely enough at the unintended consequences.

Despite all the assurances that religious bodies have been given, the European courts can eventually overturn them. I am unconvinced by some of the assurances about the locks that are to be put in place. In any event, a new Government could always remove them. Equalities legislation has already seen many Christians in court, and this legislation will see many more. This Bill will also jeopardise employment and possibly criminalise those with traditional views of marriage. We have already seen cases where individuals have lost their jobs over their beliefs. There must be room for conscience. Otherwise this purported equality for the few comes at the expense of freedom of belief for the many with strongly held convictions.

The Bill purports to address a remaining apparent inequality, but it creates many other inequalities for both sexes and for homosexual couples. Couples of the same sex will have the option of civil partnership or marriage, while at the moment heterosexuals can have only marriage. I know that the Government have announced a consultation on this, despite initially blocking it because of the £4 billion price tag. Will the granting of civil partnerships to heterosexual couples strengthen marriage? I suspect that it will not. Same sex will have no definition of "consummation". Heterosexuals do. Same sex will have no definition of "adultery". Heterosexuals do. Same sex will not be allowed to marry in Northern Ireland. Heterosexuals can. Same sex couples will have limited countries in which they will be accepted and you cannot conduct marriages in those countries without their permission. Same sex cannot get married in the Church of England, but heterosexuals can. Instead of equality we will have created a whole raft of inequalities.

If this Bill is passed we will have changed the meaning of marriage to some fuzzy institution without any clear definition and in the process weakened it. It does not have public support. I am not convinced by some of the surveys that have taken place. We have all seen our mail boxes and the number of people who have written to us opposing the Bill. The public consultation took account of 100,000 comments of dubious origin and ignored 650,000 from uniquely identified individuals within the UK. We have seen that 500 imams wrote letters to the *Daily Telegraph*, and a group of Asian and black church leaders, representing more than 1 million people, have also written. All these comments have been ignored.

The committee in the House of Commons was skewed 70% in favour of the Bill and no amendments were accepted. Amendments made on Report did not address the concerns of the opponents of the Bill, in particular in the area of conscience and employment.

This Bill fails because it weakens marriage and creates a new institution, albeit with the same name. It will limit freedom of speech and room for conscience. It will eventually redefine roles within a family. It will have unwelcome consequences for all faiths and damaging ones for employment. It also creates new inequalities. It was not in the party manifesto and was expressly ruled out by the Prime Minister at the time of the election. The public consultation was a sham and for a change of this importance insufficient time has been given to consider public opinion and the potential consequences. We can reverse most laws that we pass in this place. This one we cannot reverse. Therefore we should take time to consider our approach carefully.

7.42 pm

Lord McAvoy: My Lords, I come to this debate with a traditional, basic approach that marriage is between a man and a woman. I am also informed by my life experience of having witnessed over the years the treatment of homosexual people in society, with adult men in jail, persecution, and all sorts of real bigotry—not just verbal bigotry and hurtful language—against such people. This really was persecution. Recently, I met a young gay Catholic man who was in turmoil about his sexuality, but he still opposed what is wrongly called "equal marriage"; it is same-sex marriage. Hurtful language is a two-way street. To be called a homophobic bigot because you take a traditional point of view is also wrong.

When I was in an elected House and despite not having the luxury of being in an unelected one, I voted for an equal age of consent for young men of 16; and I voted for civil partnerships, again on a free vote. It was my decision and my point of view. This was in the elected House. Perhaps it is not free and easy now, but there has been a big change in society and I welcome that change. I have always supported initiatives to make sure that all people get equality under the law. I maintain strongly that my record of voting for that while I was in the other House indicates that I do not have to defend myself too much.

The Government are responsible for rushing this Bill. As the noble Lord, Lord Cormack, mentioned, it is not on the back of a great a wave of support for changing the agreed definition of marriage. Surely, cultural and social change in this country comes about when the mass of the public takes the point of view that it is time for change. Over a number of years the public has shown that it is time for a change in the way in which society regards homosexual people. They have been treated disgracefully for centuries and it is time that it stopped.

A number of people—more than I would have thought—have said to me that they support the principle of same-sex marriage. I also accept that there is an element of generation in this as well. It seems that younger people are the more open they are to same-sex marriage. I like to think that the moves taken by the Labour Government, supported by many Conservatives, changed society so that it is now acceptable. Peter Tatchell has been mentioned. We are a long way from the Bermondsey by-election, but I will not take lectures from small-l liberals or even large-L Liberals, even if I have a traditional point of view. I also took part in the pressure to get rid of Section 28.

These moves reflect a society that was ready for change, wanted it and had tacit support for it. Frankly, I do not broadly find that tacit support in the society that I mix in. That is where the Government bear a responsibility. They have created divisions. They have exacerbated the feelings of those who feel that this has been forced on them as a way of exorcising Section 28 from Conservative Party history. The comments and pledges made by the Prime Minister have been mentioned. My main support for society is still there.

I will not vote for the Second Reading of the Bill. I will not vote for the amendment either, because that challenges the revising nature of the House of Lords and will put at risk the future basis for us, as a House, to intervene in, revise and improve legislation. I do not believe that the protections promised to the religious organisations are valid, because I see words like "inconceivable" and "almost impossible". No one from the Government will give the absolute guarantee that the Roman Catholic Church, for instance, will not be prosecuted—that someone will not take a case to the European Court and win it. Where is the guarantee? During the passage of this Bill, if it gets approved and goes into Committee, we will look for amendments—not wishy-washy words, but a definite guarantee that churches will not be forced to take part in this and will not be subject to prosecution.

7.48 pm

Lord Berkeley of Knighton: My Lords, I have been moved and very humbled by the intensity of the letters that I have received on this subject, on both sides of the debate. I have huge respect for the conflicting and deeply felt views. I have enjoyed some excellent speeches today. The contributions of those such as the noble Lord, Lord Fowler, are the best possible response to alleged mistakes by some Members of this Chamber, and to our critics.

I have also been surprised. Two of my closest friends, who are gay, are very uncomfortable with the idea of marriage. Many more, though, feel deeply insulted that they cannot share in the full rights of partnership that are accorded to heterosexual couples, and that they are somehow treated as second-class citizens. Equally, it makes little sense that a man and a woman cannot enter into a civil partnership, but that argument should not derail the express train that is currently racing through Parliament—and sometimes we all look forward to the arrival of an express train.

In my recent maiden speech, I mentioned the centenary of my godfather, Benjamin Britten, Lord Britten of Aldeburgh. When I think of his wonderful relationship with the tenor Peter Pears and, if I may put it like this, the musical children that resulted from it—works such as "Peter Grimes", "Billy Budd" and the "Serenade"—I cannot but recall that theirs was for many years an illegal, criminal relationship, if in every other conceivable way a marvellous and inspiring marriage. Mercifully, times have changed.

In the other place, we heard dire warnings that this is only the beginning of homosexual aspiration. To many loving couples it is the beginning of the end—the beginning of the end of an inequality that they feel does not accord their love the same profound dignity as is given to men and women. Since many men and women who get married have no intention of creating children, to see marriage as instituted purely for procreation, wonderful though that is, is to take a somewhat narrow and blinkered view of where we now are in our society. This House, and indeed Parliament, must now be visionary. In 50 years' time, probably much less, I suspect that we will look back and see gay marriage as having been as inevitable as the abolition of slavery, the emancipation of women and the decriminalising of homosexual acts between consenting adults.

Among your Lordships, I would probably be among the last to have a direct line to the thinking of the

Almighty, but I imagine that the love of human beings for each other would shine out radiantly as a presiding desire—transcending, and regardless of, gender or the semantics and legalese of how those attachments are formulated in contract. Finally, having admitted that I do not have a hotline to the Almighty, I now feel slightly more that I resemble a parrot because this has been said many times before. However, I must end with it. The vote in the other place was a free vote and that means, if I understand it correctly, that it has a democratic mandate that this House normally feels it must bow before. For that reason, and the others I have mentioned, I will very happily support the Bill.

7.53 pm

Lord Dobbs: My Lords, this is a fine debate and worthy of this House. It is a pleasure to follow the noble Lord, Lord Berkeley, and to have listened to so many fine speeches. Like so many others, my postbag has overflowed. Most of the letters on paper are against the Bill, while the vast majority of those sent by e-mail and Twitter are in favour. So there we have it: an older generation versus the new.

The "anti" mail is clearly organised, but there is no harm in that. It does not make the views expressed any less relevant. Putting aside those letters that are clearly homophobic and written with green ink in the margin, the overriding message is the appeal to support "the traditional approach to marriage". As a Conservative, I am rather fond of tradition but I must admit that I am at a loss to understand precisely what is meant by "traditional marriage". How traditional do you want? As traditional, perhaps, as that well known fan of marriage, Henry VIII; or as traditional as the approach that once decreed that marriage had to be for life, no matter the outrages involved; or the more recent traditional approach that denied a divorced person the privilege of remarrying in a church. There is no traditional approach to marriage. It is an institution that has always changed over time and does not stand frozen in a single moment of morality. It moves; it adapts.

I would not have introduced this Bill at this time. There has been no great public outcry for it, not after the successful introduction of civil partnerships. It seems to me that the differences between a civil partnership and a marriage are so fine as to be almost transparent and cast no great shadow. Yet the Bill is here—the pebble in the shoe—and it has to be dealt with before we can move on. I know that it was not in any manifesto or in the Queen's Speech, which was perhaps a pity, but this issue must be dealt with on its merits and not judged by how it got here.

What should I, as a Conservative, feel about gay marriage? I do not believe in equality—I leave that rather charming nostrum to our friends on the Labour Benches— but in equal opportunity. That is getting closer to it. At the heart of this matter is that we are all born unique and different, while at the heart of my conservatism is that no one should be discriminated against because of how they were born. I do not know any man or woman who has found it easy being born gay. I have not met a single one who would have actively chosen that route, with all its discrimination and denigration, and with the embarrassments, injustices and outright hatreds that were and still are put in the way. However, we are what we are—what we have been born—and I will not look a gay man or woman in the eye and say, "You are inferior just because you were born different to me", any more than I would do that to someone who was black or brown, or a woman or blind. We are surely way beyond that, so despite the fact that I believe that this Bill needs more work I will be supporting its principle and doing so as a Conservative.

This brings me to my final point, on the amendment of the noble Lord, Lord Dear. I have sincere personal regard for the noble Lord but on this issue I differ with him completely. It would do great damage to this place and to the legitimacy of this House if we were to destroy a Bill that has been given such an overwhelming majority on a free vote in the House of Commons. It would make this unelected House look out of touch, irrelevant and obsolete. It would bring back from the dead all those silly and shallow things that the Deputy Prime Minister keeps muttering about us. Our duty in this House is to revise, not to ruin, and to improve rather than oppose to the point of destruction. We have fought so hard in recent months to secure the future of this House and for that reason, above all others, it would be folly to accept this amendment.

7.58 pm

Lord Singh of Wimbledon: My Lords, concern for social justice and human rights are basic to Sikh teaching, and I was delighted when the homosexual community was given full protection and dignity under the law through civil partnerships. It is, however, important to remember that social equality and respect for difference is quite different from the pursuit of uniformity and sameness and the deliberate masking of difference by changing the accepted meaning of language—in this case, the accepted meaning of marriage. In this, I share the concerns of the noble Lord, Lord Campbell-Savours.

The one fact of life is that we are all different. We all differ in our physical and mental attributes, and in our dislikes and preferences. Most people form opposite-sex partnerships, giving birth to children and nurturing them in the family unit. This type of relationship, defined by the parameters of declared commitment, consummation of the relationship and social commitment for the nurture and care of the family, has long been defined as marriage. Difference should be respected. While same-sex partnerships are primarily for adult companionship, they do not share the same social responsibilities and parameters that define "marriage" in so many different religions and cultures. What I fail to understand is the pretence that marriage, with its clearly defined parameters and attached responsibilities, is the same as same-sex adult companionship when everyone outside Westminster knows there is a world of difference.

There is no evidence of majority support for this measure, even in the gay community. In an article in the *Daily Mail*, the well known columnist Andrew Pierce writes that he is a gay man who opposes gay marriage. Alan Duncan, the International Development Minister, who is in a civil partnership, is implacably opposed to gay marriage. David Starkey, the openly gay historian, is also opposed to the concept of gay

[Lord Singh of Wimbledon]
marriage. The Labour MP Ben Bradshaw, who was the first Cabinet Minister to enter into a civil partnership, has openly criticised the idea of gay marriage, saying that the move to smash centuries of church teaching is "pure politics" and not wanted by the gay community, which has already won equality through civil partnerships.

There is no end of statistics which show that children's life chances are linked to stable relationships to natural parents. If marriage is diluted to become no more than adult companionship, this will simply add to a growing focus on adult happiness to the inevitable neglect of our children, with more and more being taken into what we call care. If a committed relationship is all-important, where is the logic in not extending this to bigamous relationships? After all, there are more Muslims in this country than gays. Why discriminate against this particular religious community? Blind pursuit of unthinking equality can have unforeseen consequences. In mathematics, if you want to see where an equation is heading, you tend to take it towards infinity—look further down the line. Here we desperately need to look further down the line.

Much has been made of the so-called consultation process. Along with other members of the Inter Faith Network, I was invited to a consultation meeting and told that government policy would not be affected by our views. We are back to the world of *Alice in Wonderland*: sentence first, verdict after. The 87% majority against the measure has not only been ignored but turned round to claim a 57% vote in favour of the measure.

Government assurances that their lawyers see little likelihood of European human rights legislation being used to force people to act against their consciences inspire little confidence when we remember that the same lawyers said that there would be no problem deporting a certain Muslim cleric. It is in reality a measure that could well force many with sincerely held religious and ethical beliefs to either compromise those beliefs or lose their jobs. This has already happened to people like Adrian Smith, who was demoted and had his pay cut by 40% for saying—on his personal Facebook, in his own time—that gay marriages in churches would be an equality too far.

This is an ill thought-through measure that seeks to destroy a basic fundamental institution of society without any understanding or consideration of the consequences. It is a measure that has not been consulted on with the public at all and it has no mandate. For these reasons, I fully support the amendment of the noble Lord, Lord Dear.

8.04 pm

The Marquess of Lothian: My Lords, it is a pleasure to follow the noble Lord, Lord Singh. I totally endorse his conclusion and I will come to the reasons for that. As the 38th speaker, it is very difficult to make a constructive speech one way or the other on this issue, because all the arguments have been made not just once but many times.

What I would like to do, therefore, as briefly as I can, is to share one or two thoughts and concerns with your Lordships. Unlike my noble friends Lord Black—whose speech moved me—and Lord Dobbs, who said that they were voting the way they were because they were Conservatives, I oppose this Bill not despite being a Conservative but because I am a Conservative. There are thousands of Conservatives around the country who take precisely that view.

I am a Conservative who came into politics initially at the time of Harold Macmillan. Harold Macmillan believed that the duty of a Conservative was to conserve and protect that which was good and to replace and mend only that which had had its day or was broken. This Bill defies that principle. It is profoundly un-Conservative. Marriage is not broken. I have not heard anybody today suggest that it is. It is good and we should be seeking to conserve and protect it. Instead, this Bill seeks fundamentally to alter it.

Undeniably, throughout history marriage has changed. The noble Lord, Lord Pannick, set out a whole row of ways in which the process of marriage has altered over the past 200 years. I can add to that. I am a Scottish lawyer. When I was called to the Bar in Scotland you could get married across an anvil at Gretna Green. You could also get married to what was known as your bidie-in, your long-term partner; if you had been living with them long enough you could go to the law and say, "Can you please now pronounce us man and wife?". That was all that had to be done. Those are gone now. The form of marriage has altered.

However, one fundamental thing has never altered: marriage is between a man and a woman. Even when we heard talk about polygamous marriages, the sexual relations within those marriages were between a man and woman. That is what is fundamentally being destroyed in this Bill. It seeks within our law profoundly to alter the meaning of marriage.

Let me make one thing aggressively clear. I am not in any way anti-gay. Nobody who knows me would ever accuse me of being so. I have attended wonderful celebrations of civil partnerships where same-sex couples who are my friends have expressed their love and commitment to each other and I have rejoiced in being able to rejoice with them. This Bill is not about being pro- or anti- gay. That is a dishonest argument by those who make it, and does them absolutely no credit.

Rather—and this is my main concern—this Bill is highly offensive to many decent, tolerant and moderate Christians and to many decent, tolerant and moderate Muslims, and indeed to many others, including people of no religion at all, who see it understandably as an attack on something they hold very special and very dear and which has been held so for many years before them. They are angered by the fact that they were not consulted about this. They were not asked about it before the previous election. The consultations that have taken place have not even asked them whether they agreed with it; they were asked only whether they agreed with the way it was going to be taken forward. They quite rightly feel they have been excluded from something which matters desperately to them—not because they are bigoted or swivel-eyed, but because they are part of a culture, as am I, that believes that marriage is between a man and a woman.

This Bill does not create the much vaunted equality in marriage. It establishes two different sorts of marriage: statutory gay marriage on the one hand and what I believe will become known as real or traditional marriage on the other. When I talk about real marriage, I am talking about the marriage that people instinctively believe is between a man and a woman. Of course, Parliament is sovereign. Within its own jurisdiction it can change the legal definition of marriage. I have to accept that. This Bill may well do so. But for all its sovereignty, what Parliament cannot do is change the fundamental meaning of marriage any more than King Canute, for all his sovereignty, could order and change the running of the tide—and that indeed was the point he was trying to make when he placed his chair in the sea as the tide came in.

As a result, this un-thought out Bill, which has not tested its own principles of equality and has not looked at all the anomalies it is creating, is going to divide our society rather than unite it; far from equalising, it is going to create discriminations. We will come on to some of those when we get to Committee. Some of those discriminations are very real indeed. Far from achieving understanding, it is already creating confusion. Far from building harmony, it will create disharmony, anger and long-lasting hurt. For that reason I will be voting for the amendment tomorrow.

Lord Martin of Springburn: I share a great many views that the noble Marquess has expressed. However, he and I came from the House of Commons. Does he not feel that when the other House passes legislation, it is perhaps wrong for us to reject it at Second Reading, and that we should go into Committee and discuss how the matter can be looked at?

The Marquess of Lothian: I understand where the noble Lord is coming from. I say to him that, in looking at the Bill, I personally do not think that the arguments that I have made today can be cured in Committee. If they are going to be cured, we will have to start again with a new Bill, from the beginning, and get it right. For that reason, very unusually, I will be voting with the noble Lord, Lord Dear, tomorrow.

8.10 pm

Baroness Morgan of Ely: My Lords, I was anxious to participate in this debate. I will start by telling your Lordships what marriage means to me. I was married more than 17 years ago in the beautiful cathedral of St Davids in Pembrokeshire. I am a committed Christian, an active member of the Church in Wales and the daughter of a much-loved priest who worked his whole life in a deprived parish called Ely in Cardiff. When I married my GP husband, I did not have the slightest inkling that, to my astonishment and delight, I would become the wife of a clergyman; my husband will be ordained into the Church in Wales in just a few weeks' time.

Since then, we have brought two children into the world to respect the faith in which I am immersed. My marriage and family are the most important things in my life, and if they are under threat I will do all I can to protect them. Like all parents, we want the very best for our children. We want them to enjoy every possible happiness and hope that one day they will meet their life partner and get married.

When we were married, the words of the service began like this:

"God calls men and women to the married state so that their love may be made holy in lifelong union; that they may bring up their children to grow in grace and learn to love him; and that they may honour, help and comfort one another both in prosperity and in adversity".

We believe that this sacred contract offers the best outcomes for our children and the best place for them to raise their families, and I believe that marriage is the best place for them to do this. I want this for my children, whether they are gay or straight. In speaking for equal marriage, then, let me be clear. I believe equal marriage is in the best interests of my family and of marriage in general. I believe equal marriage is in the best interests of my faith. I believe that equal marriage is in the best interests of my children and everyone else's children.

Some have said that allowing same-sex couples to marry will threaten the institution of marriage and rock the foundations of our society, but I suggest that the opposite is the case. We risk making marriage into a stone idol, rather than a living, life-enhancing experience, by denying it to same-sex couples. With a few exceptions, I have been deeply disappointed by the contributions to the debate from the leaders of my faith. They seem to dwell on the concept of the institution of marriage. Institutions are often dark, dull, dusty places and none can survive without being revisited and refreshed; maybe your Lordships' House is an example of that.

I look back at the words of the preface to the Welsh marriage service, where it says:

"God calls men and women to the married state".

Marriage is a vocation, a response to a divine call rather than a set of dusty, ancient rules. For those who celebrate their Christian faith, marriage is far more than a legal contract. Marriage is a response to God's call to love, and I see no reason why that should be limited to being between women and men. I believe the preface of the Welsh marriage service teaches correctly. God calls men and women to the married state, and that call, if it is between two men or two women, is equally sacred, is equally a marriage and deserves to be recognised in law.

I share with the most reverend Primate the Archbishop of Canterbury his experience of gay families when he says:

"You see gay relationships that are just stunning in the quality of the relationship".

However, the failure of his and my church to recognise the vocation of these "stunning" couples as marriage is deeply troubling to many faithful Anglicans here in the United Kingdom. The response of the church to this issue reminds us of a shameful time, only recently passed, when women with stunning vocations to the priesthood were told they could not have this vocation.

I share with many in this House and in the House of Commons a growing sadness at the discrimination that the church continues to practise because of the exemptions it has secured from law. It is becoming increasingly disturbing for me to think that my faith cannot survive in our society without the need for

[Baroness Morgan of Ely]
special protection, and has become the last bastion of social conservatism. I am pleased to see that there is a correction to the original Bill that recognises the Church in Wales as a disestablished church. There is now a provision which allows the Governing Body of the Church in Wales to introduce same-sex marriage if it should wish. I hope that the more progressive forces within the Church in Wales will win this argument and that Wales will lead the way for the Anglican Church in England.

My gay friends are not beating down my door demanding that we recognise their "stunning" relationships as marriage. It is people like me—mothers, sisters, friends—who look at their relationships and recognise the vocation of marriage when we see it, and are demanding that we should recognise and celebrate their calling and not try to hide it in some dark corner by calling it something else.

This Bill has passed all its stages elsewhere. It is the will of the people that same-sex couples should have their marriage relationships recognised in law. Surveys have shown that 80% of adults of my generation or younger now support same-sex legislation, including three in five people like me, who have faith. I am deeply saddened by the thought that if my children grow up to love someone of the same gender they cannot have their love affirmed and celebrated by the church to which they belong.

8.17 pm

Lord Dannatt: My Lords, time is short and there are many speakers in this debate. Therefore, like others, I will aim to be concise. I have four comments to make about the Bill. In my opinion the process of the Bill is and has been flawed; the purpose of the Bill is misleading; the premise of the Bill is worrying; and the atmosphere created by the tabling of the Bill is potentially divisive, and I regret that.

Allow me to substantiate those four assertions. First, the process of the Bill is flawed. Little I can say here is new, but the facts speak for themselves and are important and bear repetition. A Bill such as this did not feature explicitly in any of three major parties' manifestos at the general election. It did not appear in either of the last two Queen's Speeches. The formal consultation process, as we have heard, was purely on the basis of how this redefinition of marriage was to be conducted, not whether it should be conducted. At least that was how it was initially. Moreover the consultation counted only as one view the consolidated views of between half and two-thirds of a million citizens who signed the Coalition for Marriage petition, each giving verifiable addresses. Only a short period was allocated for debate in the other place, where there are also doubts—and they have been expressed today—as to how free the supposed free vote in the other place was, not to mention the composition of the committee that gave cursory consideration to the Bill.

Secondly, I suggest that the purpose of the Bill is misleading. It is supposed to redefine marriage so it becomes as equal an institution between same-sex couples as it is between a man and woman. This purpose is a contradiction in terms. A redefinition of marriage cannot bring equality. The defining process of marriage is consummation, which is for the entirely practical purpose of bringing children into the world—the creation of families which have been the building block of society for centuries. The marriage of two men or two women cannot naturally bring about the purpose of marriage; legally perhaps, but naturally not.

Thirdly, I believe the premise of the Bill is worrying. It is supposed to promote the rights of a minority within our population by affording that minority a supposed equality in marriage. I have already argued that that cannot be so, but in the erroneous pursuit of that supposed equality, a Bill that is designed to promote the interests of a minority itself becomes a powerful piece of legislation that threatens the traditional interests of a majority of our population. The supposed safeguards being written into the Bill to protect the rights of many sections of our society to express the traditional view of marriage in private and in public will not be worth the paper they are written on. The inexorable march of litigation will frustrate over time whatever Parliament may, or may not, have intended.

Fourthly, I fear that the atmosphere created by the tabling of the Bill is potentially divisive. For decades there have been vigorous debates about the acceptability of homosexual orientation and lifestyles. Tempers have been raised and emotions have flowed, but whatever individuals thought about homosexual or heterosexual lifestyles, an atmosphere of acceptance and tolerance has been established in all but the most narrow-minded circles. The tabling of the Bill runs the risk of driving a cart and horses through that atmosphere, which has been carefully built up, of acceptance building on previous tolerance. In 2008, I became the first chief of staff of any of the three armed services to give the opening address at the Armed Forces annual LGBT conference. My theme in that address focused on one of the Army's six core values—respect for others. I may not personally have understood or approved the circumstances of those who were members of the Armed Forces LGBT community but I had an obligation to respect them as individuals. Such respect and tolerance are being severely challenged by this ill-thought-through Bill.

In conclusion, I soundly oppose this Bill for the four reasons I have given but if I had to pick one of them as my principal ground of objection and why I shall vote with the noble Lord, Lord Dear, tomorrow, it is the first one. I believe that the process of this Bill has, to date, been tantamount to an abuse of process which, as a member of the mother of Parliaments, I am deeply uncomfortable about. Following due democratic process and procedure is a principle that I spent the 40 years of my professional life as a soldier upholding. We fought for the ballot box against the Armalite for 38 years in Northern Ireland; we stood for democracy against communism for 44 years in Europe; we stood for the democratic right of self-determination in the Falklands in 1982 and still do; and now as a parliamentarian I am asked to accept an abuse of the democratic process, and I will not do it.

This Bill is of historic importance and in my view history will judge us poorly if this issue was thought to have been fast-tracked to the statute book without due regard to the established democratic and parliamentary processes.

8.23 pm

Lord Mawhinney: My Lords, it an honour to follow the noble Lord, Lord Dannatt, and I particularly want to thank him for what he said about respect. I say to my noble friend Lady Stowell how very much I appreciated not just her speech, to which I will return in a moment, but her joke and tell her that if she can maintain that tradition in her political life, particularly in a Chamber where everybody is uptight about something else, then she has a very bright future ahead of her.

My noble friend said that she respected those in the faith community who took a different view from this Bill. The noble Baroness, Lady Royall, said the same thing. I was initially warmed until I thought about it. I have been enormously privileged to spend 36 years in this building, man and boy, and I cannot count how many times I have been told I have been respected when the Minister meant that I was about to be ignored. If the Government really respected the faith community, as they say they do, then this Bill would not be here today. It was interesting that the religious freedom focus was on the 1% and not on the 99%, whereas if faith was going to be respected, the focus would have been on the 99% and not on the 1%.

My noble friend Lord Dobbs gave us a very enjoyable piece about not understanding what traditional marriage is. That got me thinking, although I have done no survey, that most of the Members of your Lordships' House will have been married, probably most in church. Therefore we will all have acquiesced to a priest, pastor or vicar saying something to the effect that what we were going through was one man, one woman, and for this reason you leave father and mother to become one being, exclusively for life, and for procreation. Not everybody gets it right, but that is what was defined as the traditional marriage. The words are the words of Jesus, and when Jesus used them, they were the words of creation. Therefore, as a practicing Christian, I have a problem with this legislation, because I do not believe that it respects faith and the sincerely held views of those in the faith community.

It is also hard to have respect for this Bill politically. In May 2010 the Prime Minister said that there would not be any legislation. Seventeen months later he was cheered to the rafters by a Conservative Party conference when he told them that he was in favour of same-sex marriage because he was a Conservative. I will tell you something—he will not try that again in 2013. It will not happen. It is hard to have political respect and hard to have it off the back of what passed for a public consultation. Those in this House who know me well will not be surprised if I say that I was brought up on gospel stories. When I saw the public consultation I was rather irreverently reminded of Jesus turning water into wine. This Government turned half a million votes into one vote in order to get 53% in favour when actually 87% were against. Forgive me, but I cannot have respect for that sort of behaviour.

I want to say to the noble Lord, Lord McAvoy, something which he will never have expected me to say, and he will be encouraged to know that I am as shocked to hear myself saying it as he will be to hear me say it, for he and I go back a long way. But he was right. Major social change comes when the majority demands it. Major social and cultural change is not a product of the minority. If it is to be successful, it will be a product of the majority.

I have used up my time. For 40 years my life has been driven by Christian and Conservative convictions, and now I am led to believe that because I continue to hold those values and principles I am a swivel-eyed loon. I want to raise a flag for swivel-eyed loons, because at the very heart of our country and our party is a commitment to time-tested values and principles. It is easy to lose respect. If you lose respect you lose trust, and if you lose trust you are in big trouble—and remember, I was the party chairman in 1997, so I know whereof I speak. This Government need to focus on respect, and if they are going to do that they need to start by taking this Bill away and producing something an awful lot better.

8.30 pm

Lord Quirk: My Lords, I shall be brief. I echo what the noble Lord, Lord Mawhinney, has just said. However, let us agree that the Bill has the noblest of aims: advancing the cause of fairness and equality to a minority absurdly disparaged and cruelly treated, not only in centuries past but in many societies even today. However, the Bill's aims must be addressed with forethought and wisdom, of which it shows an embarrassing deficiency at present. I, too, urge the Government to withdraw this current muddled and flawed attempt. The equality that it purports to seek is a cheapened version of spurious uniformity in glaring defiance of reality. Our gay community, talented and caring, deserves better and can have it.

I wondered when I first looked at the Bill, whether amendments could bring it up to scratch. In places, they clearly might. In Clause 9(7), for example, the Bill enables the conversion of civil partnerships to marriage, but permits such conversion to have an effective date that would be several years before the relevant form of marriage became legally possible. There, surely, is an absurd anomaly that could be rectified by amendment.

However, as I read further and, of course, before having heard the devastating critique of the noble Lord, Lord Dear, today, it became obvious that only a thorough reworking of the Bill, with a root-and-branch rethink of its proposals and their implications, could do the job. This is perhaps especially manifest in the 60-page document, laughably called Explanatory Notes, which has several explanations such as this one on page 29, which states that,

"'husband' here will include a man or a woman in a same sex marriage … In a similar way, 'wife' will include … a man married to a man".

Such linguistic acrobatics, distorting the marital bed into a Procrustean one, are inherent in the Bill at present. They smack, not so much of Humpty Dumpty's world—as the noble Lord, Lord Dear, implied this morning—as of the dystopias of Jonathan Swift and George Orwell. After all, Lewis Carroll was only joking; Swift and Orwell were deadly serious.

8.33 pm

Lord Stoddart of Swindon: My Lords, I think by now most things have been said about the Bill. Nevertheless, I will repeat some of them because I

[LORD STODDART OF SWINDON]
want my views to be on record. The first thing I want to say is that the Bill is an outrage to democracy. No political party had the guts to include this measure in its manifesto. It is a measure that undermines the concept of marriage that has lasted for centuries. The Bill, as we have heard, was rushed through the House of Commons, ignoring the generally accepted rule that Bills with constitutional implications should be discussed on the Floor of the House rather than in Committee. That point was previously raised by the noble Lord, Lord Naseby. Under this circumstance, this House has not only the right to return the Bill to the Commons but the duty to do so, because it does not have the wholehearted consent of the House of Commons or, indeed, of this place or the country as a whole. I want it returned to the Commons because I believe that it should reconsider its position and either delay the Bill until the next election, when it can be included in the various parties' manifestos, or hold a referendum on the matter later this year or early next year.

Some noble Lords have said that this House does not have the right to return the Bill to the House of Commons and no right not to give it a Second Reading, but it has every right to do so—and, as I have said, it has the duty to do so, so that the whole matter can be reconsidered. The noble Lord, Lord Dobbs, said that there would be bad consequences for this House if we ignored a Commons Bill in this way. I have been here for 33 years and, whenever anything like this has come up, we have heard the same threat, but we are still here—and we will probably be here for a very long time yet.

Like other noble Lords, I have been inundated with letters and e-mails about the Bill, and the overwhelming majority of them have urged me to oppose it, which indeed I shall do by supporting the amendment tabled by the noble Lord, Lord Dear. We have heard claims that the public are all for this Bill; we have heard all sorts of figures bandied around. My postbag and e-mails do not show that. Indeed, I well remember being told that an overwhelming number of people in the country supported AV and that it was more democratic. However, when we had a referendum on it, only about one-quarter of them thought it was a good thing. We had the same problem over regional government; when that was put to the vote, after it had been lauded by the then Government, who presumably believed that the people were for it, in the Prime Minister's own constituency they voted against it by 3.5 to one. Therefore, we should be very careful about the claim that is being made that a large majority of the country is in favour of this legislation.

Those who have written to me find themselves in a situation where they feel that they cannot be heard. Indeed, I have to say that when the three parties agree to anything we lose our democracy. We are, in fact, in respect of this Bill, living in a one-party state, because the electorate can do nothing about it. Bills are rushed through. The major political parties believe, cynically, that since they are all in favour of it, at the next election people opposed to it will have nowhere else to go—that all the parties are in favour of it, so people cannot vote for an alternative. Of course, they can do other things, such as abstaining or voting against all those parties and all the MPs who supported the Bill. They cannot vote against Peers, of course. I will have great pleasure tomorrow in supporting the amendment of the noble Lord, Lord Dear, and I thank him for moving it.

8.39 pm

Lord Tebbit: My Lords, this Bill is promoted as a measure to end a discrimination against homosexuals, but the present law of marriage does not discriminate against homosexuals. The rights of a homosexual man are identical to mine. Subject to the laws on incest and bigamy, we are each free to marry a woman. Neither he nor I may marry another man. Our positions are identical. If it were to be held that the wish of a homosexual man to marry another man being thwarted by law was proof of discrimination, then the law forbidding polygamy would equally be proof of discrimination. Therefore, undoubtedly, we should move, on the basis of the arguments that have been put forward in favour of this Bill, towards making lawful the marriage of one man with two or more women, or a woman with more than one man.

It does not end there. The claim that the Bill merely undoes an act of discrimination is false; it is worthless and deserves no credibility. Those who support this Bill must find some other reason for it than that. If the Bill were to be enacted, it would introduce a real and novel form of discrimination. I understand that there is no definition of how a same-sex marriage would be consummated, or of what would be regarded as adultery in a same-sex marriage. Therefore, a heterosexual marriage would stand liable to annulment because of non-consummation but a homosexual marriage would not. Similarly, a heterosexual husband or wife might be found to have committed adultery, whereas a homosexual could not be found to have committed adultery. That is real discrimination. Then, of course, we would have to change the law for heterosexual marriage to bring it into line with homosexual marriage and abolish adultery and non-consummation. That would be madness.

Then there is the matter of the law of succession and its interaction with this Bill. There is, I believe, no bar to a lesbian succeeding to the Throne. It may happen. It probably will, at some stage. What, then, if she marries and her partner bears a child by an anonymous sperm donor? Is that child the heir to the Throne? If the Queen herself subsequently bore a child by an anonymous donor, which child then, if either, would inherit the Throne? The possibilities must have been discussed in the deep consideration of this Bill in government, so the Minister must know the answer. If she does not know it immediately, I am sure that her officials will be able to give it to her, because it has all been discussed thoroughly.

Finally, I must express my concern for those employed in schools and churches. Would their jobs be at risk should they question the new orthodoxy? Section 28 of the Education Act prohibited teachers from promoting homosexuality and was denounced by the liberal establishment. This Bill seems to require teachers to promote marriage between homosexuals. What will the liberal establishment say then? There must be some explanation for that.

We know already that a voluntary chaplain to Strathclyde police force has been dismissed for supporting real marriage. No doubt noble Lords have received a letter, as I have, from Ormerods Solicitors, setting out the concerns of many people over the impact of the Bill on those in the church and the teaching profession. Marriage exists not just for the convenience of couples but to stabilise society. It seems to me that this House would be wise to refuse a Second Reading for the Bill until all these concerns have been met. I underline again what has already been mentioned this evening in quoting page 29 of the Explanatory Notes to the Bill. It states:

"This means that 'husband' here will include a man or a woman in a same sex marriage, as well as a man married to a woman. In a similar way, 'wife' will include a woman married to another woman".

Does that sound like gobbledegook to any noble Lord? It sounds not merely like gobbledegook but the reversal of the natural and normal meaning of words. It is no good my noble friend waving his hand in that peculiar gesture. That is what it says in the Explanatory Notes to the Bill that he supports. I will support the amendment of the noble Lord, Lord Dear, tomorrow night.

8.46 pm

Lord Davies of Stamford: My Lords, the noble Lord, Lord Tebbit, asked some very ingenious and challenging questions, and I know that I am not alone in looking forward very much to the Minister's response to them.

Irrespective of my views on this subject, to which I will come in a moment, I congratulate the noble Lord, Lord Dear, on taking time and trouble, and displaying considerable courage, in bringing forward the amendment and arguing for it extremely well. By doing so, he has, at the very least, ensured that today's debate is a great deal more serious and intense than it would have been if the result had been a foregone conclusion.

I may be the first speaker who has deliberately refrained from taking a decision on how I will vote tomorrow until I have heard the debate. Incidentally, I share the view that the Government's conduct on this Bill has been pretty unedifying. In my view, it should have been brought in as a Private Member's Bill. It has nothing to do with party politics or the governance of the state and was not mentioned in any manifesto. The consultation exercise was clearly perfunctory, to say the least, and may have been dishonest and falsified if it is true—I pray that it is not—that a petition of half a million people was counted as the expression of one view. That is the sort of legalistic trickery one normally associates with Putin's Russia, and it would be very deplorable if it has happened here. Nevertheless, these are not the essential points on which we will vote.

I shall certainly vote as I do not believe in abstention. I am minded to vote for the Bill on the basis of two principles by which I always try to be guided. One is the liberty principle, first explicitly formulated by Mill, which was referred to by the noble Lord, Lord Dear, in his introductory speech. It states that in a free society the state does not attempt to constrain the liberty of the citizen beyond the minimum point required to defend the liberty of others. Therefore, if you have two potential partners to a marriage or any other ceremony and someone willing to perform the ceremony, be he or she a priest, a minister of religion, a registrar or whoever, what right does the state have to prevent that taking place? That is a very pertinent and relevant consideration.

The other principle that I always try to be guided by is the Pareto principle, which says that in any structure of social relationships, whether or not enshrined in the law, if a change can be made such that even just one person is happier and no one is made less happy, that change should automatically be made. It seems to me that if we enact this Bill, we will make an awful lot of people very happy. Some say that it will make some people unhappy, but I do not accept that that is the equivalent emotion. The noble Lord, Lord Tebbit, and some other distinguished noble Lords who have spoken this evening, disapprove of what is going on, but disapproval is not quite the same thing. Their own particular liberties, their own interests and their own utility are not impacted, so I do not think that that is relevant.

I am minded, broadly speaking, to vote for this Bill, but I have two very serious reservations that I will put to the Minister. One of these, thank God, has been raised by many noble Lords this evening, and I will add to the list of those who have emphasised it. The other has not been mentioned at all. The one that has been mentioned is the fate of people who might lose their jobs as a result of this Bill being enacted. We should all be extremely concerned about that. What about registrars, whom no one has mentioned? As I read the Bill, registrars, unlike priests and ministers of religion, will not have the opportunity to opt out. Are they all going to be fired? Are they going to be compensated? Is a decent effort going to be made to find them another decent job? We need to know. We cannot possibly allow this Bill to go on the statute book without having an answer to those questions.

What about teachers? I also read the legal counsel's opinion to which the noble Lord, Lord Dear, referred, so I need not summarise it. It states, very persuasively, that there is all too great a danger that teachers will lose their jobs if they continue to express the view that the proper concept of marriage is the traditional one, as we understand it. The noble Baroness, Lady Stowell, went a long way to meeting me—and, indeed, the House—on this in her remarks from the Front Bench when she said that the Government intended that there should be effective protections and were prepared to strengthen the Bill to make sure that those protections were more effective. The Government were not prepared to accept amendments in the other place, but I took it that there would be a greater degree of flexibility, perhaps as a result of this debate and of the reaction in the country. If that is the case, I welcome it. If the Bill goes forward, I shall certainly refer to the earlier assurance from the noble Baroness, Lady Stowell, which will be very relevant to proceedings in Committee and on Report.

The other reservation and concern on which I must be satisfied if I am going to vote against the amendment and for Second Reading relates to the issue of legal blackmail. It is all too possible that, even if the law is totally robust, a teacher or a priest who has tried to opt out, or somebody else who is, or should be, protected

[Lord Davies of Stamford]
under the Bill, may be attacked at law by a possibly aggressive gay rights organisation. The case may go up through the courts to the Supreme Court, even to the European Court of Human Rights in Strasbourg, where ultimately the protections will prove to be robust and effective. However, how can a poor individual citizen possibly face a movement with millions of pounds to spend on lawyers who would certainly not, in this case, be working on a contingency or conditional fee basis? This thing could go on for years, running up millions of pounds and totally disrupting the life of the plaintiff—or defendant, depending on whether it was a civil or criminal action, though from a practical point of view the result would be very similar. We must be assured that would not happen. Who would pay the legal fees in the case of a priest in the Church of England or another church? Churches' money should not be spent on defending a person finding himself in that position. Someone earning £15,000 a year cannot be expected to find millions of pounds to pursue his own defence. I would need a robust answer to that question before I would be prepared to support the Bill.

8.53 pm

Lord Alderdice: My Lords, when the civil partnership legislation came to your Lordships' House, I spoke strongly in favour of it. If it came again because there was a need for further protections or development of the legislation, I would continue to speak very strongly and passionately for it. However, I am not speaking from the place I normally sit as Convenor because my views about this legislation vary from those of the overwhelming majority of my colleagues on these Benches. It is right to make it clear that I take a different view and that I am not persuaded of the virtues of this piece of legislation.

I am hesitant to speak because many of those who have spoken, and many outside, feel very passionately and sensitively about these things, and I have listened carefully to my noble friend Lady Barker, the noble Lords, Lord Smith of Finsbury and Lord Black of Brentwood, and others who have spoken strongly of their personal experience and their strong feelings and sense of hurt at times. However, others have spoken crisply and I have been sent e-mails by leaders of some campaigns advising me that any opposition to the Bill can be based only on homophobia. That is as unhelpful and unfortunate as extremism on the other side.

It is important for us to consider what is being proposed. No one disputes that it is a major change, and it is for the proponents of change to make their argument persuasively, not the reverse. I am not opposed to change, and the noble Baroness, Lady Neuberger, pointed out that there have been many changes in the institution of marriage over the years. At other times, she said, polygamy was possible. She could also have said, "and currently in other places". In our part of the world it is illegal. The age of consent for marriage has not been the same at all times, nor has it always moved in one direction.

The noble Lord, Lord Blair of Boughton, was not correct when he said that the tide of history flows always in one direction—would that it were so. In many parts of the world it is flowing in a very different direction and that is one of the great dangers of which we must be aware when we espouse social change of a major order. My noble friend Lord Lothian made the point—and I share many of his concerns about conflict in various parts of the world—that if one does not take the people with one in a social change, one can actually provoke reaction against it. I give one example: I am a member of the Presbyterian Church in Ireland and it is clear that there is a stream against continuing with the ordination of women, which we have had since 1927. It is not at all impossible that it might be reversed; it was reversed some years ago in the Presbyterian Church in Australia. Therefore, the tide of history does not always flow in one direction, and it can be greatly disadvantageous.

The question is: what does the community want? The electorate are often much more fickle, saying one thing now and a very different thing a little while later. Have the Government made the argument? My noble friend Lady Stowell of Beeston made a thoughtful speech. I noted that she said, near the end, that quite simply the love and relationship are the same and therefore should be included in marriage. I had not even finished noting it down before she said that of course the relationships were different. Both statements cannot be entirely true. In a way, her jest—sometimes the truth is spoken in jest, and she mentioned George Clooney—said a lot because it pointed out that the thought of marriage is for many people about merely a sense of attraction, the wish to be with a person and the wish for that to be permanent. There was not much sense of looking at the other components of marriage that are also important but are not necessarily a part of civil partnership. The bringing into being of children, nurturing them and bringing them up are not things of little importance.

It is therefore important to persuade, and I am not persuaded that the talk of equality is not being mistaken for sameness in the minds of some people. Yet the truth is that equality is about recognising difference, diversity and treating people fairly, not trying to ensure that everyone fits into the same institution. The Bill will not achieve what it is said to achieve for gay Christians who wish to solemnise their marriage in churches. It will not happen unless what happens is similar to what the noble Lord, Lord Smith of Finsbury, referred to when he talked about those who had spoken in favour of civil partnerships having changed their minds about whether they were going to press for same-sex marriage. Could it be that we find ourselves returning to this issue again in this House in debate and in legislation because, once achieved, there would be unhappiness that all the main churches were still not prepared to accept this matter? Unless one was a Quaker, liberal Jew or Unitarian, it still would not be possible to solemnise a marriage in a church. Would we return to the issue? I fear that we would do so again and again. The arguments must be clear, thoughtful and robust. This is not the only issue of equality whereby the notions of sameness and uniformity seem to have grasped people and they no longer understand equality in any other way.

My time has gone—those who know me well know that I can speak at substantial length on anything I

care passionately about. I speak not as one who is unpersuadable, nor as one who stands in the way of change if it is clearly thought through and reflected upon, but as one who genuinely feels that sometimes what appears to be a progressive move can trigger quite the opposite. We must tread carefully, thoughtfully and reflectively to ensure that we make real progress for all concerned and for our society as a whole. A lot has been said about individuals but this is a social institution for society as a whole and it must be thought through in that context.

I shall continue to listen and to think. I suspect that I shall not feel able to support the Bill, but neither shall I feel able to support the amendment of the noble Lord, Lord Dear, because I believe that, the elected House having spoken, it is our job to consider, reflect and debate upon the Bill in public where our society may see it, and in that way contribute to the further discussion of the Bill.

9.01 pm

Lord Browne of Madingley: My Lords, to my mind, the evidence is quite clear. Marriage is a human construct and the romantic idea of marriage as a beacon of stability does not stand up to scrutiny. Rather, as views about what is socially acceptable have changed, so have the boundaries and parameters of marriage.

The freedom to marry in the United Kingdom used to be confined to Anglicans. Over the centuries, it has been extended to Catholics, Jews and Quakers, to all other religions, and to those of no religion at all. Divorce no longer requires an Act of Parliament and women now have equal status in a marriage.

More than 80% of people in Britain now agree that homosexuality is a way of life that should be accepted by society. What should be, and always has been, the yardstick when it comes to marriage is what is socially desirable; we should then decide what the function of marriage should be—not the other way round. That is one of the many reasons why I support this Bill. I want to offer two more.

The first is a practical argument, based on my long time in business. In 2007, I resigned as CEO of BP because of the lengths I went to in order to hide my sexuality. I thought that coming out might threaten the company's commercial relationships and my career. I will never know if those fears were justified, but they are no way to do business. People are happier, more productive and make more money for their company when they feel included and they can be themselves. As a business leader, I want people to focus all their energies on their job, not on hiding part of who they are. Inclusiveness makes good business sense and giving gay couples the freedom to marry will eliminate one more barrier to inclusion. If it helps them to be themselves in the workplace, it will represent another step towards the meritocracy to which we all aspire. Gay marriage is a matter of strategic importance for British business.

The second reason comes from my personal experience. I grew up in a climate of fear, where homosexuality was illegal. My mother was an Auschwitz survivor and advised me never to trust anyone with my secrets. I avoided discrimination by simply keeping quiet. Young gay people today live in a different, more tolerant world but they still worry about discrimination, marginalisation and how their families and friends will react. One of the most effective ways to dispel this stigma is through the provision of role models. If I had seen gay men in legally recognised public relationships of the sort my parents were in, I would have found it easier to come out and I would have been a much happier person.

We must not lose the plot. The Bill enables same-sex couples to be married by civil and—only if they provide their consent—religious authorities. At critical points in history, this House has recognised the need to adapt to changes in society. That is the source of its strength and the reason for its longevity. I intend to vote against the noble Lord's amendment.

9.05 pm

Lord Framlingham: My Lords, the first thing I must say is that I have absolutely no choice about how I vote on this issue. The principle of marriage being a union between a man and a woman for life is sacred, and the role that it plays in binding together families and nurturing children is an indispensable part of the fabric of our country. That has always been one of my core beliefs and I cannot desert it now. I really do believe that if this Bill were to become law, untold and unforeseen damage would be done to our country and to how we see ourselves.

This issue is not like a debate and a vote on the National Health Service, on our nation's defence or even on the structure of your Lordships' House, important though those matters undoubtedly are. As far as I am concerned, this is a change that we should not even be contemplating or debating. The fact that we are is a very sad indicator of just how far our country has lost its moral compass or perhaps of just how wide now has grown the gulf between the people and those who govern them. I feel sure that millions of people share my beliefs and concerns to a greater or lesser extent and that, if this measure goes through, their belief in what their country stands for and the role of your Lordships' House will be severely damaged.

If this proposal has genuine merit, what harm can voting against its Second Reading at this time honestly do? The worst that can happen is that the Bill will be delayed, giving time for government, all the political parties and the people in the country to think the matter through carefully. It can then be put forward again properly in a fair and honest way at the next general election, which is now not very far away. That is the worst that could happen.

But what is the worst that could happen if we allowed the Bill to pass its Second Reading without having thought carefully about all its ramifications, and without a proper political and national debate, which of necessity must be thorough and will take some time? I say that that would prove to be a disastrous course of action and one that we must set our faces against.

I beg noble Lords not to be bamboozled or seduced by the argument that says, "Just vote for the Second Reading and all your concerns will be ironed out at the Committee stage". Once your Lordships have agreed

[LORD FRAMLINGHAM]
to a Second Reading, the game is lost; they have sold the pass. A question of principle becomes a war of attrition in which the Government almost always prevail. Noble Lords should remember that they will constantly be told, "Well, you voted for it at Second Reading".

The role of this House, and its legitimacy and relevance in the world today, are constantly being questioned—not, I hasten to add, by me. I have the utmost faith that this House will always do the right thing at the right time. However, these questions still hang over us.

Let us be honest: there is no desire or support for this Bill in the country. This is surely the moment to demonstrate our relevance, our understanding and our purpose in a way that will earn the undying gratitude of many immediately and, I believe, the vast majority of the British people when they come to understand what really was at stake. I will certainly support the amendment of the noble Lord, Lord Dear, tomorrow.

9.09 pm

Lord Carey of Clifton: My Lords, we have heard some stirring speeches today. No one doubts their sincerity and commitment. I particularly want to thank the Minister for the way she contributed to the debate in her opening speech, and the tone she set. That tone has been followed throughout the day. I also want to thank the noble Lords, Lord Black and Lord Smith, for their personal testimony of what it means to be homosexual, and the noble Lord, Lord Browne, as well. We need to hear those kinds of stories and take them into our system, so that we can think more about them in the days ahead.

In three weeks' time my wife and I will celebrate our 53rd wedding anniversary. I know that some Members of this House can claim to have served longer in the marital stakes than we have, but whether we have been married for just a few months, for as long as I have or for longer—perhaps the noble Lord, Lord Tebbit, has the edge on me—all of us can say that along with the joy, the difficulties and some tragedies that happen to us on the way, marriage is at the heart of human love and society.

Those of us who were married according to the Book of Common Prayer will recall the preface to the wedding service:

"And therefore is not by any to be enterprised, nor taken in hand, unadvisedly, lightly or wantonly".

Although addressed to the couple, the words can bear the broader meaning that nobody should take marriage lightly or indifferently. It is the view of many people that, sadly, this has happened and is happening. The noble Lord, Lord Dear, in his brave speech, gave voice to that. We are treating it all too lightly.

The Conservative Party knows that if the intention to widen marriage to include same-sex couples had been put in its manifesto, it would not have been in a position to form a coalition. Discussion of this fundamental building block of society—we have all described it as that—has been thwarted at every turn. There has not been a proper debate, and the consultative process has been a shambles because, right from the outset, the Government have made it clear that the consultation has never been about whether same sex couples should marry, but how it might be achieved.

That is now behind us, but there is a proper question that has come through our debate today, and it is one that I have heard from same-sex couples. They ask, "When you talk about celebrating married love, why can't it be for us as well?" That is a very important question that we need to face up to. Those proposing change usually argue, as they have done today, in terms of equality. But with respect, we are told that those in same-sex relationships already have parity with marriage through civil partnerships, which give them equal rights. Equality is hardly the right term to use when comparing same-sex couples with those who are married, not least because marriage is not, and has never been, viewed in terms of sameness, as the right reverend Prelate the Bishop of Chester mentioned earlier, but of difference—the difference of male and female, which creates and nourishes life.

Of course, marriage does not have to include children, but in the majority of cases it does. It is a procreative institution. This is the major and crucial difference between marriage and civil partnerships. This point has not come across as powerfully as it should. Those of us who are resisting change are not doing so because we are cussed or bigoted, but because of the fundamental principle that marriage can only be between a man and a woman. We should not fall into a trap. We have heard once or twice that morality is on only one side of this debate; it is not. Those of us who disagree are morally concerned about the issue as well.

I will end by making this point. I have no doubt whatever that should this Bill pass, marriage as we know it will be weakened and diminished. I do not believe that redefining marriage to include same-sex couples will strengthen it, as the Home Secretary has declared on several occasions. Recent research in countries where the marriage of same-sex couples is already a reality shows the collapse of traditional marriages alongside same-sex marriages. When we vote on the Bill tomorrow, we need to bear this evidence in mind. We shall all follow our consciences, of course, but I shall keep faith with the institution of marriage as I have experienced it and as I have taught it. Therefore, I will vote for the amendment moved by the noble Lord, Lord Dear.

9.15 pm

Lord Deben: My Lords, it seems to me that one of the difficulties we have when faced with something that appears to be so new is that we cannot quite imagine what it must have been like when something like this happened in the past. However, there is a direct 19th century parallel to the debate we are having here. It was the argument about the right of a man to marry his deceased wife's sister. That battle was horrendous. The Table of Kindred and Affinity, that schoolboy refuge from boring sermons, specifically forbids such a union. It is the same chapter of Leviticus that condemns gay sex, and it called marriage with your dead wife's sister an abomination. On that basis, your Lordships' House stopped reform from 1835 right up to 1907. Last week, I reread the arguments of

those who scuppered the reform, and I fear that I have heard them all again today. Your Lordships then complained about rushed legislation. They said that it would be the end of marriage and that it would encourage incest. They hinted at polygamy. They said in particular that for 2,000 years such an outrageous thing had never been contemplated, and yet, once passed, that most controversial of Acts was wholly accepted. The Church of England revised the Table of Kindred and Affinity so that what was once an abomination is now holy matrimony.

It was the science that did it. Once we understood consanguinity, we distinguished between relationships that were genetically dangerous and those which were simply culturally arguable, and so it is with gay marriage. Once we understand scientifically that some people are solely attracted to their own sex, we realise that homosexual practice is not heterosexuals behaving badly, but gay people behaving naturally. That automatically means that the state can no longer exclude this minority. As a result, in my lifetime we have moved from criminalisation almost to equality. Today, we have the chance to complete that journey, to accept the science, and to allow civil marriage for all.

This is civil marriage. State marriage has diverged from church teaching for more than 150 years; some would even say since Henry VIII rigged the rules to his own advantage, but that would be an embarrassment to some Members of this noble House. As a convert Catholic, I have chosen to accept that Christian marriage is about procreation, that it is indissoluble, and that there is no such thing as divorce. Yet, as a parliamentarian, I cannot demand that non-Catholics should accept that definition. As the noble and right reverend Lord, Lord Carey, has reminded us on other occasions, marriage is owned neither by church nor state. Otherwise, I have to say to the noble and right reverend Lord that I am worried about the basis of his theology. It seems to be stuck in an earlier age. There are no echoes of René Girard, one of the greatest theologians of our time. There is no word from Dom Sebastian Moore, not a touch of James Alison. It remains a theology that has not come to terms with Freud. In that it is a precise parallel with the 19th-century bishops who spoke here in that debate and who like Samuel Wilberforce had a theology that could not admit of Darwin.

There are, of course, those who say, "Why can't these homosexuals make do with civil partnerships?" That is entirely to miss the point. Civil partnership is a means of protecting legal rights. Marriage is a public affirmation of love. The noble and right reverend Lord, Lord Carey, says that marriage is at the heart of love. He is saying that this House should say to homosexuals that they may not express their love in that way. Married for 37 years, I find that offensive. As a parliamentarian, I cannot say that to fellow citizens. I cannot accept a society that will not go that far.

Lord Carey of Clifton: I wonder whether the noble Lord would allow me to say that my argument was built on a very unsatisfactory Bill. We need to send it back to the country so that we can have a proper debate on it. The noble Lord talks about the changes to marriage. Of course there have been many changes, but there has not been a change to the fundamental fact about male and female. I think that all the theologians, stretching back, would agree with me.

Lord Deben: All I would say to the noble and right reverend Lord is that he is asking for us to go back to have a debate that he has already concluded. He has said that it cannot change this basic fact. I am suggesting that we have to accept that major social changes do not happen when the majority have aligned themselves. Major social changes have almost always happened when a minority have stood up for what they believe to be right and put it to the public, and in the end have proved that they are right.

I suggest that many of those who talk about civil partnerships were not terribly notable for their support of them at the time. I voted against civil partnerships because I thought that they were a fraud. The Government told gay people that it was marriage and straight people that it was not. I can now, in good conscience, vote for a truthful statement of a necessary reform and for a Prime Minister brave enough to promote it. I hope that this House will not repeat its 19th-century error. I hope that understanding will break through our misgivings and Christian charity through our doubts, and that the House will have the strength to say yes to this Bill.

9.23 pm

Baroness Lister of Burtersett: My Lords, this Bill is about human rights and, as one citizen wrote to me, the creation of a society,

"where citizens are equal both in rights and responsibilities".

In other words, this means equal citizenship for lesbian, gay and transgender couples. In the words of an LGBT carer, cited by Barnado's, which supports this Bill in the interests of children, despite the fears expressed by a number of noble Lords,

"this is an opportunity to take away yet another barrier to equality, removing something that makes our families different to straight families".

I would like to cite and pay tribute to a colleague of mine at Loughborough University, who has been at the forefront of the battle for equal marriage, Professor Sue Wilkinson, and to her partner, a former colleague of mine, Professor Celia Kitzinger. They married in Canada when Professor Wilkinson was based there, only for their marriage to be automatically deemed a civil partnership in this country when she returned. That for them was not equality. The noble Lord, Lord Deben, has explained extremely well why it was not equivalent. They wrote:

"As long as marriage is open only to heterosexuals, and civil partnerships only to lesbians and gay men, the British government is maintaining a symbolic separation of straights and gays, and sending out the clear message that our relationships are of less value to society than heterosexual ones. This is insulting, demeaning and profoundly discriminatory: an affront to social justice and human rights".

I thus congratulate the Government on legislating to remove this affront.

In doing so, however, the Government risk creating a new source of injustice: the denial of the right of access to civil partnerships for same-sex couples. The

[Baroness Lister of Burtersett]
announcement of an early review of civil partnerships is therefore welcome. I very much hope that that review will lead to their extension to same-sex couples, not their abolition. The Government Equalities Office published a document challenging some of the myths around the Bill. It states:

"MYTH: There is no difference between civil partnership and marriage. REALITY: There are some small legal differences … But for many people there are important differences in the perception of and responsibilities associated with these separate institutions".

In the interests of those same-sex and opposite-sex couples alike for whom these differences matter, it would be a backwards step to do away with civil partnerships.

When the Joint Committee on Human Rights, of which I am a member, questioned Ministers, the Secretary of State had some trouble in understanding why some straight couples might prefer a civil partnership over marriage. The noble Lord, Lord Faulks, who is not in his place, explained:

"There are a number of people, particularly women, who do not perhaps share your enthusiasm for marriage and think that marriage oppresses women. None the less, they would like the benefits of a civil partnership and find it rather peculiar that they would not be able to have the benefit of this relationship when same-sex couples can".

I have to confess that I was one of those women who chose not to enter what I saw as a patriarchal institution, even if the likes of George Clooney were available, which of course he was not. However, I might well have welcomed the possibility of a civil partnership—particularly with Mr Clooney. The committee also questioned Ministers about the costs argument that they had advanced. The Minister for Pensions cited a figure of £3 billion to £4 billion, but later indicated that this figure referred to the cost of total equality in public service pension schemes. Of course, the Bill does not end discrimination in pension schemes, an issue that was raised in the Commons. Could the Minister now provide a more accurate and focused estimate of the cost of extending civil partnerships to opposite-sex couples?

In the time available, it has not been possible to go into the Bill's details or raise issues such as the legal recognition of humanist weddings, which I would support in principle. To finish where I began, I believe that this Bill represents an important step for human rights and equal citizenship. I therefore hope that your Lordships' House will support its basic principles when we come to vote tomorrow.

9.28 pm

Lord Hylton: My Lords, I regret that I cannot wholly follow or agree with the noble Baroness. Many speakers today have pointed to the social changes of the past 50 or more years. I do not, however, believe that progress is either automatic or linear. I agree with the noble Lord, Lord Alderdice, that the proponents of change must justify their case to the full.

I regret very much that the fine old English and French word "gay" has, in my lifetime, been appropriated by a small but vocal minority of the population. The result is that it can no longer be used in its original and rather delightful meaning. Now, under the pretext of securing equality, Her Majesty's Government are proposing to change the meaning of marriage. It is surprising that the leaders of the Conservative Party, who might be expected to uphold traditional values, should lend themselves to this attempt. My noble friend Lord Dear and others have pointed out the constitutional and procedural defects of this Bill, so I will not repeat them. I do however agree with those who have identified unintended and unanticipated consequences.

After these criticisms, I will try to be constructive. Civil partnerships are already recognised in and defined by law. Surely the whole country should regard them as being an honourable status not to be entered into lightly but rather with the intention of permanence, as several noble Lords have already argued. Why should civil marriage be considered a second-best choice or a "make do", as the noble Lord, Lord Deben, put it, which somehow must be promoted to equality with marriage? Those who are in or who propose to enter civil partnerships have a responsibility to live in such a way that their status deserves as much respect as that of married couples.

I conclude that the whole matter has not been adequately considered. It urgently needs further and deeper thought. We should not be rushed off our feet just because some other countries have already legislated for same-sex marriage or because the Bill may be needed to cement the coalition. There is ample evidence that public opinion, including medical opinion, is against the Bill. I therefore support my noble friend Lord Dear and will vote for his amendment. I commend his courage and thoroughness.

9.31 pm

Lord James of Blackheath: My Lords, I got a phone call last week from a former colleague of mine, whom I had not heard from or seen for some time, asking if I would come to his same-sex wedding. I said, "Yes, when is it?". He said, "As soon as you lot have passed the Bill". I said, "We might not pass it". He said, "Well, you'll vote for it won't you?". I said, "No, I won't". He said, "Well, you can't come to the wedding then". I said, "You've just exercised extreme prejudice against me. Why are you doing that? You're pleading that you want this in order not to have prejudice, and now you're prejudiced against me because I'm saying that I'm going to vote against it". Then he said, "It's not you we want, anyway, it's your wife—she'll really make the party rock. Can she come instead?". I said, "Yes, of course she can. You had better write and ask her. She'll agree". They did and she is going.

I said, "By the way, is this anybody I know?". I thought it might be another member of the team. "No", he said, "We've been together for eight years, but he's someone you don't know". I said, "Good luck". He then said, "Tell me, really, why you aren't in favour of this". I said, "I'm not in favour of it because you're going to create a series of new minority sectors in the community. You think that you've been underprivileged and that you can now get to a point of parity, but you're going to be like the animals at the end of George Orwell's *Animal Farm.* You're all going to be equal, but some of you will be much more equal

than others. And what are you going to ask for next? This is the way it's going". He said, "It's very unfair". I said, "Look, my concern here is that this is introducing a new division and a new disturbance into British society at exactly a moment when we ought to be putting all of that behind us and getting on with being one nation, trying to sort out the dreadful problems we've got without worrying about creating new sub-divisions—and you are a sub-division that will cause a major rift in society".

I base that view on the fact that I have had a vast number of letters, as my noble friend Lord Naseby said. I think I have had 393 and only three of them have been in favour of this Bill. One of them, which I thought was very sweet, was from a lesbian Christian society. Another, which was absolutely amazing, was from a major research organisation, stating that homosexuality was good because it was an essential part of the evolutionary process for the human psyche. I am still trying to work that one out. As for the rest, everything has been a heartfelt expression of the anxieties that people have over what this will mean for them.

I live in West Sussex, where we have a very strange situation. On the border of the diocese of Chichester, we have two villages called Eartham and Slindon. They are a case study in how the British public reacts. Eartham is a Catholic community and Slindon is Protestant. On one day each in the past 450 years, the populations of those two villages have got up, presumably had a good breakfast and gone out with the express intention of massacring the entire population of the other. They both failed, but they had a very good go at it. The point is that two villages can hate each other to that extent on religious principle and do it for so long.

We have now at last got it sorted out. The tragedy of Slindon and Eartham is the first thing that strikes you when you walk into them: there are no war memorials for the First World War. That is serious. If you do not have a war memorial in a village, it means one of two things. It usually means that somebody in that village was executed for desertion and, therefore, the village is suffering from shame and shock and will not put up a war memorial. In Slindon and Eartham there are no war memorials, but not for that reason. The reason is that when you look at the names of the people who died there—a lot died at the first Ypres—the same names appear on the Catholic and Protestant registers. They are not the same people. They are brothers divided by their religion, which is shocking. That they can live together, go to war together and die together, but not be remembered together, is an outrage. I hope that the right reverend Prelates in front of me will give some serious thought to the possibility that there is a wonderful opportunity for the Church of England to commemorate the outbreak of the First World War next year by setting about a systematic correction of all the missing war memorials in the country to include the 304,000 people who were led out by Protestant priests to face the firing squad. It would be a very nice gesture after this interval of time, and it is way overdue.

We have here an extremely unquiet and disturbed community, which is expressing grave anxiety over what it has. We have heard today that there are real reasons why we have not thought about this long and hard enough. I will wholly support the noble Lord, Lord Dear, in his vote tomorrow, and hope that we will get down to some serious thinking to put it right.

The one word I have not heard enough of today is "marginalisation". There is a real prospect of marginalisation coming in here. I am particularly unimpressed by the story of the Australian sexual equality board, which received a complaint from the two opening batsmen of the Australian women's cricket team saying that they had been dropped because they were the only two non-lesbians on the team. They wished to complain, whereupon the board wrote back and said, "If you think that this board exists to look after the interests of a couple of straights like you, you have got another think coming. We exist only for the sake of looking after the gays". That is marginalisation. The board then rather spoilt the argument by saying, "In any event, ladies, neither of you scored enough runs to be worth bothering with".

9.37 pm

Lord Kerr of Kinlochard: My Lords, seven years ago, this House considered the late Lord Joffe's Bill on assisted dying for the terminally ill. I had been here only a couple of years and found it quite hard to make up my mind. I could see that the key was whether the safeguards were sufficient or whether, in the urge to be copper-bottomed, they had become too complex. I looked forward to Second Reading, because I expected the arguments for and against, and the merits and inadequacies of the various safeguards to be brought out fully. I was shocked when this House refused a Second Reading. It seemed to me that we had refused to do our job. That is how I feel about the amendment of the noble Lord, Lord Dear, as he knows; he was kind enough to tell me in advance of his intent, and I told him that I could not support it.

As this debate has very eloquently shown, the Bill arouses strong feelings on all sides of this House, as did the assisted dying Bill. I believe that there is a majority in this country in favour of this Bill, though a much smaller majority than was in favour of the assisted dying Bill. I believe that on assisted dying, the majority is now greater than it then was. I hope that when the noble and learned Lord, Lord Falconer, presents his Bill, we will not make the mistake we made seven years ago.

However, there is a big difference between the two Bills. This is a government Bill that has passed through the House of Commons. In his eloquent speech, the noble Lord, Lord Dear, made four arguments to support his thesis that the procedures so far have been undemocratic. First, he said that the Bill had been in nobody's manifesto and was not in the coalition agreement. What new doctrine is this? Would we have abolished capital punishment if it had been a requirement that it should first be in somebody's manifesto? Would Lord Jenkins, in his remarkable tenure at the Home Office, have introduced the society-changing reforms—wholly to the benefit of society, in my view—if they had first to be in the Labour manifesto? They were not in the Labour Party's manifesto. I do not think absence of a reference in a manifesto proves that this is undemocratic and I would be surprised if students of Burke were to think that.

[LORD KERR OF KINLOCHARD]

Secondly, the noble Lord, Lord Dear, argued that the Public Bill Committee was skewed in its membership and that its discussions were curtailed. Possibly—I do not know—but it seems a very odd reaction to such a criticism to say that we should be denied any Committee stage. If the Committee stage was too short in the Commons, let us put that right in this place. Thirdly, he argued that the public consultation was inadequate or in some way defective. I do not know about that but let us explore that in our detailed discussions on this Bill. Fourthly, he said that Members of Parliament were under pressure from the party hierarchies and therefore it was not truly a free vote, to which I can say only that Members of Parliament, like Members of this House, are grown-ups. They make up their own minds.

Let us remember that in the other place they face the electorate back in their constituencies and if they are thought to have got it wrong they may pay for that and realising that may affect how they vote. It comes pretty oddly from this place, where we are not exactly paragons of democratic accountability, to accuse the other place of an undemocratic procedure in this case. I very much hope that the noble Lord, Lord Dear, will withdraw his amendment or, if he does not, that the House will not support it.

9.42 pm

The Earl of Shrewsbury: My Lords, like many of your Lordships, I am thoroughly unhappy with this Bill. Bearing in mind the large number of speakers on this matter, I shall be brief. In my 32 years in your Lordships' House—I am sure I do not look that old—I have never experienced such a large mailbag as I have had on this Bill, not even for the Hunting Bill. I have had only nine letters in favour of this Bill but those letters were written with sincerity—I have no doubt in believing that. Each one was completely different and had a balanced and lucid argument. The letters against the Bill were nearly all virtually identical.

I really have struggled with this issue. At first I would have followed the noble Lord, Lord Dear, into the Lobby, should he press his amendment to a vote, but two further matters occurred to me. First, your Lordships sit here in this highly privileged position to hold the Government to account, to look at legislation and to improve it where necessary, bearing in mind always that the convention is that the elected House—the other place—should prevail over the unelected Chamber. This is a matter of considerable constitutional importance. It is the way in which we make democratic decisions. I have personal experience of wrecking two Bills at Second Reading—it was enormous fun—the Boxing Bill and the late Lord Diamond's Peerage Bill, but they were both Private Members' Bills and they were fair game. This is a major government Bill. We should at least give it a Second Reading. If we do not, we will deserve to be targeted by the critics and opponents of our very existence and that of this House. Our task is to improve this Bill, no matter how imperfect and unsatisfactory we believe it to be, by amendment and balanced argument on its passage through this House.

Secondly, I have listened to the views of many young people, the majority of whom I believe do not consider this Bill to be an issue. On the television programme "Question Time" recently, support for this Bill by young people was clearly demonstrated. Those young people are the next generation. We should listen to them and take their views into account. They have a completely different view of homosexuality and a high degree of toleration for what to many of my age is the elephant in the room. I can quite understand homosexuality as a fact of everyday life, but I find it extremely difficult to accept it as the norm. That is the way that I think—that is me. However, an awful lot of water has flowed under the bridge in the many years that I have been privileged to spend in your Lordships' House, and things in society have changed vastly over that time. All these matters will continue to change. That is life—that is the way that things go on.

In opposing this Bill, I believe that I should be legislating for the lives of those of a younger generation who will have to live with the consequences of my actions, and I do not feel comfortable with that. However, when the Prime Minister and Mr Clegg refer to this Bill as being a move to create equality, I really object. Heterosexual couples who choose not to be married to one another for their own reasons should be able to join in a civil partnership, should they so wish, and as civil partners they should be able to enjoy all the same financial and legal benefits as those in same-sex civil partnerships or, should this Bill become law, same-sex marriages. That would be equality.

Finally, I have the utmost respect for the noble Lord, Lord Dear, and I congratulate him on his tenacity. However, I can neither support nor oppose him, and I shall abstain on his amendment.

9.46 pm

Baroness Mallalieu: My Lords, to be given one of the dog watch slots—number 57—in a debate in this House is usually some form of Whip's punishment. However, tonight it has been a privilege and a pleasure to listen to superb speeches from all sides of the House and on both sides of the debate, and to arguments that cross parties, religion, and sometimes confound pre-held expectations of allegiance. I suspect the reason for that unpredictability is that every one of us in this House has formed a very personal view of both marriage and homosexuality, forged sometimes by religious beliefs or by upbringing, but certainly by our own personal experiences.

We have lived through some quite extraordinary times. The way our society treats homosexual people has changed dramatically in the course of one generation, from being a crime to be punished with hard labour in prison; through discrimination, social ostracism, victimisation and, most recently, ridicule; to a point today where—I think the noble Earl, Lord Shrewsbury, put his finger on it—to the next generation homosexuals are not branded as "queers" but are seen as people who simply have one natural variant of the human condition. It is not surprising that many of those who have lived through such rapid change are a little "off the pace", as they say in horse racing. Bringing up the rear at present, I am sorry to say, is the Church of England.

Attitudes to marriage, too, have changed rapidly, and not always with consequences for the worst. Like it or not, today many people choose to live together and have children without it. Yet when did we last hear a child described as "illegitimate", as always used to be the case in my mother's generation? That must be a good thing. Like other noble Lords, I have had many e-mails urging me not to support this Bill, as it will change or even destroy marriage as we know it. However, it has changed and is changing, even in the Church of England. Indeed, it has to change to meet the needs of a changing society or it will simply become an irrelevance to more and more people.

Surely what is important is that our society is strengthened by more stable and loving relationships and the children brought up in them, who have the best start in life. Almost every relationship, unless you are incredibly fortunate, will hit choppy water or even the odd rock at some point. Marriage provides the strongest glue there is to hold two people together when that happens. Surely those couples who care enough to want to marry should be allowed to do so whatever their sex. Why should they not be permitted to use the strongest glue there is—the superglue—rather than being told to make do with the paste and water of a civil partnership? As the noble and right reverend Lord, Lord Harries of Pentregarth, said, marriage is in effect regarded as the gold standard and at the moment we deny it to a section of our people.

To those who say that it was not properly scrutinised in the other place, my answer is: so what is new? If we rejected every Bill in that category almost no legislation would pass through this House. It will get proper scrutiny here. If there are concerns, for example, about people who may lose their jobs, they will be explored and, I hope, corrected if that worry is correct. Some of the letters I have had say that it is not fair on the children. I seem to remember the same argument was once applied to mixed-race marriages and to Catholics marrying Protestants and Jews marrying outside their faith—but no longer. The next generation has adapted to change and to variations on the traditional two married parents of opposite sex model.

I have had people say in letters, e-mails and, indeed, in this House that homosexuals cannot consummate a marriage; marriage is meant for the creation of children; homosexuals cannot commit adultery. Those are the strains of objections voiced by a number of your Lordships, including the noble Lord, Lord Tebbit. We do not stop women over childbearing age or some disabled people from marrying, or those who cannot have or do not want children—of course not. As the right reverend Prelate the Bishop of Leicester conceded, such people are no less married—so why not homosexuals?

It is said that there is no demand for the Bill. It is true that its provisions will affect a relatively small number of our total population, but it corrects an unfairness for those people and rights a wrong that has gone on for too long. Frankly, whether it is two or 2 million who are involved, it matters not if it is the right thing to do. I believe that this Bill reflects a change in social attitudes whose time has come. I pay tribute to our much criticised Prime Minister, who has stuck to his guns on the Bill when it must have been very politically difficult for him. I am particularly sorry to have to oppose the noble Lord, Lord Dear, who has led us to some famous victories in the House. I regret that on this one, I believe that he is wrong.

Nobody is going to be forced by the Bill to contract, conduct or argue the case for a same-sex marriage. If an invitation should come through the door, any of your Lordships is free to reply, "Thank you but no thank you". It is time to give homosexuals the same choices as heterosexuals and the same benefits in relation to civil marriage. It is time for us to stop putting them in a separate category and tolerating them. They deserve equality because they are equal. In five years' time, I believe we will look back on this debate with incredulity at the objections that were raised and regard the time when homosexuals were not permitted to marry in the same way as today we view that long-gone time when—no doubt well meaning—teachers used a ruler to slap the left wrist of the left-handed child learning to write.

9.53 pm

Lord Cobbold: My Lords, marriage between a man and a woman has been the bedrock of society over the centuries and has proved to be a tried and trusted way of living and rearing children. The Bill that we are debating threatens the sanctity of marriage by the forced acceptance of same-sex couples. There are basically two levels to the traditional definition of marriage: the secular civil partnership and the religious commitment. The civil partnership is the practical relationship between two individuals who have decided that they wish to live together. The religious and spiritual part of the marriage contract is defined by the particular religion that is involved.

The civil partnership element of marriage rights is readily available to same-sex couples. The question underlying this debate is whether the state has the right to require religions to accept same-sex couples. The Bill before us, in its 52 pages, argues that it does—but I am one of the many speakers in this debate who do not accept that the Government have the automatic right, and who therefore believe that the Bill should be rejected. I therefore will be supporting the amendment proposed by the noble Lord, Lord Dear.

9.55 pm

Baroness Berridge: My Lords, this legislation brings into sharp focus the role of another important institution in our society—the state. It is an actor on this stage, promoting a view of marriage, so it has a high duty to get the statutory framework correct so that it preserves or actually encourages dissenting views in the national and local public square. For many years, the public square did not allow debate on immigration; any dissenters were racists and shut out. Such silence brings, at best, outward conformity, and led, I think, to more people walking past my flat on Saturday for the EDL than would have done if there had been a free debate. Any Member's inbox will show how divisive this issue has become, and how strongly held the views are, but the public square is again in danger of being shut down. Dissenters are often automatically bigots or homophobic—or like the state of Alabama making

[Baroness Berridge]

Rosa Parks give up her seat on the bus. That is a false analogy—and that racism label again, but in a way that it would take more than a soundbite to distinguish.

Many gay people do not support same sex marriage. Are they homophobic? It is interesting to look at the exchanges in the other place between two highly respected Members of Parliament, Mr Burrowes and Mr Lammy, with Mr Lammy using a slave owner analogy and the ultimately mild-mannered Mr Burrowes saying that this argument was pernicious, offensive and playing the race card. Clearly, we cannot leave the average bobby to police this on our streets without further guidance, so this House will need to consider carefully amendments on free speech that the Government conceded were needed in the other place. Until these concessions, the Government argued that this Bill merely concerns the conduct of the ceremony itself. But legislation affects culture, debate and even atmosphere. Section 28 of the Local Government Act reflected a state view on marriage, and the gay community complained that the effect went much further than the words of the statute—and so it could be with this statute.

The state should have a view, but not a required orthodoxy. Healthy societies have pluralistic public spaces, and I have yet to come across a gay person who disagrees with this. We need to disagree without being disagreeable. Whether this statute adequately protects religious freedoms brings up some of the interesting legal questions at the cutting edge of jurisprudence, and lawyers are lining up on either side of this debate. The protections must work, because religious people are not going away. I hope that I have been wrong in detecting something of an attitude that soon the Church of England and other religious groups will get with the programme and soon just join in with all the Bill. As the noble Lord, Lord Alderdice, so eloquently stated, we cannot often predict the winds of change. This may well prove to be a moment when we look back and see that the Anglican Church put its stake in the sand in relation to marriage, and we do not know where the views will end up in 40 years' time. I want to put on public record that I appreciate the stance that the Church of England has taken.

It is interesting to note that western Europe has been out of step over the past 50 years with the rest of the globe. The rest of the globe got seriously more religious. If South Korea can go from about 0% Christians to more than 50% Christians in 100 years, and I look at the renewed leadership of the Anglican Church, I am optimistic. But even if the noble Lord, Lord Pannick, is correct that the Strasbourg court will not compel a religious organisation to conduct a same sex marriage, is that all religious groups can hope for—mere non-compulsion? If a small temple is denied local authority grants for its youth group due to its views on same-sex marriage, it should switch money from the food bank to legal fees to sue for direct or indirect discrimination. No, my Lords. This House should put in the Bill the onus on the state not to treat people detrimentally or less favourably and not leave it to the citizen or charities to have to go to court.

Finally, I will speak about my role here today. The complaint that this Bill was not in a manifesto has caused me to remember that the public did not vote for me; and at this moment I am actually grateful, standing as a Conservative, for that fact. I cannot be held to account by those who support the Bill. The people's representatives in the other place had a free vote and voted overwhelmingly for this Bill. It badly needs amending. It needs this Chamber to do what it does best and improve and scrutinise legislation. The religious groups are not, I am afraid, generally content with this Bill, as my noble friend the Minister stated. The Catholics, black-led churches and other faiths, who believe that now they could be in an even more vulnerable position than the Anglican Church, need us to do our job. If this vote defeats the Bill, it will probably return next year, and we risk the Commons using the Parliament Act. In those circumstances this flawed Bill, as it stands now, would become law. Do I want to vote against this Bill? Yes. Should I? No.

10.01 pm

The Lord Bishop of Exeter: My Lords, the noble Lord, Lord Jenkin, observed that, from a Christian perspective, God can be present in every true love. I absolutely agree. But marriage is about more than love. Then we are told that the issues at stake here are equal rights, justice and social inclusion. Certainly, these are things about which Governments may legislate. Indeed, if they wish to support particular kinds of relationship by according them tax and pension benefits, that must be a matter for normal political debate. However, in this Bill the Government have chosen to proceed not by addressing real, material or legal inequalities but by redefining the key concept of marriage and its meaning.

When Parliament legislated for civil partnerships, society gave legal and institutional expression to what many hold to be true—that gay and lesbian people should have the same rights to formalise their commitment to each other and enjoy the social and legal benefits that opposite-sex couples have. If there are matters in that legal provision that are inadequate or missing, rights that have not been conferred or legitimate aspirations not recognised, then that Act should be amended, and that would have my general support. However, the battleground that the Government have chosen is not material but conceptual. The argument is driven by emotional rather than logical considerations, which is why it is so difficult to debate. No matter how loud the protestations to the contrary, at stake is a shared and common understanding of the concept of marriage, together with the consequences—intended and unintended—to which they may lead.

We are told that the scope of marriage has evolved. It has, but "scope", my Lords, not fundamental nature. The scope, as shown by the noble Lord, Lord Pannick, has been varied through history with regard to age of consent, number of permitted spouses, termination, what is allowed or prohibited and restrictions on members of the same family group. What has remained constant in all times and all cultures until very recently is an understanding of marriage founded on the premise of sexual differentiation and the resulting generic potential for procreation. It is with this unchanging basis that marriage has taken otherwise different forms.

The Christian tradition, in an understanding that has hitherto also informed English law, speaks of

sexual union, the sharing of worldly goods, the help and comfort of one for the other, and the procreation and nurture of children. On their own, none has been understood to constitute marriage. Indeed, each of these worthy objectives may be found embodied in other legal arrangements. An agreement to share goods may be a valid contract, but it is not marriage; nor does sexual union of itself constitute marriage. Family units with children exist and have always existed outside the bonds that are recognised as marriage. There are many forms of human relationship for the support and encouragement of mutual love and comfort that are not marriage. Yet now, a commitment to love and be loved, arbitrarily confined to just two non-related human beings, is to be the sole basis for the married state.

Many of those advocating this development have sought to portray any opposition to it as a faith issue. It is not; it is a societal one. Shorn of the element of complementarity of genders, all marriage will be redefined, with consequences for all. Until now, common to the definition of marriage accepted by church and state has been an understanding that a marriage is not completed in the marriage ceremony, wherever that may take place. Marriage must also be consummated—completed—in the sexual union of male and female, and is voidable if it has not been consummated. However, with the marriage of two people of the same sex, the proposed law says that these provisions do not apply. Where is the equality in that?

Similarly, the current definition of adultery will remain unchanged—sexual intercourse outside marriage with a person of another sex—which, again, does not apply to marriages between those of the same sex. Where is the equality in that? Therefore, a Bill predicated on the claim that marriage should be equal and gender is irrelevant has to recognise that this logic breaks down when confronted by the reality of marriage as hitherto universally understood. However, the proposals contain their own logic, which is that over time the historic understanding of marriage must in law cease to exist. Despite this huge difficulty, I have still tried to understand the motivation for this radical reform. Why was civil partnership insufficient? Such partnerships already allow couples to share the legal benefits of marriage and, if there are remaining differences, it is easy to amend the law. I struggle to hear what is missing. I do not underestimate the power of law to change attitudes, but the question is, which law, and what is missing that would make such a difference? A civil partnership is an act of registration, simply recording in law what is already deemed to exist, whereas marriage, in law, is seen as a "performative act". It brings something new into being, something that until the exchange of vows and consummation did not exist. A desire for such a performative act, a ritual, and an opportunity publicly to commit to mutual love seemed to be aspirations which I could appreciate, and so the law on civil partnership could be changed without depriving marriage of its single, central meaning.

However, Clause 9 of the Bill provides for an existing civil partnership to be transformed into a "marriage" simply by signing a register. If one marriage is simply a matter of civil registration without vows, performative acts or criteria for consummation, no provision concerning adultery, or presumption of parenthood, and if the word "marriage" is to have a single coherent meaning, then for every other marriage it must be the same. Marriage is now civil partnership by another name. A basic understanding of marriage, in law, will have irrevocably changed, and with one reality now bearing two different labels; or we will have legislated into being two very different realities, but confusingly bearing the same name. If that happens, it raises huge issues about social cohesion, and a move away from common shared values. I remain profoundly uncertain about the legal position not just as regards the personal views of teachers but as regards what may be taught in church schools. Are they to be allowed to teach a traditional understanding of marriage, one which until now church and state have shared, while in non-church schools a different understanding is to be taught? If so, what will be the implications for social cohesion as a result? Or will church schools be forced by law to conform to a new understanding which has no roots in the doctrines of any of the major faith communities, which then sets an extraordinary precedent for the state's power to determine articles of faith, unparalleled outside the experience in history of repressive ideological states of the extreme right and left?

Further, what is to prevent other multiple understandings, including recognition of polyamorous, polygamous and polyandrous relationships, being legislated for in due course? That is the internal logic of tackling a legitimate issue of inclusion through the redefinition of concepts rather than addressing any real inequalities that may exist.

There is a quotation from Margaret Thatcher in Charles Moore's biography:

> "Equity is a very much better principle than equality".

In conformity with that principle, my hope is that the Government will withdraw the Bill, full of so many seen and unforeseen consequences for the fabric of our society, and start again to produce something which truly does address the really important issues that have been raised in this debate.

10.10 pm

Lady Saltoun of Abernethy: My Lords, 60 years ago, when I was 12 years old, I was prepared for confirmation. In those days, confirmation was taken very seriously. We had to learn the whole catechism by heart and be able to answer the questions in it correctly, in the words of the Book of Common Prayer, not just in our own words. We learnt about the sacraments and what a sacrament was: an outward and visible sign of an inward and spiritual grace. We learned that the two most important sacraments necessary for salvation, ordained by Christ himself, were baptism and holy communion. However, there were five other sacraments, not mentioned in the catechism but listed in article 25 of the 39 articles of religion, of which the church seems to have forgotten the existence. They are: confirmation, penance, holy orders, holy matrimony and unction. All these five visible ceremonies have a spiritual dimension.

I contend that it is not within the remit of government or of the European Union to interfere with the spiritual concerns of the church. I bounced these beliefs off my

[Lady Saltoun of Abernethy]
friendly local bishop and he agreed with me, but I am not sure whether the right reverend Prelates in your Lordships' House do or not.

10.12 pm

The Earl of Courtown: As many noble Lords have pointed out, the marriage Bill is highly emotive and induces strong feelings. I make no attempt to synthesize the varying views of this House; I rise to make one simple point. By voting in favour of the Bill we would be gaining something while losing nothing. That is to say, it would be a net gain.

What would we be losing? I urge noble Lords to consider, for a moment, the proposition that some who oppose the Bill have put forward. They say that the institution of marriage would be undermined. They say that by allowing two gay people to marry marriage would somehow no longer be sacrosanct. They infer that their marriage would no longer mean what it once did. I ask noble Lords to consider how their marriage would be undermined, subverted or devalued simply by allowing two members of the same sex the privilege that they themselves enjoy. I have come to the conclusion that my marriage would be just as special the day before this Bill is passed as it would be on the day after it was passed. I suggest that as I was married in the eyes of the Lord, I would remain thus. To reiterate the point, those of us married in traditional marriages would not lose anything at all.

I would like to consider what the country would gain by passing the Bill. As a Conservative, I believe passionately in the institution of marriage. Would we not want to encourage as many people as possible to enter into such a stable institution? Bruce Anderson, on Conservative Home, describes the family as "social penicillin" and an establishment that can,

"cure so many social diseases".

In a crude comparison of married people and their single counterparts, we can see lower levels of disease, morbidity and mortality, healthier lifestyle choices and lower levels of crime and anti-social behaviour. The more people who seek to take this social penicillin, straight or gay, the better. Put simply, gay people would gain something that was previously denied them, and society would lose nothing.

I will conclude on a point made by my friend Daniel Hannan. He reminds us of the issues that have come before this House over the past 20 years: Section 28, lowering the age of consent, gay adoption and civil partnerships, among others. These issues, bitterly opposed by some at the time, have become widely accepted today. At those difficult moments, we as a House recognised the need for change. We accepted that our understandings of tradition no longer resonated with the modern world. We therefore voted to change those understandings to better reflect the generations growing up beneath us. As we did so, the new settlement became the new tradition. That is to say, the necessities of one generation became the traditions of the next.

It is right that we pay particular attention to what is being said outside this Chamber. We should listen especially to the young, the next generation. We should listen to their opinions and views about same-sex marriage. The young support the Bill in overwhelming numbers. I urge noble Lords to bear this in mind in the Division Lobbies tomorrow and allow the next generation not to reject the traditions of yesteryear but to build the traditions of the future. In doing so, we would be voting to allow the gay community—here I echo the Prime Minister—to walk that little bit taller in the world.

10.17 pm

Baroness Gould of Potternewton: My Lords, I support noble Lords who have spoken in favour of the Bill, but I wish to speak about the small section of it that affects trans people, which has not been covered sufficiently this evening. I should declare an interest as chair of the parliamentary group on transgender issues.

Transgender people suffer not homophobia but transphobia, which in many ways is more insidious and difficult to deal with than homophobia. I will give a devastating example: the case of Lucy Meadows, a trans primary school teacher who committed suicide after being pilloried and told by some of the parents and the press in particular that because she had transed she was not fit to be a teacher. The coroner told the gathered reporters, "And to you the press, I say, 'Shame, shame on all of you'". He was absolutely right.

However, that is only one example of the discrimination that many trans people experience because of the fear of supposed difference and the bigotry expressed against a person who should be recognised and treated respectfully and equally. Two aspects of the Bill correct some of the current anomalies and accept that recognition. It is welcome that the legislation provides for married trans people who wish to apply for gender recognition. It removes the requirement for them to be single at the point of gender recognition and thereby removes the obligation to dissolve their existing marriage or civil partnership. Equally welcome is the Government's concession on spouse's survivor pensions, which will ensure that no ongoing financial penalty will be incurred should a trans person in an existing marriage gain gender recognition.

There are, however, other fundamental issues that continue to present major concerns for trans people in existing marriages. Schedule 5 to the Bill is designed to amend the Gender Recognition Act 2004, so that the requirement for an applicant to have dissolved any existing marriage is removed. The effect is that that the trans person's spouse must grant consent for the trans person's gender recognition. If that spouse refuses to give that consent or cannot be contacted, the trans person cannot gain gender recognition without ending the marriage. That seems unfair and surely a discrimination that has to be removed. It has been said that that is not a veto. One might not use that word but, to me, it is a way of saying no. I am not quite sure what the difference between "veto" and "no" is. It has also been said that it only happens very rarely, but if it only happens to one person, it is wrong.

Many events can fundamentally alter a marriage, including domestic arrangements such as buying a new home, having children, applying for distant jobs or medical issues. None of these requires formal spousal consent before they can commence. The Government argue that it would be unfair to remove the right of

every non-trans spouse to have a say in the future of their marriage before gender recognition takes place. However, as Mike Freer, a Conservative MP, said in the Commons,

"it is bizarre that a man or woman who is transitioning can have surgery and change their name but cannot have a gender realignment certificate without spousal approval".—[*Official Report*, Commons, 21/5/13; col. 1127.]

A Bill designed to allow same-sex marriages and to treat them in the same way as other marriages is, in these cases, maintaining a difference between opposite-sex and same-sex marriages. This anomaly will, I am sure, be discussed in more detail in Committee.

Another anomaly which we should discuss further relates to Section 12(h) of the Matrimonial Causes Act 1973, which allows for the annulment of a marriage if someone discovers that their spouse has a gender recognition certificate but did not tell them beforehand. The response to the suggestion that this should be removed is, "Get out of the marriage quickly and at low cost". Unfortunately, it is not that simple. The courts would have to rely on one person's word against another's and, as the section applies only to those who already have a gender recognition certificate, the outcome could be that someone could decide not to apply for one, with the consequences that follow from not doing so. These are two anomalies which we need to sort out when we come to Committee.

Overall, however, allowing same-sex couples to marry will remove yet another distinction between lesbian, gay, bisexual and transgender people and those who are straight. This will reduce stigma and take another step forward on the road towards LGBT people receiving their full rights. I am proud that I have been able to play some part in this in the past and I shall certainly vote for the Bill.

10.23 pm

Lord Elton: My Lords, like all noble Lords, I have received a vast amount of mail on this Bill and, because I sit on this side of the House, it is heavily skewed against the Bill. I suspect that the other side of the House has been fed vast numbers of letters in favour of the Bill. Why should it be that people preach to those whom they believe are already converted? Surely we ought to swap our mail to get a proper view of what public opinion is. I have had some mail and some e-mails in favour of the Bill. I would say to my noble friend Lord Dobbs that I recognise the age distinction, but the number of e-mails that I received for and against was very nearly even, so I think that there are some at least middle-aged people who share my views.

I am wasting time; what I want to come to is this. I was convinced by those letters and e-mails of the genuineness of the hurt felt by the homosexual minority in our society—a hurt which I understand is real. Of course, being a minority always generates tensions between the minority and the surrounding majority in both directions. The Government have a policy of social cohesion. Despite that, they went to their unsuspected ivory tower, looked out of the window, saw the great misty plain of social, political and religious affairs and said, "There is trouble there". They then went back in again and disappeared from our view, and we imagined that they were making a strategic plan to solve the problem. Very soon afterwards, they emerged from the door at the bottom of the tower and said, "We're going to do something about this", and hope sprang in our breasts. The task before them was to reconcile the minority and the majority so that there should be equal and mutual trust, confidence and respect between the majority and the minority—between homosexuals and heterosexuals.

However, every single thing that the leaders have done since then seems to have been very cleverly calculated to stoke up the anxieties and mistrust on both sides. From that misty view from which they deduced that there was a problem to solve, did they then go out and inquire or have committees inquire into the situation as it really was and produce reports before they started to legislate? No; they came out with a Bill. There was predictable uproar because there was no consultation. My noble friend Lord Mawhinney dealt very ably with that, so I need not repeat it, but I should like to add one grace note to it. In the consultation that they have had, they have studiously avoided certain groups, as I understand from the director of the One People Commission of minority churches. He says:

"We note with sadness that not a single black or Asian representative was invited to give evidence to the Commons Committee that looked at the Bill".

Even at that late stage, they had not woken up to the need to allay the fears of the people whose fears it is their business to allay. As a result, having started with one offended and anxious minority, they finished up with several dozen simply by ignoring the others.

Your Lordships have had plenty of theology this evening and do not need any more. We have heard it from real theologians and I have to say that I am carried and persuaded by them, but what really infuriates me is that the Bill has been brought forward in a way that has almost certainly doomed it to failure. The legislation may go into place but suspicions and anxieties have been stoked up and increased by the way in which all this has been done. There is a way in which we can go back to the beginning, as the right reverend Prelate the Bishop of Exeter suggested we should, and look for another route, and that is to follow the noble Lord, Lord Dear, into the Content Lobby on his amendment. That may well trigger the Parliament Act but the result would be that in the next Session the Bill would come back to us and it would be open to us either to reject it or to pass it and take it through Committee. We would thus give the Government the time in between to do some real research and real diplomacy. They could make some real progress towards a harmonious solution and perhaps give the Church of England and other churches time to move a little as well. I am with the noble Lord.

10.29 pm

Lord Phillips of Sudbury: My Lords, I am pathetically open-minded about many aspects of this Bill. I have studied with great care the arguments put forward on both sides of the debate, although you cannot really talk in terms of a single debate with such a complex measure. I have been immensely impressed, as I am sure we all have, by the quality of today's debate, and

[Lord Phillips of Sudbury]
the sincerity of the contributions made by all who have spoken. I have been particularly touched and moved, intellectually and emotionally, by the personal testimonies of my noble friend Lady Barker and the noble Lords, Lord Smith of Finsbury, Lord Browne of Madingley and Lord Black of Brentwood. I confess that my contribution tonight is not going to be sharp-edged and decisive, although I do have one proposal to make. I am going to speak very much in the hope that there may be reactions from your Lordships to it.

First, however, I have to join others in saying that although the Prime Minister has shown real courage in bringing forward this Bill, the way in which it has been brought forward and the conduct so far have been woefully inadequate. If there was ever a measure in which the general public should have felt part of our debates and our deliberations, this is it. This is not our issue. This is pre-eminently an issue for all the people of this country, whatever their views, whatever their background, wherever they live, whatever they do. There has been a lamentable failure to engage them. As the noble Lord, Lord Dear, said in his opening speech, the way in which responses have been measured, with petitions, however large—he mentioned one of half a million signatories—being treated as a single contribution really beggars belief, and one wonders why it was done.

In the same way, the gauging of public opinion by opinion polls is not sufficient. We have not had a deliberative document, a Green Paper—call it what you will—that can be distributed far and wide in order to elicit the mature views of our fellow citizens. I am a little suspicious of the figures that have emerged through the opinion polls, although I accept—and indeed it is my point—that most young people tend to think that this is a no-brainer, that of course those of the same sex should be able to marry; but it is possible to say that young people are not so much tolerant as indifferent to some of these issues. The sexual mores of our very young adults and late teenagers are staggeringly different from those which prevailed when most of us were their age. I suspect that many of those young people would say off the top of their heads, "Of course, marriage for everybody". When they actually become married themselves they will mature into a different mindset, but that is by the bye.

I have to say to the noble Lord, Lord Dear, that I cannot accept his proposal, particularly in terms of the constitutional arrangements with the other place. I do not think it would be right for us to seek to jettison this Bill at this stage. However, if we proceed as we are presently doing, there is the risk of a backlash. My noble friend Lord Alderdice has referred to this. There is a real risk that of the very many—I would say millions—of our fellow citizens who feel strongly about this measure, most of them feel strongly against the change. One cannot judge this by one's own mailbag, but from the comments made in the debate, it seems that most noble Lords have received a disproportionately large number of letters and e-mails from those who are very concerned about what we are up to.

I do not want that. I would rather we emerge at the end of this process with an Act of Parliament that has general consent and does not risk a backlash in the manner seen in France or anywhere else. It should heal and reconcile the differences of opinion and, in particular, the extremes of opinion. There is some homophobia in our society, although thank goodness it is vastly less than we experienced in our youth. At the other end there is, I fear, a sort of phobia against those who do not take a totally liberal view of the homosexual position.

I put forward my proposal tentatively and in a genuine spirit of reconciliation. We should think of using a different word or title for a homosexual union from that of a heterosexual union; in effect, not to call the union of a same-sex couple a marriage but, I suggest—it is only a suggestion—an espousal. The noun that derives from that word is spouse, which is gender-neutral. I think that it would lance a boil in the public mind as to what we are seeking to do, bearing in mind that everything else in the Bill will remain unchanged. All the rights will be the same.

I am tempted to say that those who talk about equality of esteem, as I do—my goodness, if there is one thing that I live by in my politics, it is the equal worth of every human being and the equal esteem in which they have the right to be held—that to some extent it is a misnomer to talk about a same-sex union in exactly the same way as that of a different-sex union. That is because of two fundamental, factual, inescapable and ineluctable differences which have been referred to by other noble Lords. The first is the nature of the union and the second is the procreative potential. It is no good saying that lots of people who get married are too old to have children, do not want children or whatever. The fact of the matter is that most people who marry seek to have children and do so. Same-sex couples in their civil marriages cannot have children except, of course, through adoption, surrogacy or whatever. That is fundamentally different. It is not better or worse but it is fundamentally different. I do not see why we should not face that. It is a form of honesty that would inure to the benefit of same-sex couples in the long run.

That is my late-night thought. I hope that noble Lords will give me some of theirs before Committee so that I can decide whether or not to table an amendment.

10.38 pm

Lord Flight: My Lords, I feel honoured to have drawn the short straw of being the last speaker this evening, and I thank all noble Lords who are still here for being still here. I did not intend to speak because it seemed that virtually everything there is to be said was being said or was going to be said by someone else. However, I was faced with an enormous volume of letters and e-mails, which I spent a good part of the weekend reading through. I picked up from them some thoughts about the territory which I had not focused on before, and some rather important points were raised.

If there is one single point on which I think this Bill should not proceed, it is that the nation is absolutely divided. I do not know whether it is 70% one way or the other or if it is 50/50, but it is clear that, in the main, the senior part of the country believes in the traditional role of marriage and wishes to keep it,

while a lot of younger people think that it is all a load of hooey and ask, basically, why anyone should get married. There is an absolute divide, and in this sort of territory I believe that it is a mistake to push through legislation until there is some form of consensus.

My noble friend Lord Deben referred amusingly to the Gilbert and Sullivan line:

"He shall prick that annual blister,
Marriage with deceased wife's sister".

I am not suggesting that it should take 50 years, but it has been a sensible British tradition in social matters to legislate and change gradually, and so keep up with public opinion. In 20 years' time, when many of us are dead and gone, there may be some form of consensus in the majority of the country—or even before then. It is a great mistake to railroad this extremely unsatisfactory legislation through. The right reverend Prelate the Bishop of Exeter brilliantly pointed out a lot of what is wrong with it. There are other issues that are profoundly wrong and the consultation process was also clearly less than satisfactory.

This is classic territory where it is not unreasonable for the House of Lords to exercise its reserve powers in delaying such legislation. Our job is to scrutinise and occasionally, when necessary, to be the upholder of public opinion. Public opinion is not at all happy with this legislation as it presently stands. Many have made the point that there was no electoral mandate, but it was rather the reverse: the Prime Minister actually stated in a pre-election television interview that he would not be introducing same-sex marriage, and so gave a commitment to the contrary.

As others have pointed out, I regret this issue of a 500,000-name petition being treated as a single vote. It was telling that there was not a single black or Asian representative invited to give evidence to the Commons committee, and their communities are often among the most religious in the country. Many may have noticed over the weekend that all the faiths came together—not just the Anglican church, but the Catholic, Muslim, Jewish, Hindu, Sikh and Buddhist faiths sent a letter with 53 signatures to the Prime Minister urging caution and that he should think again before he pushed through this legislation to rewrite the meaning of marriage. In the world of faith, this is not just an Anglican issue; it is fundamental for all faiths, going back into the mists of history, that whether one likes it or not marriage is essentially about a man and woman getting together to have children and to bring them up as securely as possible. Just redefining, like that, what marriage means will understandably upset a large number of people.

The knock-on effects of the Bill have also not been adequately considered. If the Bill proceeds, the legal status of gay marriage will be different from that of heterosexual marriage, as the most reverend Primate the Archbishop of Canterbury and the right reverend Prelate the Bishop of Exeter have pointed out. It is also extraordinary that the proposed legislation will not give equality to heterosexual couples wanting a civil partnership, as many others have pointed out.

Today's debate has made it clear that the Bill needs more robust protection of religious liberty. The Adrian Smith Trafford Housing Trust case was a disgrace, but it illustrated what could happen if the Bill becomes law, particularly for those in the public sector and the area of teaching. John Bowers QC has opined that the Bill, combined with the existing law on sex and relationships and the public sector duty, would create a duty to promote and endorse such a new definition of marriage, and that those who expressed their religious views to the contrary would be put on the wrong side of the law. Moreover, a teacher declining to teach same-sex marriage could be disciplined. This is entirely unsatisfactory and not an adequate protection of religious liberty.

Where has all this come from? The impetus for redefining the meaning of marriage is not largely from the gay community, many of whom are perfectly happy with civil partnership as crafted a few years ago. It does not come from those with great social concerns either. I think it is the political agenda to abolish all legal differences between the sexes. I challenge the desirability of this agenda, as a point of principle.

Many in this House may remember that back in 2004, when civil partnerships were introduced, the noble Lord, Lord Filkin, as spokesman for the Labour Government's then Department of Constitutional Affairs, summarised that Government's position. He said that the "concept" of homosexual marriage,

"is a contradiction in terms, which is why our position is utterly clear: we are against it, and do not intend to promote it or allow it to take place".—[*Official Report*, 11/2/04; col. 1094-95.]

I believe that that remains the view of at least half the country and, as I have said, to railroad through the legislation as it stands, with its legal imperfections, would be exceedingly unwise. For that reason, I will be supporting the Motion of the noble Lord, Lord Dear.

Debate adjourned until tomorrow.

House adjourned at 10.46 pm.

Grand Committee

Monday, 3 June 2013.

3.30 pm

Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013

Considered in Grand Committee

Moved by Lord Gardiner of Kimble

That the Grand Committee do report to the House that it has considered the Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013.

Relevant document: 1st Report from the Joint Committee on Statutory Instruments.

Lord Gardiner of Kimble: My Lords, in 2011 the Government launched a consultation that examined the regulatory regime for entertainment licensing under the Licensing Act 2003. The consultation looked at removing any regulation that unnecessarily restricted creativity, community expression, sporting participation and economic growth. The Government listened carefully to the views received through the consultation and we announced our new policy in the other place on 7 January this year and in this House on 8 January, taking information received through the consultation into careful account.

The order before us today provides the first element of the reform package, which has been widely welcomed by the creative, community and charitable sectors. It addresses reforms to the areas of performance of plays, exhibitions of dance and indoor sport.

In the Government's response to the consultation, we explained that there was a general consensus that these three areas could be deregulated as there was nothing intrinsic to these activities that required regulation that is not already adequately dealt with through other legislation. The Government listened carefully to the views in the consultation that asked for an end point to performance and that large events were not deregulated. These two key points have been addressed in the new policy and were set out in the Written Statement of 7 and 8 January.

The order before us is therefore relatively straightforward. It removes the need between 8 am and 11 pm for licences for public performances of plays, exhibitions of dance and indoor sport up to a reasonable audience cap of 500 people for plays and dance and 1,000 people for indoor sport. Where any of these activities involve the supply of alcohol, licensing requirements for such sales will continue to apply.

We see no reason why plays, dance and indoor sport, which are so often run by local community groups or charities, should need a licence. The Government have received many representations about harmless public performances that have been needlessly disrupted under the 2003 Act. For instance, Punch and Judy shows have been regarded as a performance of a play and therefore subjected to unnecessary bureaucracy, school plays have been cancelled and community dance performances have been hindered. This order will help to bring common sense to the licensing framework for local events and should remove some of the costs and bureaucracy that sap the will of volunteers and soak up often scarce financial resources.

It is interesting that the Voluntary Arts Network said of the proposed measures:

"The … burden of entertainment licensing … has in recent years been a major obstacle to voluntary arts groups putting on small local events and performances. The complexity and cost of regulation intended for much larger-scale events has had a detrimental effect on the tens of thousands of volunteers who give up their own free time for the benefit of their communities".

Arts Council England said:

"As a result of de-regulation, small companies and artists will be better placed to develop and present their work ... Small venues will also be more disposed to support plays".

The Government chose the limit of 500 people for plays and dance performances as the existing limit for temporary event notices is 499 under the 2003 Act. This limit has for many years had no mechanism for additional controls on events and, indeed, very few problems have occurred. For indoor sports a higher audience cap of 1,000 people was chosen, as most venues that host public sports activities are held in purpose-built arenas and the events are usually developed in partnership with the local authorities.

Many licensing authorities told us that their only action on indoor sport was to regulate swimming galas held in local council swimming pools, which are already clearly regulated by, and subject to, ongoing risk assessment under health and safety law. This is clearly a case of regulating the same subject twice.

This order also clarifies that where a contest or exhibition combines boxing or wrestling, which will remain licensable, with one or more martial arts to create a combined fighting sport, this activity is licensable as a boxing or wrestling activity. The Government wanted absolute clarity on this point in the context of removing regulation on indoor sporting events. It is right that boxing and wrestling activities should stay regulated, and responses to the Government's consultation were fully in support of this policy.

This is a sensible deregulation of activities that should not have been caught by the Licensing Act. The Government's view is that safeguards put in place under alcohol controls, planning law, fire, health and safety and other legislation such as the Theatres Act means that it makes sense to remove these activities from regulation. The removal of this cost and bureaucracy from community life will play a part in helping to sustain cultural and sporting activities in England and Wales.

Lord Clement-Jones: I thank my noble friend the Minister for that introduction to the SI. As he will be aware, I am in general a strong supporter of arts and entertainment deregulation. A little over a year ago we were celebrating the success of a five-year campaign to deregulate the performance of live music in small venues under the Licensing Act, dating back to the recommendations of the Live Music Forum of 2007 with the passing of the Live Music Act. That success

[Lord Clement-Jones]
was a tribute to a great many individuals, and not least to the strong co-operation between the DCMS itself and Ministers and officials.

UK Music, which with help from the Musicians' Union and others helped to push through the Live Music Act, It believes that the new legislation has the potential to create a major economic impact, with thousands of musicians who can add to the £1.5 billion currently earned by the live music sector. I was delighted that the MU published a live music kit when the Act came into force that is a comprehensive guide to hosting and promoting live music.

The key now is to ensure that there is an accurate way to measure the economic and creative impact of the new Act. Research commissioned by UK Music will help to provide some of these answers. The creative and artistic benefits of the new Act will take time to work through the system, but I hope that in a year or so no one who loves music, and live music in particular, will be able to argue that deregulating the performance of live music has been anything but good for the grass-roots scene, and indeed for the community as a whole. I very much hope, therefore, that the same will be true in other areas of deregulation of entertainment.

While the Live Music Bill was going through, as the Minister has explained the Government themselves published their own deregulation proposals in September 2011. The proposal was to deregulate all regulated entertainment of a similar description to live music, recorded music or dance and entertainment before audiences of over 5,000, except boxing, wrestling and adult entertainment. That meant that between 8 am and 11 pm most performances of a play, exhibitions of a film, indoor sporting events and so on would be exempt from Licensing Act regulation. The aim of the proposals, in the words of the consultation, was to,

"improve the quality of life for all through cultural and sporting activities, support the pursuit of excellence, and champion the tourism, creative and leisure industries".

Those are all extremely important aims.

In seeking to reduce the overall burden of regulation faced by smaller organisations, the Government also wished to encourage the performance of music, dance and sport and to encourage community creativity and expression—all much to be desired. In most cases, as the Minister said today, the consultation rightly asserted that adequate protections against potential problems were already provided by existing legislation, such as the Environmental Protection Act 1990, the Anti-social Behaviour Act 2003 and the Noise Act 1996. As the Minister also stated, licence conditions would still apply and be used for premises licensed to sell alcohol. The threat and use of review powers under the Licensing Act 2003 will provide sufficient protection to communities.

The consultation sought views on the proposed regulation of capacity under 500, but mentioned that the police preferred a 499 limit. We all recognised that these were, to say the least, very radical deregulatory proposals. If implemented they would have had a significant effect and in some cases unintended consequences. Although I am in favour generally of deregulation, I am glad to say that rather less radical views prevailed. Following the end of the consultation, as my noble friend said, the Government, in January 2013, published their response and proposals. They proposed deregulating these events between 8 am and 11 pm for those hosted by local authorities and educational establishments, and for others, in the case of an audience of up to 500, except for indoor sporting events, where the audience is limited to 1,000, and films, where partial regulation will continue to ensure age classification.

As the Minister described, I am delighted that we now have before us the draft SI, which implements that proposal, which I wholly support. However, clearly the DCMS is still not a boxing, martial arts or wrestling fan—they remain regulated. Greco-Roman wrestling at first was going to be exempt but now seems caught up in continuing regulation. Is that correct? Can the Minister give the Committee some explanatory background to this distinction?

The consultation response in January also said that the audience limit for exemptions under the Live Music Act will be raised to 500, which was great news. I hope my noble friend can tell us when we can expect that change to be introduced and what mechanism will be used to effect the change in the provisions of the Live Music Act. What other consequential changes arising from the policy announcement in January will need to be made and by what mechanism will they be made? I look forward to the Minister's reply.

Baroness Jones of Whitchurch: My Lords, I thank the Minister for his very helpful explanation of the background to this order. I also make it clear from the outset that we very much support the intention set out in the order. The local licensing of community arts, sports and music events has been too complicated for far too long. That is why we were also pleased to support the Private Member's Bill of the noble Lord, Lord Clement-Jones. I am pleased to be able to commend him in person on his move.

There is no doubt at all that the Live Music Act sent a strong message of encouragement to local artists and musicians who were finding it impossible to find a venue to perform in and that it has gone a great way to alleviate that problem. However, that highlights the fact that this order tackles only a small part of a complicated local licensing arrangement that has made life difficult for performers and community organisations alike.

Obviously, by its very nature, secondary legislation tends to be implemented on a rather piecemeal basis, but it would be helpful to know how this fits into the grander plan to update the licensing laws and the rules governing local live performances, building perhaps on the question asked by the noble Lord, Lord Clement-Jones. Can the Minister shed a little more light on the review of film performances, which are not included in this order but which I understand are still under consideration? In other words, can the Minister clarify what further measures will be presented before this House in due course as part of the bigger review of the licensing arrangements and where the details of that can be found?

3.45 pm

Having said that, within the limits of their scope we believe that the proposals strike the right balance between facilitating more live community arts performance on the one hand and wider public safeguarding and protection on the other. We believe that the timeframe of 8 am to 11 pm is about right, as is the size limit of 500 people. This should more than adequately cover the attendance expectations of most local events, particularly those organised by volunteers, who found the existing licensing rules particularly onerous.

The impact assessment quite rightly identifies the main areas of risk as public safety and noise pollution, and these cannot be ignored. In particular, outside events featuring overamplified live music could become a real noise nuisance to local residents, so local councils and the police will need to be alive to the separate regulations already governing noise complaints. It is not clear from the changes how the police and local councils would receive early warning of a proposed event if the licensing laws are changed in the way that we have been discussing. Without prior knowledge, it is hard to know how they would be aware that an event is taking place so that they could police it rather than waiting for complaints to come in after the event. Perhaps the Minister will shed more light on this.

I accept the premise of the impact assessment that the worst culprits are likely to be events selling alcohol, which remain unaffected by the relaxation of these rules. That is why we welcome the intention to review the implementation of the regulations and pick up any unintended consequences within a sensible timeframe.

The rules regarding community events can be unexpectedly fraught and contentious. I have no doubt that previous Governments thought that they were addressing real local issues when they introduced the licensing Acts in the first place. It is not a perfect science, and we need to keep the arrangements under review, but it is right that we support these changes at this time, and I hope that they will provide new opportunities for local culture to thrive.

Lord Gardiner of Kimble: My Lords, we have had a short but excellent debate on the value of this order and the issues involved. Before I address the points that have been made, I want to place on record the Government's thanks to all those who responded to the consultation on this issue, which contributed extremely positively to the order we are discussing.

I am most grateful for the support expressed by the noble Baroness, Lady Jones of Whitchurch, and my noble friend Lord Clement-Jones, because common sense has prevailed and we have removed needless bureaucracy. The noble Baroness mentioned a grander plan and a bigger review. This is part of the beginning of a phase. There will be three phases. In January this year, the Government published a full government response to the consultation on regulated entertainment reform. Copies of the document with the full details of the proposed policies can be found on the YouGov website and are available in the Libraries of both Houses.

Today is the first phase. There will be a second phase with a range of exemptions around music and community premises—schools, for instance. In answer to the question asked by my noble friend Lord Clement-Jones, we think that the second phase of consideration is the best place to deregulate the low-risk Olympic disciplines of freestyle and Greco-Roman wrestling. The third phase relates to film, and the Government intend to consult on measures to aid film exhibition in community venues in the near future. I am told that I can say that this consultation will be in "coming months", so I hope we will make good progress on it.

The other point made by the noble Baroness, Lady Jones of Whitchurch, was about receiving an early warning. The key feature of the events proposed for deregulation is that we do not believe that their low risk would cause a problem. We fully expect events organisers to work closely with local authorities and we think that a formal notification process is not proportionate for such events. We will be keeping those matters monitored.

I shall also deal with the points raised by my noble friend Lord Clement-Jones, but before doing so it is appropriate that I again place a tribute on record. My noble friend generously mentioned many others who helped in the successful passage of the Live Music Act, but he has been and continues to be a staunch proponent of the creative industries. He rightly mentioned the deregulation of other areas while at the same time protecting communities. If there are any outstanding points that I have not covered, I will of course write to noble Lords, but in the mean time I commend the Motion.

Motion agreed.

EUC Report: EU External Action Service

Motion to Take Note

3.52 pm

Moved by ***Lord Teverson***

That the Grand Committee takes note of the report of the European Union Committee on the EU's External Action Service.

Lord Teverson: My Lords, since I have been chair of the External Affairs Committee and its predecessors, we have been concerned that the committee should look at things that are practical and where we can make a difference. I, and I am sure my fellow committee members, like to think that we made a difference in our report on Afghanistan EUPOL and on Somali piracy, and perhaps even in our larger report about relations between the EU and China. We took on as our most recent subject the European External Action Service, which is coming up to its two-year review later this year—I think it is expected to take off in July, the month after next—because we wanted to ensure as a House, as one of the key institutions that looks at European affairs in the United Kingdom, let alone as part of this Parliament, that we could put our opinions into that process. That is why we foreshortened our report and issued it relatively quickly to the Government: so that it could be part of those discussions. Having said that, it is probably one of our more politically charged reports and one in which there was a greater

[Lord Teverson]
diversity of opinion within the sub-committee. That, I am sure—and I welcome it—will come out in the debate this afternoon.

The External Action Service is quite a difficult area for discussion. It is only two years old. Sources vary over the question of when it was started; some say it was December 2010 and others January 2011. In many ways it was invented out of the Kissinger question, "Who do I phone for Europe?". The whole debate about a unified voice for Europe is one reason why it was in the Lisbon treaty, but by that time it was not the European Foreign Ministry that it was perhaps originally meant to be; rather, it became the high representative and an institution to support her in her work. I will come back to that.

The noble Baroness, Lady Ashton of Upholland, who was appointed to the EAS, is well respected and liked within the House but was hardly known throughout Europe and therefore had a very low-profile start. Being British, or at least being a British commissioner because she has that hat as well, has perhaps made her position even more nuanced and difficult in certain areas. At its start, the EAS was trying to give Europe its true voice all around, in Europe and in the much broader world. Then the eurozone crisis came along and, however good and unified we wanted to make Europe sound, the real noise at the forefront was around Europe's failures in many ways to make decisions about its own currency and economy. Then there is the vagueness of the task. Nothing in the Lisbon treaty really says what the External Action Service should do except be of assistance to the high representative, and even there the job description is somewhat vague.

How do we describe the External Action Service? It is not an official institution; it is not really a part of the Council, certainly not part of the Commission and absolutely not part of the European Parliament. Then we come to the question of whether Europe really has a foreign policy worth the name. My own view is—and the work that we did on looking at that demonstrates—that it very much does. The European Union makes pronouncements on foreign policy that are often joined by 11 other nation states around Europe that combine with the European member states to make policy decisions. We have to agree, though, that on occasions, and in some of the most important areas such as the Middle East perhaps, Europe does not agree at all.

To all this we have to add a number of other areas. There is the question of large versus small state; not only Germany but France and the United Kingdom stride the globe with our hundreds of years of diplomatic experience, and we are very jealous of that, particularly in France and the UK. Yet we also have small member states that have perhaps only 40 embassies abroad at all, many of those within the European Union. It is questionable whether they even have a foreign policy at all.

To all this we add the fact that the EAS was being set up while it was being run; that there were three cultures among the staff who came from the Commission, from the Council and from national diplomatic corps, which inevitably caused turf wars, let alone culture wars; and that the high representative's job is often seen as being impossible as they wear three hats: the hat of the high representative, the hat of the vice-president of the Commission and the hat of the chair of the Foreign Affairs Council.

We come down to the fundamental question which this report does not really answer. At some point someone might have to make up their mind about this. Is the External Action Service supposed to be a world-class foreign office and diplomatic corps of a supranational quasi-state called Europe, or is it there just to add diplomatic value to the traditional Commission tasks of trade and development? I leave Members to make their own choice, but in the longer term that is what will drive not this review but reviews in the future.

I shall give the Committee one or two facts. The EAS budget is €500 million—nothing to be sniffed at, but that is only 0.4%, or in effect one-third of 1%, of the European Union's budget. The EAS has 141 delegations abroad; it started with 136 but has combined some and opened others in places such as South Sudan, which I am sure we would agree with in that instance. It has about 3,400 staff altogether.

This organisation is significant and important, but what are the headlines in relation to what should happen in this review? I shall go through them very quickly because other noble Lords will go through them in detail in their speeches. Budget neutrality was supposed to be achieved, and in times of economic difficulty in Europe we believe that that should be maintained. The only way that can be done is by prioritising, but that is very difficult with such a large agenda. It should concern the emerging powers such as China, India and perhaps Brazil, and it should concern our local neighbourhood in the east and the south. A lot of the EAS's time has been taken up by the Arab spring and neighbourhood questions. It should also perhaps be a priority in crisis management. We have seen examples of that in Somalia, the Horn of Africa and Mali.

The turf war between the Commission's and the External Action Service's core staff, the diplomatic staff, must end. We believe that that situation is much better, but it has to improve and be resolved in the near future. We need to think anew. We should not be bound by the geographical locations of existing missions. We have to think about the future rather than the inheritance of the past. We believe that as foreign policy is primarily intergovernmental, the EAS's annual report should be presented to each of the national parliaments. Clearly, that has to be done in a sensible way so that we can formally respond to the External Action Service's work each year and feed back into it as an intergovernmental area of EU policy.

Over the next few years, it is fundamental that the EAS concentrates on adding diplomatic value to the strong work undertaken in trade and development. At the end of the day, one of the key issues that we in Britain have to look at is the large versus small state issue. Three ambassadors of smaller member states—Lithuania, Slovenia and Slovakia—were witnesses, and in those states there was a completely different view from perhaps that of French parliamentarians about the role of the EAS. The small member states—this

was confirmed to me when I was in Estonia last week—see the EAS as part of the European deal, part of their membership, part of what they are, and they expect it to respond to their needs. They do not have the resources for a worldwide presence, and they see the External Action Service as a way of having that. In a Europe where the United Kingdom, and perhaps France these days, has to look for strong allies among all states, I say to our Government that this is one area where they have to take care in their views about the External Action Service in the future. It is easier for us with larger budgets and a larger presence to see the EAS as something that perhaps threatens certain national representation abroad, but to smaller member states it is a way forward and a way to a global and much more visible presence abroad. We need to find a way to drive both of those agendas forward. I beg to move.

4.03 pm

Lord Lamont of Lerwick: My Lords, I thank the noble Lord, Lord Teverson not just for the way in which he chaired our inquiry into the European External Action Service but for all the work that he has done for the committee. He has been a very open-minded but firm chairman, and we had some extremely interesting sessions thanks to his very firm leadership.

I also thank our clerk, Kathryn Colvin, and researchers, Roshani Palamakumbura and Edward Bolton, for all their hard work.

I was a little confused about who would reply for the Government in this debate. I read in the newspaper that my noble friend Lady Warsi had escaped from the entertainment in the Chamber and so I was not surprised to find her name on the list here, but now she seems to have been replaced, not just in the Chamber but in this Room, by the noble Lord, Lord Wallace of Saltaire. If what I read in the newspapers was correct, the noble Lord had some nostalgic recollections over the weekend, as I think he sang at the Queen's coronation over the road. Anyway, we are delighted that he is answering on behalf of the Government today.

I am not sure that it is appropriate that I should be the first representative of the committee to speak after the Chairman. Mind you, not many members of the committee are present at this moment. I was hesitant about being the first because, although I think I was the first person to suggest an inquiry into this subject, I do not think that my views in the committee were representative of the committee as a whole. I was certainly sceptical about the EAS at the beginning of the inquiry, and I have to say that after all the discussions and all the evidence that we had I remain very sceptical about it.

I say that without in any way implying any criticism of the noble Baroness, Lady Ashton, who I think has been in a difficult situation and has done a very good job. Nor do I imply any criticism or make any attempt to diminish the importance of the aid work that goes on through the legations and the embassies. The focus of my scepticism and criticism is much more on the network of offices and embassies throughout the world. It seems to me to be a bureaucracy that has been brought into being before anyone has decided precisely what it is meant to do.

An awful lot of the evidence that appeared before the committee seemed to be self-justification. I should not speak for other members of the committee, but listening to some of their questions I got the impression that some of them could not work out what the EAS was meant to be doing either. That, I think, is reflected in our conclusion on page 1 of the report, that,

"the EEAS encountered uncertainties about what the Member States wanted it to do".

On page 2, the report states:

"Member States should clarify what they want to the EEAS to do".

I suggest that it would have been rather better, before we decided to spend around €500 million a year, to have decided what we wanted it to do. As I say, a number of witnesses who appeared before the committee out of choice seemed astonishingly unable to define what the EAS was for or what it was meant to do.

The basic problem, of course, is that there is no single foreign policy of the EU as such. On Iraq, Syria, Libya, Cuba, Kosovo, and trade and energy issues with Russia, despite the achievements of the noble Baroness, Lady Ashton, in recent weeks, there is no agreed line. One or two witnesses attempted to imply that Europe had been a major actor in what had happened in Egypt. Well, it spent a lot of money in Egypt and made a number of representations, but I have met no one from Egypt who believes that the European Union has had a big impact there. I also followed up on claims that were made for the extraordinary influence of the EAS in the Yemen by asking various Yemeni people I met whether they were aware of it. I found little awareness, if any. Where in European foreign policy there is an agreed line, I cannot see why that cannot be communicated diplomatically, if it needs to be, through the embassies of Germany, France, Italy and other countries. I cannot see what the European embassies can do on the ground that cannot be done by the national embassies, certainly of the major countries.

In a previous EU committee session, we had evidence from the prospective EU ambassador to China. I asked him what he thought he could do that could not be done by the German embassy, the French embassy or the Italian embassy. He said, "We, much more than them, are going to major on human rights and place all the emphasis on those rights". I do not think that will get him a long way in raising the profile of the EU in China.

Under the Lisbon treaty, foreign policy remains largely under the control of member states. Having looked at this, and presumably thought about it, the committee's recommendation, on page 10, was that it should remain so. Also on page 10, the report states:

"The EEAS should not … seek to project its own foreign policy".

In that sense, the question "What is the telephone number for Europe?" is not the right one. There are telephone numbers for the different major actors, and it is unreal to think that there should be a single telephone number on all questions for Europe.

On page 31, following the logic that foreign policy is the prerogative of member states, the report states:

"The scrutiny role of the European Parliament should not go beyond its current level".

[Lord Lamont of Lerwick]
Members of the committee who went on the visit to the European Parliament and heard Elmar Brok speaking on this subject there have no doubt that it is the ambition of Mr Brok and other members of the European Parliament that it should play a major role in directing European foreign policy.

There are 141 delegations around the world. At the time of our report there were 1,922 EAS staff plus 3,514 commission staff, making a total of 5,436 people around the world. There is quite generous staffing in places. There are 44 people in Barbados, 32 in Mozambique and 30 in Uruguay. The EU is represented in 11 Pacific island countries, including the Cook Islands, Micronesia, Fiji, Kiribati, the Marshall Islands and lots of others. A point made very clearly in the report and echoed by the noble Lord, Lord Teverson, in his speech was that the location of offices ought to be determined not by history but by what is in the best interests of the European Union and what is likely to contribute most to the solution of real problems. What the noble Lord and the report say about reviewing the offices and their location makes a lot of sense.

The report was, if anything, rather lenient on the failure of the EAS to achieve budget neutrality. It is not an excuse to say that it is a young organisation. It was set up on the strict condition that there should be budget neutrality—you take money from one pot, and you put it in another—but we have had a litany of all the familiar excuses, which will be familiar to anyone who has ever been in the Treasury, about what had been inherited and the difficulty of the current climate. In the current climate, in which austerity and budget cuts have been in place all over the EU, it is very regrettable that there was a failure to achieve budget neutrality, and I strongly endorse the report's conclusion that there should be zero real increases in expenditure in future.

It was unfortunate that the report did not go further into salaries. We had a firm statement from Mr Shorter of the office of the Minister for Europe that salaries are very high by national standards. Another witness described them as outrageous profligacy, and another as a ridiculous amount of money. Certainly, they seem to be higher than national salaries. In the report, the argument was made that it is difficult to make precise comparisons, but it would have been better had we looked at this rather earlier in our inquiry and gone somewhat deeper.

Particularly singled out for criticism were the salaries of the 11 special representatives dealing with certain crisis areas and certain geographical areas of crisis. It was said to us that several of those special representatives have salaries higher than that of the Secretary-General of the United Nations. It was argued that high salaries were necessary in order to get figures of genuine international standing, but I think that only three out of the 11 special representatives have actually gone to people who were not former officials. Only three have gone to people who are former Ministers, for example. We have a lot of distinguished people here. Perhaps they could be considered for some of the special representatives in future.

Again, I emphasise that my criticism is largely directed at the physical network. We heard several witnesses, and one extremely senior one in private, say that the delegations in Brazil and in India, the so-called strategic partners, have had no impact on that relationship or on changing it. The lady witness from the WTO said that the EAS had no noticeable impact on trade negotiations and that the cards and the brass plates on the tables had changed but the method of working and the negotiations methods had not changed at all.

One justification that was put forward for the network of offices was that one needed to see trade in a political context. I remain sceptical about that. Of course one needs to know the political motivation and the local context in which people have a particular view on a particular trade issue. However, that is easily ascertainable through national embassies, or indeed through reading newspapers. One has to distinguish between trade policy and trade promotion. Sometimes in the arguments that were put forward, trade promotion was confused with trade policy. In trade policy, the EU definitely has a valuable role: in trade promotion, I would say hardly at all, although I do not think that that was clear in all the statements that were made before the committee.

The EAS exists, and we have to make the best of it. I agree with the points that the noble Lord, Lord Teverson, made about training and secondment. I have to say that I was somewhat disappointed by the Government's reply to the report, and I wonder whether it really said what the people in the Foreign Office actually say in their heart of hearts about the EAS. It does not explain away the number of ambassadors—I shall not name them—who, late at night over a glass of whiskey, have asked me "What does this thing actually do? What is its purpose? What is it for?". It seems to me that the logic that we are going with is that we should actually start considering closing down some British embassies just as we start expanding the EAS network, but of course the Foreign Office would never dream of agreeing to that.

4.18 pm

Baroness Coussins: My Lords, I am one of those soon to have the privilege of joining Sub-Committee C, and I read this report with great interest. My observations and comments focus on two of my particular interests: relations between the EU and Latin America, or Europe and Latin America, and languages.

First, it struck me that some of the report's recommendations are a good fit with the active and strategic approach that Her Majesty's Government have demonstrated in relation to Latin America. I hope that the Government could be proactive in promoting a similar sense and level of engagement with Latin America through its membership of the EU and through the EAS in particular. The Foreign Secretary himself has said that Latin America is a region,

"which nobody can afford to ignore",

and that it is,

"playing a central role in tackling pressing international issues from climate change to the economic crisis, and from the Arab Spring to international development".

Forging closer links with Latin America is also important for the UK's own economic growth. I struggled to find any reference to Latin America in the report other than Brazil. I found one fleeting reference to Guatemala but I think that was it. It is important to remember that Latin America is not only Brazil. For example, Peru recorded growth of 6.2% last year and in the last month has become the latest signatory to the EU-Andean free trade agreement, so when the report recommends, and the Government agree in their official response, that the EAS should prioritise relations with emerging powers, I urge all concerned to remember that that term should include Latin America as a whole and should not be focused only on Africa, Asia and the Middle East.

This would not only be in the interests of trade, where, as the report says, the EAS can add value with an overall strategic role to bring a diplomatic perspective, but it is also highly relevant to the recommendation in the report about furthering the EU's human rights principles. Several Latin American countries—I highlight Colombia—are in post-conflict periods where the leadership of the UK and the EU in promoting human rights' values in both civilian and corporate life could make a critical difference in areas ranging from the treatment of indigenous communities to the ending of the normalisation of sexual violence against women. Does the Minister agree that the EU needs to be in strategic partnership with more countries in the Latin American region than Brazil alone, and what might the UK Government do to encourage this through the EAS?

As to my second interest, part of the necessary wherewithal to build relationships in Latin America and with most other places on the planet is the linguistic competence to make contacts, build bridges, understand other cultures, participate and earn respect. English, of course, is absolutely vital, and we are very lucky to be native English speakers, but it is not enough in a world where, surprisingly, only 6% of people are native English speakers and 75% of the people on planet Earth speak no English at all.

The report makes the important recommendation that greater attention be given to training for EAS staff, including in languages, and it notes in particular that more Arabic speakers are needed. Professor Whitman of the University of Kent, in his evidence to the committee, put it more strongly still, saying that languages and regional competencies were crucial issues in training. I want to ensure that this recommendation does not get lost or overlooked as a small administrative detail, overshadowed by the bigger picture of emerging powers, security and human rights, because language skills are crucial to securing progress in all these matters.

The report tells us that the EAS says that UK nationals are strongly represented on the EAS staff at all levels. However, on looking at the numbers, I am not sure that that claim is very convincing. The proportion of UK nationals certainly does not reflect the UK population as a proportion of the EU. There may be many reasons for this but one significant contributory factor is the lack of language skills. The Foreign and Commonwealth Office has noted that a shortage of British staff in international institutions is detrimental to the national interest and undermines our policy influence.

UK nationals make up only 5% of the European Civil Service, although we account for more than 12% of the population. In 2011, a mere 2.6% of applicants were from the UK, fewer than any other member state. A key reason for this was that English-speaking applicants must offer either French or German as a second language. I appreciate that the Foreign Office is now trying harder than ever before to turn this around and has already recognised the importance of languages in diplomacy by increasing its budget for language training and the number of posts for which languages are now deemed to be an absolute requirement.

The Government's response to the committee's report agrees that EAS staff should be given what they call "hard language training". I am not sure whether that means difficult training or training in difficult languages, but either way I ask the Minister, in the light of this new commitment to languages, how the Government might directly assist the EAS in achieving its language training needs in ways that could be defined as "in kind support", rather than further direct budgetary contributions, which both the report and the Government's response agree must be avoided.

The government response says that they are working to promote the EAS as a career option for talented UK officials. I would like to know how language training plays a part in that effort. In particular, there is no doubt that we need significantly to increase the number of UK nationals who can offer Arabic and Mandarin. The few we have are like gold dust. As I have heard anecdotally from officials at DG Translation in London and Brussels, these few are subject to being ruthlessly poached from agency to agency all the time, which might well add to the turf-war mentality identified in the report, which certainly needs to be overcome if all the relevant agencies are to be able to work and achieve to their full potential.

It can be taken as read from my earlier remarks that the importance of Spanish and Portuguese should also be taken on board by any would-be EAS staff, and indeed any businesses with an export eye on Latin America. Thinking about the supply chain for linguists and practical ways in which the Government could help to implement the recommendations of the committee's report, will the Minister discuss with ministerial colleagues responsible for higher education in BIS to see what more can be done to halt the decline of applications to university for language degrees, whether in hard or soft languages, and to encourage more of those who graduate as linguists, or as anything else with a language, to consider careers in the EAS and related institutions?

4.26 pm

The Lord Bishop of Derby: My Lords, I add my thanks to the noble Lord, Lord Teverson, and his colleagues for producing this report. One of the subtexts of this is: what is the report about, and what are we trying to achieve?

I am fascinated by language, particularly some of the language developed in this world such as "High Representative". I know about high priests, but high

[The Lord Bishop of Derby]
representative is a very interesting concept. Perhaps that is something to be pursued, although I do not want to do that now.

The main language point that I want to pursue now is the word "action" in the title of the External Action Service. The Committee might know that when the UK was thinking about a closer relationship with Europe all those years ago, the matter was discussed in the General Synod of the Church of England. People were in favour of a more formal relationship, but only if it meant that Europe would be outward-looking. Rather than a club just to preserve its own well-being, because of historical links and commitments it would be outward-facing to Latin America and to all kinds of other Commonwealth contacts. That is one of the agenda issues for which presumably the EAS was created: to help Europe to be outward-looking in an effective way.

The question is: is the EAS the right vehicle for that, and how well is it performing? From the report, it is clear that there have been some massive challenges. It talks about China, the Arab spring and Brazil. The report is full of the organisational issues, as the noble Lord, Lord Lamont, has said, and questions about its identity—what it is and how it works—rather than action going outward. Given that this identity crisis and all the debates about budget and salaries coincide with the economic pressures within Europe, I suspect that there is an enormous temptation for this particular animal to become more and more inward-looking and to take action to order and organise itself and get its salaries right, whereas what Europe desperately needs is a proper structure for looking outward. The report raises the question of whether the EAS is the right one.

I want to talk about one area where Europe needs to look outward with real urgency in our present context, and I invite the Committee and the Minister to comment on how best to achieve this and whether the EAS is the right vehicle for this: the area of human rights and religious freedom. The noble Baroness, Lady Ashton, who is the high representative, recognises that human rights should be like a silver thread going through the work of the service. Members probably know from the background papers that 75% of the world's population now live in countries where the expression of their religious beliefs is subject to abuse, intimidation and sometimes imprisonment. The threat to religious freedom is becoming more and more of a common feature in all kinds of societies.

Europe has something really powerful in its DNA: religious freedom and human rights. Religious belief is a litmus test for how human beings understand identity, aspiration, relationships with others and all the things that form citizens and help citizens to shape their countries, and it helps countries to relate to each other.

There are three things in the DNA of Europe that we need to turn outwards and offer through diplomacy and foreign policy, which other parts of the world still have much to learn from. The first point about our DNA is this amazing commitment to discussion that came from the Greeks and the Romans. European history has been marked by very radical levels of discussion. Sometimes it gets out of hand and people fight wars, trying to short-circuit discussion. This very institution is part of a movement, after a war that happened because the discussion got out of hand, whereby we can have a forum to discuss things better and in a more mature way. That is deep in the DNA of Europe and I think it is one of the things that binds us.

From that Greek and Roman Christian heritage, that discussion has allowed us to identify differences and to look at them together. That is how our politics works and how it works in much of Europe. It is a model of which we should be proud and want to turn out and offer to others. The extent to which we fail to do that means that many countries look at models other than western democracy for their hope and their shaping, whether it is Chinese authoritarian capitalism or whatever. It is very important for us to own what is in our DNA and to seek to turn it out and to offer it in our foreign policy, in our diplomacy and in our trade agreements.

Our DNA is about discussion, a discussion that highlights differences. However, the third thing in our DNA is an amazing tradition of trying to develop together, whether it was the alliances among the Greek city states, the amazing Roman empire that held all those different cultures together, or Christendom across the medieval world, with all those different nations and churches trying to develop together, through discussion.

Those things are very precious to the identity of the European peoples; I think they are in our DNA: discussion, owning the difference and development together. Safeguarding religious freedom allows people to continue to work and Europe needs to get its act together to reflect on and to see how best we can make a common witness through those things and to bat for them through diplomacy and foreign policy and through the various influences that we can have across the globe. We might be losing the initiative of standing for the things that people recognise are good and taking up other alternatives, but I think that would be to the detriment of the human race.

I want to make a plea for what Europe has to offer by an outward turn. The question is: is this the right animal to do that? Could it be shaped and revised in order to give it a high priority, as the noble Baroness, Lady Ashton, implies with her commitment to human rights, or do we have to be bold and try to engage and find another way of making that witness.

I remind fellow Peers that we have that heritage and that DNA, so it is key now that we hang on to it and do not lose our nerve. If we lose our nerve, Europe will become more marginalised and what we hold as precious in our political and religious work will become marginalised too.

4.34 pm

Lord Jopling: My Lords, I begin by following my noble friend Lord Lamont in his tribute to the noble Lord, Lord Teverson, and to our staff for this report. It is a good report. I particularity want to thank publicly my noble friend Lord Teverson, who has been a very distinguished chairman of the committee. I particularly applaud his initiative in introducing, at

most of our sittings, maybe an hour when people come and brief us from the Foreign Office and beyond. It has been a most advantageous innovation and I congratulate him on that.

My noble friend Lord Lamont said that he was the first of the members of Sub-Committee C to speak. I suppose, looking at the list, that I am the last, because after that we come—I hope they will forgive me—to the "heavies", who will tell us about their previous Brussels experience. Having thanked the noble Lord, Lord Teverson, I think that all of us on the committee are glad to see my noble friend Lord Tugendhat, who has such good experience with Brussels. I suppose he is another of the heavies. He will be a very worthy successor to the noble Lord, Lord Teverson, and we all welcome him on to the committee. I was not aware that the noble Baroness was going to join our committee until she got up. I am sure we will all welcome her in due course, maybe in three days' time. If she contributes as she has contributed this afternoon, we have good things in store. It was good to have heard what she had to say.

I was particularly glad that the Government—the Foreign Office—gave broad agreement to the report in their response. There are not many things that they demur from, which is a good thing. It is not our job to follow the government line, and I do not think that any of us on the committee want to do that, but it is good to know, after our deliberations, that the Government find themselves in broad agreement with it. This all rather contrasts with the swathing criticism that came upon the head of the EAS from the European Parliament, which was extremely critical of the service. Reading the European Parliament's report, I just wondered whether it was not too much coloured by a personality conflict with the noble Baroness, Lady Ashton. Some of its criticism was not justified.

We have to realise that the service is only two years old. However, it is urgent that, at this time, it comes in for a degree of reassessment and regrouping. I am sure we shall find that coming from the current review. Indeed, the timing of our report was very much based on producing it in the early or middle stages of the review of the service, so that our views could be taken into account by those who are carrying out the current review. I hope they will ask all the right questions. My noble friend Lord Lamont raised a good many of those questions, as did the chairman.

In this context, I always remember the question that our old friend Lord Peyton used to ask. I think a number of noble Lords here will remember Lord Peyton of Yeovil, who was a somewhat abrasive character. I worked with John Peyton in opposition many, many years ago. He used to go around places and say to people who were doing various jobs, "Tell me, what do you do, and who benefits?". I hope that the review will ask those sorts of questions and come to the sort of conclusions, which my noble friend Lord Lamont referred to, about what we want the External Action Service to do. I hope that they will take note in the review of what we have had to say.

Clearly, Cathy Ashton has been hugely overstretched and it is an achievement to have got the EAS up and running within these first two years. However, I wonder whether the architects of the service, who put together the Lisbon treaty, realised what a massive task it was and what huge, varied responsibilities were to be put upon its head. Years ago, the noble Lord, Lord Williamson, and I were on this committee when the service was originally mooted. The noble Lord, Lord Maclennan, also had a good deal to do with this many years ago. I remember the noble Lord, Lord Williamson—I hope he will not mind me quoting him—pointing out what a massive and wide responsibility was being proposed. Therefore, it is not surprising that Cathy Ashton has been massively overfaced with the responsibilities that she has had. The pressure on her must be addressed.

In the United Kingdom we are familiar with the position of junior Ministers operating within departments under the responsibility of their political heads. In 2014, when the new Commission is appointed and the new responsibilities are apportioned, it would be wise at the same time to appoint deputies. These should not be the people who, as the European Parliament has described, sit representing Cathy Ashton "like lemons". They need to be there as deputies, with proper powers to represent the high representative and vice-president of the Commission. The more I think about this the more I think it needs a structure that is not dissimilar to the ministerial structure that we enjoy in Whitehall.

As I said, there is much to be done. The salary rates need to be reviewed and made comparable with other diplomats. I noticed in the European Parliament report—I quote from the *Daily Telegraph*—that more than 100 European Union diplomats working in the Brussels-based Diplomatic Service earn more than William Hague, the British Foreign Secretary, and at least 50 senior officials pocket higher salaries than David Cameron's prime ministerial annual salary of £142,500. The rates clearly need to be addressed, and we have put that in our report.

Missions need to be closed where they are not effective or where responsibilities are duplicated. All that should lead, hopefully, to better co-operation with member states' missions in the countries concerned. There are too many of the alleged "turf wars" going on, a point to which the noble Baroness, Lady Coussins, referred. We must try to get a better understanding so that these turf wars do not exist.

There is one point in the report on which I have had second thoughts. Of course I recognise that the EEAS can provide representation in some countries where smaller European States have no presence. This especially concerns consulate services. We say in our report that if the EEAS were to provide consular services for some smaller states, those small states should be asked to pay for them. On reflection, though, that was a dangerous thing to open the door to. The service, as we say in our report, has no consular expertise at all, and to start trying to provide it could easily lead to tears. In all states around the world where there is an EEAS presence, there are other embassies that provide consular services, and it would be far better if those smaller countries that seek a consular presence in those countries sought to provide it through the consular services of existing embassies and high commissions rather than trying to start from scratch within the EEAS.

[LORD JOPLING]

In conclusion, I am bound to say that it is almost as difficult to say EEAS as it is to talk about the atomic energy authority in Vienna, whose name I cannot remember.

4.46 pm

Lord Hannay of Chiswick: My Lords, trying to judge the performance of the European External Action Service less than three years after it was first set up, a period during which a massive amount of time and effort necessarily went into the administrative complexities of that teething process, given the impossibility of doing more in advance planning while the Lisbon treaty was going through its rather agonising ratification process, is not an exact science, nor can it lead to any very definitive conclusions. Nevertheless, we owe a debt of gratitude to the noble Lord, Lord Teverson, and his colleagues for this last in a number of really excellent reports that the committee has brought forward in the years that he has chaired it. It is a genuinely valuable account of a work still very much in progress.

The report is timely, as the noble Lord recalled, as a first review of the EEAS is now under way in Brussels and because—this is a point made by the noble Lord, Lord Jopling—in 2014 the process of appointing a new Commission, including a new president, a new high representative for common foreign and security policy and a new president of the European Council, creates an opportunity, if it is taken, to address some of the problems that have arisen in the early years of the EAS's existence.

If I may be tempted by the noble Lord, Lord Jopling, to a bit of anecdotage, I reminisce, and I find it astonishing, how that wizard of modern diplomacy, Henry Kissinger, managed to fix the whole debate, practically for ever it sometimes seems to me, with his remark about which telephone number he had to ring. That was an extraordinary piece of chutzpah, if that is an adequate word for it, since, even when Henry Kissinger himself managed for the only time in American history—and it will probably remain the only time—to combine the offices of Secretary of State and National Security Adviser, you still needed more than one telephone number to find out what American foreign policy was: probably more than 20 or 30. It is a pity that he somehow fixed the debate, and we should not allow ourselves to be mesmerised by that objective of producing someone at the end of a single telephone number. I doubt whether it is achievable, and it certainly will not be achieved in the short term.

To add to the Kissinger stories, I add his unhappy initiative that he called the "Year of Europe", which caused a good deal of fracas in Brussels at the time when he launched it. When he asked the man who I worked for at the time, Christopher Soames, former Leader of this House, why everyone was so upset, Christopher said to him: "Well Henry, how would you have liked it if I had made a speech saying that next year is the year of the United States?". That brought the conversation to a short and rapid conclusion, and the year of Europe came to a conclusion rather soon after that.

I will address three main issues. First, there is the question which the noble Lord, Lord Jopling, with whom I agreed 100% on this, spoke about: the overload on the person holding the job of vice-president and high representative. This really cannot be in doubt and it is likely to get worse as the EAS and common foreign and security policy become more a part of the international scene. It is not only that the high representative cannot be in two places at once, particularly when those places are often separated by thousands of miles, but that the number and complexity of the policy issues needing to be handled exceed the capacity of one person to do so. Because the crucial work of co-ordination in Brussels at a political level cannot be effectively achieved by someone who is often absent from that city, the present situation is absurd. Even Foreign Ministers of small member states often have political deputies to share the load. However, the Commission, where there are now 28 commissioners from 1 July onwards, which far exceeds the number of meaningful separate tasks to be performed, cannot seem to contemplate a system of a deputy or deputies for its vice-president.

Alternative ways of addressing the overload problem, such as turning back to the rotating presidency to plug a gap, would seem to me a cure that is worse than the disease, risking recreating the confusion and dispersal of effort that the high representative was established to remedy. It should surely be a high priority for the 2014 process of EU appointments and the allocation of responsibilities to address this problem.

Secondly, there is the problem of policy coherence. The European Union of 2013 has a wide range of policies and policy instruments that impact on the world outside its borders, such as enlargement, neighbourhood policy, development aid, trade, environment, transport and immigration, to name only the most obvious ones. However, is it achieving the sort of coherence in the operation of those policies that will maximise their impact and maximise, too, the European Union's influence in an increasingly interdependent and multipolar world? The honest answer is that it is not. One need look no further than the way in which both Russia and China are able to divide and rule among the member states when there is no meaningful overall policy approach towards those two countries, or at the contradictions between the Union's agricultural policy and its development policy, or those built into the handling of Turkey's and Macedonia's applications for membership. The best diplomatic service in the world cannot itself compensate for, or gloss over, such a lack of policy coherence. If the EAS is to be more effective, that lacuna in policy coherence needs to be filled.

Thirdly, there is the issue of turf fighting, both within and between the various institutions in Brussels, between the Commission, the EAS, the Council, the Parliament, and the member states. If there was a gold medal for turf fighting, Europe would surely have won it quite a lot of times. One of the principle objectives with the establishment of the EAS was to reduce that turf fighting. Has it succeeded in doing so? I rather doubt it. Those who work within the Brussels machinery tell me that while there have been some improvements in the operations, such as the operation of the Political

and Security Committee and the Situation Centre, there are plenty of other examples of time and resource-wasting infighting. There are some member states—the UK, I fear, prominent among them—whose lip service of support for the EAS is in sharp contrast to the resources they devote to the task of policing the lonely frontiers of competence creep, biting the ankles of the EAS whenever any transgression, however minor, is perceived.

There are plenty of other areas that need to be addressed before the EEAS can confidently demonstrate a degree of professional excellence equal to that of the best among its member states, which have, after all, been in the business for an awful lot longer. Better language skills, as my noble friend Lady Coussins said, greater effectiveness at public diplomacy, the avoidance of cronyism in the making of senior appointments and better co-ordination between the work of special representatives and the EEAS heads of mission on the spot all need to be addressed in the period ahead. Above all, the EU and the EEAS need to spend more time and effort influencing the policymaking of the rest of the world and less time arguing among themselves about the precise formulation of EU positions, whose shelf life is inevitably limited. This is work not just for three years but for as many decades. Meanwhile, I would be grateful if the Minister replying to this debate could give the Government's views on the three priority issues I have identified—deputisation, policy coherence and turf fighting—and say what steps the Government intend to take to make the most of the opportunities of 2013 and 2014 and the general post appointments next year to address those problems.

4.56 pm

Lord Maclennan of Rogart: My Lords, from my external position, I would like to say how very much I appreciated the work of the committee and the Chairman in producing this thought-provoking report. It is extremely timely, and bringing it forward in time to feed into the review being undertaken by the vice-president and high representative is a very skilful move. I cannot believe that there will be another contribution from a national parliament that will have more thought-provoking recommendations with the possibility of enabling the new group of European leaders who will emerge in 2014 to get to grips with this.

It is a very short time since the External Action Service was set up. It is consequently right to be cautious about it and to learn from the experience of the past two-plus years. The noble Baroness, Lady Ashton, deserves very high commendation for the work that she has done, not only in shaping the structure of the institution, which is not an institution but an agency, but in her response to crises that were not predictable when the agency came into being. In particular, I wish to record our admiration for the work that has been done between Kosovo and Serbia. The European Union Select Committee heard from Serbian parliamentarians not very long ago, who made it plain that they were going to find it exceedingly difficult to come to any agreement with Kosovo other than through the agency of the European Union.

I take the view that there is some urgency in continuing this work. It is quite clear that the global powers, the BRICs, will develop very rapidly over the next decade, and if the European Union is to exercise its influence, and even to protect itself, it must speak with a single voice on many of the issues that confront us. During these early years of a common foreign and security policy, it is evident that that has not always been so. Our relationships with Russia have been notably very different, Germany has spoken for itself very often in these matters, and the Libyan intervention was not supported by Germany. We need to treat these issues with greater coherence than has to date been achieved.

We can be very effective, I do not doubt, if we bring our foreign stances together. We must not seek to do this only in areas of self-centred need. We must recognise that it is a continent of 500 million people with a huge underlying economy. We are in a position to assist other less developed countries that have, as the right reverend Prelate said, less adherence and commitment to western European balance, democracy and human rights. We have to recognise that these matters can be effectively addressed if we come together with a common voice. We have used sanctions as a pressure in this period and they have been effective—indeed, the committee recognised that—but persuasion is also important.

Despite the fact that France and the United Kingdom have a long history of extensive global participation, we ought to recognise that that is going to diminish and that there is no way in which we can continue to be or should wish to be an imperial power. This brings me to an issue that was clearly discussed in the drawing together of this valuable report: the extent to which we in the United Kingdom should hold our own role, not only in terms of our own interest but in terms of our Diplomatic Service. There are places in which it is quite clear that the United Kingdom is less influential than it was. In some countries in west Africa, for example, we do not have the kind of representation that would carry weight. That is partly a function of prioritisation, which of course was a theme of this report. However, as these developments occur, the continent of Europe, with its 500 million people, should be able to have a view about global issues right across the world and we should not back out and deal only with matters of crisis.

The transference of power to the European Union, of course, cannot be accomplished without a greater democratisation of the institutions. It cannot be achieved overnight. That is a subject for further reflection, but that we should have the ambition to do this seems to me to be beyond dispute.

I noted with interest the committee's comments on development, trade and climate change. Those issues are all important. It is right that at the beginning of this process of developing a foreign service—for that in effect is what it is—we should not expect too much to be taken off. However, these matters are interlinked, and I think the noble Baroness, Lady Ashton, was explicit in and has been successful in indicating how important political understanding is when we are making contributions to trade issues. Here I somewhat disagree

[Lord Maclennan of Rogart]
with the noble Lord, Lord Lamont, and his remarks about China. We have to recognise—I have to declare an interest in regard to China—that we cannot turn a blind eye to matters such as the denial of human rights, even if we are seeking to extend our intimacy in the area of trade.

This report ought to be considered very carefully by the Council in formulating its new views, by the Commission in recognising what a valuable role there is for this service, and by the European Parliament. The criticisms made by some of those European parliamentarians about the lack of political will were justified, but what a splendid beginning has been made in these two and a half years.

5.08 pm

Lord Williamson of Horton: My Lords, I declare an interest in that I spent a good part of my career on European affairs in the United Kingdom Civil Service and in the European Commission. I join others in thanking the European Union Committee for this valuable report on the European Union's External Action Service which I hope I shall continue to call the EEAS for the rest of this speech, unless I get confused with the initials. This is just the sort of report that we need to keep us informed about what is happening within the European Union following the Lisbon treaty. The analysis of evidence and the 49 conclusions and recommendations are very full indeed, although some of that is necessarily provisional and speculative because the EEAS, in its present form, is a new creation, having been formally launched in January 2011, and being due for review in mid-2013, which is critical timing.

I am a notoriously quick reader and often complete a book in an evening. However, this report took a little longer to digest and I therefore decided to select only a few points for comment. First, we need always to keep in mind that the EEAS is a genuinely new and significant initiative. It is quite different from the extensive network of external delegations—of which I had some experience—which, before the Lisbon treaty, were under the direct control of the Commission. The EEAS, on the contrary, is an information resource on external affairs for the member states and, of course, for the EU as a whole. The common foreign and security policy is now a core part of the work of the European Union, but its control and management is quite different from most aspects of the EU's work, because the Commission does not have the sole right of initiative. Policy decisions are reached by consensus in the Council. They do not require the consent of the European Parliament, although it may try to achieve some influence on them, and are not, for the most part, within the jurisdiction of the European Court of Justice. Some very important consequences stem from this, most notably that the key basis for action is the capacity of the member states in the Council to reach agreement and, if there is no agreement, the diplomatic handling of the situation. We have seen this markedly recently in a number of crises, for example in Libya and Syria, to which we have already heard references.

There are some important areas for which the European Commission continues to have the major responsibility, notably international trade and the EU's humanitarian assistance. Under the common foreign and security policy, the member states rule. It follows from that that I strongly endorse some conclusions in the report. First, there is conclusion 167:

> "The EEAS should not … seek to project its own foreign policy. The Common and Foreign Security Policy should remain under the control of the Member States".

In the same line of argument, I endorse conclusion 189, as referred to by another noble Lord, which says that the,

> "annual report to the European Parliament on … staffing and budget"

for the high representative and vice-president should also be submitted "to national parliaments", because of,

> "the intergovernmental nature of the CFSP".

I come now to the key element of our report, namely the judgment of the performance and value of the EEAS in the first two years. The committee's view, although subject to conditions, is favourable. Conclusion 215 states that,

> "we believe that the EEAS has made a good start in its first two years".

In conclusion 193, the committee cites example areas such as,

> "the relations between Serbia and Kosovo",

where, in the committee's opinion, there has been a "noticeable impact" and an enhancement of the European Union's ability to speak with one voice.

We have set ourselves on this course for the EEAS and we need to maximise the value of this substantial resource. For me, that is the underlying point that we have to build on in the coming period. There are 3,400 staff, to which we have also committed national diplomats—I recall that national diplomats represent 40% of the delegations—with a view to providing extra advantages for the diplomacy and influence of the United Kingdom, the other member states and the EU. However, I might be a little more cautious than the committee in trying to draw conclusions before the review. I have some sympathy with the comment of Mr Mats Persson from Open Europe, summarised at paragraph 104 as saying that,

> "he believed that the jury was out on the value which the EEAS added".

I think we need to be a bit careful about that, but I believe that the potential of the EEAS is great. We need to be careful where we stand now.

The European Union Committee has also examined in detail a number of practical and administrative arrangements that may affect the operation of the EEAS. It is not surprising that there is still work to be done in bringing together the three staff components from the Council secretariat, the Commission and the member states' diplomatic services, and the relationship between the EU special representatives and the heads of delegations should be clarified. The comments of the EU Select Committee on the organisation and co-ordination within the EEAS should be taken into account—they are useful for that—by the Council, the Commission and the noble Baroness, Lady Ashton, in the imminent review.

In the Moses Room, far from the EEAS working environment, it is not too easy to take a definitive view on some of these recommendations. For example, in principle, I am in favour of a single set of budgets and accounts for delegations, as recommended in the report, but we need to be careful that there are no unintended consequences, which sometimes happen, that could affect the Commission's excellent record on administrative expenditure, which has received a favourable opinion from the Court of Auditors year after year, most recently a few months ago when the court stated that revenue payments were free from material error and that the examined supervisory and control systems were effective.

Finally, where the European Commission has prime responsibility for the European Union's humanitarian aid and international trade, the EEAS may sometimes be able to bring a new perspective but in no way can it substitute for the Commission. In international trade, the Commission has made an outstanding contribution to the EU's status as one of the largest consumer markets in the world and also one of the most open, including such initiatives as duty-and-quota-free access for all exports other than arms from least-developed countries, the almost complete reversal of the original common agricultural policy and the almost complete removal of EU export subsidies. This report will certainly contribute very useful material for the review. It is well timed and should be taken into account seriously in the review. I hope that it will be seriously studied and that a little later in the history of the EEAS we can claim that we have influenced the way in which it is going to develop.

5.18 pm

Lord Kerr of Kinlochard: My Lords, speaking as a non-member of the committee that produced this report, I join those who have paid tribute to its chairman, the noble Lord, Lord Teverson. He has been famous for some time for his skill in chairmanship. I had not quite grasped how skilful he is until I heard the terms in which the noble Lord, Lord Lamont of Lerwick, supported his report. I detected a slight element of dissent here and there, yet, looking at the report, I discover it is unanimous. I congratulate the chairman on his skill.

I also congratulate him on and join with him in what he said about the noble Baroness, Lady Ashton of Upholland. That tribute is very well deserved. What she has done on reconciliation between Kosovo and Serbia is quite remarkable and puts her up in the pantheon of those Members of this House who have made a real contribution to reconciliation and peacemaking in the Balkans. One could mention the noble Lords, Lord Carrington, Lord Owen and, particularly, perhaps, Lord Ashdown. We should note that what looked like a hospital pass has resulted in scoring a rather brilliant try. The game is not over, it is not even half-time, but she is doing extremely well.

So one has to ask oneself: is the European Parliament correct in its criticism? Are those who carp about the External Action Service and about the noble Baroness, Lady Ashton, right? I think that they need to ask themselves: in what situations is the Union prepared to allow the high representative to take the lead? First, there has to be a degree of common policy among the member states. For example, in Libya or Mali, she could not take the lead. The Germans even abstained in the General Assembly on the resolution. The Union was not united. The same, I fear, applies now in Syria.

The report is slightly Panglossian when it suggests that the External Action Service should focus particularly on the places that are of most importance to us in economic and security terms. Suppose that the noble Baroness tried to take the lead on China. The noble Lord, Lord Lamont, is right that the member states would not be prepared to allow her to do so. On the other hand, I think that the noble Lord is wrong when he says that there is no role for EU diplomacy, as distinct from member state diplomacy, on human rights. Sometimes, people find that there is safety in numbers. When one is dealing with, say, China or Russia, as we see, receiving the Dalai Lama can have consequences and criticising the murder of Litvinenko in London can have consequences. Sometimes, member states feel braver about speaking up for human rights if they are speaking up collectively. There may well be a role for the noble Baroness, Lady Ashton, there. Basically, the tasks that the Council tends to entrust to her are the ones that it thinks are too difficult. It is no accident that she plays a leading and very successful role on the P3+3 process with Iran. That was seen to be too difficult for any one of us to tackle on our own. We were very happy to put her in charge, and we were not all rushing forward saying, "We will handle Serbia and Kosovo". When one accuses the service and its head of not yet having done a great deal, one should remember the constraints that we impose and the subjects that we pick for her.

I agree with a lot of things in this report. Unfortunately, on a couple of things with which I wish to disagree, my fox has just been shot by the noble Lord, Lord Jopling. He is entirely correct about consular work.

Lord Jopling: I hope that the noble Lord understands that I would never dream of shooting a fox.

Lord Kerr of Kinlochard: A dull, grey metaphorical fox, not a beautiful red one.

The treaty is quite clear. Any citizen of the Union may seek consular assistance from the embassy of any Union member state. Of course, a financial transaction will properly follow. Suppose that an independent Scotland required consular services provided from the Foreign Office in its posts abroad, the bill might be quite substantial. The noble Lord, Lord Jopling, is right, and I think that the report is wrong. The Government agree with the noble Lord, Lord Jopling; perhaps they always do, perhaps it is the noble Lord who moves the Government on these matters.

On the central problem of overload addressed in the report, I think that the committee got it completely right. It is not the case that there was no thinking about how it would work. There was a lot of thinking and worry in the original Convention in which the noble Lord, Lord Maclennan of Rogart, served with such distinction. There was a text on the External Action Service produced by the Convention which

[LORD KERR OF KINLOCHARD]
was deliberately not put into the treaty so that it would not be subjected to the delays of ratification but people could start planning and building the External Action Service so that it was ready to go on day one. Unfortunately, they did not. However, that text did some of the thinking about what the External Action Service should do and what it is for.

As for the job of high representative, all of us in the Convention assumed that there would be two political deputies. The noble Lord, Lord Joplin, is right that they are needed. We assumed that there would be a political deputy whose job would be to chair the Council when the high representative was on a mission, to undertake some missions for the high representative and, particularly, to maintain contact with national Parliaments. The report is slightly pusillanimous on the relationship with national Parliaments. At paragraph 85 we are told that:

"The scrutiny role of the European Parliament should not go beyond its current level, as foreign policy is primarily inter-governmental and scrutiny should therefore be performed at the national parliamentary level".

Yes, by national Parliaments. Physician heal thyself. We need to devise a way of doing it. There also has to be a docking point. There has to be someone at the other end who is ready to talk to us. That is the political deputy high representative.

The problem is even greater inside the Commission. We all assumed that there would be another commissioner who would co-ordinate external relations dossiers, working to the vice-president external relations, which is the other title of the noble Baroness, Lady Ashton. That has not happened. We could not put it into the treaty because the definition as well as the allocation of commissioner portfolios is the prerogative of the incoming President of the Commission. However, we all assumed that it would happen, and I am very puzzled that it has not. I hope that in the next Commission it will happen. If people remember that the high representative is also the vice-president of the Commission, and if she is helped to do what used to be done by the Relex group of external relations commissioners—this is where the overload has shown most—the situation will improve considerably. I hope that will happen.

I should like to pick up on the question asked by the noble Lord, Lord Lamont, about the purpose of the External Action Service. I was a convert to it before I worked for the Convention. When the noble Lord, Lord Patten of Barnes, was commissioner in charge of external relations, he made a good appointment to head the Commission's office in Washington. He appointed an Irish ex-Prime Minister, John Bruton, and John handled the job in a way that no one had done previously. It had been seen as a great job for a trade policy expert, trade policy being seen as an Eleusinian mystery, with high priests working with incense in darkened rooms.

Trade policy is hugely political. The point about trade policy, particularly in a place such as Washington, is to be known on the Hill and to be up there all the time, to be good on television and to be on television often, all the things that John Bruton was extremely good at. I am very sorry that his successor was not another political appointee. However, the External Action Service is supposed to be about producing secondees or breeding its own talent, people who do not only know about the subject but have the communication, diplomatic and lobbying skills which made Bruton so successful.

When Javier Solana, a distinguished Foreign Minister and Secretary-General of NATO, moved from NATO to do the job of high representative, he told me that he discovered that he was entitled when abroad to the assistance of a small council office in New York, a council office in Geneva and nothing more. The Commission sent out an instruction to all its delegations around the world that no assistance was to be provided to the high representative as he worked for the member states and was nothing to do with it. When he went to Washington, Javier Solana would go to call on member states' ambassadors, but he had to book his own hotel. That is why dual-hatting—and it may seem eccentric—makes sense. Bringing together the two jobs of the high representative and the vice president in charge of the external dossiers of the Commission is, in principle, a good idea if it is put into practice. All these budgetary problems disappear. The noble Lord, Lord Williamson of Horton, is right, and I agree with him. There is no need to have this nonsense because the person responsible for these posts abroad is a vice president in the Commission as well as being a high representative.

I do not think there is such a thing as a purely technical mission. I think this report flirts with error when it suggests that the EAS should have no role in purely technical missions and should back off from where they are all trade, aid or humanitarian aid. I do not think so at all. What matters for effective trade or development policy is adequate access to heads of state and Governments and the ability to project what we are trying to do in the country in ways that are understandable—languages matter very much, as the noble Baroness said—and acceptable to the country. We need a more professional External Action Service, but we should not regard any of the jobs of any of the delegations around the world as unsuitable to be done by, or at least to be done under the guidance of, that service.

It is a pity that our Government still take such a defensive approach to the build up of this service. I hope that that will improve. I share the doubts of the noble Lord, Lord Hannay of Chiswick, about whether it is always wise to be so ferocious, usually on our own, while 26 others take a different view, on every last detail on the frontiers of competence.

I hope that the dual-hatted job will be built up still more and the External Action Service will bed down. The record so far, though patchy, is one on which the noble Baroness, Lady Ashton, deserves all our congratulations.

5.32 pm

Lord Liddle: My Lords, I must apologise to the Grand Committee because, for unavoidable personal reasons, I probably have to commit the unpardonable sin of leaving the Committee before the Minister has concluded. I am very sorry about that, but I cannot avoid it. I will be very brief. First, I thank the noble Lord, Lord Teverson, for the work that he has done

and for the many reports that this Committee has produced. This again shows the value of the work that our Select Committee does.

Secondly, I join the tributes to the noble Baroness, Lady Ashton, for the role that she has played in helping partly to settle the Serbia-Kosovo dispute. I would like to make clear, on behalf of the Labour Party, that we support the External Action Service and that we want to see its role developed, obviously as a supplement to British foreign policy and to magnify that policy's impact.

The fact is, as the noble Lord, Lord Kerr, has explained, that what went before was dysfunctional, and the EAS is a great improvement. There is one point that I would like to ask the Minister about, and that is the role of Britain in this service. I agree with the comments of the noble Lords, Lord Hannay and Lord Kerr, about the hope that the Government would not be so reserved in their approach. One of the real worries that I have is about the proportion of British officials working in the EAS. The noble Baroness, Lady Coussins, raised this point. The service gave me figures showing that only 7.6% of the people working in the service are British, as opposed to our 12.5% share of the population. This is particularly true of member state diplomats: British diplomats make up only 2.3% of the numbers in the service as opposed to 4% for France. As a lot of the national diplomats occupy senior positions in policymaking in the service in Brussels, this is a demonstration of a lack of adequate British influence that I would like the Minister to address in his reply.

5.35 pm

Lord Wallace of Saltaire: My Lords, I should explain that it was a simple mistake that my noble friend Lady Warsi was put down on today's list of speakers instead of me. I volunteered some weeks ago to take this debate because I had just made a speech at a conference for the Foreign Office on the development of the External Action Service, had done a considerable amount of work, had had briefings from officials and had talked to people in Brussels. It seemed rather idiotic that, my having put in that effort, she should then have to do the same and duplicate that work. This happens to be one of the few subjects on which I am mildly well informed, and I find this much more comfortable than answering questions on South Sudan, North Korea or other things that one occasionally has to do. I also thank the noble Lord, Lord Lamont, for his reference to the Coronation. I was indeed rehearsing in the Abbey this morning for the very small role that I will be playing in tomorrow's service, but I shall be singing rather more deeply than I did some 60 years ago.

The Government are extremely grateful to the committee for this report, particularly for the speed at which it was completed so that it could feed in to the discussion at the informal Foreign Affairs Council in March. That helps very much to ensure that informed British views carry. We all know, and I have certainly experienced this many times in Brussels and Strasbourg, that reports from this committee are widely read and respected.

The Foreign Secretary has set out the Government's position on the review in a recent letter to the noble Baroness, Lady Ashton, which has been shared with Parliament. In it, he welcomed the fact that the noble Baroness has set up from scratch a service that has now moved beyond the initial institutional issues to focus on a number of key foreign policy priorities. Like many of those who have spoken in this debate, the Government look forward to the EEAS continuing to focus on those areas where it can really add value by complementing and supplementing the work of member states' diplomatic services.

Mention has been made of the valuable work on Iran. I add to what has been said in this debate that the value of the EU is sometimes that it appears to be slightly more neutral than individual states. In those parts of the world, particularly the Middle East, where there is sensitivity about the imperial past, and where echoes of the imperial past carry against Britain, France and sometimes others, the collective weight of the EU can therefore sometimes be more helpful. That is also true, to some extent, of the western Balkans.

I also noted the point made in the report about the collective weight of the European Union's multilateral institutions. There are now some 28 states working together, with Croatia joining, plus a number of others often voting with them, which amplifies the weight of states like the UK when we all agree. The work of the E3+3, in which the noble Baroness, Lady Ashton, has been playing a collective role for the smaller states, has been very valuable in a number of ways. I note the subtle distinction between what I read in the American press about the P5+1 and in the British press about the E3+3. I am sure that the Committee understands the subtle distinctions in those descriptions of the same process.

I was quite surprised not to hear Members picking up the issue of the comprehensive approach. The issue of trying to build a much more comprehensive approach using the different levers of EU policy is part of what this has all been about. We note that the Americans, in some ways, envied the European Union in its ability to bring together aid, humanitarian intervention and a number of military instruments in the way that NATO cannot. Trying to bring together the EU-wide levers of influence, aid instruments, trade access and sanctions is very much part of what we are all attempting to do.

The noble Lord, Lord Hannay, asked me how this would help to promote policy coherence, to which one has to say that there are a number of aspects to this. The rivalry between different directorates-general in the Commission and between different Commissioners is a problem, but the extent to which domestic lobbies in different countries and their collective representatives in Brussels do their utmost to resist the policy coherence that he and I would love to have—for example, in trade policy toward north Africa and west Africa—so that trade policy does not cut across what we are trying to do in terms of development policy is something that we are stuck with as a problem of our domestic politics.

A number of noble Lords also spoke about the budgets. We have worked very hard to promote budget neutrality. We note the issue of high salaries. From

[Lord Wallace of Saltaire]
anecdotal conversations that I have had, particularly with a number of people in the newer member states, I am conscious that if you come from a poorer state which is a net beneficiary of the EU budget, these issues may seem rather less important than they do to the net contributors. For those who have struggled away in national politics for some time, the thought of being appointed to an international post that will pay them far more than they are paid in their national Government has a real appeal. However, Her Majesty's Government will continue to battle away on this front.

A number of people have also spoken about British representation in the institutions. We are very concerned to promote a high level of British representation in this new institution from the Commission, from direct recruitment and from secondees. Of course, there are problems with languages. The last time I was in Brussels I was talking with a senior official in UKREP about how we could encourage more British applicants to go through the concours to join the Commission and to gain the language skills needed. He said that by far the best way was to get them to marry someone from another country so that they will then acquire the language and, furthermore, they will agree that it is easier to live in Brussels than either of their home countries. Perhaps that is the gospel of despair. I say to the noble Baroness, Lady Coussins, that we all recognise that have a great deal to do in this country on languages. The international languages, such as French, particularly for Africa, Spanish, particularly for Latin America, Arabic and Mandarin are extremely important and that requires a concentrated effort in schools as well as in universities. The noble Baroness knows as well as I do that applications to study languages at universities have been going down in recent years and that is one of the reasons why language departments in universities have been shrinking. That is all part of what we need to reverse.

A number of noble Lords also spoke about turf wars. The other day I heard from someone about the current tour of the head of the World Bank and the United Nations Secretary General to Congo. The remark by this international civil servant was that this was the first time they had managed to do something on such a good note between these traditionally deeply suspicious and uncooperative institutions. Rivalry among institutions, sadly, is a mark of international bodies. It helps that the new American head of the World Bank speaks Korean as his own language and the current Secretary General of the UN is a Korean. We have to work to reduce these turf wars.

That takes me into the question of deputies and competencies because, as the noble Lord, Lord Kerr, mentioned, the idea was that we would have clusters of commissioners and that the Relex group of commissioners would meet regularly. I regret, and the British Government regret, that the Relex group of commissioners has not met as regularly in the current Commission as it did in the previous Commission. Now that there are 28 commissioners, Her Majesty's Government would very much like to move in the next Commission to a much greater dependence on clusters of commissioners, with vice-presidents, in effect, as their chair, and it seems to us entirely appropriate as part of that that one of the clusters should be an active group of external commissioners working more closely together. That would also help to reduce the element of turf wars with different commissioners and their different directorates-general promoting nuances of difference against each other. It would certainly reduce some of the weight which overloads the current high representative.

The noble Lord, Lord Teverson, spoke about the importance of understanding the difference between large state interests and small state interests, which is fundamental to all this. It is quite clear that for small states the EEAS is a tremendous boon. It gives them knowledge and representation in states which they had not covered before. For large states, that is less essential, although, as the squeeze on our budgets persists and as the number of member states in the UN expands beyond 190, it is not possible for all of us to be represented in all those places. Indeed, there are a number of places where the EEAS is represented where the UK is not.

Pooling and sharing is part of what we are moving towards in this area as in the common security and defence policy. We are now co-located with the Germans in Antananarivo in Madagascar as part of moving the British back into resident representation there, and also in Quito, Pyongyang and Reykjavik. I have visited the building the British and Germans have in Reykjavik on several occasions over the past 10 years. We are co-located with the French in Chisinau and Valetta, with the Dutch and the Danes in Baghdad and Beirut, with the European Union, the Germans and the Dutch for some years now in Dar-es-Salaam and with the EU, the French and the Germans in Bishkek and in Astana, a new national capital, jointly with the EU, the French, the Germans, the Italians, the Dutch and the Austrians. We are working together practically where we can and it provides greater coherence. As I have travelled around, I have experienced generally extremely favourable comments from British ambassadors about the utility of EU delegations on the spot, particularly in countries some distance from the EU, and the way in which EU embassies—often only a few EU embassies—and the resident EU delegation have learnt to work together. There is common political reporting—of course, you cannot say everything because, in a group of 28 member states, not everyone has the same attitude to confidentiality and so sometimes you cannot put everything into a joint telegram that will be circulated around all 28 members—common intelligence and common representation to the host Government.

We have some problems with the way the EEAS was set up. As the noble Lord, Lord Lamont, said, and I had some sympathy with his speech, it was brought into being before its purposes had been entirely agreed. It is not the first time that has happened with an international organisation or a European institution. I am not at all sure people knew what the International Labour Organisation was going to do when it was created after the First World War. That is one of the reasons why we have some of these problems with the institutions. However, now that the EEAS is there, we have to make the best of it, and we certainly need to have as coherent a policy as we can in all of those areas where member states can agree a common policy.

Perhaps the committee will now move on to look at the question of whether we can agree a revision of the European security strategy for next December's meeting of the European Council, which will focus on the common security and defence policy. It may be impossible to agree on a common EU security strategy again because we have not yet reached a sufficiently shared approach. That is why national Parliaments and committees meeting together for a more coherent dialogue on foreign policy and defence, and a common approach between national Parliaments, is what we need to encourage. I am glad to hear that that is developing more effectively through COSAC and other areas.

The noble Baroness, Lady Coussins, asked about more engagement with Latin America. I am glad to be able to tell her that the new head of the European delegation in Bolivia will be a British national—who, I assume, must have absolutely fluent Spanish—on secondment to EEAS. There is a clear recognition that the EU has to be in partnership with many other South American states apart from Brazil.

I have discussed the question of language. I hope that I have answered the questions of the right reverend Prelate the Bishop of Derby about structure. We need not only the right structures but a more coherent approach. That requires active dialogue among political elites and others in various countries to agree a common approach, which is often lacking. Those in the south look naturally to north Africa, those in the east look naturally to their eastern neighbourhood, and we have different sets of priorities and assumptions.

The right reverend Prelate talked about commitment to human rights and a values-based approach to foreign policy. Her Majesty's Government were being criticised in Brussels the other week for having what others regard as a rather transactional approach to the European Union. I look forward to hearing the Church of England collectively demanding that we have a much more positive approach to European Union co-operation because we share values with our neighbours across the continent, something that the *Daily Mail* is not always willing to accept. I have also answered the question on the clusters of commissioners and touched on the question of the role of national Parliaments in promoting dialogue.

I think that that enables me to say that I have answered the three points raised by the noble Lord, Lord Hannay, on deputisation, turf-fighting and policy coherence. Let me therefore end by saying that the Government believe that the European External Action Service should focus on priorities agreed by member states in the Council. It should complement the member states' diplomatic services, not replace them. Where there is no agreement among member states, we cannot expect the EEAS to bring coherence that reflects the nature of EU common foreign and security policy, but I hope that your Lordships agree that our current Foreign Secretary has been extremely active in working, above all, with our French and German partners and the other large, active diplomatic states to promote common positions where possible and, as far as we can, to carry the other, smaller member states with us in common policies toward our eastern neighbourhood, the deeply disturbed Middle East and the many weak states of Africa in which we have been active.

We look forward to the noble Baroness, Lady Ashton, issuing her review of the EEAS in the summer. We very much welcome this constructive input into the debate. Her Majesty's Government will respond to the review of the noble Baroness, Lady Ashton, when it is completed. I thank all those who have contributed to this debate. The committee is extremely valuable and I look forward to the many future reports it will produce under its new chairman, who was once my boss and with whom I once wrote a short book on the future of British foreign policy in the 1990s.

5.54 pm

Lord Teverson: My Lords, I am not sure that that declaration of interest should not have been made at the beginning of the speech, rather than at the end. I thank all noble Lords for their contributions. I thank my noble friend Lord Wallace for stepping in. Goodness knows what would happen if the Government always put forward the person who knew about the subject rather than the one they would put in otherwise. That might really do something to change the way we work.

I am going to comment on only one statement, which was made by my noble friend Lord Lamont, whose contribution to this report was truly excellent. He mentioned that he had spoken to our ambassadors about the EAS and that they had been somewhat disparaging about it. Funnily enough, I do the same and get exactly the opposite reaction, which shows how good our diplomats are at giving us the message that they know we want to receive. The EAS should perhaps learn from that example.

I am not going to say anything more about the report. It has all been said. However, I do want to say to members of the committee who are here, and past members, that I found it a great honour and privilege to be chair of the committee over four Sessions. Thanks to everybody's contribution, it has been the best job you could ever have in this House, with no disrespect to anybody else or any other office. I particularly want to thank the clerk of the committee who served the whole of that time, Kathryn Colvin, who was excellent in the innovations in her report writing and in the way she supported the committee. I also want to thank Roshani Palamakumbura; her predecessor, Oliver Fox; Ed Bolton of the secretariat; and his predecessor, Bina Sudra. My noble friend Lord Tugendhat, who I am delighted has now taken over the chairmanship of the sub-committee, has great topics to look forward to and a great committee to lead and chair. It has been a great privilege for me.

Motion agreed.

EUC Report: EU Sugar Regime

Motion to Take Note

5.59 pm

Moved by ***Lord Carter of Coles***

That the Grand Committee takes note of the report of the European Union Committee, *Leaving a Bitter Taste?: The EU Sugar Regime.*

Lord Carter of Coles: My Lords, I chaired Sub-Committee D—the sub-committee on agriculture, fisheries, environment and energy—when this report was produced last year. Sadly I have now stepped down from that position, but happily I have passed the baton to the very able hands of the noble Baroness, Lady Scott of Needham Market.

Before moving on to the detail of our report, I want to deal with a procedural matter. We published our report in September last year. A response was received quite promptly from the European Commission in March. Despite repeated prompting, though, we received a response from the Government only last Wednesday, almost seven months late, and I suspect it may only have been the pressure of today's debate that produced it at all. Members will know that receipt of a government response three working days before a debate, and during recess, does not provide ample time for preparation for a parliamentary debate.

We recognise the challenges of the last few months, which have seen the parameters of this debate shifting on a regular basis as the common agricultural policy negotiations have progressed, but the lack of communication from the Government during that process has been lamentable. We trust that there will be no repeat of this disregard of Parliament in future.

I turn to the substance of today's debate. The EU sugar regime might sound like a very niche, distinct and rather arcane area. However, it has widespread implications. The first is that sugar remains one of the most protected sectors under a CAP that in other respects has slowly made progress towards a more liberal regime. Secondly, like it or not, we all consume sugar and it is our contention that we, as consumers, pay more than we should as a direct result of EU policy. Thirdly, the regime also has significant implications for developing countries, and I shall come back to that point.

At the time of most of the reform of the sugar regime in 2005, we undertook an inquiry and welcomed that reform as a necessary step, although even then we regretted that more extensive proposals had not been pursued. Since then there have been critical reviews of the regime, not least by the EU's Court of Auditors. Indeed, in 2011 the European Commission tried to identify some of these shortcomings in its proposals to reform the common agricultural policy. For that reason, we decided to undertake a short inquiry into this subject last spring as part of our contribution to the debate on the reform of the CAP, knowing that the future of the EU's sugar regime would be a closely fought tussle in those negotiations. We were also keen to ensure continuity and follow up on our earlier report.

I turn first to quotas. The EU's sugar policy is not something of which we can be proud—in fact, it is not sweet, it is rather bitter. It is still a policy that restricts both the production of beet sugar in the EU and the import of cane sugar from third countries into the EU. Changes made in 2006 have ensured that the EU's minimum price is there, yet we do not have a guaranteed minimum price. That is a rather contradictory position.

There was a clear division of opinion among our witnesses as to when, and even if, production quotas should be abolished. Some argued for an extension of the system until 2020 in order to allow the sugar beet industry to restructure further and prepare itself for the onset of the world market. Others—quite logically, those on the receiving end of an uncompetitive market—argued for the immediate end to quotas. This included the industrial users of sugar, such as manufacturers and producers of confectionery products and the like.

However, that final grouping also included the importers of raw cane into the EU for refining, specifically Tate & Lyle. Their position was that either they should be protected against the market or both the beet and cane sectors should be liberalised—a logical position. We took the view that neither the cane nor the beet sectors should continue to be protected and that this would involve both the abolition of production quotas and the easing of import tariffs on raw cane sugar. We acknowledged the difficulties of negotiating this, but suggested that in the event that production quotas could not be phased out by 2020, they should certainly end at some point between 2015 and 2020.

It is pleasing to note in the Minister's response that the Council's negotiating mandate extends quotas only until 2017, although that has to be negotiated finally with the European Parliament, which itself favours 2020. I would very much appreciate it if the Minister could share any further intelligence with us, including how the Government are working to ensure a positive outcome in this respect.

We also recommended that, as part of a package to assist with the negotiation over the ending of quotas, support should be available to remove inefficient production. Interestingly, the Government disagree, noting that there is no justification for the spending of such money. Let me be clear: we supported the use of such funding only as part of a compromise package. It is unclear to me, frankly, how the Minister expects to be able to negotiate the 2017 date without some form of financial compensation. I would welcome clarity on that subject.

I turn to the issue of price and competition. One consequence of the protected sugar industry is that costs to the consumer are higher than they should be. We were struck by the findings of the EU's own auditors, the European Court of Auditors, which concluded in 2010 that changes in the EU market price for sugar were not passed on to the consumer. Between 2006 and 2012, the average price of a kilo of granulated sugar in the UK rose by one-third, while the market price increased by only 16%. Clearly there is a widening of margins somewhere.

We concluded that the consumer is the missing stakeholder from the debate on EU sugar policy. The Commission refuted that argument in its response to us, noting that:

> "Consumers are consulted in the framework of the High Level Forum for a Better Functioning Food Supply Chain".

That seems hardly a very consumer-focused body to us, so it is no surprise that we remain unconvinced about this.

The Government say that they have used every opportunity to raise awareness of the impact of this policy on consumers. I should be grateful if the Minister could tell us whether the Government's work has

influenced the course of negotiations on sugar, and indeed generally on the future of the common agricultural policy in any way.

We noted that this is a highly concentrated industry; as we heard, only six companies account for almost 80% of sugar production quotas. The European Competition Network, a network of national competition authorities and the European Commission, has been very critical of the concentrated nature of the industry. The Government confirm that the sector is in the spotlight and that the European Commission undertook an unannounced inspection on 23 April at the premises of companies active in the sugar industry in several member states.

The Commission noted in its response to us that it is conducting its own study into price transmission in the sugar sector, which I understand should be available imminently, and we are keen to see what it says. We are pleased to note that the UK's Office of Fair Trading is assisting the Commission in its work. I urge the OFT and the Government to be very vigilant in this area.

Another issue that we are keen to see explored is risk management. We observed that most sugar producers are a risk-averse group, which is why they have a strong preference for continuing the protection available under the current regime. The reformed CAP contains some support for risk management, including support to help farms and groups of farms manage their own risk, making use of private sector insurance mechanisms. This is important; it is trying to make industries use the private sector instead of always relying on the state to somehow mutualise the risks that they face. This is a theme that we have referred to many times in our reports.

The Government are imprecise in their response about their preferences regarding risk management. I would welcome an update from the Minister on the state of play of risk management in the CAP negotiations and what the UK's current priorities are for that aspect of the negotiation.

I want to focus on the importance to beet growers, in terms of managing their risk and in the light of the concentrated nature of the industry, of clarifying the relationship between beet producers—that is, the farmers—and processors such as British Sugar, Nordzucker, Suedzucker and all those big organisations. The proposals to reform the CAP insist that this relationship be covered by a written agreement but do not set out what should be included, which is in fact a step back from the status quo. The Commission insisted in its response that such detail can be set out later in secondary legislation. I would welcome an update from the Minister on where that debate has reached.

One of the recurring themes on our committee has been that of research. We emphasised in this case the importance of basic and applied research in sugar, supported by adequate knowledge transfer: that is, getting the research from the lab into the hands of farmers. We recommended that the Government assess whether research efforts in this industry are in line with the needs of consumers. The Government appear content that all necessary basic and applied research is being undertaken and is sufficiently funded. Sadly, we do not share the Government's confidence on that matter. While we agree that the industry is particularly well placed to identify its needs, at least in terms of applied research, it is important that science is able to feed in basic research and to be financially supported in its efforts. It is only through this sort of research that we will maintain in Europe the lead in technology that we need to maintain our position in the world and in trade. There will inevitably be a tendency by industry to focus on low-hanging fruit, but I urge the Government to take a greater interest in this important part of the chain.

The African, Caribbean and Pacific bloc and the so-called least developed countries, the LDCs, have had preferential access to the EU's sugar market and were therefore negatively affected by the reduction in the EU's sugar price after the 2006 reform. A helpful package of transitional measures was put together, known by the lengthy name of Accompanying Measures for Sugar Protocol countries funding. We heard that almost €1.2 billion had been allocated to this, yet much of it had not reached the intended beneficiaries. This was due in part to insufficient resourcing in the Commission's offices in those countries. It is very sad that the money was available but we could not find a way to spend it. That is clearly an issue for the Commission to address. I am glad that the Government similarly recognise the problem and that they will seek assurances from the Commission that local offices will be sufficiently resourced.

In evidence to us, we were favourably struck by the Minister's condemnation of the plan for further reform, which in his view almost entirely ignored the needs of developing countries. He emphasised that the Government have an obligation to find ways to support them, and we support that.

It was surprising to note from the Government's response that some progress had been made in negotiations on the European Development Fund. The response indicates that funding available to the many of the sugar-producing developing countries will support interventions that have the most impact on the critical areas of poverty reduction, job creation and economic growth.

These developments are helpful and important, but I would caution against any complacency. We have had seven years of little action on this, and I urge the Government to ensure that they are assiduous in their work with the Commission on monitoring the effect of the new reform and ensuring that the money that has been allocated gets spent.

I have spoken today on behalf of the committee and I pay tribute to its members, whose engagement with this subject gave our inquiry both energy and effect. I also pay tribute to our clerk of the committee, Kate Meanwell, and to Alistair Dillon, our researcher, both of whose endeavours on our behalf made us better informed and better able to produce this report.

The common agricultural policy continues to be reformed, albeit slowly. It is extremely disappointing that there are sectors within it, such as sugar, that proceed at such a glacial pace along that path. Certain industrial concerns dominate while the interests of consumers and developing countries are virtually ignored.

[Lord Carter of Coles]
This is not a situation that we should tolerate, and I look forward to hearing from the Minister how the Government's attempts to promote reform are bearing fruit in Brussels. I beg to move.

6.15 pm

Baroness Byford: My Lords, I thank the noble Lord, Lord Carter of Coles, for introducing the debate. I thank him for having chaired our committee for several Sessions. As he said, he is now handing over to the noble Baroness, Lady Scott of Needham Market, and we welcome her. The noble Lord has done a wonderful job for us on several reports.

My family's farming interests meant that I had to withdraw from—or, I would rather say, did not take part in—this report. On our farm in Suffolk we grow about 100 acres of sugar beet. I therefore felt that it was not correct to take part in the report. I have not had the advantage of listening to the evidence given, so I am looking at this from a slightly different point of view. However, I was shadow Minister at the time when we debated the earlier reports, and I re-emphasise the frustration that the noble Lord, Lord Carter, has described that things move very slowly with regard to sugar reform. It reminded me of the occasions when we had reports from EU Sub-Committee D on fisheries. We were talking constantly about discards but for month after month and year after year nothing seemed to be done. However, to encourage us, at least that has now made a start and I hope that today's debate will move things forward. To some extent, I have read the report from an outsider's point of view, but before I go further I apologise to Members of the Committee if my words take them over a trail they have already travelled.

The report, *Leaving a bitter taste?*, was published in response to the many questions raised by the 2006 report. If it had been a direct response to the plight of the least developed countries to which the noble Lord has spoken, particularly those in the Caribbean, I would have applauded it even more than I am able to applaud it today. I share the frustration. For many years we have looked at what we could do to help our colleagues in those countries but, as we have heard, not much progress has been made.

The figures from the FOA quoted two weeks ago in the "Food Programme" on the radio showed that white sugar consumption per head per annum averages 12 kilograms in China, 27 kilograms in the UK, 33 kilograms across Europe and 25 kilograms globally. Assuming that we are moving towards a world population of 7 billion, that means that a world white sugar market of 175 million tonnes is likely in the future. Clearly we want to free up this market so that it can fulfil its role.

I am a little disappointed that we still have problems some seven years after the 2006 changes. These were highlighted in paragraph 12 of the report and were driven by the WTO ruling that the EU was subsidising its sugar exports by guaranteeing producers prices above world levels. As the noble Lord, Lord Carter, said, it is the most protective regime in existence.

Paragraph 13 summarises the effects that the regime change has across Europe. Here in the UK, prices for sugar beet fell, production was reduced and a number of processing factories have closed. The anticipated rise in raw sugar imports for refining did not happen. The beet processors built refining capacity, and I understand that Mauritius has started a refining industry. The outcome is a UK refining industry reportedly running at 60% capacity. The EU reference price has been brought down but the current market price for white sugar is some 16% higher than it was in July 2006. As a consumer, my observation of local shops is that the price is a further 13% or so above the market price in those days.

Surely the combination of sugar beet production quotas and the tariffs charged on raw cane and refined sugar can only be acting to keep the consumer price up, which I am sure we do not want to see. If you take another view, that might not be a bad thing in the light of the research findings on the damage done to our health by sugar consumption. I wish, however, that the arguments for the retention of tariffs and quotas were not put in a way that makes me think of the protection of EU income coming from the former and the benefits to France and Germany from the latter.

Having said that, however, I remember that Janet Young on many occasions introduced dinner debates in the House on the way in which we could help the ACP and less developed countries. She continually drew our attention to those former Commonwealth countries whose livelihoods depend almost entirely on raw cane, coconut and bananas. Following on from the questions of the noble Lord, Lord Carter, in that context, I would like to ask the Minister which countries have received transitional assistance, whether it has all been dispersed, and whether he is able to tell us how it has been spent. The noble Lord mentioned that there were not enough personnel to make this happen, but I wonder whether there is a broader picture to follow here.

In the event that further assistance is required, I am convinced that, whatever happens in the future, there must be a time limit on sugar quotas and a date set now to help prevent the manipulation of the market in future.

Surely China's per-head consumption will continue to rise over the next decade, and the question has to be how the ACP countries and the less developed country producers could be helped to take advantage of the situation while making clear that this will be a short-term help and that they will have to stand on their own in future years. I am not quite clear from the report, not having heard the evidence, what it really is that is stopping the ATP countries from being able to process and develop, or whether they are continuing just to export their raw materials. If that is so, what steps could be put in place to help them to add value to their initial crop?

Here in the UK, farmers have grown beet for many years, with 50% of the sugar that we use coming from sugar beet that we have produced. With the CAP negotiations well under way, I would like to add to what the noble Lord, Lord Carter, has mentioned, that the CAP is looking at ways in which farmers will be encouraged to spread their crop production—in

other words, not just wheat, rape and barley. In fact, for many farmers sugar beet is a good crop break because it puts goodness back into the ground, so from a cereal farmer's point of view it is an important break. At the end of the day, however, it will be important that whoever produces the sugar, whether beet or cane, can make sufficient money out of it or they will not continue to grow it. In this country and in Europe, they will grow something else. Again, though, that is not a possibility for the ACP countries.

I understand that the market price for white sugar is something like €710, which is roughly £600 per tonne or 60p per kilo. Prices paid to farmers vary, but somewhere between £28 or £30 per tonne should be possible to obtain. That is 3p per kilo, and my observed off-the-shelf price to the consumer is about 79p per kilo. Does this perhaps ring a similarity with what happens with our dairy farmers across Europe? The question has to be: what is the reason for the price rising so much for the consumer while the actual producers of the cane and sugar beet have not grown? Changes to bagging and distribution and to the retail technology should surely have managed to counterbalance some of the rises that will have occurred, especially perhaps within fuel. Maybe the Minister can throw some light on the situation.

Both the report and the Government's response make reference to inefficient production. That makes my mind wonder what is inefficient. Is it the growers, the producers or the people at the other end? Perhaps the Minister can tell us a little more about that—whether it is on the growing, the refining or the processing side, and which countries it occurs in the most, because we are looking across the whole of Europe.

I endorse the committee's recommendation as laid out in paragraph 33, although I do not put out too much hope for an agreement in recognising the changes that were made before 2006 being taken forward.

The report is very worthy and goes into quite a bit of detail. However, to me, there are three real issues: first, the whole question of quotas and import restrictions; secondly, the ACP countries; and, thirdly, the CAP and where we are going in future years. I have had briefings, as perhaps have other noble Lords, from the UK Industrial Sugar Users Group, which has highlighted the need for wide-ranging reform of the EU sugar regime without delay. It goes on to suggest in that briefing:

"The competitiveness of manufacturers of products containing sugar is severely impacted by existing EU sugar policy".

We should bear in mind that this is a huge sector that employs about 70,000 people, with a turnover of more than £12.3 billion, accounting for about 70% of the sugar usage in the UK. A little further on, it says:

"The mistake is graver because the maintenance of sugar quotas will not benefit European farmers and the EU sugar sector overall either: shortage of domestic supply, growing global demand and rising world prices are opportunities that European farmers and sugar processors can exploit if the production and export restrictions that the quota system imposes are removed".

I have tried not to view it from a producer's point of view but there are clearly things that the report identified very specifically, which I would like to highlight and reflect in this short contribution. I thank the noble Lord, Lord Carter, again for initiating the debate.

6.26 pm

The Earl of Caithness: My Lords, I, too, thank the noble Lord, Lord Carter, for introducing this debate, which is very timely considering the negotiations that are going on with the reform of the common agricultural policy in Brussels and elsewhere. I have found it a huge privilege to serve on the committee for a number of years. My time is up and I have now moved on, but it has been a great pleasure working under the noble Lord's chairmanship. His fairness both to us as members of the committee and to those whom we interviewed became one of his hallmarks.

One of the other hallmarks of his chairmanship was the noticeable improvement in Defra's communication with the committee, which has now come to a grinding halt with this report. It is extraordinary that I received notification that the government reply had finally been received, after numerous requests from our clerk and endless telephone conversations, when I was in Romania last week. It is a wonderful place. It used to be a communist country and grows its own sugar. I managed to ask some of the farmers there what they considered would be an appropriate response, and I can tell my noble friend Lord De Mauley that his officials would all get promoted under the communist regime. The farmers felt that the bureaucratic system that they endured was nothing compared to what we are enduring in this country at the moment.

I really hope that my noble friend will get a grip on his officials. It is treating Parliament and the committee with contempt that we did not get a reply for nine months. Even the European Commission got its reply in during March. Perhaps my noble friend will take the message back to his department and ask his Secretary of State to write to the Leader of the House and apologise for what has happened.

Much that I wanted to say has already been said, which is a great relief and one of the advantages of talking in the House of Lords. I will concentrate on two points. One is paragraph 31 in our report, where we rowed behind the UK Government's position that quotas must be abolished in 2015 and import tariffs on raw cane sugar eased. However, the game has changed. The Government have already agreed, as I understand it, to support the Commission in relaxing the date for the abolition of quotas from 2015 to 2017. Why did the Government do that? Why did my noble friend's department move the goalposts in the middle of the CAP negotiations? What did we get for it? There has been a huge protectionist influence on the sugar regime, as was pointed out by the noble Lord, Lord Carter, and my noble friend Lady Byford, and yet we have already given way on this. It seems ludicrous to me; if there is a good explanation perhaps my noble friend could tell us.

On the points raised by the noble Lord, Lord Carter, on consumers, I thought that the Commission's reply from Vice-President Šefcovic was perhaps a little arrogant, complacent and offhand towards the work of the committee. He was very dismissive of some of the suggestions that we put forward for the Commission. The noble Lord quite rightly highlighted the fact that precious little had been done on working with consumers, who, at the end of the day, are the ones who pay the

[The Earl of Caithness]
bills. Have the results that were expected in February 2013 on the EEC study come in yet, and what are they?

In his letter, the vice-president states that the EU will undertake that in future, when the regime continues, the EU sugar growers and the EU sugar undertakings should have mandatory written contracts. I would be grateful if my noble friend could comment on that, on whether the Government find that acceptable and in what form those contracts will be.

The presence of my noble friend Lady Byford was hugely missed on the committee. It is one of the sadnesses of the ways in which some of our rules are interpreted that she could not take part. Her knowledge as a farmer and beet grower would have been immensely useful. She highlighted the briefing that we have received from the UK Industrial Sugar Users Group. I found that particularly interesting because it updates the graph in our report at figure 1 on page 11. It highlights how, since 2006, the EU sugar regime has failed. In July 2006, the EU average price for white sugar was 75% above the world market price in London and for a brief period in 2010 and 2011 they were about level. Then there was a coming and a going, but the work that had been undertaken and the falls that occurred started to work.

Since then, things have gone seriously wrong and the gap between the world sugar price and the EU reference price has increased from 75% to about 90%. That surely underlines the need for comprehensive reform of the sugar market. Unfortunately, it is already clear that that will not happen. The protectionist elements in Europe—other member states—are winning the battle. Employment opportunities in this country that are currently available will be in jeopardy unless significant reforms are undertaken. The industrial sugar market accounts for 70,000 people, with a turnover of about £12.3 billion, and that accounts for 70% of the sugar usage in the UK. It must be to our farmers' advantage, to our employment advantage and more particularly to the consumer's advantage that sugar is moved forward. Instead of it being a bitter pill, it should become a sweet pill.

6.34 pm

Baroness Parminter: My Lords, I am another member of the sub-committee which co-authored the report, and I, too, thank the noble Lord, Lord Carter of Coles, for introducing this debate and for being such an excellent chairman. When I came into the House, less than three years ago, I was pretty much a new girl in the committee. The noble Lord was nothing other than welcoming to me and ensured that all of us had our voices heard—those of us who are producers and those of us who are concerned about consumers and animal welfare. He has had a fantastic manner throughout, which has been to the benefit of the committee and its work. I am grateful to have the opportunity to put my thanks for that in *Hansard*. We welcome Ros but I am very grateful to Patrick.

A key outcome of any sugar reform should be to ensure that consumers pay a fair price. That is, fair in there being good reason to justify any product support—in this case, by the CAP—that they pay through their taxes; fair in terms of the price at the till; and fair in pricing and the externalities of the product, which in sugar's case is its impact on human health.

I commend our chairman for the timely production of the report, if not the Government for their less than timely response. The report contributes to the debate on the reform of the common agricultural policy and, in so doing, addresses the first two of those issues about fairness of price. It supports, as do the Government, a vision of a more market-oriented agriculture where taxpayers' money, distributed through the CAP, is used for rural development and environmental outcomes which help to build resilience to the impact of climate change and halt biodiversity loss.

It concludes that past reforms failed to bring the price down for the consumer at the supermarket and that there are insufficient good reasons to continue sugar production support. Following past reforms, as fellow committee members have highlighted, the EU price of sugar fell, but savings did not get into consumers' pockets. That is unacceptable, but nothing in the current reform process looks as though that is set to change.

Like the noble Lord, Lord Carter of Coles, I would like to hear the Minister's current assessment of the likelihood of the sugar quota slithering on, as the Secretary of State so eloquently put it when he addressed our committee on 15 May. What are the chances of a reasonable timeframe in which to abolish it being adopted, or will it be dragged, aided by the European Parliament, into the next round of CAP reform?

That failure to deliver lower costs for consumers in a market with few significant operators needs a spotlight shone on it. I therefore endorse the report's call for an investigation by the Office of Fair Trading, in collaboration with competition regulators in other EU member states, to assess the extent to which sugar consumers are getting a fair deal. In the Government's reply to the report, they highlight what the EU competition authorities and the OFT have been doing about suspected anti-competitive practices. I look forward to hearing from my noble friend whether he thinks that what they are doing is enough or whether he supports the report's call for a full investigation of the sector.

The report reflects the strong views from the health sector that sugar is a health hazard for consumers, particularly for children, but it concludes—rightly, I think—that the control of sugar consumption on health grounds should be achieved by member state taxation and regulation policies rather than justifying EU-level continuation of market distortion.

In the face of the growing obesity challenge that this country faces, "nudging" consumers to adopt healthier lifestyles cannot deliver the pace of change required. The idea of the Government intervening to change people's behaviour will often be controversial, but it should not be discounted when failure to do so is having adverse societal and environmental impacts and when there is clear evidence to show that such measures could work. The House of Lords Science and Technology Committee report on behavioural change in 2011 made that case very strongly.

Taxing foodstuffs such as sugar, which can cause health problems by contributing to our rising obesity epidemic—which is particularly alarming among young people—should now be actively looked at as a means to help consumers to make more positive food and drink choices. Taxing foodstuffs has become more prevalent in fellow European states over recent years. France, for example, has introduced a tax on sugary drinks.

Current CAP reform discussions show that the Government may not be able to secure support for the recommendations of the report, but it is within their power to launch a consultation on fiscal incentives and their potential to promote healthier lifestyles. Do the Government intend to do so and to ensure that consumers pay a truly fair price for sugar?

6.39 pm

Lord Palmer: My Lords, I rise to speak very briefly in the gap. Having served in several Sessions on Sub-Committee D, I re-emphasise the point made by the noble Lord, Lord Carter: it really is a scandal that this report has taken so long to be debated. I feel very strongly that it is an insult to the members of the committee, knowing how much they have to work, read papers and so on. There was one such occasion when I was on the sub-committee when it was more than a year after our report was published that it was finally debated. I want to put this on the record. I think it is a scandal.

6.40 pm

Lord Knight of Weymouth: My Lords, I, too, congratulate my noble friend Lord Carter on introducing this debate. I think that I am the first to speak in this debate who is not a member of the committee, so I congratulate the committee as a whole on an excellent and concise report, which has been mirrored by this debate. I, too, aspire to be both excellent and concise in making my comments now, though I feel somewhat more confident in one than the other. I will leave it up to the Committee to judge which.

The EU sugar regime is impossible to defend, and I am pleased that no one has sought to do so today. Coming to this fresh, it is difficult for me to think of a worse example of the problems of the common agricultural policy and the need rapidly to reform away from the legacy policy enshrined in this regime.

In trying to understand EU matters, it is always easy to get bogged down in jargon. When I read the response from the vice-president to the committee, I was reminded of some of those problems. The noble Baroness, Lady Byford, read out a particularly interesting section on how consumers might be able to engage with the High Level Forum for a Better Functioning Food Supply Chain. It goes on,

"In this context, consumer organisations have supported the work done under the B2B platform of the High Level Forum"—

blah blah; it is a lot of euro-babble. I would therefore like to think how I would explain it to a lay person. What would I say? This is an attempt, based on my efforts to understand the regime.

It was established 45 years ago as a Common Market organisation to protect producers of sugar. It does so, as I understand it, by using taxpayers' money to pay a direct subsidy to producers and by setting a minimum price paid to producers by sugar factories. At the same time, we are also subsidising some of these farmers through rural development grants—and this is to produce a product that we know is unhealthy, leading to obesity and with some links to cancer.

Having then interfered with the market once, we are then locked into a spiral of constant, costly market interference. To prevent overproduction in response to the generous price, and to in some way control the cost, there are then quotas to set a limit on production. Production in excess of the quota is known as out-of-quota sugar and strict rules then govern its use. It can be exported up to another limit, sold for biofuel or other industrial non-food uses, or be counted against the following year's quota of sugar. The quotas can be varied to try to keep up with changes in the amount of sugar that people want to buy.

So far so good, in terms of the story, but of course it does not end there, because some of the poorest countries in the world grow sugar cane. Although we know that those countries would be better off if they refined it themselves, we like to import it and refine it here. Indeed, when our beet production was limited, some of our refiners adapted to refine cane sugar themselves as well. So, we give free access to preferred poorer countries to fill the gap between what we allow ourselves to produce and what we need. Fair enough—as the noble Baroness, Lady Byford, reminds us, these countries need the help—but they get it on our terms.

However, it seems that the Commission is very bad at giving extra money to help those countries produce the cane sugar we need, so we have to make up the shortfall, which we do by importing from other countries, rather than, say, allowing ourselves to produce some more. We sometimes pay our beet producers to store some sugar so we can release it on to the market to make up for shortfall, but we are normally too slow to do this because the Commission is not proving that good at responding quickly.

I may have misunderstood some of the detail but that appears to be the story from my reading today. It is a story that could have been written by the most swivel-eyed of Eurosceptics. It is madness and needs to change. At no point are consumers accounted for and, despite all this public money, consumers are paying a lot more for sugar, as the noble Baroness, Lady Byford, set out so well.

Of course, it is easier to say what is wrong with the system than how we get from where we are now to a market-based system. I welcome the committee's report, which is sensible and discusses the risks for ACP and LDC countries as well as others in the industry of changing too fast. I also welcome the Government's response, although I note the comments of my noble friend Lord Carter and others who have spoken on the unacceptable lateness of that response. I also agree that the response on research appears a little complacent. However, we are all broadly in agreement.

[Lord Knight of Weymouth]

My position on the main specific issues is that quotas are outdated measures that create artificial shortages on the EU market, do not deliver supply to meet demand, drive prices up, affect consumers heavily, limit the functioning of the market and hinder farmers from adapting to market signals. They also hamper efficient producers and stop new entrants from joining the industry and helping to develop it. Therefore, as we have heard from the noble Earl, Lord Caithness, they should be abolished as soon as possible. I hope that the Government will find some friends on the Council and reject the Parliament's proposal to delay from 2017 to 2020. I suspect that they will end up compromising on 2018. If so, I guess that I can live with that, provided that it is adhered to with no concessions to being subject to progress and such like, as argued by some MEPs.

On cane refiners, regardless of whether the quotas stay or are abolished, beet growers and cane refiners must be treated fairly. A mechanism could be introduced so that when it is clear that a refiner's raw material needs cannot be supplied from the preferential countries or topped up from beet production, raw cane sugar from other sources would be made available at low or no import duty.

On developing countries, through the European Parliamentary Labour Party we are pushing the Commission to ensure measures to help mitigate the effects of abolition of the quotas, such as increasing competitiveness and diversifying production. We must move away from a costly system that fails to stabilise the market, is doing little to serve producers and is certainly not serving consumers.

We would do well to recycle some of the savings from abolition into education about the health effects of consuming too much sugar. However, I agree with the committee that health is no need to continue with the barmy EU sugar regime. I am, incidentally, unpersuaded as yet by the argument for using tax in this area, as the noble Baroness, Lady Parminter, argued, given the comments that we have already made about consumer pricing.

We would do well to ensure that assistance to preferred suppliers works and assist others to follow the Mauritius example and those supported by the Fair Trade Foundation, to process more sugar domestically.

Most of all, we must get on with regime change. My one question to the Minister—I promised him only one question—is to ask how likely it is that we will get agreement, as planned, by the end of this month, and whether the Government will stick to their determination to phase out quotas before 2020.

6.48 pm

The Parliamentary Under-Secretary of State, Department for Environment, Food and Rural Affairs (Lord De Mauley): My Lords, I am grateful to the noble Lord, Lord Carter, for instigating the debate, to all noble Lords who have spoken today and to the entire committee for its work on this report.

In responding to the noble Lord, Lord Carter, and others, perhaps I may begin with an abject apology for the delay in sending the Government's response to the committee. My honourable friend David Heath has written to the noble Lord, Lord Carter, and to my noble friend Lord Boswell. However, I would like to make clear that the delay was unsatisfactory and that we need to do better in future. I should also emphasise that this episode in no way reflects on the Government's appreciation of the committee's work or of the report. Indeed, I find myself in the happy position of being able to say that the Government agree with the vast majority of the report's recommendations.

It has, of course, been, as noble Lords have said, some time since the report was published. In the mean time, the common agricultural policy reform negotiations have continued, albeit slowly, and it may help if I recap the main developments.

The Commission's proposal in October 2011 included very little on sugar. This reflected the intention not to re-enact quotas when they expire under current legislation in 2015. In fact, there was very little discussion on sugar for the first year of the negotiations. When the EU Council of Agriculture Ministers and the European Parliament concluded their separate discussions on the issue in March this year, the focus was very much on the future of beet quotas, and two different visions of the future emerged. As the noble Lord, Lord Carter, said, the Council took the view that quotas should be extended to 2017 but no further. This reflected a compromise between two broad groups. In the main, those member states that currently have a beet quota wanted to retain it, while those without a quota supported the early abolition of quotas. The European Parliament, too, had internal divisions, but eventually concluded that beet quotas should be extended until 2020.

The noble Lord, Lord Carter, and my noble friends Lady Parminter and Lady Byford asked about our view on the timing of the end of quotas, as did the noble Lord, Lord Knight, in his final question. The Council mandate is for quotas to end in 2017, and the European Parliament has voted to keep quotas to 2020. Those two dates represent the starting point for the negotiations, and we remain optimistic about which end of the range we will end up at.

The noble Lord, Lord Carter, asked how influential we have been in the negotiations on the CAP. Our support was key in ensuring that the Council reached agreement on a 2017 end date. More widely, we have seen successes in stopping excessive coupled payments and in allowing the four parts of the United Kingdom to make their own decisions on implementing the agreement.

The next step in the process is the so-called trilogue negotiations between the Irish presidency, on behalf of the Council, the European Parliament and the Commission. Those negotiations are ongoing and any agreement between the parties on sugar is now likely to occur in the context of an overall agreement on CAP reform. As the committee heard when the Secretary of State appeared before it on 15 May, much remains to be done to secure that agreement. However, we are still optimistic that, under the able chairmanship of the Irish Agriculture Minister, Simon Coveney, a deal will be struck by the end of June.

For our part, the UK Government have done, and will continue to do, all that we can to promote the liberalisation of the EU sugar regime in respect of both beet and cane, and I thank the committee again for its report as adding weight with the Commission to that argument. We do so for good reason. EU market prices have consistently been at least 50% above world market prices for the past few years, a level of distortion not seen in any other CAP regime. That distortion arises from both production quotas for EU beet and very high tariffs on imports of cane. As a result, wholesale sugar prices for EU food and drink manufacturers have been inflated by around 35%, while EU consumers have suffered a 1% increase in the overall cost of the average food basket. At the same time, producers in many poorer countries find it difficult to market their sugar in Europe, as the noble Lord, Lord Knight, mentioned. That hinders their economic development, and undermines to some extent the EU's own aid programmes to these countries.

Abolishing beet quotas would be an important step towards removing current market distortions. It is disappointing, therefore, that the Council could not agree with the Commission's proposal in this respect. We do not wish to see any further delay beyond 2017. However, even more disappointing is that neither the Council nor the European Parliament has addressed the need for additional measures on cane imports. The very high tariffs that apply have an even greater distorting effect on the market than beet quotas. The exemptions from those tariffs for African, Caribbean and Pacific states and less developed countries are valuable, but the supply from those sources is less than was anticipated at the time of the last reform. That has left the market with a shortage of sugar and idle capacity in EU refineries, which is putting their future viability under threat.

The abolition of beet quotas would ease the supply shortage, but would also increase the risks to the viability of the refining sector, as market prices are expected to drop while the cost of their raw material remains high. Losing the refining industry would reduce competition and introduce food security risks to the EU market. It would also lead to job losses, including at the Tate & Lyle factory in London, and threaten the livelihood of growers of cane in developing countries that currently supply EU refineries.

The Government will therefore continue to seek fair treatment for cane refineries as the CAP reform negotiations progress. The focus in the negotiations on beet quotas has also meant that there has been relatively little discussion on inter-professional agreements, or IPAs. As touched on during the debate, IPAs govern the contractual relationship between beet processors and growers and have traditionally been valued by both parties.

The Commission's proposals contain different wording to that in current legislation and, as indicated in the debate today, this has caused some concern whether the intention is to change the ground rules. We hope that the Commission's own response to the committee's report will provide some reassurance that there is no agenda to weaken the negotiating position of growers. However, this is something that we will pay close attention to as detailed rules are drawn up.

I will now answer noble Lords' questions to the best of my ability. To start with, in response to the noble Lord, Lord Carter, as the Secretary of State explained when he appeared before the Committee, a great deal of effort has been put into developing relationships and building alliances. Noble Lords would not expect me to go into detail about our negotiating tactics, but every opportunity is being used to build on that groundwork so as to make the case for further liberalisation while accommodating other views where possible. That approach bore fruit in securing the agreement to a 2017 end date for quotas as part of the council mandate, and we should be defending that agreement very strongly for the remainder of the negotiations.

The noble Lord, Lord Carter, asked how we could achieve 2017 without financial compensation. We have strong support from some in the Council for the end of quotas. We are optimistic that the agreement will stick. We have not seen requests for compensation from other member states, and do not see a case for that. Compensation for less developed countries is another matter, and measures can be considered within the context of the European Development Fund.

The noble Lord, Lord Carter, and my noble friend Lady Parminter asked about work by the competition authorities. As indicated in the Government's response, the EU competition authorities, supported by the OFT, are undertaking an investigation and we would prefer to see that completed before considering further reviews.

My noble friend Lord Caithness suggested that we have relaxed our demand for an end date for quotas to 2017. We argued strongly for 2015 but there was very little support in Council. In a negotiation with 26 other member states some compromise has to be made and, with Germany, France and others pushing for 2020, an end date of 2017 was a relative negotiation success.

The noble Lord, Lord Carter, asked for an update on the state of play on risk management discussions in the CAP negotiations. The past 18 months have been very challenging for farmers, with some difficult weather conditions such as late snow, even as recently as Easter, as noble Lords will know. The Government are therefore considering how best to support farmers to manage risks. The Rural Development Regulation offers opportunities for supporting risk management. For instance, the proposed risk management toolkit, if used, could provide subsidies for agri-insurance and mutual funds. However, consideration should be given as to whether subsidies in this area are permanent or temporary and to what degree these sorts of products are needed by farmers in the United Kingdom. As the toolkit is in Pillar 2, using it would mean there would be less money available of course for other Pillar 2 activities and priorities.

The UK is opposed to the income stabilisation tool proposed by the Commission. We are concerned that it is unstable and unpredictable. In any case, the countries that use such tools, such as Canada, have them instead of direct payments, not in addition. We should not focus solely on the risk management tools set out in the Commission's proposals that directly address risk management in the Rural Development Regulation.

[Lord De Mauley]

There are other activities enabled by the Rural Development Regulation that can be used to support farmers to manage their risks, for example by enabling them to make investments in physical assets which help to mitigate some of the risks that they may face. The development of the next English rural development programme is under way and Defra is building an evidence base. We will be considering the objectives and priorities for funding through the next programme based on that evidence and the objectives for rural development set out in the draft EU rural development regulation.

The use of tools available under the rural development regulation is only one of several options. We are working with industry, the financial sector and charities to consider what might be done. We will meet again with their representatives in July to look at the impact of recent bad weather on farming cash flows. There is a frost insurance scheme and a private sector scheme for sugar beet. There is a market for such schemes without public money.

My noble friend Lady Byford asked how the ACP and less developed countries could be helped to stand on their own two feet. There are a number of factors holding less developed countries back, including economies of scale, infrastructure and skills at both farm and processing level. Solutions need to be tailored to the specific national problems, which is being done under the accompanying measures for the last reform, albeit too slowly. My noble friend asked which countries have received assistance and how it is being disbursed. I think the noble Lord, Lord Carter, asked about that too. The main beneficiaries have been Kenya, Mozambique, Ivory Coast, Swaziland and Tanzania. My understanding is that of the £1.2 billion intended for accompanying measures, some £0.95 billion has been awarded, of which £0.5 billion has actually been paid. My colleagues in the Department for International Development are pressing the Commission on that slow disbursement.

My noble friend Lady Byford and the noble Lord, Lord Carter, also asked why, if sugar prices have declined for the producer, consumers are paying more in real terms. Available data suggest that retail prices did not fall in line with the cut in EU prices following the last reform. Sugar users contend that this is attributable to generally rising costs within the supply chain, for example, energy and labour. However, others have questioned the extent to which sugar users have been able to capture the price cuts and not pass them on to consumers. As indicated in the government response, the European Commission authorities are making inquiries into alleged anti-competitive practices, which may throw some light on this area.

My noble friend also asked whether the use of the term "inefficient" to describe the production systems in some countries is a reference from a grower's or a refiner's viewpoint. It is generally meant to refer to those countries or regions whose growers have the lowest yields.

My noble friend Lord Caithness asked whether the EU study results expected in February have come in yet and what they are. I am afraid that the results of this study have not yet been published. We are as keen as your Lordships to read it and engage with the Commission on how any conclusions can be taken forward. We will ensure that the committee is made aware of the study's results when they are published.

My noble friend Lord Caithness also asked about mandatory written contracts. The Government are sympathetic to the concerns that he referred to in the context of interprofessional agreements. The issue, as I understand it, is not so much about what is in the Commission's proposals but about what might be introduced in the detailed rules that will follow. While wishing to see normal competition principles apply as far as possible, the Government are also mindful of the need not to unbalance the legal framework governing the relationship between growers and processors. When it comes to negotiations on the Commission's detailed rules in due course, the Committee may be assured that we will consult all interested parties to identify whether any issues arise in practice.

My noble friend Lady Parminter asked whether the Government have any plans to look at the role that fiscal incentives can play in shaping positive food choices. We keep all evidence on the impact of taxation on promoting healthier food choices under review. We believe that the voluntary action that we have put in place through the public health responsibility deal is delivering results; 33 companies have signed up to pledge to help the population reduce their calorie consumption. I argue that this is the right way forward, but I emphasise that we are not complacent and we are clear that this is something for all food businesses, not just some. If we do not get continued progress, we will have to consider alternative approaches.

In conclusion, there is much that the Government and the committee can agree upon, including support for genuine CAP reform that removes distortions from the market and delivers real benefit to consumers and producers, a desire to see strong, competitive beet processing and cane refining industries in the United Kingdom and appropriate safeguards for producers, both in the UK and in developing countries. We will continue to make the case for that vision in EU and other international negotiations. The committee's continued interest and contribution to the debate would be most welcome.

7.07 pm

Lord Carter of Coles: I thank all noble Lords for their contributions. We have had an interesting debate that, as the noble Earl, Lord Caithness, said, has come at a crucial time. The critical thing about these reports is to be able to make the point while the negotiations are taking place.

We have all sensed the great loss that we all felt because the noble Baroness, Lady Byford, could not contribute, and in this debate her incisiveness and her fact-packed contribution brought evidence of that. In my experience the noble Earl, Lord Caithness, always seems to have the knack of zeroing in on a key issue and then helping us along a little with a reminiscence of somewhere such as Romania, which is always very much appreciated. The balanced view of the noble Baroness, Lady Parminter, of the needs of consumers

in terms of price but also in terms of welfare and health was a perfectly fine contribution to this debate. I very much welcome the intervention from the noble Lord, Lord Palmer, who made his point so strongly.

I thank the noble Lord, Lord De Mauley, for setting out the views of the Government. It is nice that we are all in so much agreement on what needs to be done, and we appreciate how difficult it is for the Government to exercise their point of view in these very difficult negotiations. I speak for us all in saying that we are grateful for the fulsome apology that he was able to make on the late response.

We should hope that the Government are now successful in their attempts to work with EU partners to renegotiate the sugar terms. Clearly, the position of the French and Germans—the great barons of the industry, if you like—makes it very difficult, and we should offer every support that we can to ensure that the next seven years, in terms of everything that we want to see happen, are somewhat more productive than the previous seven.

Turning to my chairmanship of sub-committee D, I have done this for the past four Sessions. For me, at least, it has been a delight. We have had some really focused and productive times, and generally I believe that they have been happy. That has been a hallmark of our committee. That has been wholly due to the committee's members, and we have been extraordinarily fortunate in the composition of our committee. I also record our thanks to our successive clerks: Paul Bristow, Kate Meanwell and Aaron Speer. Running through it, we have been fortunate to have the same golden thread of our researcher, Alistair Dillon, who has been absolutely tremendous.

A further delight to me is that the noble Baroness, Lady Scott of Needham Market, has taken over as the chair of the committee. I have no doubt that it will be as fulfilling for her as it has been for me. I beg to move.

Motion agreed.

Committee adjourned at 7.10 pm.

Written Statements

Monday 3 June 2013

Department for Communities and Local Government

Statement

The Parliamentary Under-Secretary of State, Department for Communities and Local Government (Baroness Hanham): My right honourable friend the Secretary of State for Communities and Local Government (Eric Pickles) made the following Written Ministerial Statement.

I would like to update honourable Members on the main items of business undertaken by my department since the House rose on 21 May 2013.

Getting Britain building

When the coalition Government came to power we inherited a paralysed housing market where housebuilding had collapsed. Three years later we are now seeing signs of steady improvement, with housing supply now at its highest since the end of the unsustainable housing boom in 2008 and the numbers of first-time buyers are at a five year high.

This Government are determined to get Britain building and make better use of existing land. In last year's Autumn Statement, we outlined the delivery of at least 50,000 new homes in large, locally-supported housing programmes. We are making strong progress.

On 22 May, my department announced £32 million funding for the new town of Sherford, near Plymouth, that will bring forward the delivery of 5,500 new homes and help create 5,000 local jobs. Over the next 15 years the development will deliver a powerful boost to the local economy, generate £1 billion of construction investment and inject a further £2 billion into the local area.

The investment in Sherford will bring the total number of homes unlocked through the programme to 41,000. This intervention builds on the deals made for a 6,300-home site at Cranbrook near Exeter, a 6,000-home site at Fairfield near Milton Keynes, and a site for over 22,000 homes at the Eastern Quarry development near Ebbsfleet in Kent. A further £234,000 of funding for the Cranbrook development was also announced today, to help local partners deliver the project.

Backing locally-supported projects is in strong contrast to the previous Administration's failed top-down eco-town programme which failed to build a single home.

The Government are also taking other steps to bring more developed land into use. They have already sold enough formerly-used surplus public sector land to deliver 33,000 new homes.

Promoting local growth through enterprise zones

On 29 May, together with the Mayor of London, I unveiled details of a £1 billion deal that will turn London's Royal Dock enterprise zone into the capital's next business district, forging new trade links with China and other economies in the Asia-Pacific region and securing billions of pounds of inward investment in the UK economy.

Historically the trading heartland of the capital, the deal will re-instate the Royal Docks as a commercial and trading centre for the 21st century, delivering around 20,000 full-time jobs and boosting local employment in Newham by 30%. When complete the site will become London's third business district and, according to initial projections, be worth £6 billion to the British economy, generating £23 million in business rates annually and acting as a catalyst for further development in the area.

In addition to this five enterprise zones are also receiving £24 million to tackle traffic bottlenecks and road congestion near their site through Department of Transport funding.

Across the country, enterprise zones are stimulating job creation and economic growth in different parts of the country with their special package of incentives to attractive new business ventures. They have already generated 105,000 square metres of new commercial floor space and secured almost £229 million of extra private sector investment.

New rights for park homes residents

On 27 May, my department marked new laws to give park home residents the protection they need from unscrupulous site owners. The new rights will remove site owners from the park home buying and selling process, meaning that residents cannot be forced to, or prevented from, selling their park homes to fill the landlord's pocket and it will also be harder to impose unexpected charges or changes of rules.

We have also given more power to local authorities to enforce breaches, making it easier to prosecute a site owner who harasses residents. My department has also launched a new national helpline, operated by the Leasehold Advisory Service for residents to get advice on their rights when selling or gifting their home.

Making the planning system more responsive

On 3 June, my department published new measures to make the planning process work better. They simplify the requirements around design and access statements, and remove the need for councils to list their reasons for granting planning permission on decision notices. These new measures will come into force on 25 June.

We also published further details of our plans to help speed up planning decisions with the small number of councils consistently failing to meet their statutory requirements. Planning is a quasi-judicial process, and justice delayed is justice denied.

As already announced, recess marked the commencement of our change of use planning reforms which will make it easier for empty and redundant buildings to be brought back into public use.

Love your local market

The Government are committed to helping high streets regenerate and thrive, and as part of our response to Mary Portas's high street review we worked with the industry to set up the Love Your Local Market campaign.

Over a period of two weeks from 13 May to 27 May over 3,500 events were held across England by nearly 700 different markets, offering opportunities for around 2,800 aspiring traders. Love Your Local Market 2013 also offered an opportunity for young people to get

onto their local market to try out their business ideas and over 200 entrepreneurs traded through the National Market Traders Federation's First Pitch scheme over the fortnight. Of these, 100 will be helped to trade for a further 12 months—offering a real legacy from this year's event.

Challenging extremism

Following the tragic and chilling events in Woolwich, I outlined my views and approach in an article in the *Sunday Telegraph*. A copy has been placed in the Library of the House.

The only way is Wessex

In April, my department formally acknowledged the continuing role of England's traditional counties in English public life. Previously, many parts of Whitehall and municipal officialdom have shunned these counties, many of which date back over a thousand years of English history. On 25 May, my department flew the flag of Wessex as part of our broader programme of recognising and celebrating the traditional institutions of England.

Flags are a symbol of local and national pride and heritage and we have already amended the law to make it easier to fly flags without a permit from the council. I was pleased to see that misjudged decisions by Radstock Town Council in Somerset and the Places for People social landlord in Preston to ban the St George's flag have been reversed.

Recent events remind us that we are stronger as a society when we celebrate the ties that bind us together and we challenge the politics of division. Whatever one's class, colour or creed, we should have pride in Britain's local and national identities.

Copies of the associated documents and press notices for all these announcements have been placed in the Library of the House.

ECOFIN

Statement

The Commercial Secretary to the Treasury (Lord Deighton): My right honourable friend the Chancellor of the Exchequer (George Osborne) has today made the following Written Ministerial Statement.

A meeting of the Economic and Financial Affairs Council was held in Brussels on 14 May 2013. Ministers discussed the following items:

Banking recovery and resolution

There was a state of play discussion on the banking recovery and resolution directive proposal, focusing in particular on the design of the bail-in tool.

Current legislative proposals

The presidency updated Ministers on the revised rules for markets in financial instruments directive/regulation (MiFID/MiFIR); the market abuse directive; the transparency directive; the mortgage credit directive; banking supervision; the capital requirements directive IV; and the anti-money laundering directive.

Draft Amending Budget No. 2 to the General Budget 2013

ECOFIN reached a political agreement on the draft amending budget No. 2 to the general budget 2013, on the basis of a proposal from the Irish presidency. ECOFIN agreed in principle to a first stage budget amendment and to consider a second stage amendment later in the year. ECOFIN declared to formally adopt its position on the draft amending budget at a later stage in parallel with the conclusion of talks on the EU's multiannual financial framework (MFF) for 2014-20. The UK, along with Denmark, Finland, the Netherlands and Sweden, opposed the amendment and statement, expressing dissatisfaction at the Commission's unjustified request for substantial additional resources.

Savings taxation and mandate for negotiations of amendments to the savings taxation agreements with third countries

ECOFIN adopted a mandate for the Commission to negotiate amendments to the savings taxation agreements with third countries. ECOFIN also discussed a proposal for a council directive amending the EU savings directive which will be further discussed at the May European Council.

Council Conclusions on tax evasion and fraud

ECOFIN adopted a set of council conclusions on the Commission's action plan to tackle tax fraud and evasion and accompanying two recommendations on good governance in tax matters in third countries and on aggressive tax planning. The conclusions support efforts at national, EU, G8, G20, OECD and global levels on automatic exchange of information and on improving the implementation and enforcement of standards of beneficial ownership information.

G5 Pilot Facility on automatic exchange of information in the area of taxation

The UK, on behalf of the other members of the G5 (France, Germany, Italy and Spain) presented to council on the G5 pilot multilateral automatic exchange of information facility. The UK, along with sixteen other member states, submitted a joint minute statement, strongly supporting the initiative for a pilot of multilateral automatic information exchange based on agreements with the US, and requesting the Commission to support and promote the work of the OECD, G8, and G20 in developing a single global standard for automatic exchange of information, with a view to its quick implementation also at EU level.

Macroeconomic imbalances procedure: in-depth reviews

ECOFIN adopted council conclusions on the results of the UK and 12 other member states' macroeconomic imbalances procedure: in-depth reviews. The UK does not have an excessive imbalance and does not need to take further action under the macroeconomic imbalances procedure. The UK supports the macroeconomic imbalances procedure as a means of strengthening European economic governance, particularly in the euro area.

Towards a deep and genuine Economic and Monetary Union: Commission communications

The Commission presented the two communications on a deep and genuine Economic and Monetary Union which were published on 20 March. These cover the introduction of a convergence and competitiveness instrument and ex ante co-ordination of plans for major economic policy reforms.

Follow-up to the G20 Finance Ministers and Governors (18-19 April) and IMF/Wold Bank (19-21 April) 2013 spring meetings in Washington, USA

The presidency and the Commission debriefed Ministers on the main outcomes of the G20 Finance Ministers and governors and IMF/World Bank spring meetings.

Post-2015 Development Agenda

Statement

Baroness Northover: My right honourable friend the Secretary of State for International Development has made the following Statement.

In May 2012 the Prime Minister was invited by the UN Secretary-General to co-chair the high level panel on the post-2015 development agenda, alongside the presidents of Indonesia and Liberia. The panel was tasked with providing recommendations on successor goals to the millennium development goals (MDGs).

The high level panel concluded its work last week and I represented the Prime Minister at the final meeting in New York. The 27 member panel included representatives from government, business and civil society from all regions of the world. Their bold and optimistic report states clearly that we can and must eliminate extreme poverty by 2030. The Prime Minister helped steer the panel to a consensus on the five transformational shifts required to achieve this visionary aim:

leave no one behind: the MDGs aimed to halve extreme poverty (defined as people earning less than $1.25 a day). The high level panel report proposes ending poverty by 2030. It also proposes eliminating preventable infant deaths and reducing maternal mortality even further;

put sustainable development at the core: for decades, the environmental and development agendas have been separate. The report brings them together. This means tackling climate change, and making patterns of consumption and production more sustainable;

transform economies for jobs and inclusive growth: growth is the only long-term solution to end poverty, meaning a much greater focus on promoting jobs through business and entrepreneurship, infrastructure, education and skills, and trade;

build peace and effective, open and accountable institutions for all: peace and good governance are not optional extras. Responsive and legitimate institutions should encourage the rule of law, property rights, freedom of speech and the media, open political choice and access to justice; and

forge a new global partnership: poverty eradication is not just about national governments. Businesses, community groups, donors, local governments and others all need to work together to see the eradication of extreme poverty.

The panel proposed 12 measurable goals and 54 targets for the international community to rally around to implement these five big ideas.

The final set of post 2015 goals will be negotiated between governments in the UN over the next two years. The high level panel's report provides a bold and practical illustration of how an ambitious and wide-ranging agenda can be brought together in a simple and compelling set of goals. The UK will work with others to ensure that the messages contained in the high level panel report are reflected in the final set of UN development goals for post-2015, and have a lasting impact for the poorest people in the world.

For the convenience of Members, I am depositing a copy of the report in the Libraries of both Houses.

Written Answers

Monday 3 June 2013

Adoption

Question

Asked by ***Lord Greaves***

To ask Her Majesty's Government what response they have made to the Government of Australia regarding its apology for the past practices of forced adoptions of children of unmarried mothers; and whether they plan to issue a similar apology on behalf of past United Kingdom governments. [HL343]

The Parliamentary Under-Secretary of State for Schools (Lord Nash): The United Kingdom Government have not made any formal response to the apology issued by the Australian Government. The Government have no plans to issue a similar apology.

Airports: Heathrow

Question

Asked by ***Lord Avebury***

To ask Her Majesty's Government what plans they have for upgrading the short-term holding facilities at Heathrow Airport; and what approved budgets can be used for that purpose. [HL494]

The Parliamentary Under-Secretary of State, Home Office (Lord Taylor of Holbeach): The provision of accommodation facilities at ports of entry are provided by the port operator. At Heathrow Airport this is Heathrow Airport Limited (HAL).

The Home Office has been working very closely with HAL to progress accommodation improvements to the short-term holding facilities at Heathrow Airport. Some cosmetic improvements have already been implemented. Longer-term plans for upgrading the facilities include expansion of the family holding rooms at terminal one and terminal five. Showers and a toilet lobby will be installed at terminal five and a complete expansion and upgrade of accommodation is being planned at terminal three. The family accommodation at Cayley House (a short-term holding facility used when detaining someone brought to the airport prior to removal) will be reconfigured. Improvements at the holding room at terminal four depend on securing additional space.

HAL will be funding the agreed improvement works to the holding rooms at Heathrow Airport.

Arms Export

Question

Asked by ***Lord Campbell-Savours***

To ask Her Majesty's Government whether officials from the Ministry of Defence, the Defence Export Services Organisation, or the Department for Business, Innovation and Skills were involved in any way in the (1) approval, or (2) export sales support, of products relating to bomb detection sold to any countries overseas in conjunction with companies connected to Mr James McCormick. [HL280]

The Parliamentary Under-Secretary of State, Department for Business, Innovation and Skills (Viscount Younger of Leckie): No Business, Innovation and Skills (BIS) or Ministry of Defence (MoD) official was involved in approval of products relating to bomb detection sold to any countries overseas in conjunction with companies connected to James McCormick. UK Trade & Investment had very limited interaction with Mr McCormick and his company ATSC (UK) Ltd. Records show that Mr McCormick attended a UKTI business seminar in Essex in 2008 at which UKTI officials spoke. No evidence has been found of any subsequent interaction with UKTI or UKTI Defence & Security Organisation (DSO). It is UKTI policy not to endorse products.

Asylum Seekers

Questions

Asked by ***Lord Hylton***

To ask Her Majesty's Government, further to the Written Answer by Lord Taylor of Holbeach on 22 April (*WA 350–1*), how many caseworkers are now employed to interview and process asylum applicants; how that compares with the number 12 months ago; and what emphasis they place on the quality of decisions as opposed to speed.[HL24]

The Parliamentary Under-Secretary of State, Home Office (Lord Taylor of Holbeach): The information required on caseworker numbers in the now former agency, henceforth referred to as the Home Office, is not at this time held in a format compatible with the request, in that obtaining specific information on caseworker numbers held at local level would be excessively costly. However, the Home Office does publish data against 15 key performance measures. Specifically:

asylum intake;

work in progress (WiP) cases;

intake;

asylum support costs;

productivity;

asylum unit cost;

initial decisions in 30 days;

cases concluded in six months;

cases concluded in 12 months;

cases concluded in 35 months;

cases removed in 12 months;

decision quality;

appeal representation rate;

appeal win rate;

asylum grant rate.

Our most recent published statistics on speed and quality of decisions are in the link below:

http://www.ukba.homeoffice.gov.uk/sitecontent/documents/aboutus/further-key-data/asylum-performance1.xls?view=Binary

The statistics show an asylum system which is performing steadily on quality and speed. On speed, although performance on initial decisions within 30 days fell slightly in FY11/12, conclusions overall are performing well:

asylum cases concluded within 12 months (up from 56% in FY 10/11 to 63% in FY 11/12);

asylum cases concluded within 36 months (up from 63%, in FY 10/11 to 70% in FY 11/12);

asylum cases concluded within six months steady at 53% in FYs 2010/11 and 2011/12.

Decision quality also rose from 88% in financial year 2010/11 to 89% in FY 2011/12.

To build on this, and further improve performance, the Home Office is implementing a new asylum operating model over the next 18 months. This will see caseworkers concentrated in a smaller number of casework "hubs" with greater co-ordination and specialisation. Ahead of this, the Asylum Casework Directorate has initiated a national performance drive across all regional offices, which is expected to show further improved performance in the next set of figures to be published.

Asked by ***Lord Roberts of Llandudno***

To ask Her Majesty's Government why they opted out of the revised European Union Directive on Reception Conditions which laid down minimum standards for the reception of asylum seekers; and whether they plan to revise their position in future. [HL315]

Lord Taylor of Holbeach: The Government chose not to opt in to the recast directive on reception conditions for asylum seekers, because we considered it would have a negative impact on our ability to operate our asylum system; nor did we believe the proposals struck the right balance between the rights of asylum seekers and the needs of member states.

We were particularly concerned that the proposals based on enhancing the rights of all asylum seekers, genuine or not, would act as a pull factor for fraudulent claimants to the detriment of genuine refugees as such claims divert precious resources, erode public support for the asylum system and encourage individuals to undertake dangerous journeys to the EU.

We are committed to working with our EU partners on asylum issues in order to address the challenges we all face in preserving the integrity of our asylum systems and helping those who are genuinely in need. However, at present we have no plans to adopt the recast reception conditions directive in the future because we do not judge that adoption of the directive would be in Britain's best interests.

Asked by ***Lord Roberts of Llandudno***

To ask Her Majesty's Government what plans they have to allow failed asylum seekers who have made fresh submissions for asylum which have been pending for 12 months or more to apply for permission to work, in the light of the judgment of the Supreme Court in July 2010 on the application of Article 11 of the European Union Reception Conditions Directive. [HL316]

Lord Taylor of Holbeach: The policy on permission to work was amended in line with the judgment of the Supreme Court in July 2010. As such, failed asylum seekers who have made further submissions for asylum that have been pending for 12 months or more are allowed to apply for permission to work for jobs on the shortage occupation list, in the same way as asylum seekers who have initial claims that have been pending for 12 months or more.

Asked by ***Lord Roberts of Llandudno***

To ask Her Majesty's Government what legal and advice services they provide to prospective asylum seekers throughout the asylum process. [HL317]

Lord Taylor of Holbeach: Legal aid, subject to the normal merits test, is available to help asylum seekers prepare their asylum claims and to provide representation if they wish to appeal against the refusal of the claim. The Home Office also funds voluntary sector organisations to provide advice and assistance on other aspects of the asylum system, including procedures for entering the support system, which are available to destitute asylum seekers. This advice is provided through "one-stop services" located across the United Kingdom.

Asked by ***Lord Roberts of Llandudno***

To ask Her Majesty's Government how many failed asylum seekers' children were separated from their parents before deportation in each of the last five years. [HL318]

Lord Taylor of Holbeach: Information on how many failed asylum seekers' children were separated from their parents before deportation is held only at the level of co-ordinated paper case files or within the notes section of the Home Office Case Information Database (CID). Such data are not aggregated in national reporting systems, which would mean that this question could be answered only through a disproportionately expensive manual case search to collate the data.

Bank of England

Question

Asked by ***Lord Myners***

To ask Her Majesty's Government whether the Governor and the Bank of England were consulted about and supported their proposals to support lending for the purchase of residential properties. [HL214]

The Commercial Secretary to the Treasury (Lord Deighton): I refer the noble Lord to the Answer given to his previous Question on 10 April 2013 (*Official Report*, col. *WA 264*).

Banking

Question

Asked by ***Lord Myners***

To ask Her Majesty's Government what is the forecast cost over the next five years of the announcement in the Budget that tier one capital issued by banks will be tax deductible; and why that concession has been limited to banks rather than extended to all industrial sectors. [HL217]

The Commercial Secretary to the Treasury (Lord Deighton): I refer the noble Lord to the Answer given on 25 April 2013 (*Official Report*, col. *WA 437-8*).

Banks: Bank of Cyprus UK

Question

Asked by ***Lord Laird***

To ask Her Majesty's Government, further to the Written Answer by Lord Deighton on 22 April (*WA 351-2*), how much by way of extra levies the Bank of Cyprus UK has been charged by the Financial Services Compensation Scheme (FSCS) for the 15,000 accounts in the United Kingdom transferred to it from the Cypriot Laiki Bank; for how much extra the Bank of England is now responsible in the event of the collapse of Bank of Cyprus UK; and whether the FSCS had the option not to guarantee any or all of those transferred accounts. [HL101]

The Commercial Secretary to the Treasury (Lord Deighton): Bank of Cyprus UK will start paying a levy on the 15,000 accounts that were transferred from Laiki Bank UK in the next annual levy cycle of the Financial Services Compensation Scheme (FSCS). Information on how the FSCS levies financial institutions is publicly available on its website: http://wwwfscs.org.uldindustry/funding/levy-information/index.html.

Levies are charged by the FSCS on an annual basis at the beginning of each annual cycle, in order to meet its costs for the forthcoming financial year. The levies are calculated based on the accounts held on 31 December ahead of the FSCS financial year.

The Bank of England is the authority in the UK responsible for the resolution of UK authorised banks, including Bank of Cyprus UK. This responsibility has not been altered as a result of the transfer of accounts from Laiki Bank UK.

All eligible deposits in UK-authorised banks are covered up to £85,000 by the FSCS, including those in Bank of Cyprus UK. The FSCS does not have the authority to exclude deposits that are otherwise eligible.

Benefits

Question

Asked by ***Lord Roberts of Llandudno***

To ask Her Majesty's Government, in the light of the findings of the report by the Children's Society, *Parliamentary Inquiry into Asylum Support for Children and Young People*, whether they have plans to implement a single cash-based support system for all who require asylum support. [HL314]

The Parliamentary Under-Secretary of State, Home Office (Lord Taylor of Holbeach): The Government are in the process of completing an internal review of asylum support rates, which has taken into account the report by the parliamentary inquiry into asylum support for children and young people. Ministers have undertaken to announce the result of the review once it has been completed but there are currently no plans to implement a single cash-based support system for all who require asylum support.

Care Bill

Questions

Asked by ***Lord Touhig***

To ask Her Majesty's Government what provision will be made under the Care Bill for young adults with complex needs who require a transition service after formal schooling. [HL439]

The Parliamentary Under-Secretary of State, Department of Health (Earl Howe): The Care Bill gives young people the right to request an assessment before they turn 18 in order to help them to plan for transition to adult care and support so that they have the information they need to plan for their future. This information includes an indication of whether they are likely to be eligible, and advice about what can be done to meet eligible needs and to prevent or delay the development of needs.

The Children and Families Bill includes provision for education health and care plans. These will be single, co-ordinated support plans for children and young people with special educational needs (SEN) from birth to 25, focused on achieving outcomes and making a positive transition to adulthood, including employment and independent living. They will be produced in partnership with parents, children and young people.

The provisions for education health and care plans (EHCPs) in the Children and Families Bill will be supported by the SEN regulations and code of practice, which will set out requirements for co-ordinated working in the assessment process to ensure a joined-up EHCP.

For a young person with complex SEN, being required to transfer to adult services at age 18 may generate too much change and uncertainty at a key point in their life, leading to potential disruption of education and undermining of the progress they may have been making. We have recognised this and, taken together, the provisions in the two Bills enable local authorities to extend Section 17 services for those young people with an EHC plan beyond their 18th birthday and ensure that continuity of provision is maintained at whatever stage the move to adult services takes place. This will allow local authorities to agree with young people the best time for them to make the transition to adult services.

If the young person has complex needs which include SEN, they will have an EHCP under the provisions of the Children and Families Bill that will set out clear plans, support and outcomes for ensuring that the young person makes a successful transition from compulsory schooling to further education or training.

Asked by ***Lord Touhig***

To ask Her Majesty's Government which child outcomes will be considered where local authorities are conducting a child's needs assessment under provisions set out in the Care Bill. [HL440]

Earl Howe: Clause 55 of the Care Bill provides a power for local authorities to assess the needs for care and support of a child. The provision applies both in

relation to a child who is receiving a relevant children's service, and to a child who is not currently in receipt of relevant services but who is likely to have needs on becoming 18. It provides a right for a child, or a parent or carer acting on their behalf, to request an assessment in advance of their 18th birthday.

Clause 56 sets out the requirements of the assessment. This includes the specific provision that the assessment must include an assessment of the outcomes the child wishes to achieve in day-to-day life. The question of what these outcomes are is a matter for the child concerned to define with their social worker as part of the assessment.

The intention is that, in line with the well-being principle in Clause 1, the individual's well-being is at the heart of this discussion and they have control over their day-to-day life and are best placed to define the outcomes they want to achieve.

The specific nature of the outcomes will vary according to the wishes of the individual concerned and their particular circumstances, but could include: being able to feed themselves; participation in work; education or training; living independently; getting involved; volunteering in their local community; and maintaining relationships with friends and family.

Asked by ***Lord Touhig***

To ask Her Majesty's Government what assessment they have made of the impact of the ordinary residence requirement in the Care Bill on young adults who require transition services. [HL441]

Earl Howe: When a young person reaches the age of 18 and is eligible for care services, their ordinary residence should be assessed to determine which local authority is responsible for the provision of these services. The Care Bill does not make provision for how to determine ordinary residence when a young person moves from being eligible for children's services to being eligible for services under the Care Bill. Therefore, when making decisions about the ordinary residence of young people in transition to adult services, local authorities will have to have regard to all relevant legislation. There is no set procedure for determining ordinary residence in this situation because every case must be decided on an individual basis, taking into account the circumstances of the young person and all the facts of their case.

Guidance about transition to adult care and support will be used to provide clarity about the processes around transition.

Cartels

Question

Asked by ***Lord Oakeshott of Seagrove Bay***

To ask Her Majesty's Government what requirements regulators must meet to call for evidence of cartel behaviour in a particular market; and when a regulator should be expected to undertake its own proactive investigations. [HL341]

The Parliamentary Under-Secretary of State, Department for Business, Innovation and Skills (Viscount Younger of Leckie): Competition authorities such as the Office of Fair Trading (OFT) conduct investigations both in response to complaints received and on their own initiative. The OFT has active policies to encourage people to supply evidence of cartels—for example, it runs a confidential cartel hotline (on 0800 0851664 or email cartelshotline@oft.gsi.gov.uk) to encourage whistleblowers to come forward; offers potential immunity from criminal prosecution and immunity from or a reduction in fines that could be imposed in civil cases; and it operates a reward policy under which it will pay up to £100,000 in return for information which helps it identify and take action against cartels. Other regulatory and criminal enforcement agencies such as the Financial Conduct Authority and the Serious Fraud Office also take proactive, intelligence-led approaches to investigations.

Census

Question

Asked by ***Baroness Whitaker***

To ask Her Majesty's Government, further to the Written Answer by Lord McNally on 8 January (*WA 39–40*), whether they have published their guidance on how to move prisoners from the 2001 census codes to the 2011 census codes; and, if so, how they will ensure that Gypsy, Roma and Traveller prisoners correctly ascribe their ethnicity. [HL19]

The Minister of State, Ministry of Justice (Lord McNally): Publication of the guidance has been delayed, as it now forms part of a wider guidance document on collecting personal data from prisoners across all the protected characteristics in the equalities legislation. Whilst this delay is regrettable in this specific context, it is felt that a much greater positive impact will be achieved in the longer term by making available comprehensive guidance on collecting the full range of data from prisoners. It is planned that this will be rolled out across the prison estate by the end of June 2013.

In the meantime the guidance has been piloted in six establishments, in each of which there was an increase in the number of prisoners recorded as identifying as Gypsy, Roma and Traveller or Irish Traveller. This, together with the use of the 2011 codes with new prisoners entering prison, means that the numbers recorded as identifying as Gypsy, Roma and Traveller or Irish Traveller have increased considerably since January. It remains the case, however, that many existing prisoners have yet to be given the opportunity to revise their previously stated ethnicity and that the current total of Gypsy, Roma and Traveller or Irish Traveller prisoners is highly likely to be an undercount. For this reason we are not in a position to publish it.

We remain committed to monitoring the use of the new code, and to publishing the figures once the coverage and data quality are deemed sufficient to provide meaningful and accurate statistics.

Charities: Cup Trust

Question

Asked by ***Lord Myners***

To ask Her Majesty's Government whether they are investigating any regulated financial institution or person holding a controlling position in such an institution in connection with the Cup Trust charity; and whether the activities of that charity influenced HM Treasury proposals to cap the tax deductibility of high-value charitable donations. [HL149]

The Commercial Secretary to the Treasury (Lord Deighton): The Charity Commission opened a statutory inquiry into the Cup Trust in April 2013 and used its powers to appoint an interim manager. The interim manager will act as manager of the charity and will have all the powers and duties of the trustee. The corporate trustee will cease to have any ability or authority to act. In line with its usual practice, the Charity Commission expects to publish a report of the inquiry once it has concluded.

To curtail excessive use of previously unlimited tax reliefs, Budget 2012 announced a limit on uncapped income tax reliefs. This is not an anti-avoidance measure, it is a fairness measure. The Government were always clear that they wanted to understand the impact on charities and take steps to prevent adverse impact. Following engagement with the charitable sector, the Government decided to exempt charitable reliefs from the cap.

Civil Service: Training

Questions

Asked by ***Lord Adonis***

To ask Her Majesty's Government what were the titles of the training courses provided to civil servants on the Fast Stream programme based at the Department for Business, Innovation and Skills in (a) 2010, (b) 2011, (c) 2012 and (d) 2013; and how many civil servants on the Fast Stream programme based at the department completed each of those training courses. [HL199]

The Parliamentary Under-Secretary of State, Department for Business, Innovation and Skills (Viscount Younger of Leckie): Civil servants on the Fast Stream programme in the Department for Business (BIS) are responsible for planning and identifying their own learning and development priorities and gaps. They are encouraged to review and agree their development needs regularly with their line managers to look at what the best interventions are going to be to benefit their longer-term development goals and make the best use of their Fast Stream training days. An individual's development priorities will vary and this will influence the type and amount of training individuals require. This can include formal training courses but also includes other options such as job shadowing, locum opportunities and e-learning.

While BIS can give the titles of the formal training courses that are available for the Fast Streamers as part of their programme, we are not able to say how many of the Fast Streamers have undertaken these courses in each year as we do not collect this information.

Fast Stream core learning programme course titles provided by National School of Government from 2010 until September 2012

Fast Stream Induction;

Parliament, Government and the Civil Service;

Communicating with Ministers and Senior Officials;

Achieving Policy Outcomes; and

Achieving More with Less.

Fast Stream Development Pathway course titles provided by Civil Service Learning introduced from October 2012 to date

Entry Fast Streamers—Core Elements

Induction;

Understanding Government;

Communicating effectively and with impact;

Presentation skills;

Working in the policy environment (Policy Foundation 2);

Working with projects; and

Negotiating and Influencing.

Entry Fast Streamers—Elective Elements

Briefing and Submissions;

Ministerial Correspondence; and

Oral Briefing for Ministers/Senior Officials.

Mid-term Fast Streamers—Core Elements

Managing Staff and Performance;

Coaching and Feedback skills;

Personal effectiveness and emotional intelligence;

Delivering Effective Customer Service Skills pt 2 (module A & B); and

Collaborating and Partnering.

Senior Fast Streamers—Core Elements

Developing your leadership style;

Managing change—Implementing change;

Securing Employee Engagement; and

Turning strategy into action.

Elective Elements

Managing Policy Development and Delivery.

Asked by ***Lord Norton of Louth***

To ask Her Majesty's Government how many (1) ministers, and (2) permanent secretaries, have completed modules offered by Civil Service Learning since Civil Service Learning came into existence. [HL417]

To ask Her Majesty's Government how many (1) MPs, and (2) peers, have been recruited to contribute to modules delivered by Civil Service Learning in the period from 1 January 2013 to 30 April 2013. [HL418]

Lord Popat: Our records show that since 1 April 2012, 20 Ministers and six Permanent Secretaries have completed modules offered by Civil Service Learning.

Our records show that nine MPs and no Peers have delivered sessions at Civil Service Learning events between 1 January and 30 April 2013.

Cyprus

Question

Asked by ***Lord Myners***

To ask Her Majesty's Government whether they supported the European Commission and the International Monetary Fund in requiring the Republic of Cyprus to apply a levy on amounts covered by the deposit guarantee scheme operating in that country as a condition for supporting its refinancing.

[HL152]

The Commercial Secretary to the Treasury (Lord Deighton): As mentioned in my reply of 10 April 2013 to the noble Lord (col. *WA 283*), the Financial Secretary to the Treasury informed the House of Commons on 18 March 2013 that the UK was not party to discussions between Cyprus and the euro area on the financial assistance package or the levy that had been proposed as part of the measures announced on 16 March.

The UK Government welcome the Cyprus Government's commitment that the deposit guarantee will be respected and those with under €100,000 will not lose out. Furthermore, as the Prime Minister stated in Parliament on 20 March 2013, where deposit protection schemes are in place, as they are in the UK and across Europe, those schemes should be respected. The Government are pleased that the final deal does not affect insured deposits.

Democratic Republic of the Congo

Questions

Asked by ***Lord Alton of Liverpool***

To ask Her Majesty's Government what representations they have made to the Government of the Democratic Republic of the Congo about the arrest in that country of the opposition politician Diomi Ndongala. [HL123]

The Senior Minister of State, Department for Communities and Local Government & Foreign and Commonwealth Office (Baroness Warsi): We are aware that Diomo Ndongala has been detained and that his parliamentary immunity has been revoked. We understand there are concerns about his treatment and allegations that his arrest was politically motivated. We will continue to monitor this closely and where we judge that his case may not be being handled lawfully, we will raise our concerns with the Congolese Government.

Asked by ***Lord Alton of Liverpool***

To ask Her Majesty's Government what assessment they have made of reported sightings of the M23 militia gang around Goma; and whether they will refer the use of rape as a weapon of war by the M23 and other groups in the Democratic Republic of the Congo to the International Criminal Court.

[HL124]

Baroness Warsi: We are concerned that the March 23 Movement (M23) continues to hold positions close to Goma. The Peace Security and Co-operation Framework, supported by the renewed UN Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) mandate, which incorporates the Force Intervention Brigade, forms a strong basis for tackling the problems in eastern Democratic Republic of the Congo (DRC) and to do everything to create long-term stability and prosperity there.

We are also concerned by reports that M23 and others are committing acts of sexual violence. We welcome the recently published UN Joint Human Rights Office report, which has served to highlight these abuses. The International Criminal Court (ICC) has jurisdiction in the DRC and the ICC Prosecutor is monitoring the situation there. We support action by the ICC to prosecute those responsible for committing war crimes and crimes against humanity such as rape and serious sexual violence.

Economy

Questions

Asked by ***Lord Myners***

To ask Her Majesty's Government whether they continue to cite the research of Professors Reinhart and Rogoff in justifying fiscal policy. [HL215]

To ask Her Majesty's Government whether the Chancellor of the Exchequer remains of the view that the work of Professors Reinhart and Rogoff offers "perhaps the most significant contribution to our understanding of the origins of the financial crisis". [HL219]

The Commercial Secretary to the Treasury (Lord Deighton): I refer the noble Lord to the Answer given on 25 April 2013 (*Official Report*, col. *WA 448*).

Education: GCSEs

Question

Asked by ***Baroness Sharp of Guildford***

To ask Her Majesty's Government how many 16–18 year olds obtained a GCSE at grade A*-C in (1) English, (2) mathematics, and (3) both English and mathematics, for each year since 2002.

[HL327]

The Parliamentary Under-Secretary of State for Schools (Lord Nash): The tables below show the number of young people in each cohort who had not achieved GCSE A*-C at age 16 and went on to achieve GCSE A*-C by the end of the academic year in which they turned 19 (i.e. after three post-compulsory years).

The figures relate to young people who were in the state sector in year 11. The earliest data available relates to the cohort who turned 19 in 2004-05.

(1) Attainment of GCSE A-C English between ages 16 and 19*

Cohort	Number in cohort	Without A*-C English at 16	Gaining A*-C English by age 19 (of those without at 16)	& gaining A*-C English by 19 (of those without at 16)
19 in 2004/05	558,600	262,200	16,000	6.1%
19 in 2005/06	575,100	265,300	16,700	6.3%
19 in 2006/07	593,100	272,900	19,700	7.2%
19 in 2007/08	585,900	260,600	19,700	7.6%
19 in 2008/09	596,100	259,000	20,900	8.1%
19 in 2009/10	602,900	255,500	21,700	8.5%
19 in 2010/11	600,100	243,900	22,800	9.4%
19 in 2011/12	580,200	223,400	22,700	10.1%

(2) Attainment of GCSE A-C maths between ages 16 and 19*

Cohort	Number in cohort	Without A*-C maths at 16	Gaining A*-C maths by age 19 (of those without at 16)	% gaining A*-C maths by 19 (of those without at 16)
19 in 2004/05	558,600	298,800	15,700	5.3%
19 in 2005/06	575,100	313,400	18,000	5.7%
19 in 2006/07	593,100	313,300	19,600	6.3%
19 in 2007/08	585,900	295,200	18,400	6.2%
19 in 2008/09	596,100	290,000	19,300	6.6%
19 in 2009/10	602,900	281,200	19,100	6.8%
19 in 2010/11	600,100	266,200	20,900	7.9%
19 in 2011/12	580,200	242,000	20,800	8.6%

(3) Attainment of GCSE A-C in both English and maths between ages 16 and 19**

Cohort	Number in cohort	Neither English nor maths A*-C at 16	Gaining both English and maths A*-C by 19 (of those with neither at 16)	% gaining A*-C in both English and maths by 19 (of those with neither at 16)
19 in 2004/05	558,600	228,500	3,300	1.4%
19 in 2005/06	575,100	235,400	3,800	1.6%
19 in 2006/07	593,100	238,100	4,600	1.9%
19 in 2007/08	585,900	223,800	4,400	2.0%
119 in 2008/09	596,100	220,300	4,600	2.1%
19 in 2009/10	602,900	214,000	4,700	2.2%
19 in 2010/11	600,100	200,800	4,900	2.4%
19 in 2011/12	580,200	180,600	’1,700	2.6%

note that those gaining an A-C in one of either English or maths at 16 are not included in this table.

Education: High-performing Jurisdictions

Questions

Asked by ***Lord Quirk***

To ask Her Majesty’s Government, further to the Written Answer by Lord Nash on 25 April (*WA 464*), what criteria they used to determine that Hong Kong is a jurisdiction having English as a mother tongue. [HL52]

To ask Her Majesty’s Government, further to the Written Answer by Lord Nash on 25 April (*WA 464*), why their international research was focused on jurisdictions that have English as a mother tongue; and what consideration they will give to studying high-performing education jurisdictions in Europe. [HL53]

The Parliamentary Under-Secretary of State for Schools (Lord Nash): The comparative curriculum analysis undertaken by the department on the English curriculum focused on jurisdictions where English is used as a mother tongue or as the language of instruction, and where their pupils showed consistently high performance in reading assessment. In addition, the literature curriculum of both Anglophone and non-Anglophone jurisdictions were examined to assess what we could learn about the specification of reading lists, including in a number of European countries. The department published this analysis in December 2011.

I regret that the Written Answer given to Lord Quirk on 25 April 2013 (*Official Report*, col. *WA 464*) was incorrect. The Hong Kong curriculum was not used to inform the English curriculum, although it was used in the analysis of both the mathematics and science curriculum. The reason we excluded Hong Kong and other non-Anglophone jurisdictions in the analysis of first language curriculum is that many language features such as tense present different difficulties in different languages and call for different levels of maturity. In addition, word reading and spelling are particularly challenging in English because of the complexity of its orthography.

Egypt

Questions

Asked by ***Lord Patten***

To ask Her Majesty's Government, further to the Written Answer by Lord Newby on 10 April (*WA 280*), what is their assessment of reports that Egyptian army medical staff were instructed to operate without anaesthetic on those injured during a protest against military rule in Egypt 2011. [HL205]

Lord Newby: We are aware of unconfirmed media reports alleging human rights abuses during this period. We do not comment on leaked documents.

We are concerned about the human rights situation in Egypt. We closely monitor the situation and are in regular contact about it with the Egyptian authorities and human rights organisations in the UK and Egypt.

Asked by ***Baroness Kinnock of Holyhead***

To ask Her Majesty's Government what is their assessment of the Restitution of Illicit Assets Act in Switzerland; and whether they will introduce a similar measure to address the freezing and returning of assets of former Egyptian President Hosni Mubarak. [HL353]

The Parliamentary Under-Secretary of State, Home Office (Lord Taylor of Holbeach): As set out in the Minister for Crime Prevention's Written Ministerial Statement of 17 December 2012 (*Official Report*, vol. 555, col. *WS 76*), the Arab Spring Asset Recovery Task Force is conducting a review of the UK's legal framework for providing assistance to other countries seeking to repatriate stolen assets.

Embryology

Questions

Asked by ***Lord Alton of Liverpool***

To ask Her Majesty's Government what assessment they have made of the remarks of Professor Miodrag Stojkovic, reported in Nature, volume 497, no 7449, that "the most surprising thing is that somebody is still doing human somatic-cell nuclear transfer in the era of induced pluripotent stem cells"; and whether that assessment will influence future funding of work involving human embryos for cloning. [HL377]

The Parliamentary Under-Secretary of State, Department for Business, Innovation and Skills (Viscount Younger of Leckie): The Government have not made any assessment of the work described in *Nature*, nor of Professor Stojkovic's remarks.

The Medical Research Council (MRC) is funded by the Department for Business, Innovation and Skills and is one of the main agencies through which the Government support biomedical research. In order to establish which areas of stem cell research may deliver the most effective treatments for particular conditions, the MRC's strategy is to support research on all types of stem cells to determine which routes should be pursued in the development of cell-based therapies.

Human reproductive cloning is prohibited in the United Kingdom by the Human Fertilisation and Embryology Act 1990, as amended. The Government have no plans to change that position. Therapeutic cloning, to create an embryo for the derivation of stem cells for research purposes, is permitted but subject to strict controls on the creation, keeping and use of embryos for research purposes as also set out in the Human Fertilisation and Embryology Act 1990.

Asked by ***Lord Alton of Liverpool***

To ask Her Majesty's Government, further to the Written Answer by Earl Howe on 5 December 2012 (*WA 158–9*), what assessment they have made of the practicality of somatic cell nuclear transfer being used for correcting mitochondrial DNA (mtDNA) mutations and rescuing the metabolic function of pluripotent cells from existing patients with inherited mtDNA diseases; and whether any such assessment was conveyed by the Human Fertilisation and Embryology Authority in its consultation "Medical Frontiers: debating mitochondria replacement" so as to enable a lay audience to understand the relevant techniques. [HL378]

The Parliamentary Under-Secretary of State, Department of Health (Earl Howe): The Government have not made any assessment of the use of somatic cell nuclear transfer for the correction of mitochondrial DNA mutations. Such procedures would differ from the techniques, on which the Human Fertilisation and Embryology Authority (HFEA) recently consulted, for use in treatment in the United Kingdom, which would involve the replacement of all the mitochondria in an affected egg or embryo.

Similarly, the HFEA has advised that it has not carried out any such assessment, nor was it asked to do so as part of its consultation "Medical Frontiers: debating mitochondria replacement".

Asked by ***Lord Alton of Liverpool***

To ask Her Majesty's Government, in the light of the development of new technologies to create cloned human embryos, what is their assessment of the case for an international legal ban on human cloning. [HL436]

Earl Howe: The Human Fertilisation and Embryology Act 1990, as amended, prohibits the creation of embryos by cell nuclear replacement for reproductive purposes, an activity often described as human reproductive cloning. The Government have no plans to change that position and have supported initiatives to prohibit human reproductive cloning worldwide.

The 1990 Act does allow the creation of human embryos by cell nuclear replacement for research purposes, known as therapeutic cloning, subject to strict regulatory controls on their creation, keeping and use. The Government consider it important to provide scope for such research to take place, and other types of research, in order to help to increase knowledge about serious disease or other serious medical conditions and to assist in developing treatments for them. These are two of the principal purposes in the 1990 Act for which the use of human embryos in research is permitted

in the United Kingdom. For that reason, the Government could not support a comprehensive ban on human cloning that would remove the scope for such research to take place.

Energy: Oil

Question

Asked by ***Lord Oakeshott of Seagrove Bay***

To ask Her Majesty's Government which regulatory body or bodies are responsible for ensuring that companies participating in the oil markets do not abuse their market power; and how those bodies ensure that their oversight is effective. [HL339]

The Parliamentary Under-Secretary of State, Department of Energy and Climate Change (Baroness Verma): The principal laws governing the abuse of market power in the UK are the prohibitions on the abuse of a dominant position in a market in Article 102 of the Treaty on the Functioning of the European Union (which applies when trade between member states is affected) and in Chapter II of Part I of the Competition Act 1998 (which applies when trade in the UK is affected). The bodies responsible for UK enforcement of Article 102 in oil markets are the European Commission and the Office of Fair Trading; the latter is also responsible for enforcing the Chapter II prohibition.

Regulation 1/2003/EC sets out a framework for the effective, coherent and co-ordinated enforcement of the rules on competition including Article 102. The same arrangements and responsibilities apply in relation to the prohibitions of anticompetitive agreements (including cartels) in Article 101 of the Treaty on the Functioning of the European Union and in Chapter I of Part I of the Competition Act 1998.

Energy: Wind Turbines

Question

Asked by ***Lord Donoughue***

To ask Her Majesty's Government what estimate they have made of the total cost to the Government and the consumer of direct and indirect subsidies for the introduction of wind turbines into the United Kingdom's power generating system, including the cost of linking those turbines to the grid. [HL446]

The Parliamentary Under-Secretary of State, Department of Energy and Climate Change (Baroness Verma): The total cost of direct support for renewable electricity is currently determined by the level of the Renewables Obligation, the value of levy exemption certificates (LECs) and the value of total payments under the feed-in tariffs (FITS) scheme. The impact on actual energy bills depends on the total level of electricity sales, how energy suppliers pass these costs through to consumers and the amounts of electricity consumed by individual consumers.

Total support for onshore wind under the Renewables Obligation (RO) in 2011-12 (based on renewable obligation certificates issued, in £2011-12 prices) is estimated to be approximately £490 million. RO support for offshore wind in 2011-12 is estimated to be approximately £370 million. Based on the assumption that these costs are passed fully onto electricity consumers (both households and non-domestic) on an equal per MWh basis, DECC estimates the average impact of the RO on household electricity bills in 2011-12 to be around £20, around half of this is from wind.

DECC has estimates of the average costs of linking individual wind projects to the nearest substation, but has not estimated the full costs of linking turbines to the grid, as this falls under the responsibility of National Grid.

Under the Electricity Market Reform, the Renewables Obligation will be closed to new capacity from 1 April 2017 and large-scale renewable electricity will be supported through the new contracts for difference scheme, which is currently being developed.

EU: Banking

Question

Asked by ***Viscount Waverley***

To ask Her Majesty's Government what assessment they have made of whether resolution of individual eurozone member states' banking crises has been made more likely by virtue of those countries being members of the eurozone. [HL158]

The Commercial Secretary to the Treasury (Lord Deighton): Since the crisis in the euro area began, the Government have consistently stressed the need to strengthen euro area banks, and the importance of building the institutions needed to make this happen. Last June's announcement that member states using the euro would move towards a "banking union" was an important step forward. But that work is currently far from complete. Progress is still needed, along with broader actions by member states and the euro area institutions, to restore long-term confidence.

EU: Economic Partnership Agreements

Question

Asked by ***Lord Harrison***

To ask Her Majesty's Government whether European Union Economic Partnership Agreements being negotiated will provide full duty-free access to the European Union market for exports from the poorest countries. [HL355]

The Minister of State, Department for Business, Innovation and Skills & Foreign and Commonwealth Office (Lord Green of Hurstpierpoint): The European Union (EU)'s Everything But Arms scheme already grants all least developed countries (LDCs) duty-free quota-free access to the EU for all their exports, except for arms and ammunitions. Entry into this scheme is automatic and has no time limit.

The EU's Economic Partnership Agreements also provide duty-tree quota-free access to the EU for African, Caribbean and Pacific countries.

EU: Fraud

Question

Asked by ***Lord Stoddart of Swindon***

To ask Her Majesty's Government what estimate they have made of the value of fraud in the European Union; what action they intend to take to obtain a reduction in such fraud; and whether this includes proposals to repatriate the common agricultural policy to member states. [HL272]

The Commercial Secretary to the Treasury (Lord Deighton): In the annual *Fight Against Fraud on the EU's Finances* report for 2011, the Commission estimates that the financial impact of irregularities reported as fraudulent for 2011 was €404 million (£341 million)[1]. Only the Commission can compile figures for the financial impact of fraud against the EU budget, based on the information provided to it by each member state. There is no absolute picture of fraud as no distinction is made between suspected and established fraud, and figures are constantly being updated. The figure quoted by the Commission is thus merely an estimate.

The Government take fraud extremely seriously and are committed to tackling it, at both national and EU level. The Government support efforts to reduce fraud in the EU budget, including the work of the European Anti-Fraud Office (OLAF) in detecting and tackling fraud and seeking financial redress for the EU budget when it is found. The Government, however, believe that the Commission's priority and that of member states should be to reduce fraud through prevention. To that extent, the Government have been strong advocates of simplifying the various complex regulations to both help identify suspected fraud and improve financial management.

In respect of the common agricultural policy, as with all parts of the EU budget, the Government believe it is important that the principle of subsidiarity is fully respected.

[1]Conversions in this PQ from euro to sterling have been converted at the exchange rate at 30 April 2013 (€1 = £0.8443).

EU: Olive Oil

Question

Asked by ***Lord Stoddart of Swindon***

To ask Her Majesty's Government whether the European Union proposal to ban refillable olive oil containers in restaurants was agreed by a majority of member states; and what assessment they have made of the conformity of that proposal with the principle of subsidiarity. [HL411]

The Parliamentary Under-Secretary of State, Department for Environment, Food and Rural Affairs (Lord De Mauley): I can confirm that a simple majority of member states voted in favour of the European Commission's proposal. We accept that, in order to be effective, marketing standards need to operate at an EU level. The argument we made in opposing the ban on refillable olive oil containers is that the burden imposed on the industry and the lack of coherence with EU waste policies means that the measure is disproportionate, particularly given the vague, unquantified benefits ascribed to the new requirements. Regrettably, neither the Commission nor a majority of member states agreed with this view at the time. However, common sense has now prevailed; the EU Agriculture Commissioner announced on 23 May that the proposal is being withdrawn and that he will consult further on the issue before deciding next steps.

EU: Regional Development Fund

Question

Asked by ***Lord Kilclooney***

To ask Her Majesty's Government what was the total financial support from the European Regional Development Fund to the United Kingdom in each of the last three years for which figures are available. [HL244]

The Parliamentary Under-Secretary of State, Department for Business, Innovation and Skills (Viscount Younger of Leckie): ERDF support received by the UK for 2010, 2011 and 2012 was €763.6 million (£644.7 million), €681.6 million (£575.5 million) and €464.3 million (£363 million). The sterling figures are approximate based on the current monthly exchange rate of £1=IF1.1844.

EU: Taxation

Question

Asked by ***Lord Stoddart of Swindon***

To ask Her Majesty's Government whether, in the light of the implications for the United Kingdom of the operation of the European Union financial transaction tax, they will make preliminary arrangements for a referendum on the exercise of the European Union's powers in that area to be held in the event that the European Court of Justice rejects their legal challenge. [HL338]

The Commercial Secretary to the Treasury (Lord Deighton): The conditions under which the Government would hold a referendum on the exercise of the European Union's powers are set out in the European Union Act 2011[1].

On 18 April, the UK submitted an application to the European Court of Justice challenging Council Decision 2013/52/EU, authorising a financial transaction tax under enhanced co-operation. The action has been taken on legal advice in order to ensure that the UK retains access to its treaty protections as negotiations continue, and to obtain greater clarity around the limits of the enhanced co-operation procedure.

The UK will continue to contribute actively to Council discussions on the financial transaction tax. If negotiations in Council result in a final design which addresses our concerns, we will reconsider our legal challenge.

[1]http://www.legislation.gov.uk/ukpga/2011/12/contents

EU: Trade Agreements

Questions

Asked by ***Lord Harrison***

To ask Her Majesty's Government whether they plan to support the proposed extension to the exemption for Least Developed Countries from the Trade-Related Aspects of Intellectual Property Rights (TRIPS) agreement. [HL309]

The Parliamentary Under-Secretary of State, Department for Business, Innovation and Skills (Viscount Younger of Leckie): The TRIPS agreement sets out a reasonable international minimum standard of intellectual property law. However, we recognise that TRIPS is wide-ranging and not all areas will be an immediate priority for least developed countries (LDCs). We think it important that LDCs are afforded the flexibility to implement IP policies in ways that relate directly to their own national development strategies. We have therefore publicly supported the prospect of a further extension to the deadline for LDC implementation of the TRIPS agreement since 2011, and we are actively engaged in ongoing discussions on the subject at the World Trade Organisation.

Asked by ***Lord Harrison***

To ask Her Majesty's Government how many trade-restrictive measures have been adopted by the European Union since the beginning of the financial crisis. [HL310]

Viscount Younger of Leckie: The Government do not collect data on trade-restrictive measures, although a number of other organisations publish monitoring reports on this subject.

There are a number of different ways of defining trade-restrictive measures. One is the number of anti-dumping and anti-subsidy duties imposed. The following table shows the number of such measures implemented by the European Union since 2008:

	2008	*2009*	*2010*	*2011*	*2012*	*2013 to date*
Imposition of Definitive Anti-dumping and Anti-subsidy measures or price undertakings by the EU.	16	11	9	14	3	7

Source:
European Commission

Details of data collected by two other monitoring organisations, the World Trade Organisation and Global Trade Alert, can be can be found at http://www.wto.orgienglish/news_e/newsl2_e/igo_31oct12_e.htm and http://www.globaltradealertorg/site-statistics respectively.

Finance: Hire Purchase and Credit

Question

Asked by ***Lord Dykes***

To ask Her Majesty's Government whether they will re-introduce terms controls for hire purchase contracts and credit sales to control periods of excess credit expansion. [HL334]

The Commercial Secretary to the Treasury (Lord Deighton): The Government have no plans to introduce terms controls for hire purchase contracts or credit sales. The Government have established the independent Financial Policy Committee at the Bank of England with the primary objective of identifying, monitoring and taking action to remove or reduce systemic risks to the UK financial system, such as unsustainable credit expansion.

Finance: Payday Loans

Question

Asked by ***Lord Myners***

To ask Her Majesty's Government, further to the answer by Lord Popat on 12 March (*Official Report*, col. 135), in what circumstances it would be appropriate for the Financial Conduct Authority to cap the interest rates demanded by payday lenders. [HL150]

The Commercial Secretary to the Treasury (Lord Deighton): The Financial Services Act 2012 gives the Financial Conduct Authority (FCA) the power to make rules to cap the cost and duration of credit agreements, once it takes on responsibility for consumer credit regulation in April 2014.

As stated in their consultation paper, published in March, entitled *High-level Proposals for an FCA Regime for Consumer Credit*[1], the FCA will consider whether to use these powers in future. I refer to paragraph 2.13 of this document, which states: "We think there is further work that should be done to decide whether or not to use the power in future, such as the impacts of different levels of cap and the outcomes for consumers unable to access credit due to a cap. We will engage with stakeholders on this issue in the near future and, when responsibility for consumer credit transfers to us in April 2014, we will start the analysis to help us decide whether or not to use the new power".

[1] http://www.fca.org.uk/statie/fca/documents/consultation-papers/fsa-cpl3-07.pdf

G8

Question

Asked by ***Lord Harrison***

To ask Her Majesty's Government whether the removal of trade barriers facing exports from the poorest countries to the markets of developed countries will be included in the agenda for the G8 Summit in 2013. [HL305]

The Minister of State, Department for Business, Innovation and Skills & Foreign and Commonwealth Office (Lord Green of Hurstpierpoint): We expect that the G8 will discuss the importance of increasing trade in Africa and other poor regions. Most G8 members already have schemes that eliminate or reduce the barriers faced by least developed countries (LDCs). For example, France, Germany, Italy and the UK (through the EU) provide full duty-free, quota-free (DFQF) access for all LDCs; Canada, and Japan provide 99% DFQF; and the US provides significant market access under the African Growth and Opportunity Act (AGOA). Emerging economies in Asia and Latin America are increasingly important export markets for poor countries, and we will continue to press for all G20 members to meet their commitment to DFQF market access for at least 97% of products originating from LDCs.

Government Departments: Meetings

Question

Asked by ***Lord Adonis***

To ask Her Majesty's Government on what dates the Department for Business, Innovation and Skills' Small Business Economic Forum met in (1) 2010, (2) 2011, (3) 2012, and (4) 2013 to date; and what were the names of the attendees at each meeting. [HL288]

The Parliamentary Under-Secretary of State, Department for Business, Innovation and Skills (Viscount Younger of Leckie): The Small Business Economic Forum meets quarterly, and has met on the following dates since 2010:

2010: 18 October;

2011: 24 January, 4 April, 11 July, 17 October;

2012: 24 January, 25 April, 18 July, 24 October; and

2013: 24 January, 30 April.

The following businesses and membership organisations are invited to send senior level representatives to meetings:

HSBC	Asset Based Finance Association
Santander	Institute of Directors
RBS	British Bankers' Association
National Australia Bank Group	British Venture Capital Association
Lloyds Banking Group	ICAEW
Barclays	Institute of Credit Management
Buddi	Finance and Leasing Association
Social Enterprise UK	British Chambers of Commerce
Bank of England	Forum of Private Business
CBI	Federation of Small Business
ACCA	Engineering Employers Federation

A formal register of the individuals attending meetings is not maintained.

Government Departments: Secondments

Question

Asked by ***Lord Adonis***

To ask Her Majesty's Government how many people are currently on secondment to the Department for Business, Innovation and Skills from companies in the United Kingdom; and what are the names of those companies. [HL290]

The Parliamentary Under-Secretary of State, Department for Business, Innovation and Skills (Viscount Younger of Leckie): The Department for Business, Innovation and Skills currently has 12 people on secondment from the following companies: Lloyds Group, RBS, Barclays, Interconnect Communications, BDO, Black Rock, Slaughter & May, Freshfields, Lazards and Deloitte.

Government Departments: Staff

Questions

Asked by ***Lord Adonis***

To ask Her Majesty's Government how many staff were employed by the Department for Business, Innovation and Skills in May 2010 at each of the department's regional offices; and what were the addresses of each of those offices. [HL197]

The Parliamentary Under-Secretary of State, Department for Business, Innovation and Skills (Viscount Younger of Leckie): The table below shows how many staff were employed by the Department for Business, Innovation and Skills in May 2010 at each of the department's regional offices; and the address of each of those offices. To note: these figures include UKTI.

Departmental Regional Office	*Number of BIS staff*
Castle View House, East Lane, Runcorn, WA7 2GJ	14
Companies House , Crown Way, Cardiff, CF14 3UZ	73
Cannon House, 18 Priory Queensway, Birmingham City Centre, Birmingham, B4 6BS	3
Europa House, 450 Argyle Street, Glasgow, G2 8LG	45
Moorfoot, Sheffield, S1 4PQ	315
Mowden Hall, Staindrop Road, Darlington, DL3 9BG	13
Newton House, Maid Marion Way, Nottingham, NG1 6GG	13
Piccadilly Place, Manchester, M1 3BG	26
Polaris House, North Star Avenue, Swindon, SN2 1SZ	11
Queensway House, West Precinct, Billingham, Stockton-on-Tees, TS23 2NF	44
Other (includes various locations)	25

Asked by ***Lord Adonis***

To ask Her Majesty's Government how many staff directly employed by the Department for Business, Innovation and Skills were previously (1) a director of a United Kingdom company, (2) chief financial officer of a United Kingdom company, or (3) chief executive of a United Kingdom company. [HL291]

Viscount Younger of Leckie: The Department for Business, Innovation and Skills does not hold this information and it could only be obtained at disproportionate cost.

Gypsies and Travellers

Question

Asked by ***Lord Stoddart of Swindon***

To ask Her Majesty's Government whether Traveller pitches provided from public funds are self-financing, including repayment of capital employed. [HL415]

The Parliamentary Under-Secretary of State, Department for Communities and Local Government (Baroness Hanham): The standard approach to funding authorised public Traveller site provision in England is through capital grant, via the Homes and Communities Agency, to local authorities, housing associations and other delivery partners.

However, under the current Traveller pitch funding programme, the Homes and Communities Agency is working with Mendip District Council to develop a self-financing scheme that will seek to provide funding to Traveller communities to develop new authorised pitches themselves. The funding would be paid back to the local authority over an agreed period and would then be reinvested into building new or refurbishing existing Traveller pitches.

Funding for Traveller sites in Scotland, Wales and Northern Ireland is a devolved matter.

Health: Chlamydia

Question

Asked by ***Lord Patel of Bradford***

To ask Her Majesty's Government how they will ensure continuity in local chlamydia screening services following the transfer of responsibilities to local authorities; and how they will safeguard funding for chlamydia screening services by local authorities. [HL189]

The Parliamentary Under-Secretary of State, Department of Health (Earl Howe): Local authorities are best placed to determine the needs of their particular populations and, therefore, to ensure that the right services are in place to promote good sexual health. They have received a ring-fenced grant to fund their new public health responsibilities, including commissioning sexual health services (which will cover chlamydia screening).

Chlamydia diagnoses among 15 to 24 year-olds is included in the current Public Health Outcomes Framework, and the recently published *Framework for Sexual Health Improvement in England* recognises the importance of chlamydia screening for young adults. The framework also highlights recent evidence of the effectiveness of chlamydia screening through the national chlamydia screening programme, which covers young people up to the age of 25. We are therefore confident that local areas have both resources and support in place to help them to focus on bringing their chlamydia rates down.

Health: Human Papilloma Virus

Question

Asked by ***The Countess of Mar***

To ask Her Majesty's Government how many suspected adverse reaction reports to (1) Gardasil, (2) Cervarix, and (3) other Human Papilloma Virus vaccines, have been recorded under the yellow card or other schemes since August 2012. [HL119]

The Parliamentary Under-Secretary of State, Department of Health (Earl Howe): Reports of "suspected" adverse drug reactions (ADRs) are collected by the Medicines and Healthcare Products Regulatory Agency (MHRA) and the Commission for Human Medicines through the spontaneous reporting scheme, the yellow card scheme. The scheme collects suspected ADR reports from the whole of the United Kingdom in relation to all medicines and vaccines.

Between 1 August 2012 and 9 May 2013, the MHRA received a total of 873 United Kingdom spontaneous suspected ADR reports in association with the human papilloma virus (HPV) vaccine. The following table below provides a breakdown of these reports by brand.

Vaccine Brand	*Number of Reports*	*Total number of vaccine/doses given between 1 September 2012 and 31 January 2013*
Cervarix	384	Not offered routinely
Gardasil	456	721,397
HPV brand unspecified	33	n/a
Total	873	

From September 2012, Gardasil replaced Cervarix in the national HPV immunisation programme. It is important to note that yellow card reports are not proof of a side effect occurring, but only a suspicion by the reporter that the vaccine may have caused the side effect. Yellow card reports may therefore relate to true side effects of the vaccine, or they may be due to coincidental illnesses that would have occurred in the absence of vaccination.

Health: Mental Health

Question

Asked by ***Lord Patel of Bradford***

To ask Her Majesty's Government what has been the expenditure in England for the past year on (1) male suicide prevention, (2) tackling depression in men, and (3) specific mental health provision for black and minority ethnic men. [HL304]

The Parliamentary Under-Secretary of State, Department of Health (Earl Howe): The department does not collect this information centrally.

Our suicide prevention strategy *Preventing Suicide in England: a Cross-Government Outcomes Strategy to Save Lives* was published on 10 September 2012 and recognises that there are higher rates of suicide among men. We know that some people, especially men, may find it difficult to admit that they are having trouble coping. Men can often see owning up to being depressed as a sign of weakness or may feel unable to discuss their feelings. However, one of the keys to full recovery from illness is early diagnosis. Speaking to a general practitioner or a counsellor about mental illness can help understand the treatments available.

We know that prevalence of different mental health problems does vary by ethnicity. The latest *Adult Psychiatric Morbidity in England* survey highlights that the black population experiences higher rates of suicide attempts.

The Government's mental health strategy, *No Health Without Mental Health*, acknowledges the lower well-being and higher rates of mental health problems of some black and minority ethnic groups and makes clear that health promotion and mental ill-health prevention approaches must be targeted at high-risk groups.

Health: Midwives

Questions

To ask Her Majesty's Government what steps they will take to enable self-employed midwives who are not part of corporate bodies to access affordable professional indemnity insurance.[HL398]

To ask Her Majesty's Government how many independent midwives have obtained professional indemnity insurance from commercial insurers since 1 January by forming corporate bodies. [HL399]

To ask Her Majesty's Government what data they will make available to independent midwives to enable a realistic risk assessment of their practices by commercial professional indemnity insurers.[HL400]

The Parliamentary Under-Secretary of State, Department of Health (Earl Howe): It is the Government's position that registered healthcare professionals should hold insurance or indemnity as a condition of registration.

A consultation on European Union Directive 2011/24/EU of the European Parliament and of the Council on the application of patients' rights in cross-border healthcare, to require all regulated healthcare professionals to hold indemnity or insurance as a condition of their registration, concluded on 17 May. Officials are analysing responses to identify the issues in relation to self-employed independent midwives and how they may be addressed.

The Government do not routinely collect data on the number of independent midwives who hold professional indemnity insurance from commercial insurers. Responses to the consultation indicate that 71 midwives are covered or are planning to be covered by professional indemnity insurance from commercial insurers as part of a corporate body.

The Government and the National Health Service Litigation Authority, an arm's-length body of the department, do not collect or hold data that may be made available to independent midwives to enable a realistic assessment of their practices by commercial professional indemnity insurers.

Health: Multiple Sclerosis

Questions

Asked by ***Lord Walton of Detchant***

To ask Her Majesty's Government whether they propose to increase the benefits of the multiple sclerosis (MS) Risk Scheme particularly with reference to access to treatment and the availability of specialist MS nurses. [HL360]

The Parliamentary Under-Secretary of State, Department of Health (Earl Howe): There are no plans at present to renegotiate the terms of the multiple sclerosis risk-sharing scheme.

Asked by ***Lord Walton of Detchant***

To ask Her Majesty's Government how they propose to improve new treatment rates for multiple sclerosis (MS), in particular with respect to the prescription of effective MS drugs. [HL361]

Earl Howe: National Health Service commissioners are legally required to fund treatments recommended in National Institute for Health and Care Excellence technology appraisal guidance, including recommended treatments for multiple sclerosis (MS).

Under the NHS Commissioning Board and Clinical Commissioning Group (Responsibilities and Standing rules) Regulations 2012, NHS commissioners are also required to fund the four multiple sclerosis treatments covered by the MS Risk Sharing Scheme for patients meeting the published clinical criteria.

Asked by ***Lord Walton of Detchant***

To ask Her Majesty's Government whether reviews by the National Institute for Health and Clinical Excellence of clinical guidelines and the development of a quality standard for multiple sclerosis (MS) are in progress; and whether those are expected to improve MS diagnosis and treatment. [HL362]

Earl Howe: The National Institute for Health and Care Excellence (NICE) is currently updating its clinical guideline on the management of multiple sclerosis in primary and secondary care, which will provide updated best practice about diagnosis, assessment, management and treatment of multiple sclerosis. The updated clinical guideline is currently scheduled for publication in July 2014.

Multiple sclerosis is one of the topics in the core library of quality standards referred to NICE. We understand from NICE that this topic has not yet been scheduled into its work programme as development of the quality standard is dependent on the publication of the corresponding clinical guideline from which it will be derived.

Health: Trans People

Questions

Asked by ***Baroness Gould of Potternewton***

To ask Her Majesty's Government how they will monitor and ensure delivery of consistent standards of care for trans people across all services provided by the National Health Service. [HL294]

The Parliamentary Under-Secretary of State, Department of Health (Earl Howe): Professor Steve Field, the deputy national medical director with responsibility for addressing health inequalities, is about to embark on a national review of gender identity-specialised commissioning. He is chairing a stakeholder event on 18 June. Part of the review will include the question of how NHS England will monitor and ensure consistent standards of care for trans patients across England in the future.

Asked by ***Baroness Gould of Potternewton***

To ask Her Majesty's Government, in the light of recent allegations of abuse of trans people by medical staff, collected under the Twitter hashtag #transdocfail, what steps they are taking to ensure that such abuse will not occur in the future. [HL295]

Earl Howe: The Equality Act 2010 makes it unlawful for a person providing NHS services to discriminate on grounds of gender, race, disability, age, sexual orientation, religion, belief, gender reassignment, pregnancy and maternity or marital or civil partnership status. Any kind of abuse of a patient is unacceptable and NHS England and all the services within the National Health Service undertake to safeguard patients from abuse.

The NHS Constitution for England establishes the principles and values of the NHS in England. The NHS Constitution is enshrined in law and sets out rights to which patients, public and staff are entitled, and pledges which the NHS is committed to achieve, together with responsibilities which the public, patients and staff owe to one another to ensure that the NHS operates fairly and effectively.

The NHS Constitution states that respect, dignity, compassion and care should be at the core of how patients are treated, in accordance with their human rights. Furthermore, all staff, "have a duty not to discriminate against patients or staff and to adhere to equal opportunities and equality and human rights legislation". In addition, staff should aim, "to maintain the highest standards of care and service, treating every individual with compassion, dignity and respect".

NHS England and clinical commissioning groups have a duty to promote the NHS Constitution. We are aware that the General Medical Council is currently investigating a number of complaints regarding the medical treatment of transgendered patients. We expect all cases of malpractice to be fully investigated by the provider organisation.

Asked by ***Baroness Gould of Potternewton***

To ask Her Majesty's Government what are the lines of responsibility and accountability within both the Government and the National Health Service for the provision of healthcare to trans people, including areas that are not specifically related to treatment of gender dysphoria; and how those responsibilities relate to the Secretary of State for Health's responsibilities as described in Sections 1, 1A and 1C of the National Health Service Act 2006, as amended by the Health and Social Care Act 2012. [HL429]

Earl Howe: The Government are committed to ensuring that NHS services meet the needs of all patients and communities, irrespective of their background or circumstances.

The Equality Act 2010 offers protection to nine characteristics, including gender reassignment (trans). At the heart of the Equality Act are provisions to outlaw direct and indirect discrimination, harassment and victimisation with regard to the nine protected characteristics. This is also referred to as the public sector equality duty and it applies to most public authorities, including clinical commissioning groups (CCGs) and bodies exercising public functions, such as private healthcare providers.

As a public sector organisation, the National Health Service must have due regard to the public sector equality duty in commissioning and delivering services to all people who share protected characteristics, including gender reassignment.

Under the Health and Social Care Act 2012, the Secretary of State for Health and CCGs both have a duty to improve the quality of healthcare services for patients and to have regard to the need to reduce health inequalities in access to health services and the outcomes achieved. NHS England also has a duty to have regard to the need to reduce inequalities in access to health services and the outcomes achieved.

Higher Education: Grants

Question

Asked by ***Baroness Sharp of Guildford***

To ask Her Majesty's Government (1) how many, and (2) what proportion, of full-time undergraduates in receipt of (a) full maintenance support grants, and (b) partial maintenance support grants, are classed as independent eligible students by the Student Loans Company for each year since 2011, broken down by age. [HL326]

Lord Newby: A table showing the number and percentage of independent full-time applicants domiciled in England, by age, who have been awarded maintenance or special support grants has been placed in the Library. The figures reflect the position for academic year 2011-12, the latest year for which final figures are available.

Figures on student support awards were published in the statistical first release, *Student Support for Higher Education in England 2012/13* on 29 November 2012. http://www.slc.co.uk/statistics/national-statistics/newnationalstatistics 1.aspx

Higher Education: Universities

Question

Asked by ***Lord Laird***

To ask Her Majesty's Government what control they have over the running of universities located in Scotland, Wales and Northern Ireland. [HL207]

Lord Newby: Responsibility for higher education in relation to Scotland, Wales and Northern Ireland is devolved to the Scottish Government, the Welsh Government and the Department for Education and Learning Northern Ireland (DELNI) respectively.

House of Lords: Offices

Question

Asked by ***Lord Storey***

To ask the Chairman of Committees, further to his Written Answer on 22 April (*WA 382*), to which group, individual or office Room 13 on the second floor, West Front, has been allocated. [HL467]

The Chairman of Committees (Lord Sewel): That room has been allocated to the Labour Party, and the use of that room is therefore a matter for the Labour Accommodation Whip. For security reasons, the House does not disclose publicly to whom particular rooms are allocated on the parliamentary estate.

Housing

Questions

Asked by ***Lord Alton of Liverpool***

To ask Her Majesty's Government which sites and what volume of land will be released for self-build projects in the United Kingdom; and how local authorities and local community groups will be assisted to make other sites available for self-build projects. [HL381]

The Parliamentary Under-Secretary of State, Department for Communities and Local Government (Baroness Hanham): The National Planning Policy Framework asks local planning authorities for the first time to assess local demand from people who wish to build or commission their own homes, and plan to meet that need.

To support the development of the sector, the Homes and Communities Agency has already identified eight sites where multi-unit self/custom-build housing will specifically be included as part of the Government's surplus public sector land disposals programme: Pleasley Coliery, Bolsover (1.12 hectares); Upper Tuesley, Milford, Surrey (12.8 hectares); Chase Avenue, Milton Keynes (0.65 hectares); Wilson Road, Hanford (1.3 hectares); Kingsweir and Torpoint (2.56 hectares); Trevenson Park South, Pool (4 hectares); Can Lodge Farm, Doncaster (59 hectares); and Spencer's Park, Hemel Hempstead (12.4 hectares). All site sizes are approximate.

The approach and amount of self/custom-build housing on each site will take account of site constraints and local demand. Some of the sites form part of a wider residential development opportunity which is being brought to the market.

The National Self Build Association has published *Planning for Custom Build Housing: A Practice Guide*, which offers helpful advice to local authorities, housing associations, developers, self-build community groups and individuals on the ways they can facilitate self- and custom-build development and make it easier for people to build their own homes. A further National Self Build Association guide, *How the Public Sector Can Help People Build Their Own Homes: A Practice Guide*, explains how public sector organisations can facilitate self/custom build housing.

The Government are keen to support communities that want to take forward their own housing development. To do that, we have put in place a package of funding and support, including: £30 million Custom Build Homes investment fund for group self-build projects; £14 million to help communities take proposals through planning via a community right to build order or a planning application; and Locality has been appointed to provide advice and help to groups that want to access community rights, including the community right to build.

Applications for funding outside London are administered by the Homes and Communities Agency. Separate funding arrangements are available for London and are administered by the Greater London Authority.

Asked by ***Lord Alton of Liverpool***

To ask Her Majesty's Government what is the annual estimated value of self-build to the United Kingdom economy; what is the current volume of construction in the self-build sector; and what strategies they are putting in place to improve access to funding for self-build housing projects. [HL382]

Baroness Hanham: Estimates by AMA Research (*Self-Build Housing Market UK 2009-2013*) have suggested that the self/custom-build industry is worth approximately £3.6 billion per year to the national economy.

The Government do not regularly monitor self/custom-build completions. However, the latest industry figures from Homebuilding & Renovating market research estimate that the total number of such homes completed in the UK between 1 April 2012 and March 2013 was 10,940.

The Government are keen to see this number increase. We are continuing to engage proactively with the finance sector to stimulate more lending into the market. Lloyds Banking Group recently launched a report into the sector and announced that it will be making self-build mortgage products more accessible. The Datamonitor website (www.datamonitor.com) suggests gross self-build lending may more than double by 2015.

The Government have also launched a £30 million Custom Build Homes investment fund for group build projects, and made available £14 million support funding to March 2015 to help local community groups develop a community right to build order or a planning application. Applications for funding outside London are administered by the Homes and Communities Agency. Separate funding arrangements apply for London, which are administered by the Greater London Authority.

We have also been consulting on proposals to exempt self-build from the community infrastructure levy; this reflects the fact that self-build homes have far less impact on infrastructure, whereas larger developments are likely to have more of an impact on an area from the cumulative effect of their building.

Housing: Mortgages

Questions

Asked by ***Lord Myners***

To ask Her Majesty's Government whether their proposed plans to support mortgage lending applicable to existing housing stock will cover the purchase of second homes by married couples. [HL153]

The Commercial Secretary to the Treasury (Lord Deighton): The Government are clear that the intention of the Help to Buy scheme is to help households who, due to the constrained availability of high loan-to-value mortgages in the wake of the financial crisis, are unable to get on to the housing ladder or are trapped in homes unsuited to their aspirations and needs.

Help to Buy consists of two schemes: the Help to Buy equity loan scheme, which began on 1 April 2013; and the Help to Buy mortgage guarantee scheme, which is due to launch in January 2014. At Budget, the Government set out an outline for the mortgage guarantee scheme and will be working with industry in the coming months to determine the details of the scheme, including how this intention is best fulfilled.

Second homes will not be eligible for the Help to Buy equity loan scheme. Equity loans will only be available to support the purchaser's only and main residence. The equity loan builds on the existing FirstBuy scheme. The Help to Buy mortgage guarantee scheme is a new scheme and details, including the eligibility requirements, are still being discussed with industry.

Asked by ***Lord Myners***

To ask Her Majesty's Government whether they have reviewed the impact on house prices of their new mortgage proposals. [HL154]

Lord Deighton: I refer the noble Lord to the Answer given to his previous Question on 10 April 2013 (*Official Report*, col. *WA 312*).

Human Trafficking

Questions

Asked by ***Baroness Doocey***

To ask Her Majesty's Government how many of the children referred by the UK Border Agency or Border Force in 2012 to the National Referral Mechanism for Victims of Trafficking first arrived in the United Kingdom through (1) the port of Folkestone, and (2) the port of Dover. [HL265]

The Parliamentary Under-Secretary of State, Home Office (Lord Taylor of Holbeach): There were 98 potential child-trafficking cases referred to the national referral mechanism for victims of trafficking by Border Force and the UK Border Agency in 2012.

Folkestone itself has no seaport.

With regard to the Channel Tunnel operation at Folkestone/Cheriton and the port of Dover, it is not possible to provide the information requested as information on the individual's initial point of entry into the UK was not collated centrally during the period in question. The Home Office is working to ensure that this information is collected going forward but the cost of providing this information for 2012, which would require detailed interrogation of 98 individual case files, would involve disproportionate cost.

Asked by ***Baroness Doocey***

To ask Her Majesty's Government when was the last meeting of the UK Border Force with French authorities to discuss the trafficking of children into and out of the United Kingdom through the Channel Tunnel. [HL267]

Lord Taylor of Holbeach: Border Force regularly meets with the French border control authorities, at various levels of management, to discuss matters of border security, including child trafficking issues. Most recently, the Border Force Director for South East and Europe met on 16 May 2013 with the Préfet of the Pas-de-Calais Département, senior members of the Police aux Frontières (PAF) and the Chief Constable of Kent to discuss current cross-border crime issues and opportunities for enhanced collaborative working.

Asked by ***Baroness Doocey***

To ask Her Majesty's Government how many coach companies arriving in or departing from the United Kingdom at Victoria coach station have provided information to the Inter-Departmental Ministerial Group on Human Trafficking. [HL268]

Lord Taylor of Holbeach: No coach companies arriving or departing from the UK at Victoria coach station have provided information to the Inter-Departmental Ministerial Group on Human Trafficking and modern slavery.

However, as part of its oversight and co-ordination functions, the group regularly receives information from the police and other law enforcement agencies on the methods, routes and means by which traffickers seek to transport potential victims into and out of the UK.

Asked by ***Baroness Doocey***

To ask Her Majesty's Government what assessment they have made of Operation Newbridge, an initiative for detecting potentially trafficked children at Gatwick airport; and whether there are plans to extend that model to other United Kingdom ports. [HL269]

Lord Taylor of Holbeach: Child trafficking is an abhorrent form of child abuse and the Government are committed to combating this crime in all its forms.

The Government's human trafficking strategy, which includes a specific focus on children, makes a commitment to work with partners and to build on the success of child safeguarding approaches such as Operation Newbridge.

Work is ongoing to understand the key success factors of such multiagency approaches at the border, which includes an examination of the Operation Newbridge model to ensure that potentially trafficked children are identified and protected at our ports. Meetings have taken place between partners including the Home Office, the Child Exploitation and Online Protection Centre, the UK Human Trafficking Centre and the Association of Chief Police Officers, to review the model and consider how established good practice can be developed and delivered more widely.

Asked by ***Baroness Doocey***

To ask Her Majesty's Government what assessment they have made of Operation Golf, a joint investigation between the Metropolitan Police, Europol, and Romanian authorities; and whether there are similar operations with Bulgarian authorities. [HL270]

Lord Taylor of Holbeach: Operation Golf was a successful joint investigation team (JIT) led by the Metropolitan Police Service in partnership with the Romanian police authorities, and was the first ever in the EU focusing on child trafficking. There has been no formal assessment of the operation. However, its operational outcome was significant. In the UK, it led to over 90 convictions of organised crime gang members. In Romania, it led to the conviction of 18 senior organised crime gang members. Extensive efforts were made to safeguard 181 victims.

A similar joint investigation team, Operation Inspector, has operated with Bulgarian authorities and the Metropolitan Police Service. This focused on identifying females and teenage girls from the Bulgarian Roma community who were engaged in pickpocketing offences across London. This ran from 2010 to 2012. The operation was responsible for convicting more 60 individuals connected to organised crime gangs and was also responsible for recovering a number of teenage girls believed to be the victims of human trafficking.

Asked by ***Baroness Doocey***

To ask Her Majesty's Government what facilities exist at the ports of Folkestone and Dover to provide a place of safety for children who may be victims of trafficking; and which agency is primarily responsible for children's safeguarding at those ports. [HL282]

Lord Taylor of Holbeach: During daytime hours, all child potential victims of trafficking found at either Dover Port or the Channel Tunnel site are taken to the Border Force holding facility located within the Port of Dover. This facility is operated by our security contractor Tascor. Children are cared for here pending handover to the competent authority; that is, social services staff.

For the Channel Tunnel, operating at Folkestone/Cheriton, children found during the night are taken to Folkestone police station.

At the point of detection, Border Force is responsible for safeguarding children until such time as they are handed over to the competent authority.

Asked by ***Baroness Doocey***

To ask Her Majesty's Government, further to the Written Answer by Lord Taylor of Holbeach on 22 April (*WA 284-5*), why the UK Border Force confidential telephone number for reporting human trafficking concerns has been made available to only two airlines; and whether they have plans to extend those services to other international transport carriers working to combat human trafficking. [HL283]

Lord Taylor of Holbeach: The reporting line can be made available to any carrier that requests access. However, it is important that airline staff are properly trained to ensure high-quality referrals. To date, two airlines have delivered the tailored training that is available and we are continuing to encourage sign-up from the wider sector.

Asked by ***Baroness Doocey***

To ask Her Majesty's Government what assessment they have made of the cost of providing specialist care and additional safeguards in the accommodation for child victims of trafficking. [HL512]

The Parliamentary Under-Secretary of State for Schools (Lord Nash): Local authorities receive significant funding to support the well-being of children in their areas. They are responsible for commissioning appropriate services and monitoring the cost and quality of these services. Local authorities have arrangements in place to ensure that all children in need, including those that may have been trafficked, are assessed and receive appropriate support. Where children are alone or at risk of significant harm, they will come into the care system and be entitled to the full range of support that all looked-after children receive. These children are allocated a social worker who will assess their needs, including for specialist care and support, and draw up a care plan which sets out how the authority intends to respond to the full range of the child's needs.

Immigration

Question

Asked by ***Lord Laird***

To ask Her Majesty's Government what checks are performed when European Union nationals bring spouses and families without a European Union nationality into the United Kingdom; whether any minimum income is required for such individuals; how many such spouses and family members entered the United Kingdom in each of the last three years; and how the restrictions applying to such spouses and families compare to those applying to the foreign spouses and family members of United Kingdom nationals. [HL421]

The Parliamentary Under-Secretary of State, Home Office (Lord Taylor of Holbeach): The rights of European Union nationals to live and work in other member states, and to be accompanied by their family members who do not hold European Union nationality, are set out in the Free Movement Directive (2004/38/EC).

Under the Immigration (European Economic Area) Regulations 2006, which implement the Free Movement Directive, the European Economic Area (EEA) family permit regime allows EU nationals to bring their non-EU family members to the UK.

Applicants for an EEA family permit are checked against criminality and immigration databases and must submit proof of identity and nationality, proof that their family member is an EU national, and proof of a qualifying family relationship. There is no minimum income requirement but non-EU family members can remain in the UK for longer than three months only if their EU relative is exercising treaty rights in the UK, as a worker, jobseeker, student, self-employed or self-sufficient person, and both the EU national and their family member meet the other qualifying criteria.

An EEA family permit, instead of a visa, is required whenever a non-EU national wishes to accompany their EU national spouse, parent or other family member to the UK, including for holidays, family visits and business trips. The Home Office issued 20,746 EEA family permits in 2010, 19,885 in 2011 and 19,242 in 2012.

The Free Movement Directive does not cover the rights of EU citizens living in their country of nationality, so it does not apply to British citizens living in the UK, who must meet the requirements of the Immigration Rules, including the minimum income threshold of £18,600, to sponsor a non-EEA national spouse to settle here.

Immigration: Interpreters

Question

Asked by ***Lord Avebury***

To ask Her Majesty's Government how many hearings of the second tier immigration tribunal have been cancelled on the grounds that (1) interpreters failed to attend, or (2) interpreters attending did not speak the correct language, since Applied Language Solutions began operating as the Ministry of Justice's sole contractor for language services in February 2012. [HL71]

The Minister of State, Ministry of Justice (Lord McNally): Statistics published by the Ministry of Justice in March covering the first year of the language services contract break down requests by tribunal type. Tables 5 and 6 cover data from both the first tier tribunal and Upper Tier Tribunal of the Immigration and Asylum Tribunal, and contains information on bookings which were cancelled and the bookings where an interpreter did not attend. The data are available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/177042/statistical-tables-jan12-jan13.xls.

These show that there has been a dramatic improvement in the interpreter contract since the start of last year, with the vast majority of bookings now being completed and a major reduction in complaints. Our changes saved taxpayers £15 million this year.

Hearings where an interpreter does not attend may exceptionally continue with the hearing to consider any "error of law" issues which can be dealt with in the absence of an interpreter. A failure to attend may not lead necessarily to a cancellation.

There is no specific complaint type for staff to select if an interpreter speaks the wrong language. The tribunal will specify the language required and the booking will be offered only to interpreters who have the appropriate qualifications to allow them to interpret in that language. Occasionally, staff may not be given the correct information on the dialect spoken by the individual and a hearing may have to be adjourned. These instances are rare and are not recorded separately for statistical purposes.

Iraq: Camp Ashraf and Camp Liberty

Question

Asked by ***Lord Avebury***

To ask Her Majesty's Government what assessment they have made of the United Nations High Commissioner for Refugees' ability to determine the status of the residents in Camp Liberty and Camp Ashraf with a view to readmission to the United Kingdom; what reasons they have been given for any delay in that process; what assessment they have made of the viability of moving residents safely to another country; and how that compares to the current safety of the residents of those camps. [HL281]

Lord Newby: We understand that the UN High Commissioner for Refugees is making progress on determining the status of residents at Camp Liberty. Up to 52 cases could then be considered, on an exceptional basis, for possible readmission to the UK as refugees. We cannot judge the outcome or duration of this process. We have not made an assessment on the viability of moving residents safely to another country, but call on the Government of Iraq to ensure the current safety of residents at Camp Liberty. We welcome the recent announcement of the resettlement of 14 residents to Albania.

Israel

Question

Asked by ***Lord Hylton***

To ask Her Majesty's Government what representations they have made to the Government of Israel about the reopening of Shaheda Street in Hebron to all peaceful users. [HL385]

The Senior Minister of State, Department for Communities and Local Government & Foreign and Commonwealth Office (Baroness Warsi): Our officials at our embassy in Tel Aviv have raised our wider concerns regarding Hebron and access with the Co-ordinator of Government Activities in the Territories (COGAT). We continue to call on Israel to ease such restrictions on access, working closely with EU partners and the Office of the Quartet Representative. Through our embassy in Tel Aviv, we have lobbied the appropriate authorities on the issue of movement and access relating to the Occupied Palestinian Territories.

Israel and Palestine

Questions

Asked by ***Baroness Tonge***

To ask Her Majesty's Government what assessment they have made of the legality of trading with settlements in the Occupied Territories. [HL235]

Lord Newby: As the noble Baroness will know, I am not able to comment on legal advice to Ministers. The issue of settlement produce is a subject of active discussion with the European Commission and our EU partners. We continue to work together to take forward the commitment made by EU Foreign Ministers at the meeting of the EU Foreign Affairs Council on 10 December 2012 to fully and effectively implement existing EU legislation and the bilateral arrangements applicable to settlement products.

This ongoing work includes measures to ensure that settlement produce does not enter the EU duty-free, under the EU-Israel Association Agreement, and steps to ensure that EU-wide guidelines are issued to make sure that settlement products are not incorrectly labelled as Israeli produce, in violation of EU consumer protection regulations. As part of this, in April the Secretary of State for Foreign and Commonwealth Affairs, my right honourable Friend the Member for Richmond (Yorks) (Mr Hague), wrote to relevant UK ministries and enforcement bodies underlining the importance of correctly applying the law with respect to the labelling of products originating beyond Israel's pre-1967 borders. The Foreign Secretary, together with like-minded EU member states, has also written to the EU High Representative for Foreign Affairs and Security Policy, Baroness Catherine Ashton, to welcome her commitment to work with fellow EU Commissioners to prepare EU-wide guidelines on the labelling of settlement produce. There are, however, currently no plans for EU or domestic legislation to ban the import of settlement products.

It is the Government's long-standing view that settlements are illegal under international law. We repeatedly call on Israel to abide by its obligations under international law and regularly raise our profound concerns about Israel's settlement policy. We will continue to press the Israeli Government to cease all settlement activity.

Asked by ***Baroness Tonge***

To ask Her Majesty's Government what assessment they have made of the impact of Palestine's membership and use of the International Criminal Court on any future Israeli aggression. [HL236]

Lord Newby: As the Secretary of State for Foreign and Commonwealth Affairs, my right honourable friend the Member for Richmond (Yorks) (Mr Hague), made clear in a Statement on 28 November (*Official Report*, col. 227), our country is a strong supporter of international justice and the International Criminal Court (ICC). We are committed to seeing international law respected everywhere, including in the Occupied Palestinian Territories.

We believe that Israel has legal obligations as an occupying power with respect to the Occupied Palestinian Territories under applicable international law, including the Fourth Geneva Convention. We have a regular dialogue with the Government of Israel about the implementation of those obligations and raise our serious concerns regarding issues of Israeli settlements, demolitions of Palestinian property and the severe restrictions on movement and access to and from Gaza.

We would ultimately like to see a Palestinian state represented throughout all the organs of the UN. However, we judge that if the Palestinians were to build on the recent UN General Assembly resolution by pursuing ICC jurisdiction over the Occupied Territories at this stage, it could make a return to negotiations impossible. This is extremely important given that we see 2013 as a crucial year for the Middle East peace process if progress is to be made before the window for a two-state solution closes completely.

Israel and Palestine: West Bank

Question

Asked by ***Baroness Tonge***

To ask Her Majesty's Government what representations they have made to the Government of Israel following reports of Israeli authorities cutting off the water supply of 10 villages north-west of Jerusalem on 1 April. [HL239]

Lord Newby: We are looking into these specific reports. The UK regularly raises issues of water in the Occupied Palestinian Territories with the Israeli authorities, including stressing the urgent need for Israel to take immediate and practical measures to improve the current unacceptable situation and ensure fair distribution of water in the West Bank.

Legal Aid

Questions

Asked by ***Baroness Doocey***

To ask Her Majesty's Government whether under their proposed residence test as described in the transforming legal aid consultation child victims of trafficking will be able to access civil legal aid if they have entered the country on false passports under the influence of traffickers. [HL285]

To ask Her Majesty's Government whether under their proposed residence test as described in the transforming legal aid consultation child victims of trafficking will be able to access civil legal aid if they have been in the country for less than 12 months. [HL286]

The Minister of State, Ministry of Justice (Lord McNally): The consultation paper *Transforming Legal Aid: Delivering a More Credible and Efficient System* contains proposals aimed at reducing the cost of legal aid and boosting public confidence in the system, including through targeting limited public funds at those who have a

strong connection to the UK. Under our proposals, applicants for civil legal aid would have to satisfy a residence test in order to be eligible for civil legal aid.

We are currently consulting on this proposal and we are keen to hear views on the potential impacts of our proposed approach before we reach our final decision.

Lithuania

Question

Asked by ***Lord Laird***

To ask Her Majesty's Government, further to the Written Answer by Baroness Warsi on 25 February (*WA 246*), whether they will review conditions in Lukiskes prison, Lithuania. [HL261]

Lord Newby: The Government have no plans at this time to review conditions in Lukiskes prison, Lithuania. The Council of Europe Committee for the Prevention of Torture conducted a visit there in November 2012 and we await the publication of its report.

Luxembourg Compromise

Question

Asked by ***Lord Jopling***

To ask Her Majesty's Government, further to the Written Answer by Lord Newby on 10 April (*WA 316*), whether they will now answer the question with regard to the Luxembourg Compromise. [HL287]

The Commercial Secretary to the Treasury (Lord Deighton): I refer the noble Lord to the Written Answer given by Lord Newby on 10 April (*WA 316*). The Government have always led the case for a competitive and stable UK financial services sector, and the prosperity of the City is in the interests of the UK and the EU. The Government will use the relevant negotiating and legal framework to protect the interests of the UK financial services sector.

Migrant Domestic Workers

Questions

Asked by ***Lord Hylton***

To ask Her Majesty's Government whether they will ratify the International Labour Organisation Convention Concerning Decent Work for Domestic Workers. [HL389]

The Parliamentary Under-Secretary of State, Department for Business, Innovation and Skills (Viscount Younger of Leckie): This Government do not intend to ratify the International Labour Organisation Convention concerning Decent Work for Domestic Workers. A copy of convention 189 and recommendation 201 on decent work for domestic workers was laid in Parliament on 27 April 2012 as command paper 8338. The explanatory memorandum laid alongside this command paper sets out the UK position on this matter.

While we are in favour of the principles behind the convention, provisions within it would require the extension of criminal health and safety law in the UK to private households employing domestic workers. This is neither proportionate nor practical.

Asked by ***Lord Hylton***

To ask Her Majesty's Government whether they treat foreign domestic workers forced to work excessive hours for less than the minimum wage, or not paid in cash, as persons trafficked by deception. [HL461]

The Parliamentary Under-Secretary of State, Home Office (Lord Taylor of Holbeach): Low wages and poor working conditions alone are unlikely to equate to human trafficking. However, each case is considered on its individual merits.

An adult is considered to be trafficked when they are coerced or deceived into a situation where they are exploited. Exploitation in a trafficking for forced labour context is assessed against internationally accepted criteria and requires the work to be exacted under the menace of any penalty and performed against the will of the person concerned.

Migration Advisory Committee

Question

Asked by ***Lord Laird***

To ask Her Majesty's Government, further to the Written Answer by Earl Howe on 28 January (*WA 292-3*), what categories of doctors are currently on the Migration Advisory Committee's shortage occupation list for whom visas can be issued; and whether, in the light of the relative number of United Kingdom-based and foreign-based doctors registering over the last three years, they will take steps to increase the numbers of students being enrolled and trained in United Kingdom medical schools. [HL210]

The Parliamentary Under-Secretary of State, Department of Health (Earl Howe): The new shortage occupation list was effective from April 6. The list includes consultants within the following specialities:

emergency medicine;

haematology; and

old-age psychiatry.

In addition, non-consultant, non-training, medical staff posts are also included in the following specialities:

anaesthetics;

general medicine specialities delivering acute care services: intensive care medicine, general internal medicine (acute), and emergency medicine (including specialist doctors working in accident and emergency);

rehabilitation medicine; and

psychiatry.

The Health and Education National Strategic Exchange (commissioned by the Department and the Higher Education Funding Council for England) undertook a review of medical and dental student intakes in 2012. This was informed by a dynamic model of workforce supply and demand supplied by the Centre for Workforce Intelligence (CfWI). The CfWI analysis indicated a likely oversupply in the medical workforce in the future, with the possible consequence of unemployed doctors.

The Health and Education National Strategic Exchange recommended a 2% reduction in the numbers entering medical schools and also recommended that a further review be undertaken to inform 2015 intakes. These recommendations were accepted by Ministers. The further review will take place in 2014 and be led by Health Education England.

Any changes made to medical school student intakes take a long time to feed through to the number of doctors in practice. For example, any changes made this year would not have an impact on the consultant workforce until 2021.

Overseas Conflict: Sexual Violence

Questions

Asked by ***Baroness Coussins***

To ask Her Majesty's Government what is the timetable for implementing Article 7 of the G8 Declaration on Preventing Sexual Violence in Conflict during and beyond the United Kingdom's presidency of the G8. [HL357]

Lord Newby: We were pleased to secure strong language in the G8 declaration on the important role of women human rights defenders in tackling sexual violence in conflict.

In support of this, at the launch of the declaration, the Secretary of State for Foreign and Commonwealth Affairs, my right honourable friend the Member for Richmond (Yorks) (Mr Hague), announced new Foreign and Commonwealth Office funding of £5 million over three years to support grassroots and human rights projects working on sexual violence.

We are determined to implement and build on the G8 declaration as quickly as possible and work is already underway on this. We are developing an implementation plan and timetable for commitments in the declaration and beyond in consultation with other government departments, the UN and non-governmental organisations. This includes identifying roles for G8 partners with a view to the review of the declaration under the German G8 presidency in 2015. We will draw on existing EU guidelines and country-level working groups, which have been specifically developed to protect human rights defenders, throughout the planning and implementation process.

Asked by ***Baroness Coussins***

To ask Her Majesty's Government what mechanisms will be put in place to monitor the implementation of Article 7 of the G8 Declaration on Preventing Sexual Violence in Conflict. [HL358]

Lord Newby: We were pleased to secure strong language in the G8 declaration on the important role of women human rights defenders in tackling sexual violence in conflict.

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Passports

Questions

Asked by ***Lord Laird***

To ask Her Majesty's Government how many passports were issued by their embassy in Dublin in each of the past 10 years. [HL448]

The Parliamentary Under-Secretary of State, Home Office (Lord Taylor of Holbeach): The Foreign and Commonwealth Office (FCO) has issued the following quantity of passports from the Dublin embassy over the past 10 years:

Data Source: OPMU - FCO

Dublin	
2001-02	7,657
2002-03	9,142
2003-04	10,024
2004-05	10,893
2005-06	5,306
2006-07	8,132
2007-08	9,199
2008-09	9,145
2009-10	8,990
2010-11	9,209
2011-12	8,349
2012-13	8,849

In January 2014 Her Majesty's Passport Office will take over responsibility for processing applications that are currently dealt with by the embassy in Dublin.

Asked by ***Lord Laird***

To ask Her Majesty's Government how many passports were issued by the Passport Office in Belfast in each of the past 10 years. [HL449]

Lord Taylor of Holbeach: Her Majesty's Passport Office in Belfast has issued the following quantity of passports over the past 10 years:

Year	Issuing Office Belfast
2003	234,538
2004	297,362
2005	361,902
2006	356,001
2007	380,033
2008	347,582
2009	378,537
2010	363,769
2011	436,162
2012	428,114
Grand Total	3,584,000

Prisoners: Treatment and Rehabilitation

Question

Asked by ***Lord Beecham***

To ask Her Majesty's Government how many prisoners and young offenders were transferred in 2012 to establishments unable to offer the treatment or rehabilitative courses for which they had been recommended; and what proportion of the total numbers transferred that represents. [HL162]

The Minister of State, Ministry of Justice (Lord McNally): This information is not held centrally in any single department within the National Offender Management Service. An attempt to collate the range of information necessary would require cross-examination of thousands of individual sentence plans at establishment level about which programmes are commissioned for local delivery, nationally held information about the reasons for the transfer of named individuals between prisons and consideration of waiting lists in receiving establishments. This information could only be determined at disproportionate cost.

Public Sector: Pay

Question

Asked by ***Lord Myners***

To ask Her Majesty's Government whether total public sector pay is rising at a faster rate than total private sector pay; and if so, why. [HL216]

The Commercial Secretary to the Treasury (Lord Deighton): I refer the noble Lord to the Answer given on 25 April 2013 (*Official Report*, col. col. *WA 461*).

School Standards and Framework Act 1998

Question

Asked by ***Lord Laird***

To ask Her Majesty's Government what assessment they have made of whether section 60 of the School Standards and Framework Act 1998 is consistent with European Union Council Directive 2000/78/EC of 27 November 2000 which established a general framework for equal treatment in employment and occupation; whether they have been in communication with the European Union on the matter; and whether they plan to amend that Act. [HL260]

The Parliamentary Under-Secretary of State for Schools (Lord Nash): The European Commission recently invited the Government to submit observations on the compatibility of Section 60 of the School Standards and Framework Act 1998 and the European Union Council Directive 2000/78/EC. The Government consider that Section 60 of the School Standards and Framework Act is compatible with the directive. As a consequence, there are no plans to amend the School Standards and Framework Act.

Smoking

Questions

Asked by ***Baroness Masham of Ilton***

To ask Her Majesty's Government what action they are taking to encourage providers and commissioners of smoking cessation services to monitor and improve (1) 4-week, (2) 12-week, and (3) 52-week quit rates. [HL176]

To ask Her Majesty's Government what steps they are taking to ensure providers of smoking cessation services adhere to existing National Institute for Health and Clinical Excellence guidance.[HL177]

The Parliamentary Under-Secretary of State, Department of Health (Earl Howe): Public Health England will continue to publish the *Local Stop Smoking Service Delivery and Monitoring Guidance*. The next review of this is due for publication by the end of 2013. This guidance is developed in partnership with National Institute for Health and Clinical Excellence and other expert organisations and sets the standard for delivery expected of all stop-smoking services, which include the monitoring and delivery of outcomes at four, 12 and 52 weeks.

Asked by ***Baroness Masham of Ilton***

To ask Her Majesty's Government what steps they are taking to introduce outcome measures on (1) smoking status, and (2) smoking cessation. [HL179]

Earl Howe: Outcome measures on smoking status are set within, *Improving Outcomes and Supporting Transparency: A Public Health Outcomes Framework for England 2013-2016*. These are:

indicator 2.3: smoking status at time of delivery;

indicator 2.9: smoking prevalence—15 year olds (Placeholder); and

indicator 2.14: smoking prevalence—adults (over 18s).

A range of outcome measures for smoking cessation are available to commissioners of these services, such as: success at four weeks, 12 weeks and beyond; percentage of four-week outcomes that are biometrically validated with a carbon monoxide reading; and level of engagement

with those populations where smoking prevalence is particularly high. We are not considering adding to these outcomes at this stage.

Asked by ***Baroness Masham of Ilton***

To ask Her Majesty's Government what assessment they have made of the role of smoking cessation in the delivery of improved patient outcomes for long-term conditions and mortality rates. [HL180]

Earl Howe: The Government commissioned the National Institute for Health and Care Excellence to deliver public health guidance *PH15: Identifying and Supporting People Most at Risk of Dying Prematurely*. This guidance concludes that, "helping people to stop smoking [is one] of the most widely used interventions to prevent cancer and cardiovascular disease. [It has] been shown to be effective and cost-effective generally—and [has] considerable potential to reduce premature mortality rates among people who are disadvantaged".

Sri Lanka

Questions

Asked by ***Lord Luce***

To ask Her Majesty's Government what assessment they have made regarding the human rights situation in Sri Lanka. [HL454]

The Senior Minister of State, Department for Communities and Local Government & Foreign and Commonwealth Office (Baroness Warsi): The Government have ongoing human rights concerns about Sri Lanka, including on freedom of opinion and expression, and judicial independence. We are concerned about attacks on and intimidation of journalists, legal professionals, human rights defenders and others. Sri Lanka is listed as a country of concern in the Foreign and Commonwealth Office's *Human Rights Report* for 2012, a copy of which is available online at http://www.hrdreport.fco.gov.uk, and from the House Libraries.

We also have serious concerns about the lack of demonstrable progress on post-conflict reconciliation, accountability and political settlement. We have consistently called for an independent, thorough and credible investigation into allegations of violations and abuses of international humanitarian and human rights law by both sides in the military conflict.

In light of our concerns, the UK co-sponsored the Sri Lanka resolution passed in the Human Rights Council on 21 March, and we welcome its adoption with the support of a majority of Council members. We consistently urge the Sri Lankan Government to implement the recommendations contained in the resolution and comply with their obligations under international human rights law and international humanitarian law.

Asked by ***Lord Luce***

To ask Her Majesty's Government whether progress has been made in improving human rights in Sri Lanka. [HL455]

Baroness Warsi: Sri Lanka was listed as a country of concern in the Foreign and Commonwealth Office's *Human Rights Report* for 2012, a copy of which is available online at http://www.hrdreport.fco.gov.uk, and from the House Libraries. Unfortunately, many of the issues raised in that report, including freedom of opinion and expression, and judicial independence, continue to be a source of concern.

During his visit to Sri Lanka earlier this year, the Parliamentary Under-Secretary of State for Foreign and Commonwealth Affairs, my honourable friend, the Member for North East Bedfordshire (Mr Burt), discussed our human rights concerns with the Sri Lankan Government, and urged the full implementation of the recommendations of the Lessons Learnt and Reconciliation Commission and wider measures on accountability. Some progress has been made; for example, on the resettlement of internally displaced persons and the reintegration of former combatants. But both during the visit and since, we have been clear that much more work is needed to deliver reconciliation in Sri Lanka.

We were particularly disappointed at Sri Lanka's decision to reject a large number of recommendations at the Human Rights Council during its Universal Periodic Review in November 2012. These included one of the UK's recommendations to "ensure a climate in which all citizens are able to freely express their opinions and beliefs, without fear of reprisal or retribution".

We will continue to use all opportunities to raise human rights concerns with the Sri Lankan Government, including at the Commonwealth Heads of Government Meeting in November.

Sukhranjan Bali

Question

Asked by ***Lord Avebury***

To ask Her Majesty's Government whether they will make representations to the Government of India to encourage them to grant Sukhranjan Bali temporary protection in that country to enable him to make a full witness statement in the trial of Delwar Hossain Sayedee in Bangladesh. [HL383]

The Senior Minister of State, Department for Communities and Local Government & Foreign and Commonwealth Office (Baroness Warsi): The Government have no plans to raise the issue of Sukhranjan Bali with the Indian Government. Our high commission in Dhaka has previously raised the alleged abduction of Mr Bali with the Bangladesh Ministry of Foreign Affairs and urged it to investigate. I have made clear to the Government of Bangladesh Britain's support for the principle of war crimes trials, but that these must meet international standards. We will continue to monitor developments closely.

Talent Strategies

Question

Asked by ***Lord Adonis***

To ask Her Majesty's Government whether they will publish the latest Talent Strategy for the Department for Business, Innovation and Skills, which is referred to in the department's 2011-12 annual report and accounts. [HL293]

The Parliamentary Under-Secretary of State, Department for Business, Innovation and Skills (Viscount Younger of Leckie): The department's strategy and supporting plans for talent are available on its intranet site, which is accessible to its entire staff. The department has no plans to publish it further.

Taxation

Question

Asked by ***Lord Laird***

To ask Her Majesty's Government, further to the Written Answer by Lord Deighton on 22 April (*WA 353-4*), what action is taken if a self-employed person who has failed to submit a tax return on time fails to pay the resulting penalties; and whether they have considered introducing a rule that such individuals who fail to make a return have that status terminated and the related benefits ended. [HL98]

The Commercial Secretary to the Treasury (Lord Deighton): Where self-assessment (SA) returns remain outstanding after the due date (31 January), a regime of penalties commences. Late-filing penalties are charged at an initial £100. If the return is still outstanding after three months, daily penalties of £10 per day are charged for up to 90 days. At six months late, a tax geared penalty of 5% of the liability shown on the return, or a minimum of £300, is charged, whichever is greater. At 12 months, a tax-geared penalty of 5% of the liability shown on the return, or a minimum of £300, is charged, whichever is greater.

These penalties will be pursued by a variety of interventions used either singularly or in combination through letters, telephone calls and text messages. The interventions may be undertaken within HM Revenue & Customs (HMRC) and/or by an external debt collection agency. If the penalties remain unpaid, further interventions can be made by HMRC, including calling at the customer's home or court action to secure the completed SA return and payment of the penalties.

The Government are not currently considering a rule to terminate an individual's employment status and end-related benefits. An individual's employment status is defined by the terms and conditions under which they are engaged. The Government believe that an individual's true economic activity should determine their status for tax and national insurance purposes and that the regime outlined above is sufficient to ensure self-employed individuals make the appropriate returns.

Teachers: Misconduct

Questions

Asked by ***Lord Knight of Weymouth***

To ask Her Majesty's Government what role the National College for Teaching and Leadership has in relation to upholding professional teaching standards; what action it can take in cases of professional misconduct by teachers in (1) secondary schools, (2) academies established before 2010, (3) academies established after 2010, and (4) further education colleges, in relation to the education they provide for people aged 14–18. [HL374]

The Parliamentary Under-Secretary of State for Schools (Lord Nash): The National College for Teaching and Leadership supports the quality and status of the teaching profession by ensuring that in cases of serious professional misconduct, teachers can be barred from teaching.

The regulatory regime applies to all teachers and instructors in maintained schools, non-maintained special schools, academies, sixth form colleges, independent schools and relevant youth accommodation and children's homes in England.

The National College for Teaching and Leadership has no jurisdiction for further education colleges.

Asked by ***Lord Knight of Weymouth***

To ask Her Majesty's Government what access (1) further education colleges, and (2) sixth form colleges, have to the misconduct records held by the National College for Teaching and Leadership relating to individuals seeking employment. [HL375]

Lord Nash: Further education colleges and sixth form colleges have the same access to teachers' misconduct records as maintained and independent schools.

The National College for Teaching and Leadership provides a range of services that enable teachers' records to be checked prior to employment, including the Employer Access Online service and a telephone helpline.

The outcomes of NCTL professional conduct panels, along with the details of forthcoming hearings, are publicly available on the departmental website.

Transport and Utility Industries

Question

Asked by ***Lord Stoddart of Swindon***

To ask Her Majesty's Government whether they have studied foreign company ownership of participants in the United Kingdom utility and transport industries; whether any of the owners are nationalised in their home territory; and what are the implications of such ownership for the customers of those services. [HL275]

The Minister of State, Department for Business, Innovation and Skills & Foreign and Commonwealth Office (Lord Green of Hurstpierpoint): The UK is open for business and we welcome foreign investment into the UK. This enhances competition and improves services to customers. Companies in the utilities and transport sectors have a range of ownership structures, including being nationalised in their country of origin. The key is the level of service that they provide UK consumers, and, depending on the sector, this is ensured by competition and/or robust regulation.

UK Border Agency

Question

Asked by ***Lord Roberts of Llandudno***

To ask Her Majesty's Government what are the practical implications of abolishing the UK Border Agency. [HL342]

The Parliamentary Under-Secretary of State, Home Office (Lord Taylor of Holbeach): Following the announcement of the changes to the UK Border Agency announced by the Home Secretary on 26 March, the agency has been replaced with two new operational commands within the Home Office. UK Visas and Immigration will be a high-volume service that makes high-quality decisions about who comes here, with a culture of customer satisfaction for business travellers and visitors who want to come here legally. Immigration Enforcement will have law enforcement at its heart and get tough on those who break our immigration laws.

New interim directors-general for these commands have been appointed. They will sit on the new strategic oversight board chaired by the Permanent Secretary, which will ensure transparency and accountability within the system.

UK Trade

Questions

Asked by ***Lord Owen***

To ask Her Majesty's Government what specific commitments and additional commitments have been given by the United Kingdom since 1994 under the General Agreement on Trade in Services in relation to health and associated services, including their dates, current applicability, terms, limitations, conditions, undertakings, implementation time frames, qualifications, standards and licensing matters, along with any modifications and withdrawals that have been made, set out by mode of supply and all relevant sectoral classifications; whether they intend to modify or withdraw any such existing commitments and, if so, which ones; and what compensatory adjustments the United Kingdom or the European Union have agreed to as a result of any modifications or withdrawals. [HL364]

To ask Her Majesty's Government what agreements, including investment treaties and partnership agreements but excluding the General Agreement on Trade in Services, (1) have been entered into, and (2) are currently being negotiated, by or on behalf of the United Kingdom with another country or other countries which contain or could contain provisions relating to trade, market access, national treatment, progressive liberalisation, investment or economic partnership in respect of health and associated services; what are those provisions; and whether they will place in the Library of the House a copy of each of those agreements which have been entered into, and the latest drafts of those agreements that are currently being negotiated. [HL365]

To ask Her Majesty's Government how (1) the proposed Economic and Trade Agreement between the European Union and Canada, and (2) the proposed Transatlantic Trade and Investment Partnership Agreement between the European Union with the United States, would modify or extend (a) the applicability of the General Agreement on Trade in Services (GATS), and (b) the commitments of the United Kingdom under GATS in respect of health and associated services. [HL366]

The Minister of State, Department for Business, Innovation and Skills & Foreign and Commonwealth Office (Lord Green of Hurstpierpoint): The UK's specific commitments on trade in health services are set out in the EU schedule of commitments to the GATS. This is a publicly available document and can be accessed at www.wto.org. The UK has not added to its commitments on trade in health services under the GATS since the GATS entered into force. We have not withdrawn any GATS commitments on trade in health services and we have no current intention to do so.

In principle, all EU-level trade agreements covering trade in services will include commitments on trade in health services. For the UK, these commitments are generally quite similar to those contained in the GATS although there are some variations between agreements.

Examples of agreements in force include the EU-Chile FTA, the EU-Mexico FTA, the EU-CARIFORUM Economic Partnership Agreement and the EU-Korea FTA. All EU trade agreements in force are publicly available documents and can be accessed at the Commission website at http://ec.europa.eu/trade/policy/countries-and-regions/agreements/. We cannot deposit the latest drafts of agreements under negotiation. These are not publicly available documents.

In principle, investment in the provision of health services is also protected through the UK's existing network of investment promotion and protection agreements (which are also publicly available and can be found via http://webarchive.nationalarchives.gov.uk/20130104161243/http://www.fto.gov.uk/en/publications-and-documents/treaties/treaty-texts/ippas-investment-promotion/) and will also be protected under the investment protection provisions in EU-level agreements currently being negotiated.

Neither the EU-Canada Comprehensive Economic and Trade Agreement (CETA) nor the EU-US Transatlantic Trade and Investment Partnership (TTIP) will impact directly on the UK's commitments under the GATS. In the CETA, the UK has sought to limit its commitments in trade in health services to a level similar to that available under the CATS. The negotiations on the TTIP have not yet begun.

Visas

Question

Asked by ***Lord Laird***

To ask Her Majesty's Government how many entry visas excluding tourist visas were issued in 2012 to non-European Union nationals for family, study work and intra-company transfer, and in what categories; and how many (1) migrants from European Union countries, (2) illegal immigrants, and (3) asylum seekers they estimate to have entered the United Kingdom in 2012, and what was the estimated total figure for inward entry, excluding tourists and visitors. [HL208]

The Parliamentary Under-Secretary of State, Home Office (Lord Taylor of Holbeach): The available information for entry clearance visas excluding tourist visas, providing totals and data for family, work, study, and by detailed category, is given in the table below. Please note some individuals issued visas in 2012 may not have entered the UK (or entered the UK in 2013).

Some non-European Economic Area (EEA) nationals (known as non-visa nationals) may be admitted to the UK for periods up to six months without requiring a visa. Further details are available at the web page: http://www.ukba.homeoffice.gov.uk/visas-immigration/general-info/non-visa-nationals/.

The Office for National Statistics (ONS) estimated that 157,000 citizens from the European Union (EU) (excluding British) migrated to the UK in the year ending June 2012, similar to the estimate of 175,000 in the year ending June 2011. The data are given in the table below. The data uses the UN definition of a long-term international migrant being someone who moves from their country of previous residence for a period of at least a year.

Information is not available on the number of illegal immigrants entering the UK.

There were 27,486 asylum applicants in 2012 of which 23,901 asylum applications were made in-country. The data are given in the table below. Information as to how many of the 23,901 also entered the UK in 2012 is not available. Figures on how many of the 27,486 asylum applicants were issued with entry clearance visas in 2012 are also not available.

The ONS estimated that 515,000 people immigrated to the UK in the year ending June 2012, which is significantly lower than the 589,000 who migrated in the year to June 2011. The data are given in the table below. The data uses the United Nations (UN) definition of a long-term international migrant being someone who moves from their country of previous residence for a period of at least a year.

Entry clearance visas issued by category, including dependants

Type	*2011*	*2012*
*Total	2,275,417	2,229,357
*Total (excl. Visitors and transit)	564,807	507,701
of which		
Work	149,310	145,138
Study (excl. student visitors)	261,870	209,804
Student Visitors (main applicants only)	61,406	68,372
Family	45,723	40,925
Dep. joining / accompanying	14,155	11,713
Other	1,742,953	1,753,405

Entry clearance visas issued by detailed category

Type	*Type of applicant*	*2011*	*2012*
Work			
Tier 1 & pre-PBS equivalent	Main applicant	8,656	6,272
Tier 1 & pre-PBS equivalent	Dependant	14,163	11,738
Tier 2 & pre-PBS equivalent	Main applicant	38,088	39,172
Tier 2 & pre-PBS equivalent	Dependant	28,344	28,936
of which			
Tier 2 - Intra Company Transfers	Main applicant	10,788	2,415

Entry clearance visas issued by detailed category

Type	*Type of applicant*	*2011*	*2012*
Tier 2 - Intra Company Transfers Short Term	Main applicant	11,040	16,113
Tier 2 - Intra Company Transfers Long Term	Main applicant	7,880	10,727
Tier 2 - Intra Company Transfers		:	:
Tier 2 - Intra Company Transfers Short Term	Dependant	3,130	5,576
Tier 2 - Intra Company Transfers Long Term	Dependant	7,806	12,390
Tier 5 & pre-PBS equivalent	Main applicant	36,627	36,926
Tier 5 & pre-PBS equivalent	Dependant	1,316	1,370
Non-PBS	Main applicant	21,204	20,070
Non-PBS	Dependant	247	194
Other	Main applicant	665	460
Study			
Tier 4 & pre-PBS equivalent	Main applicant	237,471	193,083
Tier 4 & pre-PBS equivalent	Dependant	24,399	16,721
Family			
Partner	All	33,496	30,443
Partner (for immediate settlement)	All	1,336	1,098
Child	All	97	78
Child (for immediate settlement)	All	4,596	4,005
Other	All	4,306	3,711
Other (for immediate settlement)	All	1,892	1,590
Dep. Joining / accompanying			
Joining / accompanying: Partner	Dependant	4,243	3,752
Joining / accompanying: Child	Dependant	9,843	7,910
Joining / accompanying: Other	Dependant	69	51
Other			
EEA family permits	All	19,885	19,242
Visitors	Main applicant	1,494,637	1,510,759
Visitors	Dependant	189,009	185,741
Transit	All	26,964	25,156
Other temporary	All	9,152	9,329
Certificate of entitlement to right of abode	Main applicant	2,090	1,547
Other settlement (indefinite leave)	All	1,216	1,631

: not available

Source Immigration Statistics, October to December 2012 table be.04

Asylum applications (including dependants)

	2011	*2012*
Total applications	25,898	27,486
of which		
Applications received on arrival at ports	3,347	3,585

Asylum applications (including dependants)

	2011	2012
Applications received in-country	22,551	23,901

Notes

It is not possible to quantify how many of the 23,901 who applied once in the country in 2012 also arrived in 2012.

It is not possible to quantify how many asylum applicants were issued with entry clearance visas.

Source Immigration Statistics, October to December 2012 table as.02

Long-Term International Migration Rolling annual data to year ending June 2012

Thousands

Inflow

	YE Jun 11	YE Jun 12
All citizenships	589	515
of which		
British	88	76
Non British	501	439
European Union[1]	175	157
Non European Union[2]	327	282

Notes

YE = Year Ending

1 European Union estimates are for the EU1 5 (Austria, Belgium, Denmark, Finland, France, Germany, Greece, Republic of Ireland, Italy, Luxembourg, Netherlands, Portugal, Spain and Sweden) up to 2003, the EU25 (the EU15 and the EU8 groupings plus Malta and Cyprus) from 2004 - 2006, and for the EU27 (the EU25 plus Bulgaria and Romania) from 2007. Estimates are also shown separately for the EU1 5 and the EU8 (Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia, formerly known collectively as the A8). British citizens are excluded from all groupings and are shown separately.

2 Excludes British and other European Union citizens as defined in footnote 1.

Source

Office for National Statistics (ONS), Migration Statistics Quarterly Report February 2013, Table 1

The latest Home Office immigration statistics on entry clearance visas and asylum applications are published in the release Immigration Statistics October-December 2012, which is available from the Library of the House and on the department's website at: https://www.gov.uk/government/publications/immigration-statistics-october-to-december-2012/immigration-statistics-october-to-december-2012.

The latest ONS statistics on long-term immigration are published in the release Migration Statistics Quarterly Report, February 2013, which is available from the Library of the House and on the ONS website at: http://www.ons.gov.uk/ons/rel/migration1/migration-statistics-quarterly-report/february-2013/msqr-febl 3.html#tab-Migration-Statistics-Quarterly-Report--February-2013.

Asked by ***Lord Warner***

To ask Her Majesty's Government whether under the terms of the Immigration Rules Israeli citizens who have settled illegally in Occupied Palestinian Territories are deemed to require different visa requirements for entry to the United Kingdom from those in place for other Israeli citizens.[HL302]

Lord Taylor of Holbeach: Israeli citizens who hold a valid passport and are visiting the United Kingdom for less than six months do not, irrespective of where they live, require a visa before coming to the UK.

Asked by ***Lord Laird***

To ask Her Majesty's Government, further to the Written Answer by Lord Taylor of Holbeach on 10 April (*WA 341*), whether they maintain a record of how many immigrants are sponsored annually by each of the current sponsoring employers registered under tiers 2 and 5 of the points-based system; and whether there is any statutory reason why such a record cannot be published. [HL451]

Lord Taylor of Holbeach: The number of migrants sponsored by each of the registered sponsoring employers for tiers 2 and 5 is recorded on the sponsorship management system. There is no statutory reason why such a record cannot be published. However, the costs associated with quality-assuring this volume of data prior to publication would be disproportionate.

Asked by ***Lord Laird***

To ask Her Majesty's Government, further to the Written Answer by Lord Taylor of Holbeach on 10 April (*WA 341*), what assessment they have made of why the number of applications from within the United Kingdom for extensions of stay for work using certificates of sponsorship from employers increased from 18,065 in 2011 to 28,212 in 2012; and what assessment they have made of the impact of applications from within and outside the United Kingdom for entry clearance visas for work using such certificates in 2012 on their policy of reducing migration by the end of the Parliament. [HL452]

Lord Taylor of Holbeach: The rise in extensions of stay is likely to be due in part to the reduction of the maximum grant of initial leave for skilled workers from five years to three years at the end of 2008. This will have resulted in an increase in extension applications in 2012, as the 2009 cohort applied to extend their stay. Some displacement from closed tier 1 routes was also anticipated.

The Government do not expect the increase in extensions to affect our target of reducing net migration. We continue to monitor the volume of entry clearance and extension applications, and net migration continues to fall. We have also tightened the requirements to be satisfied before a migrant on a work visa may settle in the UK at the end of a five-year period.

The latest Home Office immigration statistics are published in the release Immigration Statistics January-March 2013, which is available from the Library of the House and on the department's website at: https://www.gov.uk/government/organisations/home-office/series-statistics-quarterly-release.

Waterways and Canals

Question

Asked by ***Lord Greaves***

To ask Her Majesty's Government what is their estimate of the value of recreational use of canals and navigable rivers to the United Kingdom economy. [HL347]

The Parliamentary Under-Secretary of State, Department for Environment, Food and Rural Affairs (Lord De Mauley): The Government do not have an estimate for the value of recreational use of canals and navigable rivers to the economy. However, the impact assessment produced in February 2012 as part of the work to create the Canal & River Trust gave a conservative estimate for the recreational value of the waterways to users of £300 million per annum. This includes informal waterway recreational activity only and does not include leisure-related spending, such as on food and drink, boating or accommodation, that is associated with recreational use of the waterways.

World Trade Organisation

Question

Asked by ***Lord Harrison***

To ask Her Majesty's Government whether they plan to support the trade facilitation deal, and duty-free, quota-free access for Least Developed Countries at the World Trade Organisation's Ministerial Conference in December. [HL354]

The Minister of State, Department for Business, Innovation and Skills & Foreign and Commonwealth Office (Lord Green of Hurstpierpoint): The UK is committed to the multilateral trading system and strongly supports agreement at the WTO's 9th Ministerial Conference in December on a deal that has trade facilitation at its core and includes progress on agriculture and on issues of relevance to the least developed countries (LDCs). The EU already offers full duty-free quota-free access to the exports of least developed countries as part of the Everything But Arms tranche of its Generalised System of Preferences.

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