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House of Lords

Tuesday, 4 June 2013.

2.30 pm

Prayers—read by the Lord Bishop of Derby.

Railways: East Coast Main Line
Question

2.36 pm

Asked By ***Lord Davies of Oldham***

To ask Her Majesty's Government whether consideration has been given to extending the management by Directly Operated Railways of the east coast main line franchise.

Earl Attlee: My Lords, the Government carefully considered a number of issues before announcing the franchising programme schedule on 26 March. This schedule sees the commencement of a new franchise on the intercity east coast in February 2015. This will return the franchise to the private sector after an extended period of public control, putting in place a long-term partner for the significant investment that the Government will make in the east coast main line in future years.

Lord Davies of Oldham: My Lords, I have two questions. Will the noble Earl confirm that his ministerial colleague in the other place got it wrong when he stated that the publicly operated east coast main line returned a lower figure to the Treasury than the privately operated west coast? The 2011-12 figures show the opposite: £156 million was returned to the Treasury from Virgin on the west coast and £177 million was returned from the publicly operated east coast service, so my second question is this: what, apart from political dogma, inspires the Government to propose ending the east coast's successful operation?

Earl Attlee: My Lords, on the noble Lord's first question, the short answer is no. During the three years to 2012, the Treasury received £411 million and £450 million from the east coast and west coast rail franchises respectively. This is completely separate from the money that the DfT paid to Virgin Trains as part of the revenue-based risk-sharing mechanism, which by its nature is variable, so the statement that my right honourable friend made is factually accurate. The bottom line is that the plans that we have set out will drive improvements to rail services and put passengers at the heart of a revitalised rail franchising system. It is also important to remember that rail franchises are not directly comparable.

It was never intended for the east coast main line to remain in the public sector. Indeed, when the then Secretary of State, the noble Lord, Lord Adonis, explained in this House in July 2009 the decision to bring the line into public control, he said:

"I do not believe that it would be in the public interest for us to have a nationalised train operating company indefinitely".—[*Official Report*, 1/7/09; col. 232.]

Lord Palmer: My Lords, I must declare an interest, as the House of Lords pays an enormous amount of money to get me travelling from Berwick-upon-Tweed to here, and, indeed, my family spends an awful lot of money on buying their tickets. Since the east coast service is operating remarkably successfully and is working well, why is there this desperate need and hurry to denationalise it?

Earl Attlee: My Lords, many noble Lords have privately approached me and said how well the east coast franchise is working under DOR. However, we need a longer-term investment plan for the future. The Brown review finds that franchising is a fundamentally sound approach for securing the passenger railway services on which so many people rely. The Government remain committed to benefiting from private sector innovation and operational experience in their railways.

Lord Shipley: My Lords, I am a user of the east coast service. Will a new franchisee be tied to the presently proposed trains, or may they be able to propose an alternative of a much cheaper rolling-stock package?

Earl Attlee: My Lords, the future for the east coast main line includes the intercity express programme to replace the existing high-speed trains, which are very old. There is an option to extend the IEP to include replacing the 225 trains. The Government will have to decide later this year whether to take that option.

Lord Grocott: My Lords, is it a fair summary of the Government's position that if an organisation in the private sector is making a mess of things and losing money, the taxpayer should pick it up and sort it out and that as soon as it is profitable again it should be returned to the private sector?

Earl Attlee: The noble Lord knows perfectly well that that is not a fair analysis of what went wrong with the east coast railway line. I am sure he would not suggest bringing an airline into direct operation by the Government.

Lord Cormack: My Lords, will my noble friend ensure that whoever operates this line in future offers a better, more regular service between London and Lincoln?

Earl Attlee: My Lords, my noble friend raises an important question. I have discussed this with officials and they are working on it. However, there are some complex problems concerning the logistics and timetabling. Currently, the Lincoln line is not electrified, so it is complex, but my officials are working on it.

Baroness McIntosh of Hudnall: My Lords, will the noble Earl expand a little on his answer to my noble friend Lord Grocott? He said earlier that different rail franchises cannot be compared, which may or may not

[Baroness McIntosh of Hudnall]
be true but I will take it as true—in which case, can we just compare the performance of different operators on the east coast line? The failure of the private sector was what made it necessary, was it not, for the Government to intervene in the first place. Can he at the very least explain to the House in what way the successful operation of the east coast line under DOR has been analysed so that its successes can, as a minimum, be pointed to when a private sector operator takes it over, so that it can emulate them?

Earl Attlee: My Lords, the last part of the noble Baroness's question was very good, because under Directly Operated Railways we understand the franchise and DOR will be able to suggest how in future the new franchise can better operate the railway. It is also important to understand that the west coast main line has increased its passenger rate by 100%, whereas the east coast main line has done so by only 30%.

Lord Brooke of Alverthorpe: My Lords, given that some of our current independent franchisees are classed as private companies but are foreign and indirectly owned by foreign Governments, such as the German Government, why are we prepared to accept that they can compete by taking British lines and running franchises, yet not prepared to contemplate extending some competition between the public and private sector owned by the British Government?

Earl Attlee: My Lords, the noble Lord will know perfectly well that we have to comply with European procurement rules. The ITT has initially to be published in the European journal and we have no intention of changing that situation.

Economy: Fiscal Framework

Question

2.44 pm

Asked By ***Lord Barnett***

To ask Her Majesty's Government what was meant by the reference to "flexibility in the fiscal framework" in the Chancellor of the Exchequer's speech to the International Monetary Fund in Washington in April.

Lord Newby: My Lords, the Government's fiscal strategy is grounded in the clear, credible and specific consolidation plans and new fiscal framework announced in the June Budget of 2010. The fiscal mandate to achieve a cyclically adjusted current balance by the end of the rolling five-year forecast period has ensured a flexible fiscal response to economic developments by allowing the automatic stabilisers to operate and by protecting the most productive public investment expenditure.

Lord Barnett: My Lords, if that was an answer to my Question, I thank the Minister. The Chancellor used to be proud to claim the IMF as a supporter of his policies, but it has now said a number of times, and it is worth repeating, that the Chancellor might revisit his austerity programme. Does that mean that he is or he is not?

Lord Newby: My Lords, I know that the noble Lord is a great reader of IMF reports and that he will, therefore, have read the following from its recent report:

"The commitment to a medium-term plan has earned the government credibility … While adhering to the medium-term framework, the government has shown welcome flexibility in its fiscal program".

We agree.

Lord Vinson: My Lords, does the Minister agree that this country currently has to borrow over £50 billion a year to meet its obligations, largely due to our inability to export? That £50 billion comes after selling some of our prime assets like our water companies and utilities which, for some reason, pension funds abroad think better of investing in than our own pension funds do. Leaving that aside, we have a floating pound and the only way that we can actually make ourselves more competitive is to let the pound float down. I hope that the Government and the new governor will encourage this.

Lord Newby: My Lords, as the noble Lord said, we have a floating exchange rate. The Government do not set a target for the exchange rate; it responds to economic circumstances, including the decisions taken by the independent Bank of England.

Lord Peston: My Lords, given the economic mess that the Government's policies have got the whole country into…

Noble Lords: Oh!

Lord Peston: Oh yes. I hope I do not have to remind the coalition how long it has been in power and it is about time it accepted some degree of responsibility. Some flexibility in the fiscal framework is called for, and the obvious flexibility is to extend the planning horizon—I advise the Government on this with no charge—to the whole length of the business cycle so that we could have some expansionary fiscal policies now, followed, in due course, by further fiscal adjustment. That is the way we ought to be going, and the sooner we have a Government that does it, the better.

Lord Newby: My Lords, the Government have pushed back the period during which we are going to eliminate the deficit. The rate at which we are doing it, at about 1% of GDP per annum, is exactly in line with IMF guidance to countries that find themselves in the position that we do.

Baroness Kramer: My Lords, I have some sympathy with the noble Lord, Lord Barnett, because he put down his Question before Ed Balls did a U-turn yesterday on the Labour policy that his Question reflects. However, would the Minister not agree that the greatest risk to recovery at the moment is the lack

of credit as business returns to its growth phase and will need that credit in order to succeed? What is his assessment of the capacity of the banks to fill that need?

Lord Newby: My Lords, the capacity of the banks to fill that need is shown by the latest borrowing figures, which are mixed. Of the 40 banks that are participating in the Funding for Lending scheme, 27 expanded their lending and 13 contracted it. There was a small net contraction—much less than in recent quarters. There is evidence that net lending will expand as the year progresses, as a number of banks—such as Santander, which is winding down its mortgage book—come to the end of programmes.

Lord Davies of Oldham: My Lords, in his somewhat oblique Answer to the Question put by my noble friend Lord Barnett, the Minister mentioned the automatic stabilisers. Will the Government commit, in the forthcoming spending review, to the automatic stabilisers being maintained?

Lord Newby: Yes, my Lords.

Lord Higgins: Does my noble friend agree that the impression that one gets of the IMF's views on the Chancellor's policies by reading the press are very different from the impression one gets if one actually reads the IMF reports?

Lord Newby: I will say yes to that as well. However, the Government completely agree with the point that the IMF made about the desirability of bringing forward infrastructure expenditure. That is why last year we put in place the infrastructure guarantee programme, which is already bearing fruit with the allocation of £1 billion to the Northern line extension to Battersea, and the recently announced £75 million to be given to Drax power station for its partial conversion to biomass.

Lord Flight: My Lords, does the Minister agree that running a deficit of over £100 billion when it was planned as roughly half that sum and creating money to the extent of £380 billion is extremely flexible in terms of policy? Some might even view it as rather excessively Keynesian.

Lord Newby: Clearly some do view it as that. It is worth bearing in mind that while we are reducing our deficit to the 3% EU Maastricht target over the period to 2017-18, even the relaxation that the EU has agreed in recent weeks with France, Slovenia, the Netherlands and Spain will get them back to a target of borrowing of less than 3% by 2015 or 2016. It is therefore taking us a lot longer. The Government have agreed to phase down borrowing over a much longer period than is allowed even under the reduced timetable elsewhere in the EU.

Lord Forsyth of Drumlean: My Lords, is my noble friend not concerned at the way in which asset prices, particularly housing and shares, are now being inflated as a result of quantitative easing? Will he confirm that this Government will never use inflation as a means to get rid of the debt, because that will result in substantial unemployment, a loss of competitiveness and the road to Carey Street?

Lord Newby: My Lords, this Government will make that commitment, which is why the target that we set for the Monetary Policy Committee of the Bank of England has not been relaxed, and will not be relaxed during this Government's tenure of office.

Women: Rights

Question

2.52 pm

Asked By ***Baroness Hayter of Kentish Town***

To ask Her Majesty's Government what is their assessment of the changes in the rights of women since Emily Davison's fatal injury at Epsom on 4 June 1913.

Baroness Northover: My Lords, I pay tribute to Emily Davison for her extraordinary commitment to women's rights. Over the past 100 years there has been major progress in securing the rights of women. However, we are acutely aware that there is still much we need to achieve, both in the United Kingdom and internationally.

Baroness Hayter of Kentish Town: My Lords, it was indeed 100 years ago today that Emily Davison sought to pin the votes-for-women colours on the King's horse and died for her pains. I thank the Minister for paying tribute to the sacrifice she made and ask her similarly to honour those who have fought for our rights. Does she agree that, as she has hinted, sadly there is still a very long way to go before women achieve their true place in public life on the boards of private companies, in the earnings league, and in representation in general? Will she outline the government plans to make Emily Davison's aspirations a reality?

Baroness Northover: Thinking about this Question, it seemed to me that Emily Davison would not be totally satisfied by any means, but that she would be very pleased at certain things that have happened. That a female Member of the House of Lords is asking this Question to a female member of the ministerial team is a case in point. The fact that the noble Baroness and I have both been able to vote throughout our adult lives; the fact that both of us were admitted to degrees in our universities; the fact that both of us were able to secure PhDs and have careers are all tributes to Emily Davison and the suffragettes. However, I recognise that there is still much more that we need to do.

Baroness Hussein-Ece: My Lords, my noble friend will be aware that currently only 22% of MPs in the House of Commons are women. However, is she aware that only 35 women have ever held Cabinet positions in this country, and that since 1918 only

[Baroness Hussein-Ece]
369 women have ever been elected as MPs? Finally, has the Minister noticed, as I have and as many noble Baronesses have mentioned privately to me, that of the 95 speakers who have put their name on the list to speak in the current debate on equal marriage, only 16 are women? What do these figures tell us about the current progress in the mother of all Parliaments?

Baroness Northover: I note what the noble Baroness says about the number of women MPs and Cabinet Ministers. It is also worth bearing in mind that until 1958 there were no women in this House of Parliament. There was universal suffrage in 1928, but that did not mean that there were women in both Houses of Parliament. She is right about those numbers, and most of them have come in recent times. The first thing is to make sure that we get women into Parliament. I pay tribute to the party opposite for the efforts it has made and to the parties on this side for moving ahead in this regard. This is extremely important, and by getting women in, we get them to all levels of government.

Baroness Gale: My Lords, since the days when Emmeline Pankhurst and Emily Davison campaigned for women to get the vote, progress has been very slow. As has been mentioned, since 1918, 369 women have been elected as opposed to 4,538 men, making 8% of the total. Does the Minister agree that the biggest problem lies with local members of all parties, who are reluctant to choose women candidates, unless special measures have been put in place, such as the all-women shortlist, which Labour uses, or the A-list, which the Conservatives use? To get gender equality or balance in the House of Commons, does she agree that much more work needs to be done?

Baroness Northover: I pay tribute to the noble Baroness for what she has done in Wales. She knows how difficult it has been. She will also be aware that there is a better gender balance in the Welsh Assembly, the Scottish Parliament and the European Parliament. All of them have a proportional electoral system. That was put to the British electorate and they decided against it for the House of Commons, but she knows that it is more difficult on a first past the post system to get gender balance—and she will know that from looking around the world.

Baroness Gardner of Parkes: My Lords—

Baroness Williams of Crosby: My Lords—

Baroness Gardner of Parkes: Is the Minister aware that this country was one of the first to pass an equal opportunities Act, but it was a long, slow process to move on from there to change the culture and attitudes not only in this country but worldwide? Female genital mutilation is an example. Does she not think that progress is being made?

Baroness Northover: It is a long, slow process and we have much to do here. As noble Lords are well aware, their disproportionate responsibility for children, caring for elderly parents and so on hold women back in this country. We must make sure that men and women, families and society as a whole ensure that those responsibilities are shared. We are fortunate in many regards in comparison with women around the world. She flags a problem, which my honourable friend Lynne Featherstone is tackling, which afflicts girls in this country and, particularly, overseas and is an indication of the status of women.

Lord Morgan: My Lords, can the Government assist in the process by furthering a correct account of the death of Emily Wilding Davison? It was not a reckless act of suicide but, as my noble friend observed, a constructive act of peaceful protest that deserves the respect and gratitude of us all.

Baroness Northover: That sounds like a very good idea. Given that the noble Lord taught me history, perhaps he will take it forward.

Baroness Williams of Crosby: My Lords, I thank my noble friend and the noble Baroness, Lady Hayter, for their spirited responses in this brief discussion. I want to ask about one area where, sadly, the move towards equality has been extremely slow—the finance sector. Perhaps my noble friend can say something about what steps are being taken and how successful they are in increasing the proportion of women on the boards of major banks and other finance-sector companies.

Baroness Northover: We are pushing very hard to increase that. I note that the number of boards in the FTSE 100 that have no women on them has fallen to six, down from 21 in 2011. We are acutely aware of this.

Crime: Child Abuse

Question

3 pm

Asked By ***Baroness Smith of Basildon***

To ask Her Majesty's Government what information they have on the number of individuals who have downloaded child abuse images, and on the number of those individuals who have been charged.

The Parliamentary Under-Secretary of State, Home Office (Lord Taylor of Holbeach): My Lords, the Government take the issue of tackling illegal content very seriously. In 2012, 255 individuals were found guilty of the principal offence of possessing prohibited images of children or of possessing indecent photographs. In the same year, 1,315 individuals were found guilty of the principal offence of taking, permitting to be taken, making, distributing or publishing indecent photographs of children. It is, unfortunately, clear that there are links between these sick activities and the attacks on young children which have featured in the news recently.

Baroness Smith of Basildon: I am grateful to the noble Lord. The latest estimates show that up to 60,000 people are involved in downloading child pornography. Even though we can obtain their names and addresses, as the noble Lord said, there are fewer than 2,500 convictions each year. The figures show that one in six of those involved in child pornography will commit a sexual offence on child. We would like to work with the Government to ensure swift and co-ordinated action on this issue. What progress has been made in the technology industry to make a step change in how we tackle this? Do the Government accept that they must be prepared to act if no changes are forthcoming?

Lord Taylor of Holbeach: These are important issues, and I am very grateful to the noble Baroness for the way in which she supports moves to strengthen the Government's position in this regard. The work of the Internet Watch Foundation to encourage search engines and internet service providers to put in place warning messages known as splash pages that tell users that they are about to access a website containing illegal child abuse images is a very important development. However, our preference is for such websites to be taken down or, where that is not possible, blocked from being accessed. Work with the internet service providers is key to getting this problem solved.

Baroness Howe of Idlicote: My Lords, the quite appalling April Jones case has raised wider questions about access to pornographic material on the internet, with its very obvious dangers for children. What progress do the Government think has been made after publication of the response to the report on the outcomes of parental control consultation? Is there not increasing evidence of the need for an adult age verification opt-in requirement, as proposed in my Online Safety Bill, if adult viewers wish to watch pornography?

Lord Taylor of Holbeach: I thank the noble Baroness for bringing her Bill to the House during the previous Session. I understand, and hope, that she will bring her Bill here again so that we can discuss these matters. The respondents to the Department for Education's consultation said clearly that parents feel that it is their responsibility, with the help of the industry, to keep their children safe online. It was also clear that, in accepting that responsibility, parents want to be in control, and that it would be easier for them to use the online safety tools available to them if they could learn more about those tools. We are focusing our discussions with the industry on those lines.

Baroness Benjamin: My Lords, the Child Exploitation and Online Protection Centre has warned that the growing availability of access to the internet is likely to see an increased threat to children's safety. Recently there has been a 14% increase in the reported sexual abuse of children. Will my noble friend tell the House what financial support the Government are giving to CEOP and other agencies to deal with this increase?

Lord Taylor of Holbeach: As my noble friend will know, CEOP is not just funded by the Government but has partners of its own. It is a very valuable vehicle for tackling this problem. There has been a projected 10% reduction in its budget, but that is against a context of a 20% reduction overall. The number of people working in CEOP, now 130, is 50% more than just five years ago.

The Lord Bishop of Chester: My Lords, can the Minister confirm to the House the implication of the question of the noble Baroness that the problem is increasing and comment on the adequacy of the normal police response which is to offer a caution to those who admit the offence?

Lord Taylor of Holbeach: The police do not necessarily offer a caution and it is our desire to see people who use these websites prosecuted. The most important aspect is to get these websites taken down so that they are not seen. The great advantage of the Internet Watch Foundation is that it engages the whole public in this mission. It has meant that 56% of images are removed within an hour of their appearing on the web. This is the only way that the whole community can join the battle against this evil.

Lord West of Spithead: My Lords, the Minister will be aware that we will shortly lose the ability to identify the IPs of these loathsome people and bring them to justice. Does the Minister agree that it is therefore crucial that we move forward with the communications data Bill?

Lord Taylor of Holbeach: I agree with the noble Lord that this is a very important item of government legislation and I welcome his support for that. As the noble Lord will know, a draft Bill was brought before the House and it is hoped that we will be able to build on that draft Bill for the future to make sure that we can identify these people.

Hertfordshire County Council (Filming on Highways) Bill [HL]

Third Reading

3.06 pm

Bill passed and sent to the Commons.

Olympic and Paralympic Legacy Committee

Membership Motion

3.07 pm

Moved By ***The Chairman of Committees***

That Lord Stoneham of Droxford be appointed a member of the Select Committee in place of Baroness Doocey, resigned.

Motion agreed.

Local Audit and Accountability Bill [HL]

Order of Consideration Motion

3.07 pm

Moved By ***Lord Wallace of Saltaire***

That it be an instruction to the Grand Committee to which the Local Audit and Accountability Bill [HL] has been committed that they consider the bill in the following order:

Clause 1, Schedule 1, Clause 2, Schedule 2, Clauses 3 to 7, Schedule 3, Clauses 8 and 9, Schedule 4, Clauses 10 to 17, Schedule 5, Clause 18, Schedule 6, Clauses 19 to 23, Schedule 7, Clauses 24 to 28, Schedule 8, Clauses 29 to 32, Schedule 9, Clause 33, Schedule 10, Clauses 34 and 35, Schedule 11, Clauses 36 to 42, Schedule 12, Clauses 43 and 44, Schedule 13, Clauses 45 to 47.

Motion agreed.

Marriage (Same Sex Couples) Bill

Second Reading (2nd Day)

3.08 pm

Baroness Noakes: My Lords, it is a privilege to start our second day of debate on this important Bill. Yesterday our debate was a wonderful demonstration of this House's ability to tackle difficult issues with restraint and respect, and I hope that we may continue in that vein today.

There are three main reasons why I support the Bill. First, I support it because I am a firm believer in marriage. Enduring relationships between couples, based on love, respect and responsibility, are good for the people involved and, in turn, strong relationships are good for society. Couples who want to share their lives together do not have to get married, and the Bill will not change that, but many value the sustainability and stability that marriage offers. I believe that marriage is a great environment in which to raise children but, for all kinds of reasons, marriage today is not defined by children or even by the possibility of procreation. Marriage is a much bigger concept than that.

Being gay or lesbian is not a lifestyle choice but an essential fact about a small but significant minority. It is as natural for them to seek lifetime relationships with a person of the same sex as it is for most of us to share our lives with an opposite sex partner. As a happily married woman, I will gladly extend marriage to committed couples who happen to be of the same sex. I genuinely find it difficult to work out why other happily married people want to deny them the privilege of marriage, and I certainly reject the suggestion made yesterday that same sex couples should invent their own name in place of marriage.

My second reason is that same sex marriage has popular support. The House of Commons Library note on the Bill makes it clear that polls can be skewed by the questions asked, but the clear evidence from the various polls that have asked straightforward questions about same sex marriage is that there is a majority, and an increasing one, in favour. The most important feature is that support is huge in the younger age groups, and only those over 65 show net opposition. I hope that noble Lords will reflect today that same sex marriage will have its greatest impact on age groups that are barely represented in your Lordships' House.

Freedom is my third reason for supporting this Bill. We have to ask very serious questions about why the law should deny people the freedom to do things that they want to do. Of course, there are strong public policy grounds for stopping people from doing all sorts of things, but I struggle to see what public policy grounds should prevent same sex couples from being married. If we embrace the freedom to marry in the Bill, it will surely bring happiness to a minority. I have heard nothing in the debate thus far that points to clear and specific harm to other groups in society.

I could have seen a public policy reason for objecting to the Bill if it rode roughshod over the ability of the established religions to maintain their own concepts of marriage, but the quadruple lock arrangements in the Bill seem to me—and to the Church of England, if I read its announcement last month correctly—to provide robust protections for religious freedoms.

Marriage is a great institution that belongs to society as a whole, not to particular groups. Parliament is the right place to guard access to marriage. We have the privilege of a free vote and we must use it with wisdom, for the benefit of society, regardless of our personal preferences. If the noble Lord, Lord Dear, decides to divide the House, I hope that we will respect the clear decision of the other place on a free vote. We can then move on to the job that we are good at, as a revising Chamber, testing all the detailed concerns that have rightly been raised by noble Lords in this debate.

3.13 pm

Lord Alli: My Lords, gay men and women have waited for far too long to have the same rights as straight married couples—the right to say, "Not tonight dear, I have a headache", or, "You don't look fat in that dress", the right to tell all those wonderful mother-in-law jokes, and even, in the case of the noble Baroness on the government Front Bench, the right to marry George Clooney.

Before I move to the substance of my speech, I want to pay tribute to two Prime Ministers. I start with my right honourable friend Tony Blair. It is his unstinting commitment to equality, taking us from the unequal age of consent through same sex couple adoptions, the repeal of Section 28 and civil partnerships, that has made it possible for us to be here today. I also want to pay tribute to the Prime Minister. Change requires personal courage and, on this issue, there can be no doubt that David Cameron has shown a huge amount of that. I also pay tribute to the others in the Conservative Party who have joined us on these and the Liberal Democrat Benches in our fight for equality. The vote in the other place was a source of real pride—to see so many MPs, and particularly so many Conservative MPs, add their voices to ours in a free vote—and I hope that we will see the same again today.

The Bill is not about the right of one group against the rights of another. It is about love. It is about who we love and about how we express that love between one another. Marriage is not a contract based on property. It does not belong to one group of people or one group of religious organisations. It is not a contract that is based on financial advantage or disadvantage. It is a contract of love and commitment.

Some of those who have opposed this Bill have spoken passionately on the basis of deeply held religious views. I am sincerely glad that the Government have listened to their concerns and put watertight protections into the Bill. However, the Bill is equally designed to allow those religious organisations that want to marry same sex couples to do so: the Quakers, the Liberal Jews, the Unitarian Church.

Many to whom I have spoken in the Church of England have argued that allowing same sex couples to marry would risk the breakdown of the Anglican communion—the African churches would pull away. Last week in Nigeria, a law was passed prohibiting gay marriage and banning gay organisations with a 14-year prison sentence for anyone who advocates gay marriage—that is, people like me making arguments like these. The church should not be opposing same-sex marriage because of the African churches; the church should be supporting it because of African churches.

I want them to show the same leadership that they have shown on issues such as tackling debt and poverty. That is a fight well worth fighting. If the most reverend Primate the Archbishop of Canterbury and others on the Benches Spiritual support civil partnerships, then I, like many gay people, wait with bated breath for the liturgy to allow civil partnerships to be blessed in churches. They have talked the talk; it is now time to walk the walk.

There are also those who say, "We don't understand why you want marriage. Civil partnership is different but equal". It is an understandable question. However, it is an emotional response. To find the answer, they need only to have listened to those powerful speeches of their noble friends on their own Benches: the noble Baroness, Lady Barker, and the noble Lords, Lord Black of Brentwood, Lord Smith of Finsbury and Lord Browne of Madingley, yesterday. Different, in this context, is not equal. Different is different and equal is equal.

There are also those who oppose the Bill because they just do not want change. They have by and large opposed every change in equality over the past 15 years. They are the people who campaigned for Section 28, and I heard echoes of it again last night as they spun the lie that teachers will be made to promote gay marriage. They are the people who campaigned against same sex couple adoptions, regardless of the interest of the child. They are the people who campaigned against civil partnership but find no problem with it now. For them, no argument will suffice.

That brings me neatly to the amendment of the noble Lord, Lord Dear. I am sure there are many like me who believe that this amendment is wrong in principle. It does not uphold the best traditions of this House in spirit or in the manner in which it has been managed. However, the noble Lord has put his amendment down, so vote we must. I hope that today we will demonstrate to those who seek to wreck the Bill that they will fail. I ask noble Lords to vote for the Bill because everyone deserves the right to have their love recognised equally by the state and because religious organisations should have the right to marry same sex couples, but not the obligation to do so. I hope that noble Lords vote against the amendment because it is the right and decent thing to do.

3.19 pm

Lord Carlile of Berriew: My Lords, in some very fine speeches yesterday we heard every legal, theological, ethical and procedural issue set out very cogently. I noted that in the very last speech at the end of yesterday's proceedings my noble friend Lord Flight said:

> "If there is one single point on which I think this Bill should not proceed, it is that the nation is absolutely divided".—[*Official Report*, 3/6/13; col. 1046.]

Hearing that comment prompted me to remind myself at once that my noble friend Lord Flight really is the noted author of an irresistible page-turner entitled *All You Need to Know About Exchange Rates*. If in that context one always had to wait for consensus, we would surely be in a far worse position economically than we are now. I say to my noble friend and to others that Parliament has a duty to lead, as well as to follow.

The way in which I hope to enforce this debate is by evidence rather than by advocacy. Among the five challenging and always interesting daughters that my wife and I have between us, my oldest daughter is a 40 year-old respected academic with two fine children. She is engaged—to be married, they hope—to another professional woman with one child. Past relationships—including, in my daughter's case, heterosexual relationships—have proved unsuccessful and unenduring for them both. Now, we have two articulate and clever women who at least have found constant love, and emotional and every fulfilment, in each other.

We as a family respect their wishes. Their wish is to be married and they will brook no other term for their intention. They believe and articulate that it is discriminatory and demeaning that their intended marriage should receive any less legal recognition than any other marriage in the country—indeed, in the world, as they would say. By their relationship, they have brought new stability and certainty for their children, all of whom want them to be married and wish to take a full part in their wedding. I agree with them when they ask what conceivable damage their marriage, if permitted, would do to any other marriage in the land. Is there any one of your married Lordships who would feel any less married if Anna and Joanna were permitted lawful wedlock?

Among the many objections that we have heard, we have heard a good deal about pressure on ministers of religion. That has been answered comprehensively, but quite apart from the answers that have already been given, including the quadruple lock, and the detailed answer on the law given by the noble Lord, Lord Pannick, and the noble Baroness, Lady Kennedy, do your Lordships really think that any gay couple would want to be married by a priest or other official of any kind who was opposed to single-sex marriage? Of course they would not.

[Lord Carlile of Berriew]

Therefore, to opponents of the Bill, I suggest that this is far from the end of marriage as we know it. Indeed, it may be the reinvigoration of marriage in a way that we do not yet know. The Bill offers the prospect of strong new examples of marriage, such as my daughters, and an increase in family stability, which these additional marriages would bring.

3.23 pm

Lord Birt: My Lords, my upbringing was in the intense, enclosed environment of post-war Liverpool Catholicism. Until I went to university and until I was first exposed to the tentative calls for the decriminalisation of homosexuality, I had not the slightest idea what it was. I knew that Oscar Wilde had been imprisoned, but for what exactly was a mystery.

I was not alone. In the 1960s, on the first television programme that I ever produced, I worked with Kenny Everett—a supremely talented iconoclast, who was the programme's main presenter. Kenny was only two weeks younger than me. He had lived on Merseyside but a mile away, although I had not known him, and he went to another Catholic school just down the road from mine.

In his teens, Kenny appreciated that he was different. He would tell me that he had experienced stirrings in the presence of handsome young men, but these feelings were unfathomable to him. It was not until later when he worked in London in his early 20s, and not until after he had indeed married, that he came finally to understand and slowly to embrace his true nature—the one with which he had been born. In the decades that followed I worked in broadcasting with many other people who were gay but who would not admit it. I recall vividly that in the 1980s a close and esteemed colleague came with tears in his eyes to tell me both that he was gay and that he was about to die of AIDS, which, tragically, he shortly did.

Even in the 1990s, friends and colleagues who were clearly gay were unwilling to acknowledge it, especially in public. Yet social and cultural attitudes have changed rapidly. One of the most profound and progressive changes I have witnessed in my lifetime is how many men and women are now unabashed about their homosexuality, and feel free to present their partners with pride and confidence. Openly gay couples are now commonplace in almost every section of society and almost every walk of life.

The introduction of civil partnerships was a vital step, allowing gay couples to enjoy the legal privileges afforded to heterosexual marriage. This Bill goes the whole hog and rightly allows gay couples who wish to do so to match opposite-sex couples, and make the powerful public statement of love and commitment that marriage proclaims.

On the question that so basically divides the two sides in this debate, I feel not a scintilla of hesitation or doubt. If gay couples want that option—that unequivocal equality with heterosexual partnerships—then they should have it. Of course same-sex marriage will not eliminate prejudice or discrimination, but it will certainly hasten the day when homosexuality is accepted as a wholly natural state.

Two parts of the Bill cause me sadness. Along with everybody else who has spoken, I accept the need for religious freedom. I accept it and I respect it. I recall the persecution of Catholics in this country. However, I do not have to admire the fruits of that freedom. The perspective of the other side of the argument is that the Bill entrenches and legitimises the discrimination that still exists in the established churches. The notion that a gay in a civil partnership may only be a bishop in the Anglican Church if he is celibate, for instance, I find both astonishing and repugnant. Yet over the past two days we have heard that there is already some diversity of opinion within the established church on the matter of gay marriage. I do not expect to see it in my lifetime, but the day will come when age-old discrimination within the churches against both women and gays—born of ancient attitudes, in different societies and in older times—will simply wither away. The inherent values of tolerance and respect, reflected in Christ's essential teaching, will one day prevail.

My second sadness is that the Bill narrowly missed an opportunity to follow Canada, Australia, New Zealand and Ireland and allow the growing ethical but non-religious movement to which I proudly belong, the Humanists, to conduct legal marriage ceremonies. That is a regret and a missed opportunity. However, I recognise that this brave Bill brings us one historic step closer to a better world, and I wholeheartedly support it.

3.29 pm

Lord Mackay of Clashfern: My Lords, I declare an interest as the honorary president of the Scottish Bible Society and as a member of various Christian groups. I thank my noble friend for the way in which he initiated this debate and the Bill team for its help in piloting me through the complexities of this legislation.

The issues in this debate are extremely important but also extremely sensitive. I intend to confine myself to analysis of certain aspects of the Bill as I understand it and, if I am wrong, I invite correction.

The principle of the Civil Partnership Act 2004 was to construct a legal relationship as closely as possible to the legal relationship of married couples, and that was successfully achieved. The principle of this Bill is to open the institution of marriage to same-sex couples. An institution is more than just a name: it is defined by its purposes and by the conditions under which it may be entered. The institution of marriage exists for the mutual support of the spouses and to provide a suitable environment for the natural procreation of children by the spouses and for their growth and development.

It was realised long ago that if spouses were too closely related there was a risk to their children from inbreeding and therefore the prohibited degrees of relationship were laid down under which it was not lawful to marry. The extent of the prohibition has varied over time but it has always included close relationship by blood. So important a purpose is the natural procreation of children in the institution of marriage that the prohibition applied even when the parties were well over the age of childbearing or unable to bear children for other reasons.

While the natural procreation of children may be a possibility for a man and a woman, it can never be for a same-sex couple. Therefore a union between them, however loving, cannot have this purpose. Therefore the union proposed for a same-sex couple must be different from marriage since it cannot have this purpose. Non-consummation is not a ground for declaring this union void. A marriage is voidable on the ground of non-consummation, and this implies that it will generally involve sexual intercourse between the parties. There is no such implication in the union proposed in this Bill. Sexual relations with a person of the same sex as the parties is not expressly mentioned as a ground of divorce here.

For all these reasons I conclude that the union open to same-sex couples in the Bill is not the institution of marriage but a new and different institution which deserves a name of its own.

Marriage has developed over the years. No previous development is anything like this. This is not a development; this is a new creation. The express purpose of the Bill is to open the institution of marriage to same-sex couples, including those in a platonic relationship. I am satisfied that the Government have done the best that can be done and that no amendment in Committee or on Report will achieve that purpose. Therefore, if the amendment of the noble Lord, Lord Dear, is pressed, I propose to vote for it.

I am here because the Writ requires my counsel. I know that our constitution allows the elected House, if it wishes, to prevail over my view and that of this House if that is its purpose.

3.34 pm

Lord Aberdare: My Lords, I already had doubts about what I would be able to add at this stage of the debate and they have not been at all allayed by the quality of the fine speeches we have already heard today, including a characteristically telling one from the noble and learned Lord, Lord Mackay of Clashfern. I shall just offer a few thoughts based on my personal experience of marriage.

Marriage matters immensely to me. My own marriage has been one of the most important and fulfilling aspects of my life, probably the most. It has brought me companionship, support, shared experience, enjoyment and many other benefits, including the pleasures of children and grandchildren, over more than 40 years. I do not suppose that there are many long-married couples who would say that their marriage had all been plain sailing, and I certainly would not make such a claim. But my wife and I made a commitment, to ourselves and to each other, in front of our assembled friends and family: a public expression of our desire and determination to make our marriage work for the long term. That commitment, both private and public, has given our relationship much greater strength to withstand the varied challenges that we have faced.

We in the UK have come a long way over the years in recognising and accepting those within our society whose preferences in love are for members of their own sex. Many of them form stable, long-term, deeply loving relationships, sometimes including children. So why should they too not enjoy the full benefits of marriage, with the added commitment that it implies, with equal recognition of their status by the state and society and with that extra resilience in their relationship that my wife and I have enjoyed? I believe that they should, and that view has been reinforced by some of the powerful speeches that we have heard, such as those of the noble Baroness, Lady Barker, the noble Lords, Lord Black of Brentwood, Lord Smith of Finsbury, Lord Browne of Madingley and Lord Alli, and by some of the letters and e-mails that I have received. I would be proud to share my married status with same-sex couples with a similar commitment to stable and long-term unions.

Marriage is, after all, a human institution, in the sense that its nature and responsibilities and rights are defined by the state in statute. Those definitions, as we have heard, have been adapted over time as the needs and nature of the state have evolved. Of course there are also other definitions of marriage, notably those of different religious faiths. They have every right to their own views about what marriage means for them and their adherents. So I welcome the safeguards included in the Bill to ensure that no religious organisation or individual minister can be compelled to participate in a same-sex marriage ceremony. I was reassured by the speeches of the noble Baroness, Lady Kennedy, and the noble Lord, Lord Pannick, indicating that the "quadruple lock" will be robust, although it seems odd that we are being asked by the noble Lord, Lord Dear, to reject the Bill before this and other issues can be explored more thoroughly in Committee.

I also welcome Clause 8 of the Bill, which extends to the Church in Wales an equivalent right to that of other non-established churches and faiths, to make up its own mind on the question of same-sex marriages. I hope that the day may come before long when the Church in Wales decides that it is prepared to recognise such marriages.

Same-sex couples also have the option of civil partnerships, although it is surely anomalous for these to be available to them alone. If my wife and I had had that option as an alternative to marriage, I do not believe that we would have considered it for a moment, because a civil partnership simply does not bring with it those elements of public commitment and social recognition that are central to our view of marriage—what the noble Baroness, Lady Mallalieu, rather splendidly described as the superglue.

This debate has raised important issues that need more detailed review and scrutiny, exactly what this House is so good at, and why I believe that the Bill should now go forward into Committee. In principle, I strongly support the Bill, not just as an equality measure whose time is right, but because in my view it will strengthen and enhance the very institution of marriage by extending its availability to all couples who wish to commit themselves publicly to loving, supporting and caring for each other as long as they both shall live.

3.38 pm

Lord Faulks: My Lords, this is a momentous piece of legislation, arguably the culmination of a development of the law that began with the Wolfenden report. Why is it so controversial?

[LORD FAULKS]

The first reason is that many fear that there will be inadequate protection for religious organisations and individual ministers. There has been a plethora of legal opinions on this subject and I have read, I think, all of them. The main cause of legal alarm in this context is that the European Court of Human Rights, or even our courts interpreting the convention in accordance with the Human Rights Act, may penalise those who for religious reasons do not want to be involved in any way with same-sex marriage.

I do not share the enthusiasm of some noble Lords for the Strasbourg jurisprudence and have very considerable reservations about the Human Rights Act. One of my principal quarrels with the Strasbourg court is its repeated failure to afford individual states what is known as "the margin of appreciation". Where Parliament has expressed a clear statutory intention or otherwise manifested its view in an unambiguous way, the European Court of Human Rights should be very slow indeed to interfere. However, despite such expressions of purpose—for example, on prisoner voting—Strasbourg has decided that our law is non-convention-compliant.

However, the court in Strasbourg has shown considerably more reluctance to interfere in areas of life where religious freedoms are involved. Article 9 of the convention guarantees the right to freedom of religion, and I agree with those distinguished lawyers who have advised on this point. The noble Lord, Lord Pannick, and the noble Baroness, Lady Kennedy, are very confident lawyers. They say that it is inconceivable that there should be a challenge. I am perhaps not as confident as they are—few lawyers are. However, the robustness of the challenge so far seems to be sound. The parliamentary draftsmen, by their so-called quadruple lock, seem to have skilfully ensured that the Bill is as Strasbourg-proof as it reasonably can be.

I have some residual anxiety because the convention is what is called in Strasbourg a "living instrument" and there is nothing to prevent the court taking a different view in the future, particularly if one has regard to the rather different approach that is adopted to precedent in Strasbourg compared with how our courts operate. However, no Government can legislate in complete certainty that a Bill will survive any legal challenge. It is almost certain that some litigation will be generated by these provisions. Of course, that is not desirable but it cannot be avoided where some who are genuinely alarmed at the change in the law and others who are merely mischievous may seek to use the courts. However, it seems most unlikely that these challenges will produce any success and they should peter out in due course. I do not agree with the scenario described by the noble Lord, Lord Davies of Stamford, of endless litigation costing millions of pounds. He did not identify the basis of such potential legal challenges.

As well as concerns about religious freedom, there is a substantial body of opinion which feels that this Bill undermines "traditional" marriage. This seems a highly respectable and understandable response to such a cultural change. But marriage has changed over the centuries and from generation to generation. I understand the anxieties of those who feel that it is being irrevocably altered, but surely my noble friend Lord Jenkin is right that marriage will not be changed retrospectively or prospectively by this Bill. However, in our desire to embrace equality in this context, we must be careful that we do not create a new illiberalism. To describe those who oppose same-sex marriage as bigoted, even in the first draft of a speech, seems highly regrettable. Indeed, I salute the noble Lord, Lord Dear, for his tenacity and sincerity in opposing this Bill.

On the question of civil partnerships for opposite-sex couples, the Government have correctly changed their position to a consultation. I do not think that a party or a Prime Minister who brings forward this legislation can fairly be regarded as "obsessed" with gay marriage. In fact, one of the consequences that I envisage if this Bill becomes law is that the question of somebody's sexual orientation will become less and less a matter of consequence or even—dare I say?—of interest.

Looking back at the debates that followed the Wolfenden report is a salutary experience. It was not my party that was responsible for the 1967 Act, and I am not altogether convinced—to put it mildly—that if it had been in power such legislation would have been passed. I am therefore particularly pleased that a Conservative-led Government are responsible for this landmark piece of legislation. I am not making a party-political point because I expect that the party opposite would have brought in similar legislation. But I ask the noble Baroness, Lady Thornton, in her winding-up speech, to confirm whether or not that would have been the case.

At a time when we as a Parliament are not highly regarded, we should be proud that there are young men and women—and not so young men and women—who will feel more and more that a society that benefits from their contributions in terms of both their talent and their taxes is now valuing them properly and no longer barring entry to what is to so many the central relationship of their life.

3.45 pm

Lord Brennan: My Lords, everything has been said on this subject already; or nearly everything. I am going to address the House on certain legal consequences of this legislation that I invite the House to consider very carefully. We have been fortunate in this debate to have heard remarkable and telling speeches about homosexual suffering in the past, and then liberation; about heterosexual culpability for persecution in the past, and then the sense of penitence. These are important sentiments. They describe the feelings of a civilised society, but they are not in themselves the foundations of law. This Bill may have a background about love, but we are here to make law.

I have three major concerns about this legislation. The first is the manner in which it has come to Parliament; the second is the complexity of the consequences of making same-sex marriages lawful; and the last is the "what next?" factor. First, how did we come to the position we are now in? You would think that legislation based on such controversy, such fundamental disagreement, each side respecting the views of the other, would have required and got extensive preparatory dialogue between government and public, between party and party, and between us in this House.

In particular, there should have been pre-legislative scrutiny. The more difficult the Bill, the more open the parliamentary process should be. But what has happened here? In 2004 we passed the Civil Partnership Act after seven days of debate in this House: five in Committee, Third Reading, and Report in between. The interests of lesbians and gays were addressed comprehensively. No one at that time, eight or nine years ago, suggested that there should be the kind of legislation that we have before us now. No one suggested then, in this House or the other place, that such legislation was necessary. Have matters changed in eight or nine years? If they have, then how, and why? What is the difference now? In 2010, my party passed major legislation, the Equality Act. In the spring of that year, Section 8 and ancillary provisions dealt with the protected interests of married couples and those in civil partnerships. No one suggested that we should introduce the present type of legislation. If not then, why now? On both of those occasions, the general picture presented to the public was "this far, and no further".

We are a Parliament of the people. We are not a Parliament just for the people, paternalistically deciding what the law should be. We should do our best to represent the people's wish and will as to what the law should be. I do not agree that the differential diagnosis of opinion polls is the basis for objective parliamentary assessment of what the public think. That comes from debate, electoral exposure and inquiry. The noble Lord, Lord Carlile of Berriew, says that Parliament should lead. Have a care, my Lords, when you are told that Parliament should lead. Parliament should serve, and lead in the service of the public. Here we are, with no election manifesto to support this change and a tide of history that began in the past 18 months that is described as so overwhelming that we have no choice but to accept it. Come now, let us be realistic. This deserves much more careful debate. "We are where we are", say many, "let us get on with it and do what we can". If the amendment of the noble Lord, Lord Dear, is not passed, we will face a Bill in Committee based on Clause 1: same-sex marriages are lawful. The rest of the Bill is consequential on that provision. If the Bill goes forward and someone calls a vote in Committee on whether Clause 1 stand part, are we to face the same criticism that that is frustrating the will of the Commons, that the Lords should get on with revision and not delay or even block it? I do not accept that. That is effectively preventing the House making a considered decision of its own on the Bill. That is not democratic. This is the other place, by the will of a Government without mandate to call for such change and to give a free vote to it, creating a new constitutional convention that prevents the House of which we are Members making a block. I do not accept that.

The second point is the complexity of consequences. Overnight and this morning, I have totted up well into double figures the numerous areas where amendments will be required to make this a coherent piece of legislative drafting. I have identified at least five fundamental differences between heterosexual marriage and homosexual marriage. We have to deal with these questions. They cannot be cast aside because we are concerned to satisfy the sentiment so eloquently expressed by so many. We are here to make law.

Lastly, there is the "what next?" factor. It is a simple argument to propose that here is a law that says that two people of the same sex can marry because of discrimination. Why cannot a third person demand the same right and want to join that union of two to make it a union of three? That is eminently simple to argue; it is based on discrimination; and I invite any subsequent speakers to explain, logically and rationally, why numerical limits overcome profound principles of discrimination, if that is what we are dealing with. Polygamy is not just on the same-sex side, it can be on the heterosexual side.

Next, there are the conscience clauses. I was reassured by the noble Lord, Lord Pannick, and the noble Baroness, Lady Kennedy—reassured, but not convinced. As the noble Lord, Lord Faulks, just pointed out, there are no guarantees in the law. I have learnt after many years in the profession, particularly as its chairman, that we are a profession where individually we repose a great deal of confidence in the value of our own opinions. We are trained so to argue. It would be naive to assume that the problems that have been raised by other barristers will not encounter serious disputation in our courts and in Strasbourg.

What lies ahead is the unknown. After 2004, 2010 and 2013, what will come next? We were warned that this House should not expose itself to the danger of being involved in a constitutional divide between this Chamber and the other Chamber. The risk of constitutional division is between Parliament and the people. That is what we should avoid. I invite your Lordships to remember your responsibilities as legislators. Sentiment is important; it is not determinative.

3.56 pm

Lord Elis-Thomas: My Lords, I agree with the last point that the noble Lord made. As for the rest of it, I understand the division between legislatures and the people in a rather different way. If I have one perspective, it is from First Great Western. As a commuter to this House from Cardiff Central, I have the opportunity to reflect, as I did last evening, as I did this morning and as I will do again tonight. I am still a working politician, elected to the National Assembly for Wales and representing part of a constituency that I also represented in the other place. Therefore, I have the dubious benefit of a dual mandate, although it seems to me that in this House a number of us have had that experience and a number of us have forgotten it or never had it. It seems to me that this House is in great danger of ignoring at its peril the realities of political and social change that is happening outside. That is what I want to address. I am not going to argue about the level of opinion polls, but I am going to argue about the significance of the size of the free vote and the majority in the House of Commons on this matter.

The second point which I am concerned about, as a former presiding officer in Cardiff, is that we are faced this evening with a device of a procedural Motion. Of course it is in order. This is a self-regulating House and we are very well advised by distinguished officials. I am not arguing with that. What I am saying is this: what is the logic of voting today to deny a Second Reading to a Bill, while at the same time continually defining ourselves as a revising Chamber? By what

[Lord Elis-Thomas]
logic can one revise a text of draft legislation, or anything else, by deleting it? It is like pushing the delete button before you have read the e-mail. That seems to me what this House is in danger of doing. It leaves no opportunity for proper scrutiny or amendment.

My noble friend Lord Aberdare has already referred to Clause 8. Clause 8 is very important to me. It is the devolution clause. It was brought to us from the Commons. It will enable the governing body of the Church in Wales—to which I was once nominated by the current Archbishop of Wales, and no doubt he regrets that; I no longer serve on that body—to resolve that the laws of England and Wales could be changed to allow for the marriage of same-sex couples according to the rites of the Church in Wales, were that body to agree.

This is a resolution for which I devoutly wish, along with my other noble friends on these Benches. If this Bill, including this clause, is to be derailed this evening, the opportunity for us Welsh Anglicans to determine our own rights, in a church disestablished since 1920, will be denied, and we will remain mere altar servers at the Bench of Bishops of the Church of England. If this happens, I can promise you that this issue will not go away. We will continue to campaign with Stonewall Cymru, gay Christians and others for the law of marriage to be devolved in Wales as it is in Scotland, and of course as it was in the golden age of medieval Welsh law under Cyfraith Hywel.

For all these reasons, I appeal to this House, and even to those of your Lordships who oppose the principle of this legislation, to allow us who want to debate it to debate the Bill further, because that debate will not go away until the equal relationship enjoyed by my son and my son-in-law can be free for everyone.

4 pm

Lord Eden of Winton: My Lords, it seems a very long time ago, although it was only yesterday, that my noble friend Lady Stowell of Beeston introduced this Second Reading with her customary clarity, conviction and charm. In her concluding remarks, she acknowledged that same-sex marriage is new and different from what we have known up to now. She said:

"The Bill simply extends the opportunity"—

simply extends it—to marry to,

"all couples who … desire it for themselves".—[*Official Report*, 3/6/13; col. 942.]

The Bill therefore changes marriage as we have known it but to claim that this is a simple, de minimis matter is to ignore the inevitable consequences that will follow this change.

Perhaps it is now more clearly understood that marriage has a deep and profound meaning. From time immemorial, among people of all conditions, colours and creeds, marriage has been the solemn, public acknowledgement of the relationship and commitment between a man and a woman so as to legitimise the creation of any child arising from that union and to secure the cohesion and stability of the community in which they live. It is the recognition of that fact which has led the promoters of this Bill to include a variety of exceptions to accommodate the reality of any gay-couple partnership seeking marriage. There can be no room for doubt that if this Bill becomes law, marriage as we have come to know it will be changed.

The noble Lord, Lord Alli, made what I acknowledge to have been a very forceful speech and I compliment him on it. I would like to be able to agree with it, if only for the sake of the harmony I wish to have with my many friends who are gay, but I cannot. He did, however, give extended publicity—he took a lot of trouble to do so and I am grateful to him for it—to the thoughtful and reasoned letter published by the Bishop of Salisbury. The bishop wrote:

"The possibility of 'gay marriage' does not detract from heterosexual marriage … Indeed the development of marriage for same sex couples is a very strong endorsement of the institution of marriage".

Respectfully, and with great diffidence, I disagree. Same-sex marriage will detract from heterosexual marriage by signalling that marriage will no longer be about the joining of two people of opposite sexes in a commitment to a procreative institution.

The Roman Catholic Bishops' Conference has sent out a publication in which it says:

"The fundamental problem with the Bill is that changing the legal understanding of marriage to accommodate same sex partnerships threatens subtly, but radically, to alter the meaning of marriage over time for everyone".

As the noble and right reverend Lord, Lord Carey of Clifton, said yesterday in his powerful speech,

"should this Bill pass, marriage as we know it will be weakened and diminished".—[*Official Report*, 3/6/13; col. 1026.]

We should be warned by what has been happening in other countries which have already made this move. Sweden, a notably easy-going country in matters of this kind, has found that marriage counts for very little. I would like to be able to go all the way with those who say we should acknowledge that same-sex couples marrying would be the same as heterosexual couples marrying. I cannot, however, so I go some of the way with the view of the noble and right reverend Lord, Lord Harries of Pentregarth, who said that the Church of England should find a way of publicly affirming civil partnerships in a Christian context. I hope it might find a way of doing that.

I pause for a moment and acknowledge what noble Lords will recognise as an obvious biological fact: I am old. To some extent, though not entirely, nor to the degree which some of the Bill's enthusiasts would have us subscribe, there is a generational issue here. It is very difficult to discern the attitude of the young. They are understandably preoccupied with the business of getting on with their own life and tackling the many problems they encounter on their way. On the whole, I detect a masterly indifference towards an issue such as this. However, I must be careful not to generalise. Today I received an interesting document, sent out by the Wilberforce Academy—an organisation I confess I had not heard of before—in which it describes itself as,

"a new generation of men and women of Christian conviction".

It says that,

"a new generation is necessary to protect what we have and reclaim what has been lost and determine what the future should be".

It sent out a briefing note on this Bill, which concludes:

"Passing this Bill does nothing to support families and the public good and should be rejected".

My main reason for opposing this Bill and for being disquieted about its content is its likely impact on children. The values which will influence their own attitudes in life could be influenced by the Bill. Small children have a need for the warmth and love of their natural mother. Boys, as they struggle to find their way in an increasingly competitive and challenging world, need the guidance and sense of values given by their father. All children, of whatever age, benefit from the security, stability and discipline of a loving family home. Children experience many pressures in school and these could be made much worse if the sort of material I have seen being prepared by Stonewall for use in primary schools ever gains wider usage. It would cause confusion and distress.

We need to have answers about the legal position of teachers in schools with their own personal views, and about what can be taught in church schools, as referred to by the right reverend Prelate the Bishop of Exeter in his very profound speech yesterday. I can already foresee battalions of officialdom flexing their muscles at the prospect of fresh opportunities to pursue perceived breaches of political correctness. There is evidence that this is already taking place with a refusal of organisations to accept bookings because they have a pledged commitment to diversity.

I conclude by asking the same question that my noble friend Lord Flight asked at the end of his speech at the conclusion of yesterday's debate. Where has all this come from? The Bill is being bounced on us in a most unseemly way. It has sent shock waves throughout the country, it is damaging, divisive and destructive, and it should have no place on the statute book of this kingdom.

4.10 pm

Lord Jay of Ewelme: My Lords, I will speak briefly but strongly in support of the Bill, and will make only three points. First, attitudes to social issues evolve, and society must evolve with them. I spent much of my working life in the Foreign Office. Two generations ago, women had to resign from the Foreign Office on marrying—today, that is unimaginable. I remember how a generation ago gay men and women, if discovered, had to resign from the Foreign Office—also unimaginable today. As Permanent Secretary at the Foreign Office some 10 years ago, I well remember attending a meeting open to all staff that was addressed by Ben Summerskill of Stonewall. He explained convincingly the benefits to us, and indeed to any organisation, of recognising diversity, whether gender, sexual or racial, thereby bringing out the best in individuals, institutions and our society.

Today it is entirely right and proper that we respect the right of those same-sex couples who wish to see their relationships regarded by society as marriage. I must say to the right reverend Prelates—and it is a rare privilege to be able to address so many at the same time—that I hope before long it will be possible for them to celebrate and to bless such unions themselves.

This leads me to my second point. I myself have been happily married for 38 years. Sadly, my wife and I do not have children of our own, but we have nieces, nephews and godchildren who are happily married. I simply cannot see how those relationships are in any way diminished by recognising that loving relationships by same-sex partners should also be regarded as marriage. To share with others what we value ourselves is surely the sign of a civilised, tolerant and, yes, Christian society.

That brings me to my final point. In our society today, and in much of what we see happening elsewhere in the world, there is a growth of intolerance, divisiveness and conflict. The Bill before us goes in the other direction. It recognises the richness and diversity of human life, shows tolerance to others and reflects the evolution of our own society, reflected particularly in the views of the young, who are our future. It is a Bill whose time has surely come, and one that I am happy and proud to support.

4.13 pm

Lord Cope of Berkeley: My Lords, we have criss-crossed the issues of principle over these two days, but I will not add to that element of the discussion. At this stage of this long debate, I want to stick to constitutional points. Various speeches, starting with the courageous speech of the noble Lord, Lord Dear, have referred to the constitutional position of the House of Lords. Doubt has been cast, by him and others, on the validity of the Commons' decision. It is said that the Whips overdid it to such an extent that we should discount the Commons' two-to-one support for the Bill, and should use our undoubted reserve power to refuse to discuss the Bill any further. That view is mistaken.

It exaggerates the Whips' influence, particularly on a free vote on a matter of conscience, and I speak as a former government Whip in the Commons for eight years, during two Parliaments. It also discounts the constituency pressures on MPs. We have heard about the lack of commitment in the most recent manifestos, but it is not the previous election that focuses MPs' minds on constituents' views when deciding how to speak or vote; rather, it is the next election that they are looking at. That is why they pay careful attention to constituents' views, late in a Parliament in particular, in politically uncertain times. There is no excuse for this appointed House to overrule the elected House and say that the Bill is so erroneous that we refuse to discuss it further.

Lord Waddington: Perhaps my noble friend will forgive me if I raise one point with him. Have there not been numerous occasions when this House, even when it was largely hereditary, rejected Bills that had come here from the House of Commons on Second Reading? I have a big memory of the War Crimes Bill that came here from the House of Commons having been passed there by an almighty majority, far greater that the majority given to this Bill in the House of Commons. Nobody in this place suggested that anyone would be behaving improperly if that Bill was rejected by this House. What has changed?

Lord Cope of Berkeley: I think that my noble friend exaggerates when he says that there have been numerous examples. There have been examples, of course, mainly

[Lord Cope of Berkeley]
of Private Members' Bills being defeated at Second Reading when they were being put forward by noble Lords in this House, but that is a different matter. I also draw my noble friend's attention to the fact that Bills like the one to which he refers, the War Crimes Bill, have nevertheless become law without the House of Lords being able to contribute through a Committee stage to the detailed provisions of it. We have had numerous references in the debate to matters that require further discussion but by definition, if the Parliament Act is used, it is the Bill as it stands that becomes law in those cases.

Lord Elton: May I correct my noble friend? The Bill that is sent back from the House of Commons in its original form comes to this House in the next Session. It is then open to this House either to reject it again and it goes on the statute book as it is in its present state, or to take it through all its usual stages and for it be amended by this House in the normal way.

Lord Cope of Berkeley: I am aware of that. Nevertheless, it is entirely possible that it becomes law exactly in the position in which it now stands.

The question that underlies this is whether we or the House of Commons are the better judges of changing public attitudes on matters such as this. With our average age, I do not think that we are the better judges. As I have indicated, another theme of the debate is whether the safeguards for the churches, teachers and registrars are sufficient, and whether the Bill is properly drafted. That is for the House to consider in Committee. The Commons Committee stage has also been criticised, but that is not a reason to avoid a Committee stage here. It is a reason for having one, to consider the detailed provisions with care and the expertise that are available to this House. This revising Chamber should not block the Commons' will so clearly expressed and refuse to consider what revisions may be desirable. I shall therefore vote against the amendment and for the Second Reading.

4.19 pm

Lord Faulkner of Worcester: My Lords, I congratulate the Minister on the way in which she introduced the Bill yesterday—a long time ago now. She did it with skill and great courage. I hope that she will have the opportunity to take the Bill through the House in Committee, and that later today the House will reject the amendment moved by the noble Lord, Lord Dear. I hope, too, that it will take careful account of the very wise words that we have just heard from the noble Lord, Lord Cope, about the consequences for this House of rejecting the Bill at Second Reading. I remind noble Lords that even the Hunting Bill, which had fewer supporters in the House than this Bill, was given a Second Reading and eventually failed in Committee. To deny this Bill a Second Reading would leave it open to the other place to reintroduce the Bill in exactly the form that it is in now, as the noble Lord, Lord Cope, said. That would be a dreadful mistake and would reflect very badly on this House.

I strongly support the Bill for two reasons. First, unlike some other speakers, I believe that it will strengthen marriage as an institution, not weaken it. Secondly, it will demonstrate a commitment on behalf of Parliament as a whole to remove all remaining obstacles to treating gay and straight people in exactly the same way. I suspect that in five years' time, or perhaps sooner, we will look back and wonder what on earth all the fuss was about. Our children and grandchildren rub their eyes in disbelief at how our generation still finds issues of sexuality so difficult to come to terms with.

I am not a member of the Church of England. I was brought up by parents who are both Nonconformists, and I would not presume to argue the finer points of Anglican theology with right reverend Prelates and other Members of your Lordships' House who are steeped in that faith. However, it is worth drawing attention to the fact that there is more than one view about the Bill within the Anglican Communion. A number of noble Lords have drawn attention to the letter sent to my noble friend Lord Alli by the Bishop of Salisbury.

I will say a word about New Zealand; I think that only the noble Lord, Lord Birt, has mentioned it so far in the debate. The Marriage (Definition of Marriage) Amendment Bill was passed as recently as 17 April, amid scenes of huge rejoicing in the Chamber and the singing of a Maori love song when the vote was announced. As part of the preparation for that Bill, a Select Committee looked at it. It received representations from a retired bishop, Richard Randerson, who is a leading theologian. He said that he supported the purpose of the Bill because he believed that it was consistent with Christian principle. He said that the Anglican definition and understanding of marriage had changed over the years, a point made by the Bishop of Salisbury in his letter, and could now be modified again to be inclusive of gay and lesbian couples. He said that same-sex couples may also be,

"united in heart, body and soul … and in their union fulfil their love for each other".

He said that they may also,

"provide the stability necessary for family life, so that children might be cared for lovingly and grow to full maturity".

The evidence is that there are same-sex couples in long-term, committed relationships, and research shows that children may be cared for equally well by same-sex couples and by heterosexual ones. That point was made in a very powerful letter that we received from Dr Barnardo's, which wrote to us about the Bill.

Certainly, nowhere in scripture is the concept of loving, committed, same-sex relationships envisaged. Equally, though, one cannot find a biblical text on the subject of nuclear bombs or genetic modification. One must look for the deeper biblical principles. I will quote Bishop Randerson again, who said:

"Such principles include love for God and neighbour. Such love encompasses the marriage relationship between a man and a woman, and may be found also in a same-sex context. The ethical criterion is to do with the quality of the relationship, not the orientation of the partners".

Our current knowledge about sexual orientation has changed. Homosexuality is not a sin or an aberration, but is as natural for many in our society as heterosexuality is for others.

I conclude by quoting a few words from an e-mail I received last week from an American lady at the University of Minnesota, which has an exchange

agreement with our University of Worcester. I met this lady, called Linda, when her students were over here. She writes,

"We were recently granted equality in Minnesota and I honestly don't have words to express the feelings of acceptance that the law had given me. To be treated just like everyone else is a joyous experience. My partner of twenty six years and I plan on marrying this summer. I humbly request that you vote to grant this right to all of the Lesbian and Gay citizens of the United Kingdom".

That is certainly what I intend to do, and I hope that the House will have the opportunity to take this Bill forward.

4.25 pm

Lord Vinson: My Lords, when the history of our times comes to be written, this debate will be a good example of the seismic shift in social customs that can happen over such a short period as a generation, albeit in this case accelerated by the European Convention on Human Rights.

Much has been said already, which I would not wish to repeat, but with gay marriage the coalition proposes to alter fundamentally the most important social structure ever known to mankind. The quest for fairness now moves on to demand uniformity. The ramifications of the Bill are endless. One can wholly sympathise with the homosexual wish for equivalence and fairness, but how can you make something equal that is inherently different? You cannot make something that is biologically different the same. It defies common sense. In practice, the redefinition of marriage will be one word with at least two meanings—one acceptable, and the other a muddle to others.

Many people say that this does not really matter, but equally many other people think that it does matter because it is confusing and, they believe, it weakens the whole nature of parenting and family, a point made to me time and again in the numerous letters that I have received. Not only will the word "marriage" be expected in future to cover numerous different sexual relations, but at the same time the terms "husband" and "wife" will lose their current meaning. They will become sexless words. We have already seen this used in this House; I refer to the marriage and civil partnerships debate of 15 December 2011. Even in Spain, the Government have changed the words "father" and "mother" to the words "progenitor A" and "progenitor B". All official documents follow this. Under EU pressure, no doubt we will do the same.

All this is bound to have a destabilising and confusing effect on children and the existing concept of family. Marriage is not just a public expression of love between two people; it is also the joining together of two families through consanguinity or bloodline. By its nature, homosexual marriage can never do this. Consanguinity and procreation are the two deeply underlying structures that exist in marriage—the union between two families, two tribes, two dynasties, that are linked by their bloodline thereafter for mutual support and protection, to give security and succour to their members. Still today in India you will hear people say, "My grandchildren are my pension".

When Beveridge introduced the welfare state, he foresaw that the national form of social security might well undermine the family. He was right. We increasingly see the state taking over family care, looking after grandfathers and grandmothers in their dotage, rather than it being the duty of the offspring. As our nation's ability to fund the welfare state comes increasingly into question and above all shows itself up as a hideously expensive substitute for our fractured western families, it is surely inappropriate at this time to weaken the nature of marriage and the family, which have always been the bedrock of society.

Every bit of modern research emphasises that children with stable family backgrounds are naturally advantaged. This should be encouraged by the state in every possible way. Teachers report that they are having to cope with children who are confused and have no natural sense of right and wrong, and find this a growing problem. The familial framework must be supported. There will come a time when the state cannot cope, and that might come sooner than we think.

Fifty years ago, those who criticised Christ were persecuted; today, those who promote Christ are prosecuted. Whatever the outcome of today's debate, we must look for stronger safeguards that implement the deeply held traditional views of those who cannot accept change. We need the sort of legal protection given to conscientious objectors in the last war, which was fought to allow the very freedoms of expression and thought that are under attack today.

The consequences of the Bill could be profoundly damaging. If you mix up values and edges are no longer defined, it is like mixing many paints together; the end result is a dull, amorphous and confusing moral mess. The wider concept of family and marriage must be protected and clearly defined. These timeless institutions, the structure of every civilisation to date, should be reinforced, and we must be very careful not to harm them. For that reason, I will vote for the amendment.

4.30 pm

Viscount Colville of Culross: My Lords, I have listened with great respect and interest to the passion and concerns that arise from the redefinition of marriage set out in this Bill. I have spent the past few months researching a television proposal on the history of various Christian institutions, and one of the main areas of my research was the institution of marriage. As has been mentioned by many noble Lords, including the noble Lord, Lord Faulkner of Worcester, it is clear that over the 2,000 year-long history of Christian marriage it has been open to continual redefinition both by the church and the state.

I have gone back to the early church, in which marriage was seen as a contract between a man and a woman. It was adorned by Christ's presence and commended by St Paul. But for nearly 1,000 years after Christ, there was no such thing as a church wedding; marriage remained a civil ceremony, even for Christians. The church recognised only baptism and the Eucharist as sacraments, which were performed inside the church, while marriage was often performed at a slight distance from the church building. I found proof of this in an English medieval liturgical text, the Sarum Rite, which suggested that marriage should take place in the church porch, rather than in front of the altar, as happens in church weddings today.

[Viscount Colville of Culross]

The big change came in the 11th century, when reforms initiated by Pope Gregory VII meant that the church started to take control and redefine marriage in many different ways. Most importantly, it laid down that marriage was now a sacrament, an eternal union of a man and a woman divinely dispensed, one of seven sacraments. The rules of marriage were changed, laying down in canon law that it was not possible to marry within seven degrees of consanguinity and even prohibiting marrying godparents or their children without the church's dispensation.

The church control of marriage broke down when the reformation swept through northern Europe in the 16th century. The protestant reformers once again saw marriage as a contract. In England, marriage was no longer regarded as a biblical sacrament. In the Church of England's 25th article of religion, this status was reserved only for baptism and the Supper of the Lord. A marriage was administered by the parties to the marriage, with the church merely blessing it.

In Archbishop Cranmer's prayer book of 1549, the first prayer book in English, marriage was ordained for the procreation and nurture of children, and as a remedy against sin—but very significantly, also, for the,

"mutual society, help and comfort",

of man and wife. In other words, for the first time in Christian liturgy, marriage was defined as about the happiness of two individuals.

These principles of marriage have been continually redefined over the last two centuries by both church and State. The supposedly lifelong nature of marriage was redefined by the state in 1857, with the passing of the Matrimonial Causes Act. Marriage was no longer eternal; it could end in divorce. The church's control of marriage was broken by establishing a central divorce court in London unattached to the church. At the time, this change in the nature of marriage outraged many Anglicans, and some prominent clergy left the Church of England in protest, but divorce is now a feature in Anglican life. It is not just the state which has redefined marriage; so has the church. The 1549 prayer book made it clear that the wife was unequal to her husband, but this part of the marriage contract was redefined in 1927, when the Church of England introduced an alternative marriage service. It removed the wife's vow of obedience in the marriage service and proposed instead that she should now make the same vow as her husband, to honour and love her spouse. But the ruling stirred huge debate in the national assembly of the church, with opposition being led by Lord Hugh Cecil and Athelstan Riley. The latter declared that "There can be no equality in matters of sexual morality between men and women as it pleased God to create a profound inequality between men and women". This was said just before women were given universal suffrage in 1928.

As has been mentioned by many noble Lords, the stipulation in the 1549 prayer book that marriage should be for the procreation and nurture of children was also redefined at the beginning of the last century by changes in the Church of England's view on the use of contraception in marriage at a series of Lambeth conferences. In the 1908 conference, they referred to contraception with repugnance as "an evil which jeopardises the purity of family life". In 1920, the bishops at the conference still expressed their grave concern at the spread of,

"theories and practices hostile to the family".

They made no attempt to lay down rules to meet every case. But by 1930, there was an entirely different mood. The Lambeth conference acknowledged that there would be occasions when,

"a clearly felt obligation to limit or avoid parenthood",

and,

"a morally sound reason for avoiding complete abstinence",

would justify contraception in the light of Christian principles. Despite much principled opposition, the Church of England had agreed a direct connection between contraception and accepting that sex within marriage was not only for the purpose of procreation.

In 2009, the Quakers made their own great leap of redefinition set out in this Bill. They agreed, as many noble Lords have already mentioned, to support same-sex marriage at their meetings. It seems that marriage has undergone many redefinitions over its huge history. Many were fiercely opposed at the time, but they went ahead anyway.

Looking to the future, I picked up on the concern of my noble friend Lord Dear, that this redefinition will lead to an increase of homophobic attacks, as has been happening in France, so I looked at what has happened in other countries which have introduced a same-sex marriage Act. Sweden did so in May 2009 and, according to the Swedish National Council for Crime Prevention, which is an agency of the Swedish Ministry of Justice, in 2008—that is a year before the Act was passed—there were 1,046 attacks, but in 2010, there were 750, a decrease of 28%. And this in a country which is becoming less tolerant as the riots across its cities last month have shown.

Considering the many redefinitions of marriage that we have seen over its long history, I think that this new redefinition should be debated by this House. I therefore reject the amendment.

4.37 pm

Lord Bates: My Lords, it is in the nature of taking part in debates in your Lordships' House that the longer the debate goes on, the less one feels like taking part and the more one feels like taking notes. The past two days have been an example of that.

I want to focus on one aspect. I am concerned that politicians and religious communities have spent far too much time making the case for what we believe marriage is not, and insufficient time in making the case for what it is, what it could be and what it should be.

Marriage and the family are the basic building blocks of our society. It is more than the ultimate B&B, taxi service and ATM. At its best it is a school, a hospital, a welfare system, a justice system, a library, a bank, a care system, and a playground. It is the place where we learn our values and how to interact with each other. Marriage is irreplaceable and those who doubt its value to society need only look at the alternative when the state is forced to take children into care.

Those who have the privilege of growing up in a stable home of that nature have higher health and wealth outcomes than their unmarried counterparts.

Marriages fail—more than one-third fail before their 20th anniversary—but businesses fail too, yet we have not found a better way of creating wealth and opportunity, although we have tried. If the parameters for marriage are expanded through this legislation, will it lessen or devalue my own marriage? The answer can only be that it will not. That can only be a matter for my wife and I—how we choose to honour the vows we made and the love we expressed for each other and how we do that each and every day. I do not make my marriage "more" by claiming that other relationships are "less".

However, there is another concern which is real, and it is this. Could this legislation be portrayed or interpreted by some as an attack on the institution of marriage itself? I received a total of 164 communications on this matter, including 116 letters and 48 e-mails. Of the letters, 107 were against and only eight were in favour of the Bill. Of the e-mails, 24 were against and 24 were for the Bill. It would be difficult to pick up a common theme running through the letters and communications that I received but, if I were to do so, it would probably be people writing to say, "Marriage is sacred and special, and we're worried that this Bill may damage it in some way". I acknowledge that that impression is plausible, given how this measure has been presented, and that is why bringing forward a measure that was not in the manifesto should have been accompanied by the bringing forward of measures that were—for example, recognising the importance of marriage in the tax and benefits systems. Investment in marriage probably has the best multiplier effect on the health and wealth of society, yet so often we take it for granted.

However, there is also a responsibility on religious organisations, which, rather than lamenting that the end is nigh for marriage, should be celebrating more what marriage does and acknowledging the work of organisations such as Relate, founded by a clergyman, Herbert Gray, 70 years ago, or Care for the Family, founded by Rob and Di Parsons 25 years ago, which provide practical help to people to keep going through tough times. Marriage will survive and adapt in the future, as it has in the past, not because of any legislation that says so but because it manifestly works better than all the other systems that have been tried.

With that, I come to my closing remarks, which relate to the nature of the amendment. I have thought very carefully about the way that the amendment was put forward and about its appropriateness. Some of the arguments here have focused on the need to give this legislation more consideration. We need to check that the balances and safeguards that have been presented are adequate, and what better place to do that than in your Lordships' House? That therefore suggests that the Bill should be allowed to proceed to Committee and Report, where we would be able to revise it.

The second point that I want to mention was made, I think, by the noble Lord, Lord Dear, who referred to the perhaps supine nature of some of our colleagues in the other place when they considered this matter. It was suggested that they were conscious of their own careers and were informally whipped into the Lobbies. I wish that, for example, the government Chief Whip in the other place were here to give evidence about how uncontrollable the government Benches, in particular, are there, even with a three-line Whip, never mind a free vote. Therefore, claiming that this was anything other than a sincerely intended and deliberate statement of intent and desire would, I think, be wrong.

My final reason for not supporting the amendment—I speak as someone who has served as a member of the Whips' Office at both ends—is that I think it is a tactical mistake. Some people, including me, have some very serious reservations about the Bill as it currently stands, and we would like to see those tested by Members of this House, through amendments tabled and reasoned, before we give our consent to the Bill at Third Reading. However, we are being put in the position of having to decide on a constitutional issue—namely, whether we should try, at Second Reading, to close off a Bill which has come to us from the other place with a majority of 225 on a free vote. Personally, I should like to see the Bill proceed to Committee and Report, and then to be able to offer my view at Third Reading, rather than have that debate and your Lordships' scrutiny pre-empted.

4.44 pm

Baroness Turner of Camden: My Lords, I support the Bill. I do not understand why there is such opposition. Most people now accept equality as a desirable aspect of society. Achieving this has been a long struggle, and unfortunately there is still a criminal element which is responsible for homophobic violence. Yet most people, including those who oppose the Bill, would strongly deny homophobia. They accept that we now have civil partnerships. Those of us who always supported gay rights believe that we have won the popular argument. Then why not accept the Government's Bill? Why not have same-sex marriages, if that is what two people who are deeply committed to each other really want? Why such strong opposition? It is strong enough to have kept us arguing for most of yesterday and a great deal of today.

Those who are opposed to the Bill tend to talk about their values. Do they think that people like me have no values? Of course we do. We believe in fairness, in tolerance, in compassion and, yes, in kindness to others who may be different but whose way of life harms absolutely no one.

This afternoon we heard the argument that somehow this damages the institution of marriage. I do not understand that at all. I believe in marriage. I am now a widow, but I was happily married for more than 40 years before my husband sadly died. He was an artist, and like most artists believed in equality. We had friends whom we knew were gay, and that was a matter for them. We liked them and supported the campaign for gay rights. My husband would certainly have supported my agreement with the Government's Bill.

Those in opposition to the Bill who talk about tradition should remember that marriage itself has evolved over the years. It has evolved in order to come

[Baroness Turner of Camden]
to terms with the greater equality of women. In the 19th century a married woman was virtually her husband's possession, with no rights outside the marriage and not very many within it, and no right of inheritance. Remember the novels of Jane Austen. Marriage has changed in order to deal with the change in the status of women in society. I believe that we should also come to terms with the change in society in relation to homosexual relationships.

There have been some religious objections, but the text of the proposed legislation attempts to make provision for those on an individual basis. That has been acknowledged in the Church of England's briefing. I am a secularist, but I believe strongly in the right of those who are religious to practise and preach their religion. What I do not agree with is any attempt to impose a particular way of thinking or acting on others who do not share a particular religious view, which I think some in opposition to the Bill are attempting to do. We shall not let that happen.

Not all clerics are opposed to the Bill. If such clerics wish to officiate in a same-sex marriage they should be able to do so. We heard yesterday from Quakers, Methodists, and those of other faiths who support the Bill and agree with that point of view.

I realise, of course, that there are countries where the views I have expressed are not acceptable. Usually in such countries homosexuals are brutally persecuted, and women are treated dreadfully badly as well. We should be proud of the fact that over the years previous generations have changed society in this country very much for the better. That is a tradition which we should all support. Therefore, the Bill, which is in line with this reforming tradition, should be accepted and the amendment of the noble Lord, Lord Dear, should be thoroughly defeated.

4.48 pm

Lord Glenarthur: My Lords, in the 36 or so years that I have been in your Lordships' House I have come across many Bills from all quarters of the House with which I have profoundly disagreed. But none has made me as uneasy— and I use that word deliberately—as this one. The Government and others say that it is popular, but a great many of the people I know—and much more widely, and also among those who are long-term supporters of the Government—despair that such a measure should be brought forward. That is because the Bill goes to the very heart of individuals' personal and deeply held views about what marriage is. As the noble Baroness, Lady Kennedy of The Shaws, said yesterday, and my noble friend Lord Eden of Winton said just now, perhaps these views vary because of differences in age.

Marriage is a unique bond, as important in a non-religious connection as it is in a religious covenant. Despite the safeguards for the religious aspects of marriage contained within the Bill, one of the key views was expressed to me by the Scottish Episcopal Bishop of Aberdeen and Orkney, someone well versed in the overall nature of marriage, whether religious or otherwise, as I sought to organise my own thoughts about this debate. It is a view which I share. It is that the heart of marriage features both the complementarity as well as the difference between men and women. It cannot do that between those of the same sex whether or not deeply religious views are held.

As others have expressed over the past two days, marriage is a vital, life-giving institution in our society. It has evolved in its current form through a long and complex process, as the noble Viscount, Lord Colville of Culross, explained. It is an institution which recognises the complementarity and the difference between the sexes. Marriage offers a framework of stability for this and, when properly lived, has been proven to do so.

If one considers its ingredients, perhaps early on comes the simple fact of companionship. All of us who have been married learn over time that to make a marriage sustainable it needs hard work, give and take, forgiveness and many other aspects. That is well known to those who have been married for many years. However, there are other types of companionship relationships: caring for an aged parent, siblings living together when they are older, coping with a sibling or friend with a disability, and so on. There are also those who are simply friends and perhaps share a property. These might all be examples of great dependency and, indeed, interdependence, so might there be a case for same-sex marriage to be argued on a basis of mutual companionship? Perhaps, but it is hardly conclusive as none of these other companion relationships requires a marriage bond for them to work beneficially.

What about children? Of course people of the same sex can nurture children, but they cannot create them. It is the stability and complementarity of different sexes in a marriage that forms the bedrock of a child's early years.

Is it not the case that the current movement towards same-sex marriages comes not just from a given equality perspective but because of a mistaken desire for institutionalised recognition within a time honoured structure; namely, marriage? I would argue, as have others, that marriage and the special meaning that the word conveys is not the means by which this should happen. In a same-sex marriage there simply is not the complementarity and difference that there is between a man and a woman that forms part of its essential structure and character. Indeed, it is the word "marriage" within this Bill that creates the problem to some, including me. Whereas it is the foot-of-the-door argument for those who endorse its purpose, to many, unwittingly, it seems to uproot the significance of marriage for those who think differently.

It is true, as the Government have argued in introducing the Bill, that the means by which the marriage bond has been recognised over centuries has changed and has evolved into a quite sophisticated legal contract, to say nothing of the religious covenant it is now. If marriage stands for stability through complementarity and difference between the sexes, then same-sex marriage cannot become that which it seeks to be. Furthermore, it risks destabilising an institution that at its heart honours stability.

High expectations are therefore placed on those who enter into the marriage bond, and those within it should model or, at the very least, aspire and work towards the ideals of faithfulness and security which

society requires for its stable balance. I would not dream of suggesting that faithful and secure modelling of a relationship between people of the same sex in civil partnerships does anything other than add to the well-being of society. Indeed, it seems to me that civil partnerships provide all that is necessary for same-sex partnerships. The point I want to emphasise is that no relationship between those of the same sex can equal or match that complementarity and difference to which I referred earlier which is found in marriage. It cannot create another human being, and that is what differentiates, and always should do, civil partnership from marriage.

It seems to me, and to a great many others to whom I have spoken, provoked no doubt by this Bill and the huge amount of mail that it has generated, that there is a manifest and meaningful difference between marriage and all other forms of relationship; that marriage should remain as it is, a bond of faithfulness and security, however difficult to achieve, but always to aspire to, legally binding and perhaps religiously covenanted, between a man and a woman. A civil partnership can continue to enjoy the brand of complementarity that its own circumstances brings, one hopes to the well-being of society. But marriage it most certainly is not and it cannot be made so.

I therefore believe that this Bill is fundamentally wrong and is likely to do considerable damage to, or certainly put at risk, a much respected part of the way society works and achieve nothing for same-sex partners that cannot be achieved already. It turns an aspect of society's norms and values on its head and changes the well understood and accepted meaning of the word marriage in perpetuity. I fear for the future of family life if this Bill is passed. I shall certainly vote for the amendment.

4.55 pm

The Earl of Clancarty: My Lords, the great majority of young people are baffled by the fuss over same-sex marriage. In terms of change happening, they do not see a huge gulf between civil partnerships and marriage, even as we need to acknowledge that the distinction is important for gays and lesbians who wish to be married. The latest YouGov poll for the *Sunday Times* last month had under-40s in favour of same-sex marriage by more than three to one. Indeed, some young people that I have talked to believe that same-sex marriage already exists in this country, and are surprised that this is not yet the case. Young people's opinion is well in advance of the legislation itself.

There are some in favour of the Bill who have argued that, with the conditions attached, it takes a modest and reasonable step. I do not entirely agree with that assessment because real progress in human rights, which is what the Bill is about—a point made yesterday by the noble Baroness, Lady Lister of Burtersett—always enters new territory and is always difficult for some, if not, in this case, for the majority of young people. The Bill will redefine marriage but, I believe, for the better.

The institution of marriage as it stands is the last redoubt of discrimination against gays and lesbians. It reminds me of the latter-day struggles that women have had, long after they won the right to vote, to gain access to the pubs and clubs, among other places, from which, in many communities, they continued to be excluded—excluding them from defining aspects of the culture. Whatever people think of marriage, and, as we have heard in this debate, there are those who are critical of marriage as a formal institution, the reality is that marriage is a defining aspect of our culture. However, just as we are in the process of restructuring our social and work meeting places, so we also need to redefine marriage to make it a more inclusive institution.

The letter from the right reverend prelate the Bishop of Bristol and others published in the *Daily Telegraph* on Saturday says that:

> "Marriage between a man and a woman is the fundamental building block of human society".

Apart from the highly questionable assertion that marriage in any form is the fundamental building block, I would argue that it is not the constituent sexes that make it a building block but the public act of commitment by two individuals to each other, as some brilliant, heartfelt speeches have already made clear. We should recall Elizabeth I's dictum not to be making "windows into men's souls", a politic plea for religious tolerance in her own time that, in ours, should become an acceptance that there are many valid reasons why two people wish to get married. No church, whatever its policy, should have a monopoly over this institution, and Quakers and other churches that wish to perform same-sex marriages should be allowed to do so. This will be the meaning of equality.

As the mayor of New York, Michael Bloomberg, said in the *Guardian*:

> "Religious tolerance is a vital part of a democratic society. But religious rules should never dictate society's laws".

Furthermore, those who see marriage in a traditional sense are missing the much wider picture that unusual or even themed weddings that do not have religious content in any formal manner are already taking place. Heterosexual couples are introducing their own personal or spiritual stamps on their marriages. Therefore, it seems doubly ironic that a gay or lesbian who is a practising Christian and has been going to church on a weekly basis over a long period of time may have no claim over having a church marriage, whereas a non-believer has. That is a matter for the church, though, and the speeches that we have heard over the past two days from Christians give me hope that things will change. As someone who is married and therefore part of the institution of marriage, I would be embarrassed if, at the very least, the opportunity presented by this Bill was not taken to allow others who have been excluded to now be able to participate.

On civil partnerships, I agree with what Peter Tatchell has said about equality. The important thing is get the Bill on the statute book. I suspect that it will become clear quite quickly that heterosexual couples will be at a disadvantage over the choice of form of union that they can opt for and that further legislation will be needed to correct this if the correction is not included in the Bill, which would be more efficient. It is perhaps most immediately important to ensure that heterosexual and gay couples have the same, equal rights in terms of survivor benefits.

[The Earl of Clancarty]

Looking around the House, I think it would be fair to say that most of our marital choices have already been made, whether that means having married once, twice or more, or not—yet. But the young people of this country who are still to make these choices are very clear about how they feel about same-sex marriage and what they want us to do. If this House were to vote the Bill down—I say "were" because I do not believe that that will happen—it would show itself to be seriously out of touch with the youth of the country. I support the Bill and will vote against the amendment of the noble Lord, Lord Dear.

5.01 pm

Baroness Jenkin of Kennington: My Lords, at this stage of such a very fine debate, with outstanding contributions and powerful arguments on both sides, finding something new to say is quite a challenge.

We have heard from a number of noble Lords with strong and long-standing marriages, including my noble kinsman, whose diamond wedding the rest of the Jenkin family were happy to celebrate last year. As a Conservative, with a mere silver wedding approaching, I strongly believe in marriage as a force for good and I lament its decline in our society. We know that married couples are twice as likely to stay together as those who cohabit. Now we have people who want to get married, to make a lifetime commitment, yet some of us are not sure whether we should allow that to happen. Let us be clear: marriage and the lifelong commitment it involves are far from easy, and a successful marriage takes work. We do not do enough to help floundering marriages and struggling relationships, such as strengthening them and rewarding people for doing the right thing. We should. But stopping gay people marrying is not part of that.

At the heart of this Bill is a straightforward proposition. If a couple love each other, why should the state stop them getting married unless there is a good reason? In this day and age, being gay is not a good reason—if indeed it ever was. Of course, for some religions and faiths, this goes beyond their beliefs. As a result, the Bill specifically protects the rights of those who do not agree and does not compel anyone to do anything. All religious organisations are free to choose whether to opt in or out. The Bill simply allows people to get married—a clear and simple objective, delivered in a way that promotes and protects religious freedom.

We have heard quotes from the correspondence we have all received. I would like to read a few remarks from an e-mail from a Church of England vicar, well known to me, which seem to get to the heart of the matter. He said: "I have come to the firm conclusion that there is nothing to fear in gay marriage and indeed that it will be a positive good, not just for same-gender unions but for the institution of marriage generally. The effect will be to place centrally in marriage the idea of a stable, loving relationship, rather than anything else. Rather than this being a dramatic change, it is actually a radical reform (in the proper sense of 'radical') recalling the institution to the heart of its real meaning". Those are wise words and ones that I hope in due course his church and mine will come to accept.

The other main argument against the legislation is that it would undermine marriage. However, I have not heard a convincing explanation of how it would undermine marriage. Yes, it is controversial, but decriminalising homosexuality was controversial, as was equalising the age of consent. It was also controversial when the Labour Government rightly legislated for civil partnerships. Once those things were done and the world did not end, public opinion changed, and that is what will happen when this legislation is passed.

I am part of that changing public opinion. I am by nature a small "c" conservative. I do not like change. There is a part of me which longs for the simpler, safer world of my childhood. I admire those like my noble friends Lord Fowler and Lady Noakes and my noble kinsman Lord Jenkin who have been totally consistent in their approach, but to be honest I am not sure whether I would have supported this Bill 15 or 20 years ago. I was sitting on the steps of the Throne during yesterday's debate next to the noble Lord, Lord Filkin, when his 2004 speech was quoted. He turned to me and said, "I was wrong. I have changed my mind". He is right. Times have changed, and I have changed, and one of the reasons why I now support the Bill is because I have children in their twenties who, like many other young people in their teens, twenties and thirties—whose voice incidentally has been lacking from the national debate over the past few months—just do not understand what on earth the fuss is about. As others have said, the polls all show younger people to be overwhelmingly in favour of the Bill. My own sons have said that they are proud of me, their father, and indeed their grandfather, for supporting the Bill, and would have been ashamed had we voted against it. We need to recognise that for conservatism to work, we have to accept that the world changes. If we do not, we become an anachronism.

5.06 pm

Lord Collins of Highbury: My Lords, since 1997 the situation for lesbian, gay and bisexual people in Britain has changed significantly. With the exception of civil marriage, we have full legal equality. Much of that progress was made, I am proud to say, under the previous Government. However, I am also proud that across all political parties there is now a consensus that respects the right of lesbian and gay people to celebrate their relationships. Britain can now rightly claim to be a beacon to the world for the equality of gay people. On this final step I am immensely proud of our Prime Minister, who is prepared to stand up and be counted. His personal commitment to equality in marriage is something that I celebrate.

My husband—I can think of no better term for him—and I have taken every opportunity given to us to celebrate our 16-year relationship on an equal footing in civic society. When parliamentary opposition, particularly in this House, delayed progress on civil partnerships, we went ahead with a ceremony in London City Hall under the auspices of the GLA. After the Bill was finally passed, Rafael and I legally tied the knot in Islington Town Hall. It was a very moving moment for us, our family and our friends, to be part

of a ceremony that finally gave legal recognition to the inherent worth of a loving relationship between two people of the same sex.

I am glad that, some years later, some who opposed the civil partnership legislation have spoken in the debate and appear to have had a change of heart. I hope that it is because they are persuaded by seeing how the law has helped to transform the lives of lesbian and gay people in this country, rather than an attempt to frustrate this move to full equality.

In the debate, reference has been made to the Bishop of Salisbury, who wrote that open recognition and public support have increased in civil partnerships those very qualities for which marriage itself is so highly regarded: increasing commitment to working on the relationship itself; contributing to the well-being of both families of origin; and acting as responsible and open members of society. He went on to say that:

"Indeed the development of marriage for same sex couples is a very strong endorsement of the institution of marriage".

I go with that.

The quadruple locks contained in the Bill provide extraordinarily robust protection for those religious bodies, including the Church of England, unwilling or unable to conduct same-sex marriage, without being accused of being homophobic. It is also, of course, a matter of religious freedom that those religions and churches that want to conduct same-sex marriages should be able to do so.

With so much to be proud of, why do we need this legislation? For me and Rafael, it is for our relationship to be equal in the eyes of the law. There is no doubt that the changes that we have seen so far have helped to shape more progressive attitudes but, in my view, far from inciting intolerance, this measure will go a long way towards challenging it. As my noble friend Lady Royall highlighted yesterday, a real problem remains. There are 20,000 homophobic crimes annually and 800,000 people in five years have witnessed homophobic bullying at work. An even more dreadful statistic is that 96% of young LGBT people in secondary schools routinely hear homophobic language. Three in five who experience homophobic bullying say that teachers who witnessed it never intervened.

We have heard lots of references to letters and e-mails, some of which I was proud to receive. Unfortunately, some of those letters and e-mails to me also provided evidence, which I am sure your Lordships have seen, of continued prejudice towards me and my community. Being defined as immoral and evil is just for starters. Statements made by many public figures recently have compared same-sex relationships with child abuse, slavery and bestiality. I have heard those comments. There is no point in noble Lords shaking their heads, those opinions still resonate in our society. Comments like that fuel aggression and homophobic bullying and cause damage to the self-esteem not only of people such as me but of young people in particular.

By passing the Bill, Parliament is sending a clear message: that lesbian, gay, bisexual and transgender people are equal and deserve the same rights and respect as every other citizen.

5.12 pm

The Duke of Montrose: My Lords, we have just had a telling and detailed explanation of the road that we have travelled in getting equality for lesbian, gay and gender-transmuted people. We are certainly sad to hear that there is so much persecution going on. The only thing that one can say is that legislation is now in place that should deter that.

I am very grateful for all the briefings that we have received from all around on different aspects of the Bill. Once again, this House has provided a forum for an incredibly varied and passionate debate. It has incorporated the wisdom and experience of people from a great range of backgrounds and philosophies, and the passion with which each of those is held can be judged by the number of Members who have wanted to speak.

The Government claim to have consulted adequately, but our postbags reveal a wide unease about the effect of the Bill. Unfortunately, the purpose of the Bill can be read only as removing traditional Christian connotation from the concept of marriage in the law of the country. Some might regard that as a marvellous gesture towards multiculturalism, but the response of the noble Lord, Lord Singh of Wimbledon, yesterday and those of other faiths does not support that. Considering the way in which the Christian religion has inspired and shaped our culture and constitution, I would regard the Bill as a major departure introducing many pitfalls, some of which were outlined by the noble Lord, Lord Dear.

I feel that the confusion starts at the outset in that neither the Bill nor the statute law of England or Scotland defines marriage. We have relied on common law and the criteria and practice of the churches. The noble Lord, Lord Pannick, has outlined the way in which many of the parameters have changed, but up to this time marriage has not required a legal definition because there has been an historical consensus about its meaning. This Bill is a proposal to do away with the historical consensus and introduce a new meaning. This was laid out more eloquently than I could in the speech yesterday of the right reverend Prelate the Bishop of Exeter. It has also been voiced to me as a concern by the Scottish Law Society. If we have to go down this road, a Bill introducing a new concept of marriage should state clearly what its definitions and requirements are for any and all of the parties.

For me, another difficulty lies in the determination that there can be no difference between a heterosexual union and a homosexual union in law and that, once legislated for in statute, locks can be put in place that can ensure that the law will be able to treat the two categories differently. Surely that must be a target for constant challenge and can be considered as viable only in the short term.

Like my noble friend Lord Waddington, I regard it as of some consequence that only nine years ago we went to great pains to pass a viable Civil Partnership Act and to ensure that those taking on a committed same-sex relationship should be able to benefit from the same civil recognition and tax arrangements as those in a conjugal union. He mentioned the official view of the then government spokesman that this

[The Duke of Montrose]
contained all that was necessary to satisfy equality. As we have come to this Bill, I noticed that on 5 February the opposition spokesman in the other place re-emphasised that,

"civil partnerships are different".

She went on to say:

"it is right that we now take the additional step of introducing equal marriage".—[*Official Report*, Commons, 5/2/13; col. 134.]

If that was so firmly ruled out nine years ago, what reliance can we put on politicians and legal interpretations taking the same view on the differentiations and locks that they are so sure about today? Even the triple locks, such as they are, seem to be targeted to protect only religious officials, organisations and buildings.

As my noble friend Lord Tebbit mentioned, one of the responses that we have received is from a part-time chaplain to a local police force in Strathclyde—not a post that would be protected by the proposed measures—who has already been dismissed because on his private blog he said he was in favour of traditional marriage. Have the Government considered what might be needed to protect religious individuals who merely want to exercise their own freedom of speech and freedom of religion by expressing their favour for one kind of marriage or another?

For these reasons, many who have spoken wish to ask the Government to think again, and to produce a Bill that more adequately addresses the needs of the country. If the noble Lord, Lord Dear, calls his Division, I will support him.

5.18 pm

Baroness O'Loan: My Lords, this has been a difficult and challenging debate—on occasions even an emotional one—for many of us as we have listened to all the speeches. To take a position that is not in support of this Bill is not to be homophobic, although some might accuse us of it. We have a duty to do all we can to further equal treatment, to challenge homophobic behaviour and to celebrate difference and diversity. This Bill is a very uncertain instrument, but one thing is clear: it will change the definition and understanding of marriage, converting it into two different institutions.

As has been said previously, it is not the outcome of a manifesto commitment, of a referendum, of a Green Paper, of a White Paper and of normal consultation. In the 126 letters in my postbag yesterday, 120 were against this Bill and six were for it. One thing that was articulated repeatedly in those letters—they were not standard form letters; people had sat down and thought this out—was that the Government had not gone through the normal processes in approaching this matter. They simply issued a consultation on how marriage could be opened up to same-sex couples.

As we come to the end of this debate, we need to remind ourselves why we have legislative provision for marriage at all and why the state intervenes in people's sexual relations. Bertrand Russell said:

"But for children, there would be no need of any institution concerned with sex".

Let us think a minute about English law, under which a valid marriage is one man one woman, is a lifelong commitment, has an exclusive sexual aspect and has a presumption that the husband is the father of the wife's child and that the partners will remain loyal to one another. Normally, marriage involves being open to bringing children into the world and provides a legal context within which stability, care and protection can be provided for them. Marriage has been protected in law for that reason and, as others have said, it provides the basis for our complex inheritance laws.

It is not just a matter of domestic law. Article 12 of the European convention protects the right of a man and woman to marry. Article 23 on the International Covenant on Civil and Political Rights recognises the family as,

"the natural and fundamental group unit of society … entitled to protection by society and the State",

involving,

"The right of men and women of marriageable age to marry and to found a family",

and implying, in principle, the possibility to procreate and live together. If Parliament enacts this Bill, the content must be clear and unequivocal. It must leave no uncertainties capable of resolution only through the courts, often at great expense and distress to those involved.

The Government stated in December that:

"At its heart, marriage is about two people who love each other making a formal commitment to each other".

Under English law, marriage is rather more complex than this. What is proposed will result in two different types of union that will bear the same name: marriage. The first will involve traditional legal marriage between a man and a woman. The second, legal marriage between same-sex partners, will be significantly different from opposite-sex marriage. Non-consummation will not be a ground on which such a marriage can be declared void. There will be no presumption that a child born to the family is a child of the family, and sexual infidelity with another same-sex partner will not constitute adultery. The formal proposed legal relationships of married same-sex couples cannot therefore be construed as being identical to those of married opposite-sex couples. There will be different consequences, not only for the couple but for any child who may be born to such a relationship.

It is not unequal, unfair or discriminatory to treat those in different circumstances differently. European law gives state authorities a wide margin of appreciation in deciding where to strike the balance between convention rights. In 2012, the European Court stated that there is no discrimination in excluding same-sex couples from marriage.

I want to move on to a number of questions for the Minister. Can she advise whether a member of a same-sex marriage whose partner has a sexual relationship with a member of the opposite sex will be able to divorce that partner for adultery, which goes to the heart of the commitment to faithfulness, as is the case for those in opposite-sex marriages? Can she also advise why the two types of marriage proposed are treated differently in the Bill, something that surely might ultimately give rise to action in the courts? If a wife in a same-sex marriage does not have the advantage of a presumption—we understand why—that a child whom she bears is a child of the marriage, what protections will exist for that child in law?

If a same-sex marriage does not have to be consummated, surely a partner in an opposite-sex marriage who wishes to remain married to his or her partner despite the fact that the marriage has never been consummated would have the right to bring a challenge in the European Court against the Government for discrimination in not according to them the protections afforded to those in same-sex marriages. There might be significant financial implications for a party married to someone who declines to consummate the marriage but is in all other respects a model spouse.

Under English law, religious marriages conducted in accordance with the law are also civil marriages. There are not two kinds of marriage. Rather, marriage may be contracted either through a religious ceremony, without the requirement that exists in other European countries for a separate civil marriage, or a civil ceremony. A number of churches, including representatives of the Church of England, have articulated uncertainties about attempts at compulsion that may be brought to bear if the Bill is enacted. Might some churches, reluctant to face the uncertainties and costs inherent in the possibility of third-party action against the United Kingdom in the European courts, simply decide that they will no longer act as registrars of marriages, so that couples will have to have a civil wedding as well as a religious wedding to have a legally valid marriage? What assessments have been made of the potential costs of any consequential necessity to employ additional registrars of marriage? It has been argued that a religious marriage involves a civil element that incorporates the provision of a public function. Where a church has stated that it will not marry same-sex couples, could it therefore be argued in the European Court that the UK is in breach of the non-discrimination laws applicable here and in Europe?

There has been significant concern in many quarters about the effectiveness of the so-called quadruple lock. There are those who also object to the fact that there is no discretion for the Church of England to determine whether it wishes to marry same-sex couples. Questions also arise about what might happen where an institution determines that it will not conduct same-sex marriages but a minister of that institution decides that, in conscience, he wishes to do so. The fact that the minister has conducted the marriage in defiance of his institution's determination might be a disciplinary matter for the institution, but will the marriage be valid for the couple concerned, and how will they know? Clause 2(2) allows individuals to refuse to conduct a same-sex marriage even though organisations have opted in. There is no corresponding protection, as has been said, for many others who provide services in the context of marriage.

The Government consulted on whether civil partnerships should be extended to opposite-sex couples. Of those who responded, 61% thought they should. It has been said that a requirement to declare a civil partnership is in effect a requirement to declare sexual orientation. Opening civil partnerships to opposite-sex couples would remove this automatic interpretation of sexual orientation. Will the Minister explain why the Government have decided to maintain this discriminatory situation and provide assurances that the European Court will uphold the right of the state to retain gender inequality in civil partnerships when they have legislated for equal marriage?

Statutory guidance requires that children learn about the nature of marriage and its importance for family and the bringing up of children. In the widened definition of marriage provided for in this Bill, there would be no exception for conscientious or religious belief: rather, there will be a duty on a teacher to promote positively marriage as newly defined. A teacher could be disciplined for conveying a belief against same-sex marriage in a way that a pupil might regard as discriminatory.

Finally, marriage receives modest support from government in the form, for example, of assistance for marriage counselling. Excluding same-sex couples from marriage counselling would be discrimination on the grounds of sexual orientation. The exceptions under the Equality Act 2010 do not apply to an organisation whose purpose is to provide services to a wider public constituency. Such organisations could be unable to access ongoing funding and might have to close. There is significant difficulty in accessing marriage counselling across England and Wales, given the long waiting lists. How do the Government propose to protect the ongoing provision of such services?

I was much impressed by the words of the most reverend Primate the Archbishop of Canterbury when he suggested yesterday that the better way would be to create a new and valued institution alongside marriage to strengthen us all. We have a duty to legislate in a way that gives certainty. Despite the Government's intention, the Bill cannot, as drafted, provide equality. It also appears to have been the subject of hasty drafting that does not deal comprehensively with far too many issues.

5.28 pm

Lord Norton of Louth: My Lords, I have sat here listening to every single speech yesterday and today. I sometimes think we should strike campaign medals.

The objections to the Bill have been on grounds of process—that it was not properly scrutinised in the other place and that it was in no party's manifesto—and because of what the Bill seeks to achieve. The objections in regard to process can be dealt with briefly as they have been addressed by others. As the noble Baroness, Lady Mallalieu, observed, we have frequently complained that Bills arrive here from the House of Commons not having been properly scrutinised. It is a novel doctrine to say that we should reject them, not least given that our principal purpose—although not our only purpose—is to engage in legislative scrutiny. The point about the Bill not being a manifesto commitment was dealt with most effectively by the noble Lord, Lord Kerr of Kinlochard. Governments have a permissive mandate, not just a prescriptive one, and to reject this Bill because it was not a manifesto commitment would, again, inject a novel doctrine which would lead us to regularly reject a good number of Bills in each Parliament.

Furthermore, as my noble friend Lady Berridge noted, if we reject the Bill it becomes eligible next Session for passage under the Parliament Act. If the other place insists on the Bill, it can ensure that it is enacted in the form in which it left the Commons the

[Lord Norton of Louth]
first time—in other words, the Bill as is now before us. This House may delay it, but it would have no effect on the content.

I turn to the arguments that focus on the content of the Bill. Many have justified the Bill on grounds of equality; I approach it from a different perspective. For me it is a question of freedom: freedom for those faiths which wish to conduct same-sex marriages, and freedom for those who wish to marry. Given that there are grounds for taking this as an issue of freedom, there would need to be compelling grounds to deny such freedom. What, then, are the arguments? We have heard that we should not favour a small minority against the wishes of the majority. The problems with this are twofold: one factual and the other a basic issue of principle.

The Ipsos MORI polls from early this century demonstrate a clear shift of opinion in support of same-sex marriage. I say to the noble Lord, Lord Brennan, that I prefer survey data as being somewhat more reliable than anecdote and assertion. We should regard the letters we receive as political intelligence, not somehow a reflection of public opinion. As my noble friend Lady Noakes has noted, all recent opinion polls where the question has been a simple, straightforward one of being for or against same-sex marriage have shown majority support. The recent YouGov poll is especially revealing. Not only is same-sex marriage supported, overwhelmingly so by those aged under 40, but also by women, by a margin of about two to one. Opposition appears to come predominantly from older males.

Noble Lords: Oh!

Lord Norton of Louth: I am inclined to say that you know who you are, my Lords.

Furthermore, in the poll the percentage strongly in support of same-sex marriage is notably higher than the percentage strongly opposed. As for those who claim that it will cost my party the next election, the poll shows that of those for whom it will be an important issue at the next election, more said that they would be more likely to vote for a party that supports same-sex marriage than those who said that they would be less likely to do so.

The issue of principle relates to writing off minorities because they are minorities, not least those which may not be popular with some sections of society. Homosexuals have been discriminated against and still are, appallingly so in many countries. To discriminate against a category of persons, to deny them freedoms accorded others because of the characteristics which they have not chosen but which set them apart, is fundamentally objectionable in a democratic society.

We are told that it is not up to Parliament to redefine marriage. This demonstrates ignorance of our constitutional arrangements and of our history. Parliament can redefine marriage and, as we have heard, Parliament has redefined marriage. It has done so frequently since the Marriage Act 1541, as illustrated by the noble Lord, Lord Pannick. Indeed, as we have heard, that is just as well, otherwise we should still be treating marriage as the transfer of the property of the woman from the father to the husband.

What are the grounds for saying that Parliament should not exercise its rights to extend the provision of marriage? It is claimed that permitting same-sex marriage devalues marriage. That is not an argument but rather an assertion of moral superiority. It rests in good measure on a rewriting of history—a point well made by the noble Baroness, Lady Neuberger, and indeed the noble Viscount, Lord Colville of Culross—and on biblical text. The Bible has been used to justify all sorts of discrimination that we now regard as morally abhorrent. As the right reverend Prelate the Bishop of Salisbury has noted, the text of the Bible has not changed, but our understanding has. In every sphere of life we are constantly learning, except, apparently, in this one respect, where we cling to a view held 4,000 years ago.

Much of the debate has been conducted as if we were the first nation contemplating the introduction of same-sex marriage. We can learn from what has happened elsewhere. Most of the nations that permit same-sex marriage are signatories to the European Convention on Human Rights. Their churches have not been forced to do anything by the European Court of Human Rights that they do not wish to do. We have heard assertions in this debate that the introduction of same-sex marriage has led to a decline in heterosexual marriage. I have the figures here, which are readily available in the briefing paper produced by the House of Commons Library. Some countries have seen a decline in traditional marriage, notably Portugal and Spain, but in Portugal that was happening before the introduction of same-sex marriage. In Belgium the figures for traditional marriages went up, not down. A study of the Netherlands found that trends in marriage and divorce did not change. In nations where it has been introduced, support for same-sex marriage has increased, and none of the dire consequences predicted as a result of the passage of this Bill appear to have been experienced. Of course, if anyone can show otherwise, they can bring it up in Committee.

The noble Lord, Lord Brennan, said, "What next?" Well, nothing, unless we will it. Things will not happen unless Parliament decides that something should happen. That is a key point. Nothing is suddenly going to translate from this action unless Parliament wants any further action to be taken. It is in our gift.

I end with the words of Paul Parker of the Quakers in Britain:

> "For us marriage is not a mere civil contract, but a religious act. While we don't seek to impose this on anyone, for us this is an issue of religious freedom".

The principled case for supporting the Bill is, to my mind, compelling.

5.36 pm

Lord Forsyth of Drumlean: My Lords, I will speak very briefly in the gap, of which I have given notice. I think I am entitled to four minutes, which is the time people in the other place—the elected Members—had to talk on a matter of this importance.

I am usually at one with my noble friend Lord Norton of Louth, but when he says that it is up to us to decide I say no, it is not. We can make laws, but they have to carry consent. Next week it will be 30 years since I was first elected to the other place. I have never known a measure—not even the poll tax—that has

produced such division and concern on both sides of the argument. It is important that we take account of that. What worries me about the Bill is the speed with which it has been whisked through the House of Commons and is now being whisked through here. I am told that we are going to be allowed two days in Committee. As the noble Lord, Lord Brennan, pointed out, the Civil Partnership Bill had far more than that—I think it had five days in Committee. The idea that we can deal with a matter of this importance in two days in Committee when we have had two days on Second Reading is ridiculous. What is the haste? What is forcing the pace of this matter?

On the letters and e-mails we have had, I acknowledge that some people who have written have used quite offensive terms. One of the qualities of the debate that we have had so far in this House has been the civilised and respectful way in which we have listened to the arguments. I would have preferred the House of Commons to have dealt with this matter in the normal way, as we have done on other controversial issues: a Private Member's Bill, with the Government providing time, and with a Committee of the whole House. Instead, we had a Committee which was stacked and a guillotine—and, by the way, we had a manifesto commitment to end the automatic timetabling of Bills. This Bill, above all others, should not have been subject to a timetable motion.

In this House we are now faced with the question which I want to address. I will be supporting the amendment in the name of the noble Lord, Lord Dear, because the House of Commons needs to think again. It needs to produce a White Paper or a Green Paper, and the public need to be involved in this discussion so that it carries consent. At the end of the day, consent is the most important thing. Listening to the debate in this House, and to the right reverend Prelate, I believe that consensus can be achieved, but the Bill is no way to achieve it.

The Bill was certainly not a manifesto commitment. My noble friend says that it does not matter. Yes, it does. If it had been, it would have been quite wrong for us to vote for the amendment in the name of the noble Lord, Lord Dear. This House is entitled to vote for the noble Lord's amendment because the House of Commons has not had an opportunity properly to consider it, and indeed, the Bill would not have come to this place had a deal not been done by the Labour Front Bench with the Government to support the Bill in return for a commitment to consider whether civil partnerships should be extended to heterosexual couples. That is a very important measure that could be taken, but we are told that it is very complicated, it will take a very long time, and they need that time. This is very complicated as well. We are entitled to vote for the amendment in the name of the noble Lord, Lord Dear, and I shall do so, because the process by which this Bill has been handled is inappropriate, and has left the country divided, bewildered and puzzled by something that has come out of a blue sky. That is not a proper way in which to make such a major social reform.

5.40 pm

Baroness Neville-Jones: My Lords, I have also given notice that I wish to speak in the gap and gave notice, and shall do so briefly in view of the length of the debate. I did not put my name down at the beginning, because frankly I did not know what I thought about this difficult legislation. I still have great difficulty with this Bill, though I have greatly benefited from the extraordinary quality of the debate.

Marriage is certainly much more than a wedding. As the noble Baroness, Lady O'Loan, pointed out, it has huge ramifications that have not been explored. How could they have been explored in the other place, given the bulldozer that applied? I entirely agree with what my noble friend has just said about the process to which this important legislation has been subjected. I come, however, to a different conclusion about what this House should do about it.

It would not be wise for us to reject this legislation at Second Reading. We have a duty and the right to take it through Committee. That is our function. I beg the Front Bench and the usual channels to afford us more than two days in Committee. If we reject the Bill now, it is a perversion of the function of this House, so I hope and expect that there will be more days available for discussion, given the extraordinary ramifications of this legislation. We need to know that the safeguards that have been claimed are robust. We need to know that the sorts of issues that have been raised can be pinned down and that we have definitions. We may call this thing marriage, but there will be two different categories, and we have to be clear about what the legal position is. I do not support the Bill as it stands, but I will not oppose it going to Committee.

5.42 pm

Baroness Thornton: My Lords, I am pleased to be here and that I heard the noble Lord, Lord Forsyth, coming over the hill as cavalry in aid of the noble Lord, Lord Dear. It is an honour to give the Opposition winding speech on this Second Reading debate in your Lordships' House. I am not envious of the task that the Minister has in answering the substantial and passionate debate that we have had for the past two days. My noble friend Lady Royall outlined most eloquently in her opening remarks the reasons why Labour is supporting this Bill and the Government, but as in the Commons there will be a free vote. I shall not repeat all of her arguments.

When we are contemplating something new, I always think that international comparisons are helpful. Last month this House supported making caste discrimination part of our legislative equality framework. In doing this, and persuading the Government and the Commons that it was the right thing to do, we were blazing an international trail of which we should be proud. Today, we are not being so adventurous, because we are proposing that the UK will soon join those countries that have now signed same-sex marriage into law. They are Argentina, Belgium, Canada, Denmark, Iceland, the Netherlands, Portugal, Norway, Spain, South Africa, Sweden, Uruguay and now France.

I offer my congratulations to Vincent Autin and Bruno Boileau on their marriage last week. It was historic for being the first same-sex marriage to take place in France following President Hollande's signing of the legislation into law. First and foremost, it was a momentous day for this couple, who on that day made

[Baroness Thornton]
a loving and lifelong commitment to one another before their friends and family, just as I and many in this House have done over the years.

The objections to the Bill to bring same-sex marriage onto the statute book seem to fall into two or three categories. There are noble Lords who are uncertain that freedom of religion will be respected by the Bill. To them I say that the Government have built huge safeguards into the Bill, which, it is widely agreed, will do the job. The most reverend Primate and the right reverend Prelates who have spoken have woven brilliant theology and arguments against the principle of same-sex marriage, but as the noble Baroness, Lady Neuberger, my noble friend Lady Mallalieu and others have said, the state's concept of marriage has been ever-evolving. It has long since diverged from religious teaching. They have not managed to unpick the locks, so to speak.

While lawyers can always find something to disagree about, I would encourage those noble Lords to read back the speeches of the noble Lord, Lord Pannick, and my noble friend Lady Kennedy of The Shaws, who have explained the strong assurances that legal security is provided by the Bill. Some concerns have been raised by noble Lords about the position of teachers and faith schools in reconciling their views of marriage with the new reality. My party is confident that the current law achieves the right balance in securing the right of faith schools to educate pupils in a way that is sensitive to the law of the land and also to students, some of whom may be gay or have parents of the same sex. I may never use these words again, but I agree with the evidence that Michael Gove gave to the scrutiny Committee stage in the Commons. However, it is right that these issues will be tested and scrutinised by this House in Committee, because it is right that these questions and concerns are allayed.

There are those who say that the Bill is in some ways anti-democratic, that it was not in manifestos, that there was no Green Paper—and, they add, let us rubbish the consultation—and they ask why it was not a Private Member's Bill. The noble Lords, Lord Norton and Lord Kerr, covered the constitutional points, and I agree with their analysis. We have to look at the strength of feeling in favour of the Bill in the Commons. It is remarkable that the majorities at Second Reading and Third Reading were so large. It may serve the opponents' purpose to suggest that some kind of secret Whip was applied, but I am with the noble Lords, Lord Cope and Lord Bates, about the whippability of such an issue.

Many MPs thought very hard about the Bill and had serious discussions with constituents before deciding how to vote, but each MP made a decision alone about whether to support it, and so must we. Rarely as parliamentarians do we have the opportunity, by the words that we use and the votes that we cast today, to affirm the equal respect that we have for our fellow citizens regardless of their sexuality and the equal respect that we have for their long-term and loving relationships.

We have also had a bit of scaremongering. Scaremongering to further an argument in which you passionately believe is a legitimate debating ploy, but noble Lords are wise and experienced enough to recognise scaremongering when they see it. We can safely say that the noble Lord, Lord Tebbit, won the award for this one. In a short and sharp intervention, he managed with his usual skill to provide a scare for almost everything, including compulsory promotion of homosexual marriage and artificial insemination of the heir to the throne.

Lord Tebbit: Clearly, the noble Baroness has the answer to all questions and is going to tell me the answer to the question that I asked about the heir to the throne.

Baroness Thornton: Yes, goal. I am happy to say that it is the Minister who answers the questions here.

The noble Lord, Lord Dear, also did quite well in the old scaremongering field when he said that some 8,000 amendments might be required by this legislation. I thought that that was remarkable and checked whether it is true. I am pleased to reassure the House that this seems not to be the case. The noble Lord seems to have confused the fact that there are indeed 8,000 references to marriage within the total library of legislation, without the need to amend them all. Furthermore, it is clear from discussion with the Bill team and reading the Bill that Clause 11 and Schedule 4 deal more than adequately with his concerns. I am sure that the Bill team will be happy to explain this to the noble Lord in due course.

Other noble Lords feel uncomfortable with what they see as a departure from traditional marriage. I do not doubt that this is how they feel, but I ask them to reflect a little deeper on those feelings. Is it habit and familiarity that make change uncomfortable and unsettling? This was referred to by the noble Baroness, Lady Jenkin. The Minister noted that we all move at a different pace when faced with change. As the noble Lord, Lord Deben, put it so eloquently, major social changes do not happen when the majority align themselves; they have almost always happened when a minority has stood up for what it believes to be right, put it to the public and in the end proved that it is right.

Unfortunately, some who profess to believe in equal rights for everyone, regardless of gender, race and sexual orientation, find it difficult fully to escape prejudices ingrained over many years when homosexuality was said to be at worst an abomination, or at least something to be very quiet and discreet about because it bordered on the shameful. To noble Lords who are finding the idea of same-sex marriage difficult to come to terms with, I make a plea that they should listen to their heart and indulge their generosity of spirit. Having heard the deeply personal speeches of the noble Lords, Lord Browne and Lord Smith, my noble friends Lord Alli and Lord Collins, the noble Lord, Lord Black of Brentwood, the noble Baroness, Lady Barker, and the noble Lord, Lord Carlile, it would be hard not to be moved—and it would be very hard-hearted not to support same-sex marriage.

The noble Lord, Lord Faulks, asked me a direct question: would my Government have brought in this legislation? Given that we brought forward all the

equalities legislation between 1997 and 2010, and given the presence of my noble friend Lord Alli over my shoulder, how could I say otherwise? It is the personal testimony not just of noble Lords who have faced discrimination and struggle because of their same-sex relationships, but of all noble Lords who have spoken of the love and strength they have found through their partners, civil partners, husbands and wives, that should secure our resolve to reject the amendment of the noble Lord, Lord Dear, and proceed with the Bill. I speak of my noble friends Lady Royall, Lord Brooke of Alverthorpe, Lord Young of Norwood Green and many others.

For many, marriage is the glue—my noble friend Lady Mallalieu called it the superglue—that binds together relationships and gives those in them the strength to face life's challenges. To have the opportunity to extend this privilege to all couples who want to make that commitment is something that we must now embrace and celebrate as a means to a stronger and more loving society.

I look forward to the Bill receiving a Second Reading today and to getting on with the Committee stage, where I hope we will make progress with many of the issues raised by my colleagues and by noble Lords across the House. We on these Benches will look at pension rights, transgender couples, about which my noble friend Lady Gould spoke so passionately, and humanist marriages, which were referred to by the noble Lord, Lord Birt, and which we are keen to see introduced. Therefore, I urge the House to vote against the amendment of the noble Lord, Lord Dear, and to see the Bill through to its next stage. For the sake of clarity, if noble Lords support the continued passage of the Bill, the Lobby to go into is the Not-Content, and I look forward to seeing many of them there.

5.53 pm

Baroness Stowell of Beeston: My Lords, I am grateful to all noble Lords who have spoken in the debate, and to the noble Baroness, Lady Thornton, for her support. We have had a comprehensive debate that has shown how this House takes its role seriously and is able to deal with controversial and sensitive issues in a measured way that respects differing views. What has come across strongly is that those who support the Bill and those who oppose it essentially agree on one crucial matter: the importance of marriage. We all agree that marriage is a cornerstone of our society that provides stability and brings families and communities together.

It will not be possible for me to refer to all noble Lords who have spoken in the debate, or to respond to all the points raised. I hope that noble Lords will forgive me for that. However, some key themes have emerged, and I will deal with those. A number of noble Lords, particularly the noble Lord, Lord Dear, questioned whether the process that had been followed for the Bill was right. My party was clear about its wish to consider the case of same-sex marriage in *A Contract for Equalities*, published alongside our election manifesto. The coalition agreement set out the Government's commitment to push for,

"unequivocal support for gay rights".

We have conducted the process of developing our proposals in a completely transparent way. We carried out the country's largest ever public consultation, and every response and petition was accounted for and considered with the utmost care. I say to noble Lords who raised questions about petitions that these were not ignored. They were all treated equally, commented on and flagged in the Government's response to the consultation.

Some noble Lords questioned whether the Bill had had proper scrutiny in the other place. Convention tells us that it is not for this House to comment on how the other House conducts its business. However, it is worth noting that the Committee stage there was completed with half a day to spare. The Bill had two days of debate on Report on the Floor of the House, and was passed by a majority of two to one at Second and Third Readings. As many noble Lords argued, it is now for this House to scrutinise the Bill in detail.

Moving on from process, some noble Lords queried the robustness of the religious protections, including the quadruple lock, whereby no religious organisation or individual minister can be compelled to conduct a same-sex marriage; all will be free to refuse to do so. I say, first, that I am very grateful to the most reverend Primate and the right reverend Prelate the Bishop of Leicester for their acknowledgement of the work that the Government have done to ensure that the religious protections in the Bill are effective. The noble Lord, Lord Pannick, and the noble Baroness, Lady Kennedy, were very clear in their contributions about their view of the robustness of these religious protections. However, it is only right, because in my opening remarks I did not address some of the specific points that were raised by noble Lords in debate, that I should now do so.

The concern was raised that the European Court of Human Rights might order the Government to require religious organisations to marry same-sex couples according to their rites, in opposition to their religious doctrines. To suggest that this could happen is to rely on a combination of three highly improbable conclusions. First, the court would need to go against its own clear precedent that states are not required by the European Convention on Human Rights to provide marriage for same-sex couples, and that they have a wide discretion in this area. Secondly, the court would need to decide that the interests of a same-sex couple who wanted a particular religious organisation to marry them according to their rites outweighed the rights and beliefs of an entire faith and its members as a whole. Thirdly, the court would need to discount the importance of Article 9 of its own convention, which guarantees freedom of thought, conscience and religion. It would be rewriting the rules not just for one religious organisation in England and Wales but for all religious organisations in all 47 states of the Council of Europe.

Some noble Lords raised concerns that the Bill does not deliver equality. Indeed, they suggested that it creates new inequalities and argued that it redefines marriage because same-sex couples cannot procreate. I will return to the definition of marriage after dealing with some of the specific examples that were raised in this part of our discussion. The current definition of adultery has been developed in case law and does not cover relations between members of the same sex. At present, a married man who has a sexual relationship

[Baroness Stowell of Beeston]
with another man is not committing adultery. That would be the case only if he had sexual intercourse outside marriage with a woman. The Bill retains this definition. Like existing marriages, a same-sex marriage can be ended by divorce on the grounds of unreasonable behaviour in such circumstances.

As for consummation, that is not necessary for any marriage to be lawful and indeed not possible in some, which is why we allow for death-bed marriages. As consummation is a historical definition associated with procreation, it would not make sense to extend this concept to same-sex marriages and there is no need to do so. If for no other reason, the opportunity for noble Lords to debate these sorts of things in greater detail is a good reason for this Bill to get more scrutiny. I am sure that they will not be able to resist debating all this in great detail.

The noble Lord, Lord Tebbit, asked about the law of succession and its interaction with the Bill, and in particular whether a monarch in a same-sex marriage could succeed to the throne and whether his or her child, or the child of his or her partner, could succeed. The answer is that the Bill does not change anything in relation to the law of succession. Only the natural-born child of a husband and wife is entitled to succeed to the throne—not adopted children, children born as a result of artificial insemination or children born to only one party to a relationship. That is the position now and it will remain the case.

Lord Tebbit: Is that not discriminatory?

Baroness Stowell of Beeston: It is discriminatory now and we are not changing anything.

Some noble Lords expressed concern about the Bill's impact on freedom of expression and freedom of conscience. Particular reference was made to whether teachers would be forced to promote same-sex marriage and be dismissed if they criticise it, whether employees will be barred from criticising same-sex marriage and whether registrars will have any choice but to conduct such marriages.

The position of teachers has been the subject of a lot of debate and scrutiny already in the other House. My right honourable friend Michael Gove, the Secretary of State for Education, who would like to think that he has the word "standards" stamped through him like a stick of rock, was clear in the evidence that he gave to the Public Bill Committee that there is a significant difference between a teacher explaining an issue and promoting or endorsing it. No teacher will be forced to promote or endorse same-sex marriage. Any teacher will continue to be able to state their own belief or that of their faith about same-sex marriage. However, teachers and schools will be expected to make clear as a matter of fact in teaching about marriage that the law in England and Wales enables same-sex couples to marry.

We do not consider that the Bill changes anything in this area and we are clear that the existing protections for teachers are sound. As I said yesterday, though, we are continuing to listen to, and discuss these concerns with, religious groups and others to ensure that we have done all we can to make those protections clear.

As for changing the Bill to ensure that employees cannot be dismissed or disciplined for criticising same-sex marriage, we do not consider that there is any need to do so. Indeed, there could be harm in making such an amendment by raising doubt in other areas, such as criticising homosexuality or civil partnerships. It is lawful to express a belief that marriage should be between a man and a woman, and it is lawful to do that whether at work or outside work. That is a belief that is protected under the religion or belief provisions of the Equality Act 2010, and penalising someone because of such a belief would be unlawful discrimination under that Act. This will still be the position once the Bill is enacted.

None the less, we have been considering what steps we can take to ensure that employers, and particularly public bodies, are completely clear about their responsibilities to respect the rights of people who believe that marriage should be between a man and a woman. With that in mind, the Equality and Human Rights Commission will be reviewing relevant guidance and statutory codes of practice to ensure that the position is completely clear.

On registrars, the Government remain of the view that public servants with statutory duties should not be able to exempt themselves from providing their services for same-sex couples.

Regarding the Government's position on this important issue of same-sex marriage, at the moment those of us who love someone of the opposite sex can get married, and those of us who love someone of the same sex can be civilly partnered. In legal terms, there is little difference except in the way they are formed and the way they can be dissolved if that sadly becomes necessary. Yesterday I explained why marriage is important to us as a society. Others referred to it as a social good. We all agreed that the institution, the enterprise, the endeavour or whichever word we think best to describe it is a good thing, and that it is important. Some noble Lords, including the right reverend Prelates on the Bishops' Bench, my noble friend Lady Cumberlege and others, have suggested that gay couples should have their own institution separate from marriage. My noble and learned friend Lord Mackay of Clashfern repeated that today, and made clear that he believes so on the grounds of procreation.

On the question of a separate institution, gay men and women already have their own institution called civil partnership. Like the Bill, the arrival of civil partnerships was a huge change. Unlike the Bill, which has 19 clauses, the Civil Partnership Act had 200 clauses and was contested strongly in debate in your Lordships' House. After it was finally passed, same-sex couples had access to equal legal rights but they remained different. Marriage remained the preserve of couples made up of one man and one woman. It is the success of civil partnerships that has driven greater acceptance of same-sex couples. In an amazingly short space of time we hear people, including those who used to oppose them, say, "We can't believe we were all so concerned at the time". Civil partnerships have led many people—indeed, the majority—to say, "Do you know what? If civil partnership is marriage in all but name, why can't gay men and lesbian women get married, if that's what they want to do?".

Another institution just for gay couples, as suggested by several noble Lords, is not going to make the demand for them to be able to get married go away. Another institution just for gay couples will not address the fundamental purposes at the heart of this Bill: the acceptance of gay, lesbian, bisexual and transgender people for who they are, and the preservation of marriage itself as a vital institution to our society.

In his powerful contribution, my noble friend Lord Black said that legislation drives social change, and up to now the Civil Partnership Act has been the best example of that. As some noble Lords pointed out during the debate, positive social change, when it favours minority groups, is not by definition about numbers. In 2010 the Government made a commitment to push forward unequivocally for gay rights in the coalition agreement. The fact that three years later we are legislating for same-sex marriage reflects the accelerating acceptance of same-sex couples and the possibility that change is possible.

The Bill does not change the religious doctrine or beliefs of any religious organisation that does not want to change them. The Bill protects and promotes religious freedom. Outside of religion, though, gay couples want to marry and many straight couples want them to be able to. The majority of people are ready to open the door to marriage and to welcome those who want to commit publicly to their partner, because they see that they want to do so for all the same reasons as them.

The right reverend Prelate the Bishop of Leicester asked yesterday,

"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?".—[*Official Report*, 3/6/13; col. 962.]

That may be a legitimate question for the church to ask itself when or if it ever considers whether to allow same-sex couples to marry. However, I would argue that, outside the church, people already understand that two gay men or two lesbian women marrying each other is the same as a man marrying a woman. They have accepted that it is okay for same-sex couples to marry and that them doing so will not redefine their own marriage, because they understand that gay men and women decide to enter a civil partnership for the same reason that a straight couple decide to marry. Same sex couples and opposite sex couples are different physically, but that which leads them to want the same is not different.

I urge this House to ensure that the protections that allow the church and other faiths to maintain their very legitimate belief in marriage being only between a man and a woman work properly. This House should also debate and scrutinise whether the Bill protects freedom of speech and freedom of expression; that is what we really need to ensure is the case. We need religious belief in marriage to sit comfortably alongside what the state allows in law, just as we already do for divorce, contraception and abortion. It is possible for us to allow something in law that not everyone agrees with and to respect our differences of view. The Bill, which allows same sex couples to marry, is, as I said at the very start of the debate yesterday, also about protecting and promoting religious freedom. I say again that, if further changes are necessary to make those protections clearer, the Government will consider doing so.

There have been many powerful speeches but I hope that noble Lords will forgive me, and that my noble friend Lord Jenkin will not be embarrassed, if I say that I thought that his was one of the best. He said better than I ever could that this Bill will not redefine marriage because it will not redefine his own of 60 years, which has provided mutual comfort and support.

Over the past two days, we have heard lots of views about what marriage means and we have all expressed ourselves differently, but we all unite on three points of principle: marriage is a serious commitment between two people; we think that the institution itself is vital to our society; and we respect and must protect religious freedom and freedom of speech. The Bill supports all three principles. I hope that your Lordships' House, building on its tradition of supporting social change, will wish to affirm that the Bill should have its Second Reading here. I urge noble Lords who support the Bill, and those who remain unsure and so want it to be scrutinised in detail before they decide, not to accept the amendment moved by the noble Lord, Lord Dear. If the noble Lord calls a Division, I urge all noble Lords to vote not content.

The Marquess of Lothian: There was a long discussion about the vote in the House of Commons being an all-party vote. I spent nearly 37 years there, and I know what is euphemistically called an all-party vote. I want my noble friend to assure the House tonight that when we are having a free vote in this House, it will be a genuinely free vote so far as the Conservative Members of this House are concerned, including Front-Bench Members.

Baroness Stowell of Beeston: Of course. I am pleased to confirm that to my noble friend.

6.13 pm

Lord Dear: My Lords, this has been a long and tiring debate, and one that has been a privilege in which to participate. I thank all Members of your Lordships' House who have spoken, and in particular those who have offered such steadfast support to me, both before and during the debate. I am very grateful. As has just been confirmed, this is a free vote, and Peers across the House have supported my amendment. All of them recognise that it should not be a matter for party politics but a matter of principle.

It is interesting how in the course of this fascinating debate, over two days, the thrust of the debate, or the tide for and against, flowed backwards and forwards. Last night, the first half of that session was more or less in balance, while the second half of last night was discernibly running in my favour, as it were, and today the tide has turned and is running the other way. I make no criticism of that; it is the random way in which the speakers list is put together. Certainly, all of us agree that this is an issue of profound interest and importance and one that will affect every member of

[LORD DEAR]

our society. We cannot escape the fact that the Bill will completely alter the concept of marriage as we know it. The most reverend Primate the Archbishop of Canterbury and the right reverend Prelates, the Bishop of Leicester, the Bishop of Chester and the Bishop of Exeter, the noble and right reverend Lord, Lord Carey of Clifton, and the noble Lord, Lord Singh of Wimbledon, all explained their opposition to the Bill and the detailed practical and theological reasons that underpin their stance.

In the debate over the past two days, it appears to be an accepted fact that the process of the Bill was seriously and unusually flawed. Nobody has really challenged those facts, and I comment very briefly on them because they have been repeated several times already. It is useful to remember that there was no proper consultation or Green or White Paper. There was no manifesto or pre-legislative scrutiny. The Government consultation procedure was, frankly, a mockery, and the result was rigged, because whichever way you look at it the vote was 83% against the Bill. It was heavily constrained in its passage through the House of Commons, with some serious doubts about the process.

Here in your Lordships' House our debate strangely never came to real grips with the consequences of the Bill should it become law. There was very little examination or comment about the major issues of employment, education, freedom of conscience or the rights and well-being of children, save the one intervention that I noted from the noble Lord, Lord Eden of Winton. Neither was very much time spent on the inevitable impact on the existing legal framework. All we knew for sure was that the Government had admitted that the impact on existing legislation would require at least 8,000 amendments. The noble Baroness, Lady Thornton, has just tried to put that into context.

I hope noble Lords will agree with my very unusual procedure of quoting five lines from my opening remarks yesterday, which can be found in col. 947 of *Hansard*. I reflected on the fact that the last country to change the law as we seek to do was Argentina, two years ago, and the results are just becoming apparent. A valued commentator in that country said this:

> "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".—[*Official Report*, 3/6/13; col. 947.]

Whether there are 8,000 or 800 amendments, that is the sort of change that we must expect as a result of the change in this law.

The major part of the debate that we have had here focused, perhaps unsurprisingly, on aspects of love and acceptance—and who, really, can deny the importance of that? The homosexual community is very small numerically but is none the less just as important and seeks society's affirmation and social acceptability, which it claims would come from access to, and inclusion in, marriage as we know it. Civil partnerships already give legal equality, as we know; what is now being sought is social inclusivity. I, like many others in your Lordships' House, was moved by the speeches of, for example, the noble Lords, Lord Browne of Belmont, Lord Smith of Finsbury, and Lord Black of Brentwood, and the noble Baroness, Lady Barker. Their ability to speak as they did, and that those views can be accepted in public, was refreshing and commendable.

I have been one of many who have helped in some small way to further the steady growth of full integration of homosexuals into society from a position of illegality, through a phase of tolerance, if you like, into full recognition and acceptability. I am also aware of the very large number of others in society who recognise the huge change that is being sought by this Bill. Balancing the understandable fears and wishes of the majority against the understandable demands of a small minority is a difficult task, but in their haste to force this Bill through Parliament the Government will not satisfy either group. The noble Lord, Lord Alderdice, spoke convincingly of the dangers of forcing legislation on to the statute book without wide consultation and carrying all shades of public opinion with it. I wholeheartedly agree and have cited the current situation in France as one example.

There seems to be, if not general agreement, certainly some agreement that the Bill is in a mess, ill thought through and without proper process or popular mandate. The noble Lord, Lord Dannatt, went so far as to say that the progress of the Bill has to date been tantamount to an abuse of process. He might well be right.

Some argue that it should pass Second Reading and be ameliorated in Committee. We all know that it is constitutionally proper to force a vote at Second Reading. There are precedents for doing so, the most recent being the Health and Social Care Bill only two years ago. We know that such a move was endorsed by the 2006 Joint Committee on Conventions and I recognise and endorse the usual approach in your Lordships' House to taking care and time to examine a Bill in detail, but not on this occasion. The structure of the Bill is too bad for that and I am certainly not alone in that view. A battery of big guns in your Lordships' House agreed with me that the Bill is so fatally flawed that it is incapable of sensible amendment and should be voted down now and sent back to the drawing board.

Yesterday, the noble Marquess, Lord Lothian, the noble Lords, Lord Naseby, Lord Framlingham, Lord Tebbit, Lord Mawhinney, Lord Waddington, and Lord Anderson of Swansea, and others—all parliamentarians widely experienced in both Houses—supported the move to vote the Bill down now. We have heard the same today from the noble and learned Lord, Lord Mackay of Clashfern, the noble Lord, Lord Brennan, and—in his short intervention—the noble Lord, Lord Forsyth of Drumlean.

It might be a bold move—it probably is—but it is legitimate, it has a precedent and it is appropriate. Who is prepared to drive a steamroller over the address given by the noble Lord, Lord Brennan, himself at one time chairman of the Bar, who asked a series of questions about what the next factors are, whether we should dwell solely on emotion and avoid questions of law, and particularly the fact that Clause 1 of the Bill

gives no room for negotiation or manoeuvre when it gets to Committee. All the might of government has been thrown at this Bill. Every corner has been cut, yet it is ill constructed and does not have the stamp of democratic legitimacy.

Perhaps I may close in posing a few fundamental questions? Are noble Lords sure that the process has been properly handled? Are they sure that the Bill has democratic legitimacy? Are they sure that all the likely consequences have been thought through—remember Argentina? Are they sure that we know everything about the legal effects of the Bill? Are they sure that there will be no later attempts to widen the definition of marriage further, and are they happy for another Government on another occasion to ram a different Bill through in this way? If not this Bill, when would noble Lords vote against a Bill at Second Reading? If some of the answers are in the negative, I suggest that we vote the Bill down now and not waste further parliamentary time on it. I suggest that we send it back for proper, mature research, consultation and debate about the whole institution of marriage, taking into account, if you like, civil partnerships for both heterosexuals and homosexuals, because the issue is too important for all sections of society, gay or straight, to be introduced on a whim and handled in so cavalier a fashion.

How can we refuse a Second Reading? Rather, I ask noble Lords: how can we allow it to proceed? I ask your Lordships to agree my amendment and, in doing so, I beg leave to test the opinion of the House.

6.24 pm

Division on Lord Dear's amendment.

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Lord Dear's amendment disagreed.

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Bill read a second time and committed to a Committee of the Whole House.

Care Bill [HL]

Committee (1st Day)

Relevant document: 1st Report from the Delegated Powers Committee.

6.48 pm

Clause 83 agreed.

Schedule 5 : Health Education England

Amendment 1

Moved by ***Lord Hunt of Kings Heath***

1: Schedule 5, page 104, line 28, leave out sub-paragraph (1)

Lord Hunt of Kings Heath: My Lords, it is a great pleasure to open the Committee stage debates on the Care Bill. Schedule 5 relates to the establishment of Health Education England as a non-departmental public body. Schedule 5 is concerned with the membership of Health Education England and other matters to do with its establishment. As this is the start of Committee stage, I declare an interest as chair of an NHS foundation trust, and as a consultant and trainer with Cumberlege Connections.

The education and training of staff in the National Health Service is of course a critical responsibility, on which patients depend for good outcomes of care. The UK has traditionally enjoyed a very high reputation for the quality of our training and educational institutions and for the standing of the professional staff who come into the National Health Service. However, we should also acknowledge that there are a number of challenges facing the UK in ensuring that we continue to produce the right kind of people, in the right specialties and in the right numbers, taking into account the long-term challenges we face, not least that of an ageing population.

We received lots of briefings for this part of the Bill, for which I am most grateful. I was particularly struck by the briefing I received from the Royal College of Physicians, which points to trends in medical education and training. On demography, it points out that by 2033 there will be 3.2 million people above the age of 85, with the prevalence of dementia expected to double. On social trends, people have more choice and higher expectations. On efficiency, the economy of course will shape services substantially and we know that, in the short term at least, the NHS faces unprecedented austerity.

While the Royal College of Physicians believes that many elements of the current training structure are excellent, there is a need for change too. Many more physicians must train in internal medicine to meet the new needs of patients across hospitals and community services. There is an emerging view that too many consultants specialise too soon and that there is a need to focus more on general physician consultants if we are to meet some of the problems that hospitals are facing. A&E is a symptom of the need for hospitals, in particular, to change the way they are often organised in order to recognise that their key client group are frail, older people who probably need the attention of generalist physicians as much as speciality doctors. The RCP points out that the doctor-patient relationship is evolving and that this needs to be reflected during training. It says that there should be more flexibility for time out of training and career progression between different grades which meets the changing needs of the health service.

Every royal college and many trade unions and patient groups have made similar comments about the need to look at the training and education of our professionals. We know that there are formidable challenges with regard to nurse education. The Francis inquiry identified a number of these. There is a real worry that newly-qualified nurses are not well prepared to take on full nursing responsibilities. The excellent independent report of the noble Lord, Lord Willis, commissioned by the RCN, contains some very important messages for us in our debates. There is a debate among the public and in Parliament about whether the caring aspect of nursing has sometimes been neglected. There is also the issue of whether healthcare support workers lack mandatory training and registration. I have no doubt that we will also debate those matters.

The connection between this and Schedule 5 is that Health Education England will be faced with many interesting and difficult issues. I can say to the noble Earl that we support the establishment of HEE in statute and I am very glad that Sir Keith Pearson has been appointed as chair of that organisation. The noble Earl will know that he was previously the distinguished chair of the NHS Confederation and an NHS trust. He brings to the job a wealth of experience.

The amendments in this group are designed to enhance the ability of Health Education England to understand the pressures that the service is under in relation to staffing and to ensure that our education and training is flexible to the rapidly changing face of health and social care. There are three amendments concerning the membership of Health Education England, as set out in paragraph 2(1) of Schedule 5, which states:

"The members of HEE must include persons who have clinical expertise of a description specified in regulations".

[Lord Hunt of Kings Heath]
Amendment 1 seeks to delete that but I hasten to add that it is a probing amendment. I have no problem at all with people of clinical expertise being on the board—far from it. However, I seek assurance from the noble Earl that one of the members appointed will be a registered nurse. This relates also to Amendment 3.

I need hardly speak to the House of the importance of nursing issues to the workforce and to the work of Health Education England. I remind the noble Earl of recommendation 204 of the Francis report into Mid Staffs. It states that all NHS bodies,

"should be required to have at least one executive director who is a registered nurse, and should be encouraged to consider recruiting nurses as non-executive directors".

I hope that the noble Earl will be able to respond positively. The nursing workforce is so important to the quality of care that it is crucial that Health Education England has nurses around the board table both on the executive and non-executive sides. Every time there is a restructuring of NHS boards, often there will be people who try to exclude nurses from those boards. They are mistaken. I do not think that boards in the NHS can do without nurses around the top table.

My noble friend Lord Turnberg will of course speak to his own amendment but I support its thrust, which is to appoint one or more members with expertise in research and one or more with expertise in medical education and training.

I also hope that recognition will be given to the needs of those staff who are not professionally registered. My Amendment 4 refers to that point. How are the needs of healthcare assistants going to be met if there are not people around HEE who understand the constraints and pressures under which they work?

Managers in the health service, many of whom are not qualified in the traditional sense of being professionally registered, have a crucial role to play. I had hoped that Health Education England would be concerned about the identification and development of those managers. I remind the noble Earl that there is a big problem in recruiting chief executives to NHS bodies, perhaps because their length of stay is almost as bad as that of football managers. That tells it own tale about the job. I hope that Health Education England will consider that it has some responsibility to look at how the managerial cadre can be developed and trained, and how they can be given some security in their jobs and reassurance about what will happen to them if they need to move on from one organisation to another.

7 pm

My Amendment 5 deals with the appointment of the chief executive of Health Education England. Can the noble Earl tell me why the Secretary of State has to give his approval to the appointment of the chief executive? We have debated this matter before. If the Secretary of State appoints the chair and the non-executives, why can he not trust the chair and the non-executives to do an effective job? I point out to the noble Earl that in Clause 79, in relation to the CQC, there is a provision that actually excludes the Secretary of State from appointing the CQC chief executive. Why it is different for the CQC as opposed to Health Education England? Am I to take it that Health Education England is considered to be less independent than the CQC?

I also ask the noble Earl to consider my Amendment 5, which would subject the chief executive appointment to Health Select Committee scrutiny. I know that current scrutiny by Select Committees tends to be of the chairs of organisations but, in view of the importance of the work of Health Education England, would it not be worthwhile for the Health Select Committee to be able to undertake scrutiny of that appointment? It would be an effective substitute for the Secretary of State's role.

My next amendment, Amendment 6, concerns paragraph 8(1), which states:

"HEE must pay its employees such remuneration as it decides".

Is it intended that HEE employees will be engaged on NHS terms and conditions? I certainly hope so. Indeed, given their role in the education and training of staff, it would be rather puzzling if the staff of Health Education England were not covered by the same terms and conditions as NHS staff.

My final amendment, Amendment 7, concerns paragraph 12(2). It is really a probing amendment. It concerns the status of Health Education England's property, which is not to be regarded as property of, or property held on behalf of, the Crown. I looked to the Explanatory Notes for an explanation but, alas, all the Explanatory Notes do is to repeat what is in the Bill. I should be grateful if the noble Earl could explain the thinking behind that.

Overall, as I have said, the Opposition welcome the establishment of Health Education England as a statutory body. It has a very important role to play but I think that its governance arrangements could probably be improved. I beg to move.

The Deputy Chairman of Committees (Viscount Ullswater): My Lords, I must advise your Lordships that if this amendment is agreed, I will not be able to call Amendments 2 and 3 because of pre-emption.

Lord Turnberg: My Lords, I will speak to Amendment 2. Before I do so, I should explain that I have heard from the noble Lord, Lord Patel, who cannot be in this place this evening because of illness in the family. I strongly support the amendments of my noble friend Lord Hunt, in particular the idea of a nurse on the boards; I also very strongly support his ideas on trying to attract good managers to stay in the service for as long as possible.

Amendment 2 is the first of several amendments that I have tabled emphasising the need for Health Education England and the local education and training boards to pay particular attention to the maintenance of standards and quality in education and training. I express my interests here as someone who has spent many years trying to raise standards of medical education in my previous jobs as dean of a medical school, the president of the Royal College of Physicians and, perhaps of equal significance, as president of the Medical Protection Society, where I was brought face to face with what happens when standards fail or are allowed to slip.

This amendment specifically concerns the membership of Health Education England and the need for it to include at least one person with expertise in research and another in education and training. I will save my remarks on research until we debate later amendments, but so far as education and training are concerned, my fear is that in the drive to meet workforce requirements and staffing numbers we will lose out on standards and quality. This amendment simply makes more explicit the need for input on the board of someone who has particular expertise about education and training, and the maintenance of standards.

I will make another point now to save making it later. I believe that there is a conflict, not easy to resolve, between the desire to provide sufficient numbers of trained staff locally—as determined, quite rightly, by local providers—and the need to maintain national standards. For example, in medicine it is vital that a cardiologist, orthopaedic surgeon, general physician or trained nurse is trained to a national standard that is recognised everywhere. It is not acceptable for a local provider to decide what training should consist of, but they want someone whom they can rely on. It is vital that there are national standards and hence there is a need for someone at the Health Education England level who has the expertise to look at how those standards can be set.

So far as national workforce planning is concerned, I have lived through innumerable efforts at medical workforce planning and found them to be fraught with difficulty, largely because it takes so long to train doctors: five or six years as undergraduates, then another five or 10 years of specialist or general training. Predicting need for different types of doctors 10 or 15 years downstream is far from straightforward. The noble Earl kindly sent around a document on a mandate from the Government to Health Education England. However, I fear that the section entitled "Excellent Education", with its emphasis on training multipotential individuals working in teams across all health sectors—important though that is—de-emphasises the need for specialists. That prospect fills me with apprehension—that five years downstream we will have a health service lacking essential parts. I fear that the right balance between the need for general across-sector care and specialist care may be tipping too far in these particular aspirations. In any event, for the moment, I will press for the placing of relevant education expertise on the board of HEE, as suggested in this amendment.

Lord Willis of Knaresborough: My Lords, in the Second Reading debate on the Health and Social Care Bill, now an Act, I made the point that while we were talking about structures until the cows came home, the things that really mattered were the education and training of the staff within the NHS and the research element that gave those staff the very best tools in order to be able to care for patients and have good patient outcomes.

I compliment not only my noble friend, but the whole House, and indeed the whole Parliament, on the way in which it got behind the proposal in that Bill which is now in this one to create Health Education England as a way forward. The appointment of Sir Keith Pearson, who knows the supply side very well and has the ability to bring people together to listen to what he has to say and to be able to develop Health Education England as a real force for good, is quite outstanding. My worry is that we will start to bind the hands of Sir Keith and Health Education England, and we must not do that. What is required now is an organisation that is given sufficient flexibility and power to be able to grasp the key issues that are facing the NHS and to move forward.

I support very strongly the amendment in the names of the noble Lords, Lord Turnberg and Lord Patel, to include on the board people with relevant expertise. I am pleased that the noble Lord did not go on to say exactly who should be on that board, because I believe that that would be a step too far. But to have somebody with a real background in training, education and medical research would bring great strengths to the board.

I also support Amendment 3 in the name of the noble Lord, Lord Hunt. Indeed, I support virtually all the amendments tabled by the noble Lord and compliment him on the way in which he introduced this part of the Bill. Having a registered nurse on the board is so important. If we do nothing else in terms of the Francis report, the one thing that shines through is that you need somebody within the organisation who brings to the board those issues of quality care at every level. That is really quite exciting. I hope that my noble friend will listen to the wise words of the noble Lord, Lord Hunt, and others, and ensure that nursing is given a real place at the table, because quite frankly for generations it has not been. Nurses are no longer the handmaidens and "handmasters" of other professionals. They are in fact equals.

Baroness Emerton: My Lords, I support the noble Lords, Lord Hunt, Lord Turnberg and Lord Willis, in their recommendation that a registered nurse should be on the board.

An issue that Francis picked up after the report is that the nursing voices are not strong. He said he was disappointed in the response from the nurses. We now have to ensure that the nurses on the board are equipped with the knowledge and expertise to be able to speak out and hold their own. The training of senior nurses in standing at the board table and making their voices heard and understood on quality, safety and the patient experience is going to be very important. Therefore, it links very much with the leadership training, which we also need to address, in terms of their preparation. Perhaps the noble Earl will comment on that.

Lord Warner: My Lords, I support these amendments. I will pick up the point made by my noble friend Lord Hunt about managers. The public sector needs all the quality management it can get and many of its problems rest on the fact that we do not have a cadre of managers to take many of our public services through the difficult years ahead. The NHS is no exception.

For too long—and my own party has been guilty of it in the past—we have dismissed managers as men, and indeed women, in grey suits who are dispensable. We have to give some strong messages to HEE that if

[LORD WARNER]
the NHS is to develop and evolve and cope with the problems ahead, we need a strong cadre of managers and we have to develop them over time. It is not too early to start now because we have a real problem not just in staffing chief executives now but in staffing the next cadre of chief executives and the middle management and development programmes for that. The Government would do well to give some strong messages to HEE and possibly even consider strengthening the legislation on this issue because it would be a missed opportunity if we do not strengthen that body of people to help us run the NHS in the coming decades.

Baroness Finlay of Llandaff: My Lords, I will briefly add my support, particularly to the amendment in the names of the noble Lords, Lord Turnberg and Lord Patel. I will draw the House's attention to the wording, that it is,

"expertise in medical education and training"

that is being asked for, not just medical education, and that the expertise in research is not tied to medicine.

I understand the arguments that HEE must not be too tied or have a board that is too rigid, but if it is to meet the enormous challenges that it faces—and it has come from many, many discussions—to be able to have questions asked at board level about education and training will be essential if we are to have a workforce that can adapt rapidly as new technologies and new ways of providing care come along. It will need to have people with expertise and understanding of the most efficient and effective ways to upskill the workforce in particular areas, because there are enormous unknown challenges ahead.

7.15 pm

Baroness Masham of Ilton: My Lords, I, too, support having a nurse on the board. It is vital because the nursing workforce is the biggest of all the professions, and training and recruitment is sometimes the problem that has to be faced.

The Parliamentary Under-Secretary of State, Department of Health (Earl Howe): My Lords, we begin our Committee proceedings with a series of amendments that take us to the heart of the theme that permeates this Bill. The driving principle of reforming the education and training system is to improve care and outcomes for patients. Excellent health and healthcare require a training system that will deliver a highly skilled workforce, working together with compassion and respect for people.

Noble Lords will remember our debates of last year when, recognising the importance of education and training in the NHS and public health, we inserted into the Health and Social Care Act a clear duty on the Secretary of State to ensure that there is an effective education and training system. This Bill delegates that duty to Health Education England. This means that Health Education England will be clearly accountable to the Secretary of State for ensuring that there is an effective education and training system in place for healthcare workers in England. Health Education England will provide national leadership for workforce planning, the commissioning of education, training and development activity, and the quality assurance of the education and training that is delivered.

The backdrop to all that is the changing face of healthcare provision. The way health services are provided is expected to change significantly over the next few decades, with more care provided in the community and an increased emphasis on public health. This cannot happen unless we equip the workforce with the skills and knowledge to do this. To do it successfully, the local and national infrastructure needs to be in place to plan and commission effectively. That is why the creation of Health Education England and the local education and training boards is so important.

It is vital that the board of Health Education England has the necessary skills and experience to oversee the delivery of its important functions. In recognition of this, the Government have already strengthened the Bill, following pre-legislative scrutiny, to place an explicit requirement, in paragraph 2(1) of Schedule 5, on Health Education England to recruit members with clinical expertise. The specific nature and description of the expertise and specified numbers are to be set out in regulations. That amendment has been well received by stakeholders such as the Royal College of Surgeons. A similar requirement has been placed on local education and training boards to have members with clinical expertise.

The noble Lords, Lord Hunt and Lord Turnberg, have tabled a number of amendments relating to clinical expertise on the board of HEE and the LETBs. I realise that Amendment 1 is a probing amendment. It may be helpful to explain our thinking around the Schedule 5 requirement. This sub-paragraph was added to the Bill following pre-legislative scrutiny to place an explicit requirement on Health Education England to ensure that there is clinical expertise on the Health Education England board. It also responds to responses to the consultation on the Bill, which touched on the importance of Health Education England having access to professional leadership. This will give Parliament and bodies representing the professions the necessary assurance that the Health Education England board has access to the appropriate knowledge and understanding in making decisions that impact on professional education and training. It also provides the basis for a clear duty in the Bill for both the Secretary of State and Health Education England to make appointments of clinical experts, which can be developed subject to regulations. For example, the regulations will specify what we mean by "clinical expertise" and allow greater flexibility to specify any detailed requirements. It will also allow changes to be made to those requirements as Health Education England matures, should circumstances demand it.

Amendments 3 and 4 seek to extend the requirement for members with clinical expertise by expressly requiring Health Education England to include in its board membership a registered nurse and someone with experience in staff groups that are not professionally registered. Similarly, Amendment 2, tabled by the noble Lord, Lord Turnberg, seeks to extend the requirement for members with clinical expertise by expressly requiring Health Education England to include

one or more members with expertise in research and one or more members with expertise in medical education and training in the Bill.

It is undoubtedly important for Health Education England to have access to professional expertise, but having said that I need to make clear that the Government do not believe that it is appropriate for the Bill to mandate requirements for certain professions or particular areas of expertise. That is better suited to be set out in secondary legislation, as it may change over time, and Health Education England will need greater flexibility to recruit the expertise it requires and to specify any detailed requirements as circumstances demand.

One of the great strengths of Health Education England over previous arrangements is that it has a remit for all the professions, bringing a strengthened approach to multi-professional education and training. Although medical and nurse training, and an understanding of the importance of research, are extremely important elements of its functions, HEE has a much broader focus. It may be helpful to the committee to have a sense of how the new organisation intends to do justice to that broad remit.

First, HEE will employ a director of education and quality at board level who is responsible for ensuring a co-ordinated multi-professional approach to education and training. Within the Health Education England special health authority, that post is filled by a doctor, and is supported by a medical director, a director of nursing, and other professional advisers for dentistry, pharmacy, healthcare science and the allied health professions.

Secondly, Health Education England has established professional advisory groups, bringing together employers and national stakeholders, to focus on profession-specific education and training issues covering medicine, dentistry, nursing, pharmacy, healthcare science and the allied health professions. These advisory boards will support HEE and its board in the decisions they make that impact on health professional education and training. It should also be remembered that Health Education England employs many health professions that support the activities of the LETBs. In these ways it has direct access to a wealth of knowledge and expertise on the planning, commissioning, provision and quality assurance of education and training.

The Government understand the importance of considering the support workforce that is not professionally registered. Health Education England, with the networks of employers working through the LETBs, will provide a wider leadership role in the development of the whole workforce engaged in the delivery of healthcare and public health. This is emphasised in the Government's mandate for the Health Education England special health authority. In making non-executive appointments to the Health Education England board, the Secretary of State will source the skills and expertise that are required to ensure the Health Education England board can function effectively. The chair and non-executive directors will do likewise in making executive appointments to the board. That approach has worked well for the recruitment of the current HEE special health authority board, which has three members with clinical expertise, including a doctor. I should also mention that two non-executive appointments are still to be completed. In recruiting for those, we are looking for a further clinician with experience of equality and diversity issues, and someone who can bring a strengthened focus on the patient perspective to support the development of education and training.

In the light of what I have said, I hope noble Lords will feel reassured that the Health Education England board is suitably clinically informed, and that they will feel able to withdraw those amendments.

I now turn to Amendment 5. The Bill already requires the consent of the Secretary of State to the appointment of the chief executive of Health Education England. That approach is in line with the appointment of other chief executive officers across the health system and seems proportionate for a body of this size and nature. In addition to approving the appointment of the chief executive, the Secretary of State will appoint the chair and non-executive directors of Health Education England. This approach has worked well for the HEE special health authority, which has a board with a good blend of experience and expertise.

As for the role of Parliament, the Bill makes provision for Health Education England to report to Parliament on an annual basis, with the requirement to publish an annual report setting out its achievements and to publish annual accounts. I am sure the Health Select Committee will rightly continue to take a strong interest in education and training and will have the opportunity to discuss progress with Health Education England whenever necessary. I hope that will reassure the noble Lord on this amendment.

Ensuring that non-departmental public bodies have robust governance and accountability arrangements in place is clearly essential. Schedule 5 to the Bill makes provision for the constitution of Health Education England and deals with the exercise of its functions and its financial and accounting obligations. A number of amendments in this group fall under that broad heading.

Amendment 6, which again I realise is a probing amendment, poses a question about the terms of remuneration of HEE's employees. In establishing HEE as a non-departmental public body, it is important that it is given the appropriate levels of autonomy and independence to carry out its important education and training functions without day-to-day interference from Ministers or the Department of Health. Yes, it needs to be held accountable for the use of its resources, and the Government are committed to holding it to account in an open and transparent way, but I hope noble Lords would agree that it is important for a body of this nature to have the ability to determine the pay and remuneration rates for the people it recruits and employs, including its executives. That does not mean that it will not be subject to any constraints. I can reassure the committee that as an arm's-length body of the Department of Health, HEE will be subject to the rules and controls covering the use of its budget, and to procedures applicable to senior appointments and levels of remuneration. These are the very same rules that apply to other arm's-length bodies and to all government departments.

[Earl Howe]

The noble Lord, Lord Hunt, asked me whether HEE employees will be engaged on NHS terms and conditions. In fact, HEE employees are currently employed on NHS terms and conditions and there are no plans to change that when HEE becomes an NDPB.

Amendment 7 is another probing amendment. The provision which the noble Lord has questioned is important. It clarifies that Health Education England's property is not to be regarded as property of, or held on behalf of, the Crown. This is a standard provision that applies to other arm's-length bodies in the health system. It allows Health Education England to make arrangements for its own property and office needs. It needs to do so to support the staff it employs nationally and across the local education and training boards. It would not be practical for any other body to hold this responsibility. Of course, Health Education England will work with other bodies to look for savings on estates, information technology, human resources and in other areas. It is already doing that as part of the shared services programme which the Department of Health and all its arm's-length bodies are signed up to.

Part 2 of Schedule 5 imposes a very clear duty on Health Education England to exercise its functions effectively, efficiently and economically. Part 3 of Schedule 5 sets out how the Secretary of State will fund Health Education England and includes restrictions on the use of resources. These are consistent with provisions made for other bodies in the healthcare system such as NHS England.

I make the same point as I did a minute ago—that HEE needs to be held accountable for the use of its resources—but it is right to give it direct responsibility for how it operates and manages its day-to-day business, including the ability to make arrangements for its own property and accommodation. In the light of that, I hope the noble Lord will feel sufficiently reassured to withdraw his amendment.

7.30 pm

Before I sit down, I want to cover the issue of managers. The current HEE board includes people with a healthy cross-section of experience of NHS management and training, higher education and clinical roles. I cannot make any specific commitment about the future board of HEE once it becomes an NDPB, but I have registered strongly the cogent point made by the noble Lord about managerial skills.

The noble Lords, Lord Hunt and Lord Warner, asked specifically about the training of managers. Health Education England will work with the NHS Leadership Academy, which supports the development of managers and will take an interest particularly in the development of clinicians as managers. We are the first to agree with the noble Lord, Lord Warner, that managerial skills in the new NHS, as in the past, will be crucial if we are to deliver what we all want, which is a health service that is efficient, effective and delivers good outcomes for patients.

Baroness Cumberlege: Perhaps I may comment on what my noble friend has said in reply to the debate. I understand that under secondary legislation he is considering putting a registered nurse on the board. Some assurance on that would be very helpful. In my experience working with clinical commissioning groups, when they were appointed and there had to be a nurse on the board, and the last person to be appointed in many cases was the nurse. There was a feeling that it was hard to find a nurse who would make such a contribution. Some very talented young nurses are coming on-stream, but when one talks about a clinical presence on a board, so often, it is interpreted as a medical person on the board. We seek to ensure that a working nurse will be on those boards. If my noble friend can reassure me that he will consider that very carefully when drawing up the regulations, I will be very pleased.

I am so sorry. I should have declared an interest. My interests are on the Lords' Register.

Earl Howe: My Lords, I listened with care to my noble friend, whose experience we respect greatly. I can tell her that Health Education England's board will need to have access to a cross-section of clinical expertise, as it does at the moment. Nursing representation will of course be very important. I assure her that we will prioritise that issue in developing the supporting regulations on membership. That is probably as far as I can go, but I recognise the force of everything that my noble friend said.

Baroness Emerton: On a point of clarification, the Minister used the term multi-professional education in relation to integrated services. We have concentrated on medicine, nursing and clinical expertise. Because we are going to be looking across the boundaries into social care, is Health Education England going to have anything to do with the social care aspect of the training of clinical specialists? We have not mentioned social care, and I wondered whether we should.

Earl Howe: My Lords, Health Education England will have responsibility for the NHS workforce, but not for the social care workforce. We will reach a group of amendments that bear closely on the issue of integration, where I am sure that we can explore the relationship that Health Education England will have with those bodies charged with delivering the social care workforce. The noble Baroness is absolutely right: there needs to be co-ordination and joined-up thinking in those areas. If she will allow, we can wait until we reach that group of amendments before debating the issue further.

Lord Warner: Let me assure the noble Baroness that I shall be in good voice on the subject of social care on Amendment 13.

It was helpful to hear what the Minister had to say about advisory committees and advisers. I listened carefully. I did not note anything about those advisory committees or an adviser for what I might call the sub-professional group. I am sure that the professions will be extremely well looked after in HEE, but the groups which we often have the most problem recruiting and ensuring are properly trained are those below the professional level. Can the noble Earl say a little more

about those unsung heroes working at the sub-professional level and what kind of advisory capacity HEE might have in that area?

Earl Howe: It will certainly be open to the board of HEE to establish an advisory committee that specialises in unregulated professions. Although, again, I cannot make a firm commitment about that, the very fact that we are dealing with a workforce of substantial size on which the NHS crucially depends—I am now talking about healthcare support workers—means that it would be very surprising indeed if the board were not to have some form of specialist advisory service to inform its decisions.

Lord Willis of Knaresborough: Before we finish debating this group of amendments, will my noble friend reflect on what he has just said about regulation? One of the traps we fell into with the Health and Social Care Bill—I do not think that it was intentional, it just happened—was that so much was promised in regulation that it was not until we started discussing the regulations that we saw what we had not done in the Bill. Perhaps it would be helpful to produce draft regulations as we go along before Report, so that we know what we are including in the regulations.

Earl Howe: It may not surprise my noble friend to know that I asked my officials the self-same question, because I anticipated an appetite for draft regulations. I am, unfortunately, not in a position to make that promise, much as I would like to do so, because there may not be the necessary time available for the regulations to be drawn up in draft. However, I will take back the strength of my noble friend's request and see whether there can be any reconsideration of that point.

Lord Hunt of Kings Heath: My Lords, it has been a very good debate, and I am grateful to the noble Earl and other noble Lords for taking part. It is the role of noble Lords always to ask the Government for draft regulations but, alas, I fear that we may not see them. If we cannot, perhaps we could at least get a sense of instructions that might be given on policy direction.

First, let me say that the Government's reflection on the Joint Committee's recommendation with regard to clinical expertise, and the change that has been made, is welcome. I listened with care to the noble Earl when he said that the needs of Health Education England and the education and training of staff may change over time, which is why that is best left to regulation. That makes sense, but I cannot believe that there will ever be a time when research and nurse representation will not be important. I ask the noble Earl to give that further consideration.

I will just reflect on the comment of the noble Baroness, Lady Emerton, that this has been a consistent theme of restructurings over the years. The noble Baroness, Lady Cumberlege, and I have lived through many restructurings and they always start with the premise that there will not be a nurse on the board. Then, after argument and sometimes experience, it is discovered that you need to have a nurse. I would have thought that the Francis report, at its heart, focused a lot on nursing experience and leadership. I ask the noble Earl to give this further consideration. It would be a very visible sign that the Government are listening to this point and that they actually set out in primary legislation that a registered nurse should be appointed.

I am glad that the noble Earl picked up the point about non-registered staff and managerial staff. It is not just in the health service. In the further education sector there is a similar problem, with only a limited number of people applying to be college principals. We need to think very hard about what we can do to give greater support and encouragement to bright young people coming through so that they aspire to take on these top jobs. No one should underestimate the pressures that those leaders are under, but we really want good people. I endorse the noble Earl's reference to clinicians. We need to encourage more clinicians to take on leadership roles.

I was very interested in the contrast between the desire of the noble Earl not to give autonomy to the board to appoint its own chief executive, but to give it autonomy when it came to the salaries of its staff. I ask for some consistency here. If the Secretary of State appoints the chair and the non-executives—which is absolutely right—he or she should then have confidence in their judgment to allow the board to appoint a chief executive.

Finally, on the intervention of the noble Baroness on integration, it might help our future debate if the noble Earl could confirm that Clause 88, on matters to which HEE must have regard and in which subsection (1)(h) refers to,

"the desirability of promoting the integration of health provision with health-related provision and care and support provision",

answers the point that the noble Baroness raised—that in effect HEE does have to have an understanding of the needs of those providing social care because of the contribution that they can make to integrated services.

Earl Howe: I can answer that immediately by saying yes, it does mean that; indeed, it is that particular provision to which I think the amendment of the noble Lord, Lord Warner, is attached.

Lord Hunt of Kings Heath: My Lords, I am very grateful. Having said that, I beg leave to withdraw my amendment.

Amendment 1 withdrawn.

Amendment 2

Tabled by ***Lord Turnberg***

2: Schedule 5, page 104, line 28, after "expertise" insert "including one or more members with expertise in research and one or more with expertise in medical education and training"

Lord Turnberg: I will not move this amendment but I want to make one brief comment. If we are to rely on the regulations to interpret what clinical expertise really means, it is unlikely, however, that expertise in education and training will not be essential. I hope that comment will be borne in mind.

Amendment 2 not moved.

Amendments 3 to 7 not moved.

House resumed. Committee to begin again not before 8.44 pm.

Global Fund to Fight AIDS, Tuberculosis and Malaria

Question for Short Debate

7.44 pm

Asked By ***Lord Fowler***

To ask Her Majesty's Government what action they are taking to support the global fund on HIV and AIDS, tuberculosis and malaria.

Lord Fowler: My Lords, this short debate is about the importance of the global fund. I saw the global fund at its beginning, when Richard Feachem was the director. Over the past decade it has developed into one of the chief means of combating HIV/AIDS, tuberculosis and malaria around the world. It has helped in the dramatic progress that has been made, particularly in the past five years, and that progress has been truly dramatic. In HIV, the number of people on anti-retroviral treatment worldwide has increased from 1.4 million in 2007 to 4.2 million today. In 2007, there were almost 3 million TB cases detected and treated; today the total is 9.7 million. In 2012, a cumulative 310 million nets were distributed, compared with only 46 million five years ago.

The result is that, with all three diseases, a record number of people are now receiving treatment. To give the example of HIV/AIDS, which I know best, well over half of the people in sub-Saharan Africa who need anti-retroviral treatment are now receiving it. Incidentally, that is probably a bigger proportion than for some countries now in eastern Europe—it just shows how the balances change—whereas for TB in sub-Saharan Africa, the figures for those being successfully treated are higher than for HIV.

Not all these improvements, it should be underlined, can be put down to the global fund. National Governments make a massive contribution themselves. I was in Cape Town a month or two ago and, to take South Africa as an example, it finances much of its own programmes. The years of neglect have been followed by an inspired effort by the South African Department of Health. The result is that, over the past five or six years, life expectation has already improved and increased by something like five years. Furthermore, we should never forget the massive contribution that the United States makes bilaterally through the President's emergency fund—a fund started, incidentally, not by Bill Clinton but by George Bush, which will stand as a tribute and lasting memorial to him. If it was not for the United States, I think that the world would be in a terrible mess as regards these funds. So we can say, so far so good.

However, there is another way of looking at the figures. We can also look at the death toll from these diseases now, and we can look at the new infections that are taking place every day throughout the world, not just in Africa. The most recent figures show 2.7 million deaths from AIDS and TB-related causes, and 660,000 deaths from malaria and related causes. By any standard, that is a devastating loss of human life. Here we come to the crunch point. I pay tribute to the increases in financing that there have been, but if financing continues just at its present level, the prospect is that there will be many more new HIV infections and fewer TB patients receiving care. In other words, we risk going backwards. One reason for that is the growth taking place in the world population; another is the particular nature of HIV. For some diseases it is possible to give a course of treatment, for a patient to recover and for his place to be taken by a new patient; but HIV is not remotely like that. There is still no cure. It is a lifelong condition. Patients stay on that treatment and, other things being equal, the cost will rise as new cases come forward for treatment.

That is not to say that we should not seek further efficiencies in programmes. We should certainly do that. Incidentally, as far the global fund is concerned, in spite of some of the criticism that it has had, it actually has a very good record in this area. I remember seeing an example of that in Kiev in the Ukraine, where the global fund took the decision that the Government should hand over their responsibility in various aspects to an NGO, the HIV Alliance. The result was a dramatic reduction, an economy, in drug costs. The costs of the antiretroviral drugs which were being bought came down by something like 25 times.

We also need to persuade national Governments to increase their direct contributions to their own epidemics. It is certainly not enough for some countries to rely as heavily as they do on outside finance. Of course, when that happens it is fuel for those who argue—wrongly, in my view—that international aid should be cut back, but let us remember that this is not the easiest time to make that case and to ask Governments to add to their aid programmes. The fact is that however you look at it, it is very much in everyone's interests that the budget for the global fund is increased. The fund is a vital part of the world's fight against three killer diseases. If we start to go backwards, that obviously affects the lives of millions of people around the world but, more, it also means that the epidemics continue to spread. That in its turn will mean even more money to combat them and bring them under control.

The global fund has estimated that over the next three-year period of 2014-16, it will need something like $15 billion—a substantial increase, certainly, on what is now being spent. However, if the result can be a decisive and irreversible improvement, that is a very considerable prize indeed for the world. No one seriously doubts the global fund's figures; most significantly, they are not challenged by the United States, which is by far the biggest donor in the fund. That was confirmed to me last week when I was in Washington talking about these things.

What we in this country therefore now await is the British Government's response. When I was Health Secretary, I harboured an ambition to make the United Kingdom a model of how a nation should respond, particularly, to HIV. We have made progress along that road but I think that no one would say today that it is a model. We spend, for example, far too little on

prevention and on publicising not only the threat of HIV but the way in which it can be combated. However, we have maintained a good record in our contribution to the global fund. I hope that the Minister will now be able to put some more flesh on those bones. The US has set an example; we need also to set an example.

I have two last points. First, I very much hope that the global fund will continue to support the efforts to develop a vaccine for both HIV and TB. We have seen what a vaccine can achieve on polio and there are some encouraging signs, as in Thailand, that the prospect of developing a vaccine is not as far-fetched as some critics argue. The problem is that the development time for a vaccine is far in excess of the lifetime of any Government or three-year programme. It is nevertheless a goal which is most certainly worth pursuing. I say that in particular because of my second point. What stands in the way of so much progress in these areas is stigma and discrimination. A further effort is most certainly required there. Stigma infects gay and lesbian people, those with HIV and those with TB. It means that many people around the world are reluctant to come forward for testing. A vaccine would cut through all that. It is therefore, again, a goal which is worth pursuing.

If I may say so, tonight there has been a historic vote in this House. We have sent out a clear message that we in this country believe in equality of treatment for all. That was a massive message, which was underlined by the majority. I believe also that we are united, irrespective of which way we voted on that debate, on the criminalisation of homosexuality being abhorrent. I hope that that message goes out equally strongly, but I put it to the Minister that it would be even better if tonight she could set out the British Government's plans to help the global fund fight one of the most important health battles that the world now faces. That is a historic battle and this country could make an important and valuable contribution to it.

7.55 pm

Lord Chidgey: My Lords, I congratulate my colleague and noble friend Lord Fowler, first, on securing this debate and, secondly, on the remarkable way in which he set out the problems which we face.

I first came face to face with the scourge of HIV/AIDS about 10 years ago, in Soweto in South Africa. I was taken to a hospice and clinic run mainly by volunteers and funded by donations from the local community. At that time, victims of HIV/AIDS whose illnesses had reached their final stages were being cast out into the street and left to die. The hospice volunteers went out into the townships each and every morning to bring in the abandoned and the dying, and to provide them with clean beds and nursing care during their last days and hours in the comfort of the hospice. I recall standing by the bed of a desperately ill young woman, possibly still a teenager, searching for some words of comfort or solace. Beyond speech, she just looked up with despairing and frightened eyes. It was yet another human tragedy unfolding.

The clinic attached to the hospice had the main task of mobilising the community, particularly those from the families of HIV/AIDS victims, to be trained in basic healthcare procedures. The concept was to provide a core of basic healthcare support for HIV/AIDS victims in their homes. At that time, the clinic had trained over 350 volunteer community healthcare practitioners, working with the families in the townships. During the same visit, we met with the leaders of the Johannesburg chamber of commerce to be briefed on the impact of AIDS on the economy. The heaviest toll was being taken in the extractive and heavy haulage industries, where the death rate was so high that employers had to expect a complete replacement of their workforce every four years. A lack of education and of access to antiretroviral drugs and a reluctance to be clinically tested all added to the difficulties in attempts to contain the epidemic. As the noble Lord, Lord Fowler, said, South Africa has made great strides since then but, as he also pointed out, the drugs are not a cure.

A little later, with a delegation to Botswana, I visited the local research centre in Gaborone, established and funded by the Gates foundation as part of a multimillion dollar project to combat the spread of HIV/AIDS. At that time, I recall that more than 35% of the population in Botswana were infected by the disease. The project was having some success, particularly among the young in the more remote areas of the country. A problem was that as their health improved under the Gates drug regime, there was a trend to return to a pattern of unprotected casual sex, in the mistaken belief that they were now cured, so the educational aspects of the programme had to be revisited.

The United Kingdom has been a major supporter of the global fund since 2002. The coalition Government have maintained the commitment to £1 billion over the period 2008-15, with annual commitments in line with this pledge. It is to DfID's great credit that it has played a key role in supporting the fund, following the cancellation of the 11th round of funding, by bringing some payments forward—meaning that the £1 billion pledge is likely to be met a year earlier.

In 2011 the global fund was rated "very good value for money" in DfID's multilateral aid review, or MAR, the same as the GAVI Alliance—the former Global Alliance for Vaccines and Immunisation—which, however, received a substantial increase in investment in that year. Since the MAR, DfID Ministers have repeatedly said that they will significantly increase or even double the UK's contribution with a further £1 billion. However, a strong pledge is needed now, ready for the 2014-16 replenishment. Will the Minister provide the strongest possible indication of when the Government intend to honour their pledge?

There is no doubt that investments through the global fund and other partners in the treatment of AIDS, TB and malaria have produced dramatic results. AIDS deaths have declined by 24% since 2005, as millions have gained access to the treatment. Half of the malaria-affected countries are on track to reduce cases by 75% by 2015. The global goal to reverse the spread of TB has been achieved ahead of schedule. Nevertheless, donors must be vigilant in detecting financial abuse or incompetence. Last October, the global fund found that in Djibouti over one-third of the $23 million grant had been misused or gone missing. Six months on, what action has DfID taken with the global fund to establish how this happened, and what steps have been taken to prevent a recurrence?

[Lord Chidgey]

The global fund sees this replenishment year of 2013 as critical for the future, with the need to raise $15 billion to tackle the three diseases in the period 2014-16. The three diseases, AIDS, TB and malaria, face an historic turning point. We now have the tools and the knowledge to curb the trajectory of all three epidemics, but we can achieve this only with an ambitious funding scale-up in the coming years.

8.00 pm

Baroness Masham of Ilton: My Lords, I thank the noble Lord, Lord Fowler, for having secured this debate on the global fund. I declare an interest as a member of all-party parliamentary groups on HIV/AIDS, tuberculosis and malaria.

The global fund has been supported by the UK, which knows how important the fight against these and other emerging diseases is. Recently, the funding model of the global fund has been made more flexible on timing, better on engagement with partners and more predictable on the level of funding available. The new funding model allows countries to better plan over time, to increase domestic funding as global fund financing decreases. The World Health Organisation states that there are 440,000 new cases of multidrug-resistant tuberculosis every year, causing at least 150,000 deaths. Many of these people will also have HIV.

There is an urgent need for rapid diagnostics for killer infections. An expert in respiratory tract infections, Alimuddin Zumla, tells me that the absence of rapid, accurate diagnostic tests for pulmonary tuberculosis was further compounded by the widespread inability to screen for drug-resistant bacteria. An ideal diagnostic test for RTIs should be rapid, cheap, easy to use, sensitive and specific and should screen for many micro-organisms and their antibiotic resistance. The diagnostic platform should be transferable, robust and, ideally, run on solar power for use in the remote healthcare settings in developing countries. I am pleased to say that I have a cousin who is a professor of microbiology in Australia. His team have developed a mobile unit that is called a "lab without walls". They take it to projects in developing countries, so it is exciting that progress is being made by dedicated people. However, to achieve this across the world, physicians, scientists, biotechnology companies, funding agencies and Governments need to work together to drive the development of improved diagnostic tests for both developed and developing countries.

MDR-TB and extensively resistant TB are an increasing problem in Asia, Africa and eastern Europe. Global fund money is only for supporting programmes in developing countries. There is a need for part of this money to be used for research. Good research would result in better treatment outcomes—money well spent, rather than just supporting programmes. Without research, progress will not be achieved. The global fund has done much to help. I hope that it will continue to do so with renewed efforts from our Government and other countries to increase this valuable work. With modern travel, many people have access to the world. Health infections should be everyone's business.

8.05 pm

The Lord Bishop of Derby: My Lords, I too want to thank the noble Lord, Lord Fowler, for his persistence and commitment to this very important work and for his prophetic leadership.

I want to focus on TB, which, as we know, is preventable and manageable but needs the right resources. I commend the enormously impressive work of the global fund and, as mentioned by the noble Lord, Lord Fowler, the importance of national Governments. I want to particularly remind us of the importance of the global fund's aspiration to work with what it calls civil institutions: partnership with people on the ground. To explore what that might mean and to encourage the Government to take that aspiration seriously in the way that we offer funds and seek accountability, I want to talk a little about Peru, which is recognised as among the countries with the highest TB burdens in the western hemisphere. If I understand them correctly, the indicators show that TB control in Peru may actually be deteriorating.

My second reason for talking about Peru is that I am privileged to be a friend of the Bishop of Peru. He and his family come from Chesterfield in my diocese and he visits us when he is in this country. This year, we have in our diocese of Derby a harvest appeal fund to help him build a school, a clinic and a church on one site where there will be proper provision from the system, civic society and education. That is a model of partnership. Last week, I spoke to Dr Townsend Cooper who is running a project for the diocese in Peru. He describes the working of all these efforts from the point of view of civil society—the church on the ground—as "filling in holes". They do not have a sense of working in partnership; they feel they are running round filling in holes.

I will give one example of a case that he is treating at the moment that he discussed with me last week. They are helping a 13 year-old girl in Ventanilla who has cerebral palsy from a birth injury and was recently diagnosed with TB of her spine. The existing system swung into action: she was admitted to hospital and had surgery and medicines. Then, of course, she was sent home to complete the treatment, and home for this 13 year-old girl is one room on the back of a family property that she shares with her mother. She was discovered in this place by one of the visitors from the diocesan medical team. She was unable to go to hospital by bus because the surgery on her back made that journey virtually impossible. Taxi drivers refused to take her because, as the noble Lord, Lord Fowler, said, there is a stigma about having TB and she is regarded as dirty. Quite frankly, she would not have the money for a taxi anyway. The diocesan medical team picked her up and began to visit her. They did very simple things: hygiene, transport, education for her and her mother about management of the treatment and co-operation. What the doctor calls a very small amount of targeted help has transformed the situation, and the initial investment in the treatment is now again beginning to bear fruit.

That is just one little story, but I share it because it shows the problems of people of good will and faith on the ground who are trying to fulfil the aspiration to

work with civil society. It alarms me that the director of this project says they feel like they are filling in holes. It is not a comprehensive enough system of outreach, partnership and co-operation so that the good work being done by the fund and national Governments is not biting as much as it might to make the difference.

I would like to make two points. First, I support the request for the Minister to comment on the Government's pledge to increase investment in this fund. I also want to ask what the Government might be able to do to encourage the fund to take seriously its aspiration to work with civil society, and how to bed that in better so that those on the ground trying to fulfil this part of the complex response to TB do not feel that they are just filling in holes but are part of a more joined-up and coherent system.

8.09 pm

Baroness Chalker of Wallasey: My Lords, it is a pleasure to speak in this debate, which was initiated by my noble friend Lord Fowler. I, too, commend him on his energy, commitment and his determination to keep HIV/AIDS and other diseases at the forefront of debate and always to remind my old department, now DfID, that it has to keep up to the mark. As noble Lords will know, my interest in the health of people in the developing world has gone on for a very long while. I spent more than 10 years at the Liverpool School of Tropical Medicine, six years chairing the Medicines for Malaria Venture and eight years chairing the London School of Hygiene and Tropical Medicine, so I have particular interests.

I hope that we can hear from the Minister and the department a strong pledge to the global fund, which is already operating in 151 countries. I also ask the department to look hard at what more can be done to enhance the training of rural health workers, particularly in prevention. The Touch Foundation, at the moment only in America, works in Tanzania, supported also by the Vitol Foundation in this country. The work to prevent disease and to get early diagnosis has meant a much better use of the resources that we get from the global fund. We can be very grateful to the Bill and Melinda Gates Foundation for the $650 million that it has given since 2002, and it has now given a promissory note for another $750 million. However, we can make the money work only if we have people on the ground to communicate with those who do not understand why these diseases develop so strongly.

In the new funding model of the global fund we have a real opportunity. I understand that it is to be piloted in nine countries, which have not yet been disclosed. It will try to get a greater alignment with country schedules and their priorities and to focus on the countries with the highest disease burden and lowest ability to pay. It will make it simpler for the implementers and the global fund, will mean greater predictability of process and financing and will have a real ability to elicit full expressions of demand and to reward ambition. The global fund can do that. However, the new funding model will work only, first, if it is financed, and secondly, if there is a translation of what you can do with the money through the people on the ground. That is why I make an additional plea to the department that it should consider those organisations that can help in prevention and, particularly, in early diagnosis.

My main interest is clearly in malaria and in trying to beat the mosquito in spreading falciparum and vivax. However, we can have success with new drugs only if those on the ground know when, how and in what quantities to apply them, as well as using the nets that for so long the global fund has provided. I therefore ask the Minister two things. First, that we have early notification from the department of what it can give to the global fund but, secondly, that we now focus a lot more on local-level training, maybe through non-governmental organisations such as the Touch Foundation and other good organisations such as AMREF—I can mention many others, but I will not go on. It is no good just putting the money in unless we motivate the people to do the right things.

8.14 pm

Baroness Jolly: My Lords, I, too, thank my noble friend Lord Fowler for securing this well informed and timely debate. I realise that I am a newcomer to this field, and recognise that I am among experts with a wealth of experience. However, I hope that what I lack in both experience and expertise I can make up for in strength of feeling and enthusiasm.

I will take this opportunity to build on what the other speakers have said and emphasise the importance of the global fund in the fight against tuberculosis. Ninety per cent of international donor funding to fight TB comes through the fund, mainly because it is such an effective institution but also because TB does not get the profile or attention warranted by the devastation it causes. It is a disease closely associated with poverty, and 90% of cases are in developing countries. In 2011 there were almost 9 million cases of TB and the disease killed 1.4 million people. That is scandalous when you think that the majority of cases are curable with a course of cheap antibiotics. There are 22 high TB-burden countries in the world today, of which six are totally reliant on funding from the global fund, while two-thirds of the budget for the other 15 comes from global fund financing. Let us be clear: for many countries there would be no response to TB without the global fund's support.

Last summer I was lucky enough to visit one of the projects supported by the global fund in Zambia. We visited St Luke's Mission Hospital in Mpanshya, which serves a population of over 30,000 people and receives funding from the Churches Health Association of Zambia, or CHAZ, for its work on malaria, TB, HIV/AIDS and preventing mother-to-child transmission of HIV. CHAZ receives a grant from the global fund and is one of two principal recipients of such funding in the country. Through the grants that the global fund has distributed, CHAZ has brought about catalytic change in Zambia. Global fund-supported programmes have diagnosed and treated 44,000 new cases of TB, distributed 1.6 million bed nets to protect families from malaria since 2003, and provide lifesaving antiretroviral treatment to over 450,000 people living with HIV.

[Baroness Jolly]

On our visit we heard from community health workers who included TB and HIV treatment supporters, traditional-birth attendants and former TB patients. These comments also reflect the observation of the right reverend Prelate the Bishop of Derby, because these people were church-based workers. They were based at this religious foundation, some 200 kilometres east of the capital. They carry out their work entirely voluntarily, covering long distances on foot in order to reach patients. Their commitment to improving the health of their communities was truly inspirational; but this is only one part of the global fund's portfolio. It really brought home to me the important work that they do and the hope that the projects that they support brings to millions.

It is essential that this work continues in Zambia but also elsewhere. This replenishment year is critical for the future of the fund's work. It announced in April that it will need $15 billion to tackle the three diseases for 2014-16. Speaking about the call for new pledges, the executive director of the global fund said:

"Innovations in science and implementation have given us a historic opportunity to completely control these diseases. If we do not, the long-term costs will be staggering".

These costs are not just financial; they are costs in lives.

If this goal were achieved, it would mean that 17 million patients with TB and with multidrug-resistant TB could be treated, saving over 6 million lives over the three- year period; I cannot do the sums, but per day those numbers run to four figures. Some 1.3 million new HIV infections could be averted each year and 196,000 additional lives saved from malaria.

Of the money needed by the fund, the United States has signalled that it could pledge an unprecedented $5 billion. However, according to US law it cannot donate more than one-third of total contributions to the Global Fund. For the US contribution to become a reality, other donors must increase their contributions to commit the remaining funds. I echo the comments of my noble friend Lord Fowler: the UK Government have a key role to play. They can exert leverage on other donors by demonstrating their continued support for the Global Fund with an increased contribution of £1 billion for this replenishment period. An early summer announcement of increased UK funding at this key moment would lay down a marker for other Governments to follow.

This is just not my view. It was shared by the International Development Select Committee last year when it urged the Government to do all possible to commit funds early, and at a time that raises the most amounts of money from other donors. I urge my noble friend the Minister, for the reasons that I have just outlined, to do all in her power to ensure that the Government bring forward this anticipated increased contribution, ahead of the Summer Recess.

8.20 pm

Lord Lexden: My Lords, we are fortunate that my noble friend Lord Fowler has brought these immensely important international health issues before the House today. My noble friend has been a tireless champion of the global fund, whose crucial role he has underlined once again. The fund embodies a remarkable international partnership, bringing together Governments and private-sector organisations and uniting them in an unrelenting campaign to overcome the world's pandemics.

We are united this evening in believing that the fund can be even more successful in the future than in the past. There remains so much for it to do, as we have heard from speakers in this debate. It is a matter of considerable pride that our country, under both the previous Government and this one, has been the third largest contributor to the global fund. Like all those who have taken part in this debate, I look forward to hearing what my noble friend the Minister has to say about our future contribution.

I hope that she will be able to allay widespread concerns that government support for research into new treatments and advances in prevention is about to be cut significantly. Continued funding is essential if recent scientific progress is to be carried forward steadily by those involved in highly regarded, not-for-profit public/private partnerships, such as the International AIDS Vaccine Initiative. This works with more than 50 academic, industrial and governmental organisations around the world to research and develop AIDS vaccines. There could be no more important work.

At the same time, it is accepted by the global fund and by all those who back it that at a time of severe pressure on the public purse everywhere, contributions from individuals, corporations and private foundations must be encouraged. That point was made forcefully in a recent report from the influential Center for Strategic and International Studies in Washington. It needs strong emphasis in this debate.

If the global fund is well equipped and resourced, as we hope strongly, as a result of a combination of public and private support, it will still labour under a formidable handicap. However successful the fund and the efforts of the vast numbers of people working to end the pandemics may be, they will not be able to reach and relieve all the suffering with which they contend. That is because homosexuality is a criminal offence in some 78 countries. Where homosexuals are criminals, HIV cannot be fully relieved or curtailed. The statistics are stark. In Caribbean countries where homosexuality is not against the law, of every 15 men who have sex with other men, one is infected with HIV. In Caribbean countries where homosexuality is criminalised, the rate of infection is one in four. So we come back to the deep-seated problem of criminalisation, which is and always should be a prominent feature of our debates on these issues.

We naturally direct our concern principally to the countries of the Commonwealth. In 42 of the Commonwealth's 54 member states, homosexuality is a criminal offence. The Commonwealth's collective institutions produced clear evidence in 2011 that where homosexuality had been decriminalised, HIV infection had fallen. To the infinite sadness of us all, that has not led to a widespread acceptance of the case for decriminalisation. In some countries the situation has got worse. Last week the Nigerian Parliament passed a harsh anti-LGBT Bill that is bound to fuel prejudice and hatred in other countries.

On moral as well as on health grounds, the Christian churches in Commonwealth countries ought to be at the forefront of efforts to stem the tide of oppression and extend basic human rights to all LGBT people. In fact, as we know well, all too often the churches are to be found in the forefront of militant antigay activity. The Church of England, which is my church, has great influence in many Commonwealth countries. I end with a fervent plea that it should consider issuing a strong public statement utterly condemning the criminalisation of homosexuality. If it did that, it would confer an inestimable boon on those working, through the Global Fund and other remarkable, selfless organisations, to end the pandemics that so disfigure the world today.

8.25 pm

Lord Collins of Highbury: My Lords, I, too, thank the noble Lord, Lord Fowler, for initiating this debate. I thank him also for his lifetime commitment to the battle against HIV and AIDS, and, more importantly, against the prejudice that all too often hinders treatment and prevention. His contribution to the earlier debate made me feel proud of this House and of all the people who have supported equality.

The Global Fund to fight AIDS, Tuberculosis and Malaria has, since its inception, saved an estimated 8.7 million lives, disbursed antiretroviral drugs to 4.2 million people, treated 9.7 million cases of TB and distributed 310 million insecticide-treated bed nets. Like the noble Lord, Lord Chidgey, I very much welcome the fact that the coalition Government have maintained the previous Government's commitment of £1 billion to the fund.

I also recognise the key role that DfID has played in supporting the fund through a turbulent period. In 2011-12, following the cancellation of the 11th round of funding, the UK acted and, with the support of DfID, brought forward some payments during this period, which means that we are likely to reach the £1 billion pledge a year early, in 2014. Since these difficulties, we have seen, as the noble Baroness, Lady Masham, said, a radical restructuring. Simon Bland, a leading DfID civil servant, was appointed chair and has overseen the implementation of reforms at the fund. These have refocused resources and efforts on effective grant management, while remaining true to the organisation's vision, mission, principles and values. As we heard in the debate, the fund received the highest possible value for money rating in DfID's multilateral aid review.

Since the publication of that review, DfID Ministers have repeatedly stated that the UK will significantly increase its contribution to the fund. The previous Secretary of State for International Development said that the UK would up to double its contribution to the global fund. In these circumstances, and like many noble Lords in the debate, I ask the Minister clearly to signal that the Government will double their contribution to the global fund. As the noble Baroness, Lady Chalker, said, an early announcement on this, in June or early July, would provide the impetus for other countries to make their commitments, providing the global fund with certainty on how much of the next replenishment it is likely to achieve.

Like the noble Lord, Lord Fowler, I acknowledge the role and commitment of the United States Government. As the noble Baroness, Lady Jolly, said, that is critical for the future of the fund's work. A $15 billion contribution to the global fund would see close to 90% of the global resource needs to fight these diseases met. However, for the US contribution to become a reality, other donors must increase their contributions. If we meet that goal it would mean that 17 million patients with TB and multi-drug resistant TB could be treated, saving over 6 million lives over the three-year period, and 1.3 million new HIV infections could be averted each year. As we have heard from the noble Baroness, Lady Jolly, 196,000 additional lives could be saved. These are real objectives and I welcome the Minister's response in making sure that we can make that doubling-up contribution.

8.30 pm

Baroness Northover: My Lords, I, too, thank my noble friend Lord Fowler for securing this important debate and, like others, I pay tribute to his leadership in this field. Both he and the noble Lord, Lord Collins, are right to say that this debate follows a stunning endorsement of our commitment to equality and fairness for all. The noble Lords, Lord Lexden and Lord Fowler, and others flagged the difficulty of tackling disease and explained how stigma, criminalisation and lack of equality hold us back.

The United Kingdom Government are strongly committed to the fight against these three diseases, which represent some of the leading causes of mortality and morbidity in developing countries, posing the largest threat to achieving the health-related MDGs. They also slow economic activity, widen inequality and cause severe financial and emotional strain on affected households. We heard from my noble friend Lord Chidgey and the right reverend prelate the Bishop of Derby about the individual human impact of these diseases.

As we have heard, the global fund plays a key role in the fight against these diseases, and we recognise that its results to date have been very impressive. In a little over 10 years it has enabled a significant and sustained response that has changed the course of these diseases around the world, as my noble friend Lord Fowler highlighted. Thus, Bangladesh has seen a 92% reduction in malaria deaths. In Cambodia, TB prevalence has declined by 43% and malaria deaths have declined by 80%. In South Africa, life expectancy has risen for the first time in a decade from 51 years in 2005 to 60 years in 2010. In HIV there have been huge gains, as my noble friend Lord Fowler and others noted, with 700,000 fewer infections globally in 2011 than in 2001.

Challenges remain, however, such as the growth of drug-resistant TB and HIV epidemics driven by drug injection, as the noble Baroness, Lady Masham, pointed out. From 2001 to 2010, the number of people living with HIV rose 250% in eastern Europe and central Asia, again a problem flagged by my noble friend Lord Fowler.

We are currently the fund's third largest contributor. As the noble Lord, Lord Collins, pointed out, in 2007 the United Kingdom committed up to £1 billion from 2008 to 2015 for the fund. Europe generally is also

[Baroness Northover]
an active supporter. Taken together, the European Commission and the EU countries that contribute to the fund account for well over 40% of its receipts.

A year ago, my right honourable friend the previous Secretary of State Andrew Mitchell confirmed to the International Development Committee that the United Kingdom would contribute £128 million to the fund in the years 2012 to 2014. He also said that the United Kingdom would consider increasing that commitment depending on progress with the fund's crucial reforms, to which the noble Lord, Lord Collins, referred.

DfiD Ministers have indeed increased or accelerated our funding to help the fund through short-term difficulties. In 2010, we advanced a payment so that all the proposals under the fund's 10th round of applications could be approved, and in 2011 we brought forward another payment so that these same grants could be signed off. Because of this, we are on track to meet in full and one year early our £1 billion pledge, even before any increase. The United Kingdom also continues to be an active and engaged member of the fund and its committees in Geneva.

At country level, the United Kingdom provides a range of complementary funding and other support to national plans and global fund-supported programmes, as well as through in-country governance bodies, most notably the country co-ordinating mechanisms that manage global fund grants. However, as noble Lords have flagged, there have been some recent challenges; the noble Lord, Lord Collins, referred to this. The fund invites scrutiny and is a highly transparent organisation. In 2011, the Global Campaign for Aid Transparency ranked the fund fourth in their "Publish What You Fund" data, and in 2012 the global fund ranked joint third. That is very encouraging. As my noble friend Lord Chidgey and others have noted, we rated the fund as providing very good value for money in the multilateral aid review.

However, press reports in 2011 claiming fraud and corruption caused the fund to examine its systems and procedures. It became apparent that the reports were exaggerated and extrapolated from audits that the fund itself had published. None the less, they triggered a series of events, including the cancellation of the fund's 11th round of applications for funding. A high-level independent review panel was established to look at the fund's fiduciary controls and oversight mechanisms. The panel concluded that the fund's purpose was right and that it had achieved significant results, but that it had outgrown its original structures and was in urgent need of reform, including changes to its business model.

The fund responded in full to the panel's recommendations. Subsequent reforms have been rapid and far-reaching. It has changed its business model and practices and made significant and strategic senior appointments so that the senior management team is even stronger than before. It has redirected staff towards active grant management and working more closely with high-burden countries.

My noble friend Lord Chidgey asked about an incident in Djibouti. We and the fund take a zero tolerance approach to fraud and corruption, which he will not be surprised to hear me say. We have supported the fund in appointing a chief risk officer, undertaking a grant-by-grant and country-by-country assessment of risk and strengthening the secretariat to manage risks better. The fund is further improving its audit investigation units, and recovery of any and all fraud is being vigorously pursued.

A new funding model, intended to ensure that the fund improved its performance and better met the needs of poor people affected by the three diseases was agreed late last year. I reassure my noble friend Lady Chalker that the secretariat is focusing in particular on the 20 high-impact countries in Africa and Asia that account for 70% of the burden of the three diseases and 54% of the fund's grants. We are very glad that the global fund appears to be back on track and even stronger than before. On 28 February this year, it allocated £1.9 billion to 50 countries to test its new funding model, and on 15 May we learnt that the first five country concept notes have passed their review stages and will be recommended to the board for funding later this year.

I was asked a number of questions, and I shall go through some of them. The right reverend Prelate the Bishop of Derby asked about civil society involvement and emphasised the significance of that, and of course that is right. Roughly 33% of global funding grants go to civil society recipients in parallel to Governments. My noble friend Lady Chalker asked about the training of health workers. As she probably knows, the global fund supports health workers, including through general health system strengthening and through the countries' own national programmes. She was concerned that there should be better targeting on prevention, which the noble Lord, Lord Fowler, emphasised, and we agree. Clearly, the 310 million bed nets—again the noble Lord, Lord Fowler, referred to this—are a demonstration of what can be done.

Various noble Lords emphasised the reduction of stigma, including my noble friends Lord Lexden and Lord Fowler. My noble friend Lord Fowler interestingly linked that to vaccines. We agree that the support for the development of vaccines is very important and we have increased funding. As part of a package of interventions, even an inefficient vaccine can have its uses.

My noble friend Lord Lexden suggested that we needed to work closely with private sector foundations and individual contributors, and we agree. We are doing that generally across DfID. He will note that Bill Gates will be joining us on Friday and Saturday at the hunger summit, for example, outside this debate.

The noble Baroness, Lady Masham, asked about diagnostics. I assure her that DfID is providing £6.5 million to the Foundation for Innovative New Diagnostics to develop new diagnostic tests for a range of diseases. She is absolutely right about the importance of that. She and my noble friend Lady Jolly emphasised the importance of TB research and taking this forward. DfID supports a range of research, including £23.3 million to the Global Alliance for TB Drug Development and various other projects.

We liaise closely with our colleagues on the fund's board, including those from the United States, France, Germany, Japan and the EC, and—I hope this reassures the right reverend Prelate—with those from civil society. We recognise President Obama's request to Congress

of $1.65 billion for 2014 as a strong vote of confidence in the fund and its reforms. Like the noble Lord, Lord Fowler, we pay tribute to the United States' record here.

Our own reform priorities are to reduce transaction costs levied on recipients and on partners, as flagged by my noble friend Lady Chalker; to gain even better value for the money spent; to continue the focus on the poorest and most vulnerable; and to develop the longer-term sustainability of global fund-supported programmes. Clear, positive developments have already been made and we are seeing early signs of the impact of these reforms. The multilateral aid review update for the global fund, which will be published in the summer, will help to provide further important evidence.

I welcome the interest of all noble Lords in this area. The focus is to make sure that in a period of global austerity, when we all face major health problems, such as those resulting from HIV/AIDS, malaria and TB, resources are used as effectively as possible. The global fund has an impressive track record and it is vital that such international players, whose reach is far wider than that of individual countries, are as efficient as possible as we seek to combat poverty and disease around the world.

8.43 pm

Lord Fowler: My Lords, I thank the Minister very much for what she has said. I particularly thank everyone who has taken part in the debate. It has necessarily been a short debate, but the speakers have brought in virtually all the areas of the global fund: AIDS, tuberculosis and malaria. In addition, the point has been made very strongly about the stigma that attaches to a number of these areas and which stands in the way of testing and is therefore totally counter-productive.

I thank the Minister for her reply. I think I will need to look at it with a little more care. She went very rapidly at one stage when I thought she was getting to the point of pledging herself to doubling the contribution, but I do not think that quite came. I thought she made the case entirely for doubling the contribution, so I was not sure why she did not go that final bit, but there we are. I live in optimism.

In all seriousness, the pledge has been made a number of times and it is getting just a wee bit dog-eared. I do think it is rather important that if the Government want to set an example, get some credit for what they are doing and have some influence, they should make a firm pledge and make it stick. However, I thank the noble Baroness for her reply and I thank everyone who has taken part.

Care Bill [HL]

Committee (1st Day) (Continued)

8.45 pm

Amendment 8

Moved by ***Baroness Wheeler***

8: Schedule 5, page 107, line 22, at end insert—

"( ) HEE must exercise its functions consistent with the promotion of a comprehensive health service, giving equal consideration to the importance of physical and mental health."

Baroness Wheeler: My Lords, I shall speak also to Amendment 10. These two amendments seek to make sure that Clause 84 and Schedule 5 specify the responsibility of Health Education England to ensure, throughout its work, the promotion of a comprehensive health service which gives equal consideration to the importance of physical and mental health and the health of people with learning difficulties. This parity of esteem, putting mental health on a par with physical health, must be a key principle carried through HEE's work and in the education and training of healthcare workers, and it is important that the Bill specifies this. Why is that? It is because the lack of parity continues to have a massive impact. The most recent psychiatric morbidity surveys show that, despite theoretical parity under existing legislation, only a minority of those with a mental disorder in England receive any intervention, in stark contrast to other disease areas, such as cancer, almost all of which have some intervention.

Labour is proud that it introduced the NHS constitution and is pleased that it now has widespread support. However, we acknowledge that it did not go far enough in ensuring that parity of esteem was entrenched into the constitution. This is especially important as the growing number of NHS bodies and organisations established under the Government's NHS reforms are all required to take the constitution into account in all they do.

Noble Lords will recall that parity of esteem was a hard-fought-for, last-minute inclusion in the Health and Social Care Act. It is vital because it is important to do everything that we can to ensure that this key NHS objective is taken seriously and is underlined at every stage. We welcome the steps in the HEE mandate recognising HEE's leadership role in this, including a focus on the mental health workforce to ensure that there are sufficient psychiatrists and other clinicians and specialist staff working to build the values and skills to facilitate continuous service improvement, developing training programmes which ensure that all staff have awareness of mental health problems and how they may affect their patients, and ensuring that the mental health needs of people with long-term health conditions are addressed concurrently and not as an afterthought.

We particularly welcome HEE's leadership role in providing, through LETBs, training programmes to support staff in diagnosing the early symptoms of dementia so that they are aware of the needs of patients, carers and families. Building skills among GPs is especially important in this respect, as we know that patients often go undiagnosed for years. The target for Health Education England of 100,000 staff undertaking dementia foundation-level training by 2014 is a challenging one but it must be achieved if the current appalling level of undiagnosed cases is to be reduced. While focus on dementia is welcome, we must also ensure that other debilitating mental illnesses are addressed with equal vigour.

The lack of parity of esteem for mental health under the current system is widely recognised and acknowledged. The website of the mental health charity, Mind, sums this up well in reporting on the experiences of people with mental health problems. As it says:

[Baroness Wheeler]

"One person told us they get immediate attention for slightly high blood pressure, but face indifference and long waits about their mental health needs unless they are suicidal. Others have told us that they experience far better treatment in A&E for physical symptoms than when they need emergency help in a mental health crisis or for self-harm injuries. This is not acceptable—an emergency is an emergency".

My noble friend Lord Patel of Bradford reminded us during the debate on the Queen's Speech that only 13% of NHS funds are devoted to the treatment of mental health issues. Against this backdrop we strongly welcome the Royal College of Psychiatrists' report, *Whole-person Care: From Rhetoric to Reality*, commissioned by the Department of Health and the NHS Commissioning Board last year. It sets out how progress on achieving parity of esteem can be made by,

"changes in attitudes, knowledge, professional training, and practice",

and makes key recommendations to apply across the NHS on equivalent levels of access and waiting times for mental health services, specifically in emergency and crisis mental healthcare.

The RCP report has a number of recommendations relevant to HEE's remit and role. These include how HEE should as a priority support the development of core skills and competences in health and public health professionals; the need for the General Medical Council and the Nursing and Midwifery Council to review medical and nursing study and training to give greater emphasis to mental health; and integrating mental and physical health within undergraduate medical training. I would welcome the Minister updating the House on what action the Government plan to take on this important report, the timescale for the Government's response, and how any of the report's recommendations will be fed into the Bill.

Whole-person care is Labour's agenda for the future. It would bring together physical health, mental health and social care into a single service to meet all of a person's health needs. Ed Miliband, in announcing Labour's commission on whole-person care, emphasised that:

"In the 21st century, the challenge is to organise services around the needs of patients, rather than patients around the needs of services. That means teams of doctors, nurses, social workers and therapists all working together".

In his landmark speech on mental health last year at the Royal College of Psychiatrists seminar, he acknowledged mental health as the biggest,

"unaddressed challenge of our age".

He went on to say:

"We have to confront the unspoken discriminations too. Like the vast inequalities in funding for research. Like the lack of training in mental health of many NHS staff – whether in GP surgeries, outpatient clinics or A&E. Eight out of ten primary care professionals say they need more training in mental health than they have".

Amendment 12 underlines the importance of HEE working,

"with persons who provide health services to ensure an adequate provision of continuing professional development for health care workers".

That is particularly important in view of the recent findings in a member survey by the Royal College of Nursing, which pointed to a worrying decline in CPD training. The noble Lord, Lord Patel, has an amendment on CPD under the provisions for LETBs, so we will pick up this issue then.

As we progress through the Bill, we will argue strongly for parity of esteem between mental health and physical health to be underlined and specified in the Bill as a guiding principle. When the RCP report on whole-person care was published in March, its president, Professor Sue Bailey, called on government policy-makers, service commissioners and providers and the public to think in terms of the whole person, both body and mind, and to apply a parity test to all their activities and to their attitudes. For Health Education England, this parity test for the planning, education and training of healthcare workers is crucial. Our amendments give force to the HEE mandate provisions on parity of esteem, and we hope they will be accepted by the Government.

Lord Rix: My Lords, I support Amendment 10, but I should like to clarify one or two points in the wording. It is possible for a person with a learning disability to have a physical health problem. It is also possible for a person with a learning disability to have a mental health problem. But that is not the main cause or even sometimes the basic cause for their particular condition, which is learning disability. I would therefore have preferred the wording of paragraph (a) of Amendment 10 to have been "learning disability". The same situation arises in paragraph (b) of Amendment 10. People with a learning disability have a learning difficulty. That is natural. However, there are plenty of people who are not learning disabled who also have a learning difficulty. I would like to have seen Amendment 10 include learning difficulties and learning disabilities, but I actually support the general thrust of the amendment. I hope that if it is accepted the wording of a learning disability can be made quite clear.

Baroness Wall of New Barnet: My Lords, I support Amendment 12 in particular. It will be no surprise to the Minister that my interest, even my passion, lies in the status of healthcare workers, which is hugely important. We are recognising that even more by the way in which the continuing change in the health service is coming about.

I wish to pick up on the way the Bill reads in the context of the amendment. The clause refers to, obviously, education and training for healthcare workers. It then refers to,

"the provision of information and advice on careers in the health service",

but to know where your career is going you have to have a start point. The Minister knows that many of us have been asking for, in the first instance, a recognition of the skills that healthcare workers bring to the job. Across any organisation that has opportunities for development, there is always a start point. A healthcare worker would need to know, for instance, what skills they have and what skills they need to go on to the next stage of whatever career they choose. The ambiguity, at best—actually, it is probably even worse than ambiguity—under which healthcare workers currently operate does not help that process. It will be difficult

for the Bill to achieve its objectives if we do not start from the point where healthcare workers have that recognition of their skills in a formal way.

Lord Warner: My Lords, I support this group of amendments, particularly Amendments 8 and 12.

We had a good run over the issue of the equivalence between physical and mental health in the Health and Social Care Act. We need to move on from this rather semantic debate about whether healthcare involves both physical and mental health. Out there in the real world, there is a real sense and feeling that mental health does not receive its fair share of the attention that it needs. The political and public agenda in this area is beginning to change, which is a good thing, but we should not lose any opportunity, when legislation presents itself, to reinforce the message about equivalence, even if it occasionally upsets the draftsmen and officials of legislation. We cannot use opportunities too often to get across the message about equivalence.

One of my jobs as a Minister in Richmond House was, at one point, to try to reduce the amount of money and effort that was being spent in the NHS on the use of agency staff. It came as a considerable surprise to me, although it should not have done, that when I started to look into this area, particularly in the area of medical locums, psychiatry was represented as one of the specialities where there was a high use of locums because people simply could not get or make permanent appointments. We need to send a message to HEE that there is a longstanding, deep-rooted problem in this area. At the end of the day, if we do not train enough people to fill the established jobs available and we have to rely on locums and agency staff to do so, we will not achieve equivalence.

When the Minister goes back to Richmond House, I ask him to look at some of the data around whether the vacancy rates and the use of locums in psychiatry and psychiatric services is greater than those in other areas. He may find that there are some real issues around that which need to be tackled by HEE.

On Amendment 12, I wish to speak briefly as a former jobbing public sector manager in this area. When times are hard you do two things very quickly: you freeze vacancies and cut in-service training. That is what you do as a jobbing public sector manager. We always have to guard against cutting the kind of programmes, such as continuing professional development, that will help us to get out of some of the jams that we are often in. It is important to send messages about continuing professional development in the Bill. I strongly support the proposals in Amendment 12.

9 pm

Lord Willis of Knaresborough: My Lords, I support Amendment 12 in particular. I declare an interest as an honorary fellow of the Royal College of Nursing.

When I was preparing the Commission on Nursing Education report, although we were looking at pre-registration, one of the key elements that came up time and again was that nurses were leaving their training and going into settings, within NHS tertiary care settings, primary care settings and, in particular, community settings and domiciliary settings, where the notion of continuing professional development was non-existent. People were finding an immediate barrier to even asking questions about doing things in a better way. The way you overcome that is by doing exactly what it says in this amendment. You put at the very heart of your organisation the fact that you continue to develop. Even preceptorship, the year after training, was given scant regard in many places because the nurses were so busy doing their day-to-day tasks that there was not time for management to put it in. My argument is that without putting in that training, you are less efficient, you give poorer care and ultimately the whole organisation suffers. I hope that my honourable friend will take on board this crucial business about ensuring that Health Education England is not just about training at the base level, but is about continuing to train people throughout the whole of their professional lives.

Baroness Emerton: My Lords, I will add to what the noble Lord, Lord Willis, said. A lot of work is being done on the appraisal system, but without the appraisal system leading into continuing professional development, professional development becomes ad hoc. A lot of work is being done by the noble Baroness, Lady Cumberlege on appraisal, and I believe that some work is being done by the department as well. If we could link this work with continuing professional development, I think that that would be very helpful.

The Parliamentary Under-Secretary of State, Department of Health (Earl Howe): My Lords, the health service is dependent on having the right numbers of staff, with the right skills and behaviours. Quite rightly, patients expect the people who deliver health services to be well supported and to have the right professional and clinical skills. To achieve this, we need a system that can attract people with the right values, give them the right career advice, support the development of excellent professional and clinical skills, emphasise the centrality of providing care with compassion, kindness and respect, and ensure a workforce that is responsive to changing needs and innovations in services. That, in a nutshell, is why we have established Health Education England and the local education and training boards.

Health Education England is already established as a special health authority and is already working to put in place requirements similar to those placed on it in this legislation. Establishing Health Education England as a non-departmental public body will ensure that it has the independence and impartiality that it requires to plan, commission and quality-assure education and training for the long term. As an NDPB, it will be accountable to the Secretary of State and Parliament for ensuring that there is an effective education and training system in place. The establishment of Health Education England has been welcomed, I am glad to say, by stakeholders across the health and education system. It has the support of the Health Select Committee and the Joint Committee that scrutinised the draft Bill. It is viewed as an important step forward in promoting the development of the healthcare workforce and driving up standards.

[Earl Howe]

Amendments 8 and 10 seek to ensure that Health Education England gives equal consideration to physical and mental health in the delivery of its education and training functions. I have no quarrel with noble Lords bringing us back to that familiar theme, but primary legislation is not required for Health Education England to give equal consideration to the importance of physical and mental health.

To start with what I hope is an obvious point, in establishing Health Education England, the Government are making clear their commitment to the development of the entire health and public health workforce. One of the significant weaknesses of previous workforce planning and education commissioning arrangements has been the fragmented approach, with responsibilities scattered across different bodies and silo approaches taken to considering the development needs of different professions and services. Health Education England will be different. It will be responsible for the planning and development of the whole workforce, whether in primary care, secondary care, public health or mental health. Although it will retain a strong focus on the development of different professions, it will do so with a multiprofessional remit and perspective that promotes multidisciplinary education and training where appropriate.

I would like to take the Committee back to the Health and Social Care Act 2012, which places a clear duty on the Secretary of State to ensure an effective education and training system for,

"persons who are employed, or who are considering becoming employed, in an activity which involves or is connected with the provision of services as part of the health service in England"—

which is a very wide scope. That duty is very important. It reflects the importance of education and training in the NHS and public health system, and is a key duty underpinning the Secretary of State's duty to ensure,

"a comprehensive health service designed to secure improvement … in … physical and mental health".

The Bill delegates the Secretary of State's education and training duty to Health Education England, giving it a clear and unambiguous remit for workforce planning, education, training and development across England. I hope that that conveys to the Committee the direct legal linkage between this Bill and the 2012 Act in respect of the parity of esteem issue.

Clause 88 requires Health Education England to have regard to the Government's mandate to NHS England. It is appropriate that the education and training objectives are aligned to service commissioning objectives in this way. It is especially relevant in the context of this amendment because the NHS England mandate requires mental and physical health conditions to be treated "with equal priority" and to,

"close the health gap between people with mental health problems and the population as a whole".

The Government's mandate to the Health Education England Special Health Authority reflects this and requires Health Education England,

"to focus on the mental health workforce".

I listened with care, as I always do, to the noble Lord, Lord Rix. I simply say to him that Health Education England can support better education, training and development for staff so that they can better support people with learning disabilities and difficulties. The core components of education and training for all staff should be to treat people with kindness and compassion and communicate well with all patients and carers. That, I hope, goes without saying, but it is particularly relevant to those with learning difficulties and disabilities. In saying that, of course I recognise that there are certain specialist skills that people in that field require.

Amendment 12 relates to continuing professional development. I absolutely recognise that the continuing professional development of healthcare workers is important. This is enshrined in the NHS constitution, which places a commitment on all employers that supply NHS-funded services to invest in this area and provide their staff with the support and personal development that they need, as well as access to appropriate training to enable them to fulfil their duties.

Health Education England will play a crucial role in providing leadership in this area. The mandate that the Government published only recently for the Health Education England special health authority sends out a clear message that the staff working in our NHS and public health system are the health service's most precious resource. We must do all we can to ensure that staff have the right values, training and skills to deliver the very highest quality of care for patients. To support the development of the existing NHS and public health workforce, the mandate sets out that Health Education England will work with Local Education and Training Boards and healthcare providers to ensure professional and personal development continues beyond the end of formal training to enable staff to deliver safe and high quality health and public health services, now and in the future. This will include supporting those staff who may wish to return to training.

I hope that those remarks are helpful to the noble Baroness. To cover a number of questions that were put to me, the noble Baroness, Lady Wheeler, asked about the Royal College of Physicians report. We very much welcome the report. The Minister for Health and Care Services will be attending the report's launch on 19 June and will be setting out what the Government will do to respond to the challenge that the Royal College has articulated.

The noble Lord, Lord Warner, asked what Health Education England will do to address the issue of reliance on locums and agency staff, a very pertinent question. Health Education England can make a significant contribution in this area. Better workforce planning, linked to service and financial planning, is a key aim of the new system that should ensure less reliance on locum and agency staff.

The noble Baroness, Lady Wall, asked me what Health Education England was doing to support career development for healthcare assistants. The capability of care assistants, and public confidence in that group of workers, is of increasing importance. Health Education England will work with employers to improve the capability of the care assistant workforce, including those in the care sector, as well as the standards of

training that they receive. Health Education England will develop a strategy and an implementation plan to achieve that, building on the Cavendish review, which will be published quite soon, and on work by Skills for Health and Skills for Care on minimum training standards. The strategy should cover job roles, recruitment, induction, training standards and transparency, as well as identifying opportunities for career progression. I hope that those comments are helpful to the noble Baroness.

Baroness Wheeler: I thank the Minister for his thorough response and for his reassurances on the Government's intentions in respect of parity of esteem. The debate as to whether parity of esteem is inferred or assumed in legislation, or should be specifically included, will continue. We will be strongly supporting this issue as we move through the Bill, with the comments of the noble Lord, Lord Rix, on the need to ensure the inclusion of people with learning difficulties. I am disappointed that the Minister is resisting this issue of inclusion. It would underline the importance of parity of esteem as a guiding principle, ensure consistency with the Health and Social Care Act and reinforce the HEE mandate role in this respect.

Amendment 12 received strong support from my noble friend Lord Warner, the noble Lord, Lord Willis, and the noble Baroness, Lady Emerton. I welcome that. My noble friend was right to underline the particular importance of CPD in the light of the current challenges facing the service. I look forward to the fuller debate later on in the Bill on this. With that, I beg leave to withdraw.

Amendment 8 withdrawn.

Amendment 9

Moved by ***Lord Turnberg***

9: Schedule 5, page 107, line 33, at end insert—

"( ) HEE should seek the advice of those bodies concerned with setting standards for education and training, including the regulatory bodies and Royal Colleges."

Lord Turnberg: My Lords, my name is attached to three amendments in this group, Amendments 9, 18 and 34. In this group of amendments I have tried to go a little further with my general theme of improving quality and standards.

Amendment 9 refers to the functions of Health Education England in Schedule 5, under which it will seek advice from relevant bodies. Amendment 18 refers to quality, improvement in education and training and the need for HEE to co-operate with relevant bodies. Amendment 34 refers specifically to those from whom HEE should seek advice. In each of those amendments, I am anxious that due weight is given to advice and co-operation with those whose sole reason for existence is to ensure high standards of education and training—the General Medical Council, the General Dental Council, the Nursing and Midwifery Council and the royal colleges. Those colleges, after all, set the curricula for all medical and nursing trainees and arrange all the exams and assessments.

For Health Education England not to have access to all that expertise, and potentially even to ignore it, seems to me unhelpful. Some indication about that is needed in the Bill. Therefore, I have included specific mention of those bodies here.

9.15 pm

Lord Willis of Knaresborough: I speak to Amendments 15 and 36 in my name and those of the noble Baroness, Lady Emerton, and the noble Lord, Lord Patel. On Amendment 15, one of the most daunting tasks for Sir Keith Pearson and his staff at Health Education England is the challenge of workforce planning. I do not believe that anybody has done that right in the health service since its creation. The noble Lord, Lord Turnberg, rightly pointed out that it takes a good five years to get a junior doctor. It takes 10 years to get a consultant. For senior consultants, we are probably talking about 12 to 15 years. For anyone to sit down in Richmond House or elsewhere and start to plan what is going to happen in 10 to 15 years is an incredibly difficult task, and no one has managed it yet.

Secondly, looking ahead, if 10 or 15 years ago you were planning a workforce, you would have automatically said that we need a supply of certain groups of professionals and that, provided we can get that supply, we will be reasonably okay. We can bring in a few from abroad, usually the Commonwealth, and often denude the poorest countries in Africa of their health staff and get the nurses from the Philippines. That enabled us to get by.

What we are doing now—I think that the Minister is acutely aware of this— is planning for a health and care service the like of which we have never seen. There will be research developments, especially in areas such as genomics and regenerative medicine, which will create cures for major debilitating diseases and, at the same time, give us innovative ways of dealing with people's long-term chronic illness in their homes by self-management. Therefore, the professionals and the care support workers for those professionals working within the NHS have to be of a calibre and to have a flexibility the like of which we have never seen.

We have tabled Amendment 15 because HEE needs all the support that it can get in obtaining representation to support it to look ahead. By that, I am talking about the research base. We have to consider what medicine will look like, what cures will look like and what the demographic requirements will be in 10 or 15 years' time—or even in five years—to plan the workforce. I hope that in reply, the Minister can reassure the House that there is that sort of long-term planning for a workforce not like today's. We are not planning the workforce of yesterday with different numbers, we are looking at a totally different workforce for the future.

Amendment 36 is a probing amendment to gain assurances from the Minister that HEE will receive representations from organisations other than the medical royal colleges. The Explanatory Notes to the Bill specify only medical royal colleges in paragraph 515. We therefore ask that that be updated to reflect all royal colleges.

In the Francis report, one of the criticisms of the Royal College of Nursing—I refer to it specifically—was that there was a conflict between its role as a trade

[LORD WILLIS OF KNARESBOROUGH]
union and its role as a royal college. The Government and Health Education England have an opportunity to challenge it on that role and to make sure that it steps up to the mark as a royal college. Only by doing that will it actually serve the nursing workforce to its true extent. We have seen that with the medical royal colleges, and, by including royal colleges in this particular amendment, which would include the Royal College of Nursing, we are sending out a challenge to the RCN that it, too, must be part of this game rather than a bystander.

Baroness Wall of New Barnet: My Lords, I, too, support Amendment 36. I just want to pick out something that the noble Earl mentioned a little while ago in response to another question from me. He mentioned the work being done by Skills for Health and Skills for Care. Certainly in the context of this amendment—which, I agree, is a probing amendment—alongside the royal colleges and the other professional bodies, the work that Skills for Health and Skills for Care are doing is hugely important. Can the noble Earl enlighten me on what relationship Health Education England will have with those bodies? For instance, the noble Lord just referred to what the future looks like and what Skills for Health in particular is doing alongside Skills for Care. It is looking at what provisions there are for apprenticeships inside the health service, which is hugely important and allows people to develop from smaller roles to bigger roles over time. I wonder how, in the scheme of things, that relationship exists, how close it is and what influence Skills for Health and Skills for Care have, so that they are not working in opposition but are working integrally with what HEE is doing.

Lord Hunt of Kings Heath: My Lords, I have a few amendments in this group. It is an important group because it concerns not just the functions of Health Education England and its duties to co-operate but also, of course, the membership of LETBs, the local committees of HEE.

It is very important that HEE works with NHS bodies that have expertise in education, training and regulation, so I am very happy to support my noble friend's Amendments 9, 18 and 34, and Amendments 15 and 36 in the name of the noble Lord, Lord Willis. I would add two organisations from which HEE must seek representations: the CQC and Monitor. I imagine the noble Earl will say that they are implicit in the generic list of bodies in Clause 89(2). However, it would be good to hear a little bit about how the noble Earl expects HEE to work with the two core regulators for the health service, the CQC and Monitor. In a sense, the CQC will, on a very regular basis, be picking up issues to do with staffing and staffing levels. Equally, Monitor will be concerned with financial issues. Of course, the two sometimes do not run easily together, so it is very important that HEE has very close contact with those two bodies.

As regards Clause 91 and LETBs, which are essentially committees of HEE charged with ensuring sufficient skilled healthcare workers in the area of the LETB, the Bill makes clear that in carrying out its main functions, the LETB must represent the interests of all persons,

"who provide health services in the area for which the LETB is appointed".

I have already referred to my interest as chair of a foundation trust, and I very much welcome the architecture in which it is clear that, at the local level, the people in the driving seat should be the people who provide services. In the past, people running hospitals and other services have been divorced from decisions about training commissions. That is one of the reasons why I believe there has been such a problem with the ability of people coming out of universities and other education institutions to practice when they get into the field. Having the people who provide services round the table is a very important development.

Of course, it is also important that other people are involved in those discussions. In the architecture of the Bill, there are two categories of membership provisions. In Clause 91(3)(a) and (3)(b), it is clear that LETBs must include,

"persons who provide health services in the area",

and,

"persons who have clinical expertise".

It is consistent with the provisions in relation to Health Education England. Then in Clause 91(5), people involved in education may be appointed to a LETB—but, by implication, if they may be they do not have to be. My Amendments 40 and 42 to 46 really seek to ensure that LETBs have a broad-based membership. Surely, it should be mandatory to have the involvement of education providers and health workers who are not professionally registered. My noble friend Lady Wall made that point very well indeed.

Also, where are the representatives of patients and carers? After all, they understand the output of the workforce. Surely, they ought to have a place around the table as well when it comes to these decisions about training commissions: where they are placed, what the demands are and what the monitoring is. Again, I would replicate the argument about nurses that we had on the membership of HEE. In some sense, we could have grouped those amendments together because it is the same argument: that around the table of the LETB, you must have some senior nurses when so many of the discussions of the LETB will be about the quality of nurse training.

What about the health and well-being board? We have heard earlier debates. In fact, in the House of Commons Select Committee this morning, when witnesses were giving presentations about what has happened in emergency care, the representative of the LGA made a very strong point about the potential role of health and well-being boards, which are concerned not just with public health but with how well the whole system is integrated. I very much agree with that, so I would have thought that a LETB would be well advised to have the chairmen of relevant health and well-being boards around the table to discuss issues of staffing. I hope that the noble Earl will give me some reassurance that in establishing LETBs as provider organisations, something with which I certainly agree, there will be room for these other interests to be represented as well.

Earl Howe: My Lords, Amendments 9, 18 and 34 seek to require Health Education England to seek the advice of regulatory bodies and royal colleges in the exercise of its functions. Similarly, Amendment 36 seeks to amend Clause 89(3) to require Health Education England to seek advice from all the medical royal colleges. Amendment 15 seeks to amend Clause 85 to require HEE to seek representations from relevant organisations to define sufficient workforce numbers and the appropriate skills mix when carrying out its duty.

The education and training landscape is multifaceted. Many organisations have an interest in the development of health professionals, ranging from local employers in the NHS through to national organisations such as the professional regulators, including the Nursing and Midwifery Council, and professional bodies such as the medical Royal Colleges and those supporting other professions. To carry out its role effectively, Health Education England and the local education and training boards need to tap into all this knowledge and expertise. These bodies have crucial responsibilities in setting professional standards, shaping curricula and driving forward improvements in the quality of education and training. Health Education England simply has to work closely with them to deliver its functions.

The medical royal colleges in particular play an essential role in supporting the development of the medical profession, shaping curricula and the development of training programmes, supervising training, examining trainees to ensure the highest professional standards, promoting and supporting research, supporting audit and evaluation of clinical effectiveness, and generally providing support and advice for doctors at all stages of their careers. So I can reassure the Committee that Health Education England is already required to work with the professional regulators and medical royal colleges to obtain their advice on the exercise of its functions.

Clause 89 requires Health Education England to obtain advice on the exercise of its functions. Clause 89(2) requires HEE to seek to ensure that it receives representations from bodies which regulate healthcare workers and persons who provide, or contribute to the provision of, education and training for healthcare workers. This includes universities, professional bodies and the medical royal colleges.

The noble Lord will be pleased to hear that Health Education England is already working with the professional regulators and medical royal colleges. When he gave evidence to the Joint Committee that scrutinised the draft Bill, Professor Ian Cumming, the Chief Executive of HEE, was very clear that he saw the professional regulators and royal colleges as partners in developing the next generation of staff. Professor Peter Rubin, the Chair of the GMC, gave evidence in the same session and reinforced that view, reassuring the committee that the GMC has a very good working relationship with Health Education England.

HEE is not starting from scratch in building these relationships. It is building on the good work previously done by Medical Education England and others to strengthen engagement and partnership-working with the professions. As I mentioned earlier, the HEE Special Health Authority has established profession-specific advisory groups, involving employers and key partners including national regulatory and professional bodies. These will look at profession-specific workforce development across medicine, dentistry, nursing and midwifery, the allied health professions, pharmacy and healthcare science. They will each have a patient representative and be co-chaired by Health Education England and the professional lead in the relevant field.

In addition to having profession-specific advisory groups, Health Education England is establishing a multi-professional advisory group to bring all professions together to look at cross cutting issues. I hope that is a positive piece of information for the noble Baroness, Lady Emerton, in particular. I hope that the noble Lord, Lord Hunt, will be pleased that it is also setting up a patient forum to ensure patients and service users can engage in education and training and inform work in that area.

Lord Hunt of Kings Heath: I am very grateful to the noble Earl on that point. Is there a case for replicating that at local level, through the LETBs?

Earl Howe: Certainly, I do. I am happy to take that idea away, and if I can give him any further information during the course of our debates I will. Equally, the LETBs have strongly established connections with professional regulators and professional bodies. For example, the postgraduate medical and dental deans, who are now an integral part of the LETBs, work very closely with the GMC and medical royal colleges in the management and quality assurance of training for junior doctors. I hope that those remarks will reassure noble Lords sufficiently for them not to press the relevant amendments.

In reply to my noble friend Lord Willis, who expressed concern about the way the Explanatory Notes were framed, it is important to look at the entire context of the passage he quoted. The words "such as" appear in that passage before "the medical Royal Colleges", so it is not meant to denote an exclusive reference to the medical royal colleges; it is very much trying to say that the professional bodies in general will be relevant here.

Amendment 35, tabled by the noble Lord, Lord Hunt, and the noble Baroness, Lady Wheeler, seeks to amend Clause 89 to require HEE to seek advice from the Care Quality Commission and Monitor. It is very important that Health Education England works closely with those two bodies. The Care Quality Commission plays an important role in assessing the quality of healthcare services, and in so doing it assesses their ability to deliver services safely and effectively. In doing so, it will consider whether healthcare providers have suitably skilled staff and in the right numbers. It will need to work closely with Health Education England to share findings and evidence to support improvements in education and training. Health Education England will also be able to share information on the effectiveness of providers in supporting clinical placements and training programmes to support the Care Quality Commission in its role.

[Earl Howe]

HEE and Monitor will work closely together to ensure the financial stability of the health system. This will include working together on the reform of education and training funding and the development of education and training tariffs. To reflect the importance of these relationships, the Bill places a clear and reciprocal duty on Health Education England to co-operate with both the Care Quality Commission and Monitor. I hope noble Lords will feel reassured by that and will be able to withdraw this amendment.

Baroness Wall of New Barnet: Is the Minister in a position to respond to my points? I understand the importance of the medical royal colleges and the professional bodies, but the noble Earl described earlier how Health Education England has responsibility for the whole workforce. I sought from him the opportunity to describe where Skills for Health and Skills for Care come in. I should point out that I have spoken three times and have not declared an interest as chair of Barnet and Chase Farm NHS Trust. I hope noble Lords will forgive me for that.

Earl Howe: I am grateful to the noble Baroness. I have to go a little further, so if I may I will cover her point in a moment.

Amendments 40 and 42 to 46, tabled by the noble Lord, Lord Hunt, and the noble Baroness Lady Wheeler, focus on the need for expertise on the local education and training board. Specifically they seek to change Clause 91(3) to require a LETB also to have as members persons who deliver education and training to healthcare workers, a registered nurse, persons with experience in staff groups that are not professionally registered, healthcare workers who receive education and training from within the area, patients and carers or their representatives, and a representative of the local health and well-being board.

I fully expect Health Education England and the LETBs to work closely with and seek advice from a range of key stakeholders, including those providing education and training, members of staff, patients and carers. That requirement is clearly set out in Clause 89. I appreciate the position of noble Lords but do not agree that we need to specify all these groups in the governance structure.

In establishing the LETBs, the Government are committed to driving up standards and the quality of education and training provided. I suggest that that can happen only if those directly involved in the provision of education and training are at the heart of the new system. By their very nature, local education and training boards will be representative of local healthcare providers, who play a critical role in educating and training our workforce. They are the health professionals who support and supervise clinical placements and training programmes across the country, providing professional leadership and support to students and trainees.

If we mandate a requirement for a nurse, others will ask why there is no requirement for a doctor, a dentist, an allied health professional or any of the many other professions. I completely agree that these professions, and the bodies that represent, regulate and support them, need to be closely engaged in the work of the LETBs, but it is not practical to require all of them to be members of the board. The Bill makes provision in Clause 91 for those involved in the provision of education and training, such as universities, to be eligible to sit on an LETB. We know from the 13 LETBs established by the HEE special health authority that all of them have a university representative on their boards, and many different health professionals are also represented on them.

HEE will appoint independent chairs of the LETBs. These will be people who are not directly involved in the delivery of health services, or education and training, in the geographical area. Having an independent chair will ensure that the local education and training board acts independently and in the interests of all healthcare providers represented.

To be appointed in the first place, local education and training boards will need to demonstrate to HEE that they have the right governance arrangements and the right mix of people on their boards with the necessary capacity and capability. In going through that process it will be for HEE to assess whether the local education and training board has the right mix of skills, knowledge and expertise with which to carry out its functions. However, as the intention is for local decisions on education and training to be made by the LETBs, it is important that we give them the flexibility to determine who sits on their boards.

To sum up the position, I can reassure noble Lords that LETBs are already developing strong partnership arrangements in their patch to engage with all education institutions involved in education provision in their area. The HEE special health authority has reinforced the importance of this in the appointment criteria that it set the LETBs, which have to be approved by the Secretary of State. These demand that LETBs demonstrate meaningful engagement and collaboration with many stakeholders with an interest in education and training, including students and trainees, and patients and carers. As a result, they are putting in place appropriate advisory and partnership arrangements to support the decision-making of the local education and training board.

Lord Willis of Knaresborough: Perhaps I may interrupt the Minister and come back to the important point made by the noble Baroness, Lady Wall. In responding the Minister has yet again constantly referred to what I would call professional organisations. There are nearly 1 million healthcare support workers in the care and the health sectors. Many are untrained. Most are unregulated and unregistered. The two organisations that are providing basic skills, Skills for Health and Skills for Care, were dreamt up within the department. They did not widely consult before they put their forward their proposals for training programmes. The Nursing and Midwifery Council was never asked about the standards for Skills for Health. Will the Minister say who will be consulted about training the people who do so much of our basic social and healthcare—those who are called healthcare support workers?

Earl Howe: I fully recognise the importance of the healthcare support worker sector. I can reassure my noble friend and the noble Baroness, Lady Wall, that

Health Education England will be working closely with the sector skills councils, Skills for Health and Skills for Care. I note my noble friend's scepticism about those bodies, but I do not share it. They have done a pretty fine piece of work and the fruits of it will be apparent over the coming months. HEE will need to do that if it is to perform its role as fully as it should to plan and shape the development of the entire workforce. If by some mischance it were to neglect that aspect of its work and not focus on improving training standards for the health and care support workforce, it would lead to a very unbalanced and unsatisfactory position. Therefore, we are very clear that this should be part of the remit of Health Education England. I hope that that is sufficient reassurance for noble Lords.

The noble Lord, Lord Hunt, asked about health and well-being boards being represented on LETBs. There is a clear commitment in Clause 93 for LETBs to consult health and well-being boards in the development of their plans.

My noble friend Lord Willis asked how Health Education England's workforce planning will take into account new innovations. Workforce planning is a key focus for Health Education England. It is not about churning out the same old numbers but about working with service commissioners, service providers and other partners such as royal colleges to understand how the workforce needs to respond to service change. This means taking account of technological, pharmaceutical and other advances, and having a flexible workforce that is able to adapt to those innovations.

9.45 pm

Lord Turnberg: I am extremely grateful to the noble Earl for his very full reply, and for drawing attention to the meaning of Clause 89, which I now understand more fully. In view of that, I beg leave to withdraw the amendment.

Amendment 9 withdrawn.

Schedule 5 agreed.

Clause 84 : Planning education and training for health care workers etc.

Amendment 10 not moved.

Amendment 11

Moved by ***Lord Hunt of Kings Heath***

11: Clause 84, page 72, line 11, leave out ", with the consent of the Secretary of State,"

Lord Hunt of Kings Heath: My Lords, we come to a series of clauses that deal with the functions and priorities of HEE. I have a number of amendments in this group. The first is Amendment 11. Clause 84(6) states:

"HEE may, with the consent of the Secretary of State, carry out other activities relating to … education and training for health care workers".

I am curious to know why the Secretary of State has to give his consent. Does not the mandate in Clause 87 give the Secretary of State enough oversight, without the micromanagement that this part of Clause 84 seems to imply?

Amendment 12A relates to the duty of HEE to ensure that there are sufficient numbers of persons with skills and training. What does "sufficient" mean? Does it mean an equilibrium of supply and demand, or do the Government want an oversupply? This is a matter that the Select Committee looked into, and about which a number of royal colleges are concerned. They take the view that it takes so long for doctors to come through the training grades that one wants an equilibrium rather than a situation where people who have committed themselves to 15 years' training find that there is no work for them at the end of it. Perhaps the noble Earl might take up that matter with me in writing.

Amendment 14 asks HEE to,

"have regard to any official guidance on staffing numbers and skills mix".

We will come back to this issue. The Minister will know that the Francis report recommended that NICE essentially should produce benchmarking measures for minimum staff numbers and the required skills mix, including for the number of nurses on wards. It is too late to have a debate on issues to do with nursing staff ratios, but it would be good to know whether the Government will take forward recommendations 22 and 23, because that work will be very relevant to HEE's own work on the number of staff required in future.

Amendment 19 relates to Clause 86 and deals with quality improvement in education and training. All I ask from the noble Earl is a recognition that in future we will need to revisit the curricula of the universities to make sure that when doctors, nurses and other practitioners leave those universities and are ready to go into employment, they will have some practical-based training from having undertaken clinical duties. I am not convinced that the bodies that set the curriculum have got it right yet. Whenever challenged on these issues, they always claim that everything is hunky-dory and that we should not worry and yet there is a complete loss of public confidence in those training programmes. I do hope that HEE is going to be able to give a kick to those bodies that are concerned with the curricula and those education institutions to ensure that people are ready to practise when they are given their ticket to go into the health service.

On Clause 87, which concerns the objectives, priorities and outcomes of the HEE, I have another series of amendments. I want to tease out the Government's recognition that, although in the construct of the Bill HEE will have an annual plan, it will also be required to look three years ahead. I wonder whether that is long enough. The argument that has been put to me by a number of organisations is that the time between the commissioning of a training place and that person practising in the health service can be many years. One of the questions is whether it would be better if HEE had to develop five and 10-year plans and match those with the demographic and the demand pressures on the health service. It would be helpful if the noble Earl would recognise the need for much longer term planning.

[LORD HUNT OF KINGS HEATH]

Clause 88 sets out important matters to which HEE has to have regard. In Amendment 28 I ask whether HEE will have to have regard to a need for equality of funding across England and consistency in education and training opportunities. Given the mismatch between a population and the education and training facilities available, will HEE have a duty to balance where those resources go?

On Amendment 29, will the noble Earl confirm that specialist training-place issues will be dealt with nationally? I need hardly remind him of the sensitivity of this in relation to junior doctor training. I wonder whether it is good enough to leave it to local LETBs to decide. I do think that some national provision and direction is required.

Amendment 30 concerns HEE's relationship with other countries of the UK. There is a reference to the need for HEE to undertake duties in relation to the devolved Administrations. Surely much more is required. We are talking about a UK health service. Scotland definitely trains more people than is required for the Scottish health service. The same may be the case in Wales which has big problems in attracting junior doctors. There needs to be a UK-wide view of education and training and I hope that the HEE has both the remit and the encouragement of Ministers to work across those borders.

Amendment 32A covers the matters to which HEE must have regard. I have put down an amendment to ask HEE to give specific focus to arrangements for end-of-life care. The noble Earl has taken part in a number of debates on the Liverpool care pathway which have served to raise issues not so much about the policy behind the pathway, although I know that a review is being undertaken, but more about the way in which that has been interpreted by some organisations. It suggests that more is required in relation to the training of staff in end-of-life care. I am sure that in Part 1 we will come back to the issue of social care provision for end-of-life care but it would helpful if the noble Earl could reassure me that this one of the matters that HEE may look at. I beg to move.

Lord Rix: My Lords, I wish to speak to Amendment 24, which explores the benefits of placing a duty on the Secretary of State to consult on the objectives and priorities of Health Education England. In particular, I wish to explore how the Secretary of State will consult vulnerable people, including people with a learning disability, to ensure that education and training provided by this body will create a workforce that meets this group's needs. Consulting and listening carefully chimes with the Government's intentions through their response to the Francis inquiry, which stated:

"We will listen most carefully to those whose voices are weakest and find it hardest to speak for themselves. We will care most carefully for the most vulnerable people—the very old and the very young, people with learning disabilities and people with severe mental illness".

This is a most welcome commitment, as currently people with a learning disability are not receiving appropriate care. On Tuesday 21 May, the Parliamentary and Health Service Ombudsman published its report into the death of Tina Papalabropoulos. Tina was 23 and had a learning disability. She died on 30 January 2009 at Basildon hospital in Essex. The ombudsman found that the hospital did not give her the treatment she needed or even meet her basic care needs. Unfortunately, this is not an isolated incident, and there is substantial evidence that poor care exists across the health service.

Early this year, the confidential inquiry into the premature deaths of people with learning disabilities in the south-west reported on its study of the deaths of 233 adults and 14 children with a learning disability. It found that 42% of the deaths were premature and that 37% would have been avoidable if good quality healthcare had been provided. On a national level, this equates to over 1,200 adults and children with a learning disability across England whose deaths should have been avoidable with good quality healthcare. This comes as no surprise to many. The Department of Health highlighted the issue back in its Valuing People and Valuing People Now strategies, and the excellent report by Sir Jonathan Michael, *Healthcare for All*, set out a series of recommendations for improving care for people with a learning disability. It is these people whom the Secretary of State should consult when setting objectives and priorities for this most important of public bodies. Without the input of people with a learning disability and their families, we will fail to change a system and a culture that in many cases provide substandard care for the most vulnerable in our society.

I realise that the Minister will probably reply that in order to publish the objectives and priorities for the forthcoming year of Health Education England, the Secretary of State will have consulted the parties concerned. However, as an actor who, years ago, used to drop his trousers for a living, I nowadays prefer the security of belt and braces, and I hope that the Minister will be able to offer this.

Baroness Wall of New Barnet: My Lords, I would like to understand what Amendment 14 is suggesting, and maybe express some reservations. If I have read it wrongly, I apologise. It is important that Health Education England takes official guidance into account, but we have this dilemma in my own trust about what the Francis report is saying. To have a national edict about what staffing levels ought to be, and the ratios and numbers of staff as well as the skills mix, is not really ideal from the point of view of people operating in the health service, particularly in hospitals. Times change throughout the day on hospitals and on wards, and different levels of skills and different grades of staff are required at different times. You would have to have a permutation that was so huge that it would be less than helpful to have a national edict. I would be concerned that we should take notice of official guidance, but nothing more than that.

I support Amendment 27 and the view about longer-term stuff. In particular—I am sure this will come up later in our deliberations on the Bill, and it is very much in line with what we talked about for a long time in our consideration of the Health and Social Care Bill—the change that is happening as we speak, the evolution of moving, quite rightly in my view as the chair of a provider trust, from acute hospitals to other opportunities to deliver care, is hugely important.

I will share an anecdote with your Lordships. In a discussion with a previous director of nursing in my own trust, I asked her, with my vision of where things ought to be in the future, with nurses following the patient out to their home, how many nurses working on our wards are equipped and skilled to follow Margaret Wall or another patient out and say, "OK, she is now going home". Her view was very frank: not many would be. I think that is hugely important, because different skills are required to work with someone at home and they need to be incorporated with the skills of nursing over all. It is important when looking at five-year plans, never mind 10-year plans, that we consider the education process in the sense of how people are going to deliver in different environments, which we are all working hard to make sure happens.

10 pm

Baroness Emerton: Amendment 19, on the importance of practical-based training in the education of clinicians, follows on from what the noble Baroness, Lady Wall, and the noble Lord, Lord Hunt, have just said. Because we are moving so quickly in health care delivery and the integration and multi-professional working, perhaps we should be looking at how holistic care, which is what I think is being referred to—the ability to see the patient pathway from primary care through to hospital care and back out to primary care—can be a pathway that nurses in particular are trained to be able to execute and to ensure that the transition from one to the other is smooth and without hiccups.

The complaint that we are getting at the moment from the public is that there is a complete block in some areas where the staff are just not aware of what the discharge policies should be and what is at the other end. That picks up the point raised by the noble Lord, Lord Hunt, about the practical skills and the need to look at the curricula from the academic area and put them back into the practice area.

Amendment 14 concerns HEE's staffing and skills mix in carrying out its functions. When we look at the skills mix, what we are really looking for is an evidence base. We want to look not at static numbers but at evidence based on the safety level. If the minimum is based on the safety level, we are looking at something that can be a useful guide on which to base our working.

Lord Willis of Knaresborough: My Lords, I shall speak to Amendments 26 and 33. Like the noble Baroness, Lady Emerton, I also emphasise the importance of Amendment 19. While it is a rather small amendment, it has huge significance.

Talking to people from Health Education England recently, I was struck by the desire in the Francis report about the whole issue of practical training. When a significant amount of the training of medics, doctors and nurses is carried out in practical situations, one asks how you can get the sort of situations that the noble Lord, Lord Hunt, referred to. When nurses spend 50% of their time in practical situations, how do they come out of their training not ready to be deployed in certain areas? To be fair, when you see the time and the effort that is put into mentoring in many of these settings and the quality of that mentoring, you start to realise that there is a big problem. I hope that on Report we can bring back some of the issues relating to mentoring, or at least get some satisfaction from the Minister that this issue will be taken incredibly seriously in health education. If it is not, we will continue to have people who in theory are trained well but in practical terms are really not as fit for purpose as they should be. That will not be their fault; it will be our fault.

Amendment 26 very much echoes the thoughts behind Amendment 27. I particularly welcome in Amendment 27 the idea of having a 10-year plan. In fact, five years is short-term. It is better than what we have at the moment, but a 10-year plan is a really good idea, and I am sorry that I did not table that amendment. I saw it but thought that we would not want two amendments along the same lines.

On Amendment 26, Clause 85(1) of the Care Bill defines Health Education England's responsibility as ensuring that,

"a sufficient number of persons with the skills and training to work as health care workers for the purposes of the health service is available to do so throughout England".

Who could disagree with that? What a noble suggestion. While that would clearly include both healthcare support workers and nurses, the mandate, which was helpfully provided by the Minister before this debate, sets out a strategic national role in relation to medicine, dentistry and pharmacy in paragraph 5.2.6, and proposes a five-year workforce plan for "smaller specialties and professions" in paragraph 5.2.7, but provides little information on how the nursing workforce or the healthcare support workforce is to be undertaken and implemented. Does that not tell us all we need to know about what the priorities still are? While we have good words within the Bill, we do not have anything within the mandate that backs them up in a real sense. Midwives and health visitors suddenly appear, but I think that the commitment to having a comprehensive workforce under a five-year plan is worth really striving for.

Amendment 33 looks at the future guidance and standards for safe levels of staffing. I have a real problem with allocating numbers. When I was in another place, I remember arguing with the then Government about class sizes for years 1 and 2 in primary schools, where there had to be 30 children or fewer and the 31st child had to go somewhere else. You realise that, depending on the setting, you can do all sorts of different things. What we must not do is tie down the hands of high-quality management in being able to deploy staff in the most appropriate way. What matters is getting the mix of staff absolutely right. I hope that we will return to the question of staffing levels because it is fundamental but, frankly, we could go down the wrong road if we took it too seriously.

Lord Touhig: My Lords, time and again in this House the matter of training of health professionals so that they better understand how to support and care for people with autism has been debated. Here, I should declare an interest as a vice-president of the National Autistic Society. We know that key professionals such as GPs and community care assessors still do not have a good enough understanding of autism.

[LORD TOUHIG]

Amendment 24, about which the noble Lord, Lord Rix, has spoken and to which I have added my name in support, if taken on board by the Government would at least ensure that the Secretary of State would be required to consult vulnerable people, including those with autism, their carers and groups such as the National Autistic Society, Mencap and others on matters affecting education and training that will be provided by Health Education England.

Only one in three adults with autism in this country told the National Autistic Society in a survey that in their experience social workers have a good understanding of autism. There is a well established correlation between the professionals' understanding of autism and the degree of identification of needs among adults in that local authority area with the condition. Autism training can help ensure that adults with autism are correctly identified, and qualify for the support they need.

I recently served on the autism and aging commission, chaired by the noble Baroness, Lady Greengross. Professor Francesca Happé gave evidence about the difficulties of picking up on autistic people's needs. She said:

"This is a group that doesn't self-present, doesn't come and seek services, because of their difficulties of social interaction and communication and we absolutely owe it to them to go and find out what their needs are".

For that reason, we need well trained people to support them.

The National Autistic Society's excellent document, *Push for Action: We Need to Turn the Autism Act into Action,* made a very good case. It includes a very good case study by the mother of an adult with autism. Her name is Chloe, and she says:

"We got to the point where Peter couldn't live at home, for his own and our safety. After moving around between people he knew and staying in a B&B, eventually he got a flat but he still doesn't get any support. Social services don't understand autism and how it affects him. They're not asking the right questions. They say, 'How are you?', and he says, 'I'm fine', so they come back to me and say, 'He's fine, he doesn't need any help'. But of course he says he's fine at that point because he probably is at that point".

He does not trust them, so he says he is fine in order to make them go away because he does not believe that they understand or are able to help him.

"He had a mental capacity assessment and they asked him about managing his money. He told them that he was saving money for a motorbike but he doesn't have any money. He can't manage his money. He gets into all sorts of trouble".

Chloe concludes:

"I've given up asking for support. Me and my husband now do everything ourselves … Now we have no expectations of what 'services' should be providing".

That is just one example of the lack of trained staff having an adverse impact on the life of an autistic person and their family.

I hope the Government will ensure that autism training is included in the core curricula for doctors, nurses and other clinicians, in accordance with the commitments under the Adult Autism Strategy. It is absolutely necessary that vulnerable groups, including people with autism, are consulted about priorities for training so that decision-makers become aware of the gaps in knowledge and understanding among health professionals.

Ultimately, the Government must tackle the issue by including autism training in the core curricula for doctors, nurses and other clinicians, as they committed to do in the 2010 Adult Autism Strategy. People with a learning disability and/or autism have the right to the same quality of healthcare as those without. I believe that Amendment 24 is a good step forward in achieving that.

Earl Howe: My Lords, I will deal briefly with two of the amendments in this group. I will deal first with Amendment 11, which was tabled by the noble Lord, Lord Hunt. The explanation for this provision in the Bill is essentially that it is a safety net to enable an extension of HEE's activities in future, and to ensure that this has the Secretary of State's prior consent. HEE can carry out other activities relating to the education and training of healthcare workers, or relating to the provision of information and advice on careers in the health service. However, we believe that to avoid undue mission creep it is perhaps advisable for the Secretary of State to be content that Health Education England is branching out in new directions.

Regarding Amendment 32A and the issue of end-of-life care, Health Education England will indeed support NHS England where it can in implementing its end-of-life care strategy, and the way that it shapes and reforms education and training.

10.15 pm

Amendment 24, tabled by the noble Lords, Lord Rix and Lord Touhig, seeks to amend Clause 87 by inserting a new requirement on the Secretary of State to consult on the mandate prior to publication. The Government are absolutely committed to openness and transparency in the way they establish and manage ongoing relationships with arm's-length bodies. In establishing Health Education England and the local education training boards we have consulted extensively with partners and stakeholders to shape the new system, with a formal public consultation and focused reports produced by the NHS Future Forum, the Health Select Committee and the Joint Committee that scrutinised the draft Bill. As a result, there is widespread support for the creation of Health Education England and a solid platform to build on in shaping the new arrangements. Last Tuesday, the Government published their first mandate for Health Education England. This sets out clear national objectives and priorities for HEE, backed by a £5 billion budget to support investment in education, training and development.

I can reassure noble Lords that the mandate was developed with the input of many partners and stakeholders across the healthcare system, including local employers, trades unions, professional bodies and medical royal colleges, professional regulators and other important bodies in the system such as NHS England and Public Health England.

It is our intention that the mandate for Health Education England will be reviewed regularly to ensure that the objectives are current and meaningful to

the needs of our health and care system. I hope that those, albeit general, remarks will reassure both noble Lords about our commitment to partnership working.

Lord Rix: The Minister appeared to say that most of the people being consulted were professional bodies. He did not mention that people with a learning disability and their families and autistic people and their families were also going to be consulted. He mentioned the list of professional bodies but not the parents, carers and the people themselves.

Earl Howe: My Lords, I understand the point. In view of the hour, if I may, I will write to both noble Lords to flesh out the remarks that I have made. I hope that I can give them some comfort in that area.

Amendments 25 and 27, tabled by the noble Lord, Lord Hunt, focus on the importance of long-term and national approaches to workforce planning in education and training, as does Amendment 26. We have strengthened the Bill, following feedback in consultation and at pre-legislative scrutiny, in Clauses 87 and 93 to reflect the importance of HEE and the LETBs taking a long-term perspective on workforce planning and education and training. It is the Government's expectation that all workforce planning, be it national level planning by HEE or local planning by the LETBs, should be based on a well informed, long-term workforce strategy that looks at needs over the next five years, 10 years or beyond. Any workforce strategy to be credible and deliverable has to be developed in partnership with those partners and stakeholders who have a stake in it. The very same principle applies to the development of national workforce priorities and outcomes and the Government are committed to working with everyone involved in education and training to shape the education outcomes framework and the mandate for Health Education England.

Health Education England will be expected to develop a national workforce plan, building on the local plans developed across England by local education and training boards. I hope that the noble Lord will feel reassured by those comments.

I turn now to Amendments 33 and 14, which seek to amend the Bill to require HEE to have regard to any official guidance and standards on staffing numbers and skill mix. HEE must work with commissioners and healthcare providers to ensure that workforce plans focus not only on how many staff are required but the breadth of skills required to deliver safe services. These plans need to be integrated with service and financial planning so that the needs of all patients and local communities can be met. Individual healthcare providers are best placed to determine how many staff they need to employ, the skill mix required across the various teams and how they need to deploy them to support services and so on. It is the responsibility of individual healthcare provider boards to be accountable for staffing levels and the skill mix of staff in their organisations. Where changes are planned to the size and shape of the workforce, including the skill mix, healthcare organisations must provide assurance that the safety and quality of patient care is maintained or improved. The process should include clinical involvement, leadership and sign off. I hope that these comments will be reassuring.

The noble Lord, Lord Hunt, asked me about the definition of "sufficient" and whether we were talking about equilibrium or over-supply. I will write to him on that, but in delivering that duty, HEE will seek to match supply and demand so far as that is practically possible. It will also promote the importance of a flexible workforce that can adapt to changing circumstances.

I will also, if I may, write on the issue of staffing ratios. I would just say here and now that staffing is clearly not just about crude numbers and not just about nurses. It is also about how the staff work and ensuring that the right staff are in place to meet the needs of the patients whom they are looking after. Again, it is local healthcare providers that are in the best place to decide how to configure those staff in the right way and to ensure better outcomes and value for money. It really depends on the skill mix, the clinical practice and local factors. I think we would say that it is right that nurse leaders should have the freedom to agree their own staff profiles. But I shall follow up that point.

Amendment 19 seeks to amend Clause 86(2) to add to Health Education England's main functions the promotion of the importance of practical based training in the education of clinicians. I wholeheartedly agree that practical experience while training is essential to ensure that clinicians have the necessary skills to deliver high-quality and compassionate care and have the correct values and behaviours to practise in the NHS and public health system. It is the responsibility of the professional regulators to ensure that the right standards are in place for professional education and training. Practical experience is already a requirement of the professional regulators. Nursing students, for example, are required by the Nursing and Midwifery Council to undertake half of their training in a practice setting. The GMC also expects every medical student to gain practical experience of working with patients throughout their degree. We have placed a strong duty to secure continuous improvement in the quality of education and training on Health Education England. HEE is already working with the professional regulators, as I have already mentioned, to ensure that the Bill remains clear and simple. However, we have not specified the integral elements of the training programmes to which this duty applies. I would add, though, that the need for practical experience is one of the key priorities that the Government have set for Health Education England Special Health Authority in the mandate. Health Education England will work with the LETBs and healthcare providers to deliver high-quality clinical and public health placements that provide students and trainees sufficient time working with patients to gain experience.

On Amendment 29, I can reassure the noble Lord that, where appropriate, Health Education England will take a national lead in the planning and management of education and training activities. The Bill already makes provision for this in Clause 94(2). The HEE Special Health Authority has already taken on responsibility at national level for crucially important

[Earl Howe]
arrangements to manage recruitment into foundation and specialty training programmes for junior doctors. Where there are controls on workforce numbers at national level—for example, in medicine or pharmacy—it will work with partners such as the Higher Education Funding Council for England to develop national plans that will deliver the staff needed across England.

Amendment 30 seeks to amend Clause 88 to add a requirement for Health Education England to have regard to the need,

"to co-ordinate its activities with the NHS in Scotland, Wales and Northern Ireland".

Of course, it is very important that HEE works closely with the other UK nations in developing workforce plans and shaping education and training. It will be important for it to take a UK-wide perspective and, where appropriate, an EU-wide or indeed global perspective in planning for the future and reforming education and training. I refer the Committee to paragraph 17 of Schedule 5, which enables Health Education England to exercise corresponding functions on behalf of the devolved authorities. The special health authority is already working closely with its partners in Scotland, Wales and Northern Ireland, building on previous arrangements.

I sympathise completely with Amendment 28 and I wholeheartedly agree that there should be equality of funding for education and training across England. Moving to a tariff-based system for funding clinical education and training would enable a national approach to the funding of clinical placements and would provide a more level playing field between different providers. It will ensure that providers are reimbursed fairly for the education and training that they deliver and are incentivised to provide high-quality clinical placements to their students and trainees. For consistency of opportunities across the country, Clause 85 places a duty on HEE to ensure that sufficient numbers of health professionals are trained and available to work in the health service throughout England.

I hope that noble Lords will feel reassured by those remarks. Before I close, I will quickly respond to my noble friend Lord Willis, who expressed concern about the mandate containing little on nursing and support workers. There is a clear and strong commitment to supporting the development of the care assistant support workforce. Similarly, there are clear national priorities focusing on development of the nursing and midwifery workforce. Again, if I can elaborate on that in writing, I would be happy to do.

Lord Hunt of Kings Heath: My Lords, I am very grateful to the noble Earl for that comprehensive response. I am sure that we will all want to study it very carefully in *Hansard*. I will just make two points. One is that I hear what he says about the obvious intention of HEE to undertake long-term planning, but putting something in the Bill might help it with that. Secondly, I realise that my amendment on practical-based training is not very sophisticated but there is a kernel of truth within it that I would like to pursue on Report. But I am most grateful and beg leave to withdraw my Amendment 11.

Amendment 11 withdrawn.

Amendment 12 not moved.

Clause 84 agreed.

Clause 85 : Ensuring sufficient skilled health care workers for the health service

Amendment 12A not moved.

House resumed.

House adjourned at 10.28 pm.

Grand Committee

Tuesday, 4 June 2013.

3.30 pm

The Deputy Chairman of Committees (Lord Geddes): My Lords, if there is a Division in the House, which I suggest is extremely likely—I would take a flyer at some time around 6 pm—the Committee will adjourn for 10 minutes.

Elections (Fresh Signatures for Absent Voters) Regulations 2013

Considered in Grand Committee

3.30 pm

Moved by ***Lord Wallace of Saltaire***

That the Grand Committee do report to the House that it has considered the Elections (Fresh Signatures for Absent Voters) Regulations 2013.

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

Lord Wallace of Saltaire: I congratulate the Lord Chairman on his optimism in estimating the timing. In moving the Elections (Fresh Signatures for Absent Voters) Regulations 2013, I shall speak also to the National Assembly for Wales (Representation of the People) (Fresh Signatures for Absent Voters) Order 2013. These measures arise from consultation with electoral registration officers and others on timing and the most convenient way to handle the transition from the current system to individual electoral registration.

The fresh signatures regulations amend provisions concerning the requirement for absent voters to provide a fresh signature at five-yearly intervals for the purposes of UK parliamentary, local government and European parliamentary elections in England, Wales and Scotland. The order concerning the National Assembly for Wales makes similar provision in relation to elections to the National Assembly for Wales. The purpose of the instruments is to move the timing of the absent voter signature refresh due in January 2014 in Great Britain, and that due in Scotland in January 2015, so that both are held in August 2013. This will avoid the refreshes that are scheduled to take place during the transition to individual electoral registration taking place at the same time as canvass activity by electoral registration officers, which could result in confusion for electors.

The Electoral Administration Act 2006 provided for the use of personal identifiers by absent voters to strengthen the security of absent voting. Under the Act, applicants for a postal or proxy vote must provide personal identifiers—their date of birth and signature—which are retained by EROs. Postal voters are required to provide these personal identifiers when voting by post at subsequent elections. Returning officers will carry out checks on the personal identifiers provided at elections, and if they do not match with those originally given the postal vote is deemed invalid.

Under electoral law, electoral registration officers are required by 31 January every year to write to absent voters whose signature is more than five years old—in other words, long-term absent voters—to request a fresh signature to ensure that up-to-date signatures for absent voters are kept by EROs. Long-term absent voters, I suspect, include a number of people in this Room, certainly me, as I am never quite sure whether I will be in Yorkshire or London when it comes to voting. Many of us will be affected by this. This is important, given that a person's signature may change over time and a postal vote cast at an election may be declared invalid if the signature on the postal voting statement does not match that held by the ERO on the personal identifiers record. Dates of birth do not change or degrade, so those are not required to be refreshed.

The Government have discussed with electoral stakeholders the timing of absent voter signature refreshes in Great Britain in 2014 and 2015 during the transition to IER. As noble Lords will know, we have provided that the 2013 annual household canvass period, which would otherwise have taken place between July and December 2013, will now run from 1 October 2013 and result in a revised register being published by 17 February 2014 in England and by 10 March 2014 in Scotland and Wales. Noble Lords will remember that we discussed this previously. Thereafter, the Government's plan is for the transition to IER to begin in the summer of 2014 in England and Wales, with the first transitional canvass published at the usual time for revised registers—by 1 December 2014. Following confirmation that the referendum in Scotland will be held on 18 September 2014, the Government intend that the transition to IER there will take place after that poll. The 2014 canvass period in Scotland will be postponed to begin on or around 1 October 2014 and finish with the publication of the first transitional canvass there early in 2015.

There was a general concern among electoral stakeholders that combining an absent vote signature refresh with canvass activity during this period could be confusing for electors. Electors, for example, could receive from their ERO a letter that confirms their registration and explains that no action is needed to remain registered and to retain their absent vote but at the same time be asked to provide a fresh signature for absent voting purposes, where failure to respond means the loss of the absent vote. Therefore, having the refresh before these letters go out will provide a more logical and understandable sequence. The Government have listened to the views expressed by the EROs and agree that the interests of voters would be better served by moving the signature refresh scheduled for January 2014 in Great Britain to take place before the 2013-14 household canvass.

After discussions with the Scottish Assessors Association, we propose that the signature refresh scheduled for January 2015 in Scotland should also be moved to 2013 to avoid the possibility of it occurring at the same time as IER activity by EROs there in January 2015. The signature refresh in January 2015 in England and Wales is to be left unchanged as this issue only arises only for Scotland. The instruments we are considering today make the necessary amendments to

[Lord Wallace of Saltaire]
electoral law to provide for the signature refreshes to be moved as I have outlined above. It may be helpful if I briefly explain the changes made by the regulations.

Regulation 2 amends the Representation of the People (England and Wales) Regulations 2001 to provide that absent voters for UK parliamentary and local elections in England and Wales who would otherwise be requested by the electoral registration officer to provide a fresh signature in January 2014 will instead be requested to do so between 1 and 19 August 2013. Regulation 3 similarly amends the Representation of the People (Scotland) Regulations 2001 in relation to absent voters for UK parliamentary and local elections in Scotland, although it applies to such absent voters who are due a signature refresh in 2014 or 2015. Regulation 4 makes provision for these changes in relation to absent voters in Great Britain and Gibraltar by amending the European Parliamentary Elections Regulations 2004.

The National Assembly for Wales order follows very similar purposes. I hope that noble Lords will accept that it may not be necessary to go into similar detail on the National Assembly for Wales. I fear that on one or two occasions I did not check in my notes when I should refer to England, England and Wales or Great Britain and Scotland. From my notes, I think there is at least one occasion when I referred to Great Britain when I should have referred to England or England and Wales, for which I apologise. Nevertheless, I hope that noble Lords have followed me through the intricacy of these regulations.

These instruments make sensible and appropriate changes to avoid any potential confusion for absent voters in the transition to individual electoral registration, and to ensure that signatures are updated for absent voters ahead of the polls in 2014 and 2015 across the whole of Great Britain—and in this case, it does mean the whole of Great Britain. I beg to move.

Lord Greaves: My Lords, I rise to talk briefly about this order and then I will ask my noble friend one or two questions. The Electoral Commission has asked us to ask for certain assurances from the Government. The explanation given by my noble friend covers what it has said but others may refer to that. The proposals as set out seem entirely sensible as a practical way of getting to grips with the very complex and quite large number of processes that local electoral registration officers have to carry out to introduce individual registration. Moving the date of the five-yearly renewal of postal voters' signatures seems sensible.

While we are talking about postal voters and signatures, it seems a reasonable opportunity to ask my noble friend where the Government stand on a number of related issues. I hope that he will bear with me on this. First, what was the result of the first round of getting fresh signatures after five years, which I think started earlier this year, in January, and took place in the spring before this year's local elections? I am interested in the proportion of people throughout the country who have postal votes. My noble friend can define "country" as he wishes. I am interested in England but also in knowing what happens in other parts of the United Kingdom. What proportion of the people who previously had postal votes submitted new signatures, and so maintained their registration, and what proportion fell out for whatever reason? I am interested in whether that information is available at the level of electoral registration authorities—that is, local authorities and district councils.

Secondly, to what use are the signatures put when people send in their postal votes? Is the information available, or will it be available, on how many postal votes are not counted due to the information on the postal vote statements, which are submitted with the postal votes, not matching? That is, if the signatures on the application for postal votes, whether it is the original application or the refresher we are talking about today, do not match the signature that is submitted with the postal vote; or, indeed, if the dates of birth or the electoral numbers do not match, which is quite possible. Is that information known? In other words, do we know for each election that takes place how many postal votes are not rejected or even counted but are put to one side and not put into the count? Clearly, that is an indication of people losing their vote, either because they have made a mistake or because of electoral fraud. Given that this is the basic reason why signatures were introduced for postal votes, it seems to me that having that information would be very useful.

Thirdly, if the returning officer in an election is concerned that discrepancies of the kind I have just been talking about could be a result of electoral fraud, is the Government's advice to him to investigate those further, to refer them to the police or just to put them to one side and ignore them?

One of the things that I have been going on about in your Lordships' House for some time is the need for a system to inform electors if, for any of the reasons we have been talking about, particularly discrepancies regarding signatures, their vote is not being counted. If an elector does not know this is happening—for example, if there is fraud they may not know that they are being defrauded, or if there has simply been a mistake— they are being deprived of their vote for reasons that might technically be their fault but are certainly not deliberate on their part. That does not seem very fair. I understand that the Government intend to give advice to returning officers on this matter. Can my noble friend tell me when that might be done?

To put this in context, in the county council elections this year in my own borough of Pendle, which is part of Lancashire where there are six county council seats, the operation of the elections and the counting of the votes took place at borough level. In total, 302 postal votes were returned but not counted because either the signatures or the dates of birth did not match. My noble friend said that dates of birth do not degrade or change. I am not sure what "degrade" means in this context, but it is a nice word. However, it is not entirely true because people born in third-world countries, including Pakistan, may not know their date of birth, so what they put down may be a bit arbitrary. Often they write 1 January of the year in which they think they were born, but they might not even give that date. Dates of birth may not be known and people do not get them right all the time.

There can be a mismatch of signature, a mismatch of the date of birth, or both, or the ballot paper may have been returned in an envelope whose number did not match. As noble Lords will know, it is a complicated system. There is a little envelope and a big envelope and they must both have the same number on them. No fewer than 61 postal votes were rejected because they were wrong. In fact, quite a lot of votes come back in the wrong envelope because, for example, an elderly couple might mix up the envelopes and ballot papers. People on the ground will keep those to one side and try to match them up as best they can. Even so, some are not counted. It worked out at around 4% of all the postal votes that came in. That was the position in just one recent election.

These are important and interesting issues that need to be tackled if the exercise we are considering in these regulations is to work as efficiently as it might. I look forward to what the Minister has to say. He may not have all the information to answer all these questions today, although I did submit them to him earlier. However, I would be grateful for a letter and for him to place a copy in the Library of the House.

3.45 pm

Lord Jones: My Lords, I thank the Minister for his introduction. His speech provided dignity, if not poetry, to the bureaucratic vocabulary and procedure. Refreshing signatures means that we wish to avoid fraud. I would say to the Minister that if we put Wales into a statutory instrument, would we not expect, for the sake of accountability, to be given the full details concerning Wales in the debate in this Committee? The Minister attempted to gain an alibi of the best kind in what he said. I picked that up and I make my protest as gently, honourably and courteously as I can, knowing that he always brings nobility and dignity to our procedures.

I want to raise a point of detail concerning the refreshment and checking of signatures. What is the process here? Does an employee of a local authority literally match the signatures, or is it done by mechanical means? Is it possible for us to be given an explanation of how the signatures are handled? After all, that is the basis of what the Minister has brought before the Committee. I am sure that his department will have spotted such a question coming from noble Lords, and I think it is a reasonable request. In order to make progress, I shall sit down.

Baroness Hayter of Kentish Town: My Lords, perhaps I may ask the indulgence of the Committee in order to congratulate the Minister not only on having sung at the Queen's Coronation 60 years ago, but on his role in the Abbey today to commemorate that occasion. I am sorry that we are not seeing him in all his glory this afternoon. When I was a student, we used to move that the minister "do now sing"; maybe I should not do that.

On the two statutory instruments, including the one for Wales, one of the questions is quite similar to one raised by the noble Lord, Lord Greaves: how many absent votes does the Minister estimate are covered by each of these two SIs? In other words, how many that would normally be written out in Wales and England are covered by this?

Related to that, what is the Government's assessment of the number of likely renewals, particularly given that these are going out in the August holiday period? That has been a worry for the Electoral Commission, and is a worry as, not only is your Lordships' House on holiday during the first two weeks of August, but so are many other people.

Although the word "stakeholders" was used by the Minister, what is the view of the political parties of this proposal? As I mentioned before in Committee, they are rather expert on all of this, as has been evidenced by the noble Lord, Lord Greaves, this afternoon.

In the form that will go out on the mere matter of the refreshment of the signatures, will there be any advance notice about the move to individual electoral registration? In other words, is it part of the preparation that is being made? I know that the Electoral Commission still has some concerns over the October 2013 annual canvass date and what impact it might have on absent voters. We would be interested to know what the Government's response to the issue raised by the Electoral Commission has been. In general, however, we support the regulations and the order.

Lord Wallace of Saltaire: My Lords, I thank the noble Baroness for her compliment, although the compliment I have really liked over the past two or three weeks has been from those who have said that they find it difficult to believe that I could have sung at the coronation because I look far too young. I am sorry that she missed that one.

These regulations are important because we are all concerned to get the transition to individual electoral registration right. We will in time bring some further regulations back to the Committee. While many of them seem incredibly technical and complex, it is important that we manage to end up with a new register that is as complete and as accurate as possible. The integrity of the electoral register is also an important matter.

I remember many years ago my noble friend Lord Greaves raising in the House the question of postal vote fraud in open elections and getting a very dusty response from almost all Benches on the grounds that this was not considered a serious problem. It is now a good deal better understood that this has, in a number of highly localised areas, been quite a serious problem that was not fully picked up and has not attracted the level of prosecution that one really ought to have seen. However, it is one that these identifiers are intended to pick up.

I will try to answer some of these difficult questions. On dates, and when one does the write-around and the canvass, the noble Baroness, Lady Hayter, will recall that we had a discussion as to when it was most useful to do the house-to-house canvass, and I wrote to her in the spring to point out that I had in some ways misled the Committee by suggesting that March was a good time to go around house by house, because there was deep snow in Saltaire past Easter Day. Whatever we do, there is never a perfect answer, but we are trying to do our best on all of this.

I will try to answer some of my noble friend Lord Greaves's questions, and then promise that I will write to him on others. He will of course know that many of

[Lord Wallace of Saltaire]
these statistics are not collected centrally. Electoral registration officers are local appointees and the administration of voting is still a local authority matter.

Lord Greaves: I am told by my local electoral registration officer that there is something called a Form K, which I have never seen, which is submitted after an election. She is in the process of doing it now for the county elections, I think, and it does include a lot of this information. I presume it goes to the Electoral Commission.

Lord Wallace of Saltaire: I hope that it does. I will do my best to investigate and come back to the noble Lord on that.

I am told that approximately 150,000 postal votes have been rejected at each recent national poll across Great Britain—I hope that does mean across Great Britain—because one or more of the personal identifiers on the postal voting statement did not match those originally submitted or because one or more of the identifier fields had been left blank. Statistics on rejection rates are recorded by returning officers and are submitted, perhaps on Form K, to the Electoral Commission for collation. Although figures for the May 2013 local elections are not yet available, I understand that the Electoral Commission plans to publish information on turnout once all these data have been received and collated.

On the question of getting fresh signatures after five years, we do not hold this information centrally. I hope it will be considered helpful that, according to my team, one ERO spoken to has told us that in his or her area in 2012, out of nearly 22,000 electors sent a postal vote refresh notification, some 1,800 did not respond and 565 said that they no longer wanted one. That gives noble Lords a level of the turnover in 2012, for which there are many reasons. In 2013, of 21,000 electors sent a postal vote refresh notification, some 4,355 did not respond and 934 said that they no longer wanted one.

Baroness Hayter of Kentish Town: That was very useful. However, the Minister said the first figure, 22,000, was from one ERO. He may not be able to tell us now, but is that from one whole constituency? I am trying to work out the percentage each January who would be likely to come up for signatures. The response rate is very useful but it would also be useful, if not now then later, to know what the 22,000 figure is as a proportion of the voters.

Lord Wallace of Saltaire: I understand that. The noble Baroness will know that the proportion of postal voters varies quite radically from one area to another. It is not a uniform pattern across the country. We will see what we can do to provide some more comparative statistics.

On the third of the questions put by the noble Lord, Lord Greaves, it is for individual returning officers to judge whether a mismatched date of birth or signature gives them grounds to report the matter to the police. The Electoral Commission and the Association of Chief Police Officers produce joint guidance for electoral administrators on electoral integrity, which includes such matters. Electoral administrators and the Electoral Commission have noted in recent years that the majority of mismatches appear to arise from inadvertent errors such as a deteriorated signature or the accidental completion of the date of birth field with today's date.

The Government intend introduce a system to inform electors if ballot papers have not been counted. We introduced a provision in the Electoral Registration and Administration Act 2013, which will allow regulations to be made setting out the circumstances in which electoral registration officers must inform electors, after a poll, where their postal vote identifiers failed to match. EROs will have discretion not to write to individual electors where malpractice is suspected. This will not include situations where ballot paper numbers do not match those on the postal voting statement as electoral administrators already have the facility to unite ballot papers with the proper postal voting statements for them to be checked and counted where these are returned separately, for example where two people in a household inadvertently swap their ballot papers. We intend to introduce this provision for the polls in 2014.

4 pm

I have just been advised that Form K includes various statistics but does not include refresh figures and goes to the Electoral Commission.

I hope I have managed to answer most of the questions. I am told that the area I cited was a whole local authority—thus several constituencies—so it is not an enormous proportion. The noble Baroness will be aware that, on the whole, postal votes account for about 15% of the electorate at the moment, so turning over every five years indicates that we are dealing with 3% to 4% a year on the whole.

The noble Lord, Lord Jones, asked about the process. It is IT-based. The original postal voter identifiers from the applications are scanned into a system designed for this. When a postal vote is sent in, the postal vote statement with it has space for a signature and a date of birth. It is scanned and the signature and date of birth are electronically matched or not matched. If they are not matched, a person then checks them manually to confirm whether there is a mismatch, and by "manually" I do not mean, as Peter Sellers once said, once a year.

Lord Jones: The noble Lord's speech is coming to a conclusion, but I mentioned Wales to him. Has he had any consultation with the Government in Cardiff about how they would respond to this debate?

Lord Wallace of Saltaire: My Lords, we have regular consultation with the authorities in Cardiff, and I am sure that we will continue to interact with them and, indeed, with the Scottish authorities in a rather different capacity. I discovered over the course of dealing with the Bill, and now the Act, that there is a very tight sub-community of electoral administrators who love talking to each other, who love talking to visitors at some length about the work they do and who work extremely hard, which means that interaction with them is very easy because they are very willing to help and explain.

Lord Jones: The Minister now speaks poetry.

Lord Wallace of Saltaire: I thank the noble Lord. There were a number of questions and some of the answers are coming at me from the Box faster than I can absorb them. I was asked whether it would be inconvenient for the signature refresh to be run during August. We recognise that it is not ideal, but it is essential that absent voter signatures are refreshed before the earliest time that EROs may start the 2013 annual canvass, which we have previously agreed will be from 1 October. For reasons that I have explained, the Electoral Commission has indicated that it is content with the policy objective and the drafting of the signature refresh regulations. We will, of course, monitor very carefully how this goes through, and if there is too much difficulty or too much failure to respond, we may have to adapt and try again. I rehearsed previously the reasons why we wish to start the household canvass earlier.

We are managing this transition very carefully and actively. I stress again that we see this as an all-party concern. We all want to achieve a new register that is as accurate and complete as possible in England, Scotland and Wales.

Lord Greaves: Will my noble friend confirm that if an elector gets a form before 19 August but returns it after 19 August because they have gone on holiday or for whatever other reason that will not debar them from continuing to have a postal vote and the form will be dealt with properly if they return it at the end of August or in September?

Lord Wallace of Saltaire: My Lords, under the instruments, EROs will have the flexibility to write out absent voters in the period from 1 to 19 August 2013. In line with the existing provisions for signature refreshes, EROs will give absent voters six weeks to respond from the date they are written to, with a reminder sent if necessary after three weeks. That seems to me to cover most of the people who are likely to be written to, although I have promised my wife that after the 2015 election I might take her on an eight-week cruise around the world.

Motion agreed.

National Assembly for Wales (Representation of the People) (Fresh Signatures for Absent Voters) Order 2013

Considered in Grand Committee

4.05 pm

Moved by ***Lord Wallace of Saltaire***

That the Grand Committee do report to the House that it has considered the National Assembly for Wales (Representation of the People) (Fresh Signatures for Absent Voters) Order 2013.

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

Motion agreed.

Planning Act 2008 (Nationally Significant Infrastructure Projects) (Electric Lines) Order 2013

Considered in Grand Committee

4.06 pm

Moved by ***Baroness Verma***

That the Grand Committee do report to the House that it has considered the Planning Act 2008 (Nationally Significant Infrastructure Projects) (Electric Lines) Order 2013.

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

The Parliamentary Under-Secretary of State, Department of Energy and Climate Change (Baroness Verma): My Lords, the Government are today bringing before the Committee amendments to the Planning Act 2008 to transfer applications for development consent for minor works to electric lines above ground from the Planning Act 2008 back to the Electricity Act 1989.

The Planning Act regime provides fast, transparent consideration of applications for development consent for major infrastructure. However, for minor works—that is, proposals for works to overhead lines of 132 kilovolts or greater nominal capacity that are less than two kilometres in length—it is, we consider, disproportionate to use this regime. Such works may have a total project value of around £100,000 to £200,000 and be completed, if consent is given, in three to six months. The pre-application process under the Planning Act 2008 may take 18 months to two years to complete. Examination and determination of an application takes another nine to 16 months. The costs of this process may run into many thousands of pounds, with application fees alone costing at least £30,000.

The statutory instrument I am introducing will change how a nationally significant infrastructure project is defined in the Planning Act 2008 by extending the exemption in Section 16 to include overhead lines of less than two kilometres in length and projects to increase the nominal voltage capacity of existing lines where there is no substantial change to physical infrastructure. This means that determination of applications for such minor works will in future be made by my right honourable friend the Secretary of State for Energy and Climate Change, under Section 37 of the Electricity Act 1989. We are, in practice, reintroducing the consenting regime that applied to such applications before the Planning Act 2008 came into force in March 2010.

The effect of this statutory instrument will not be to exempt these projects from development consent requirements altogether. They will still require consent from the Secretary of State and be subject to rigorous scrutiny. However, we consider it more proportionate to apply the regime under the Electricity Act 1989 to applications for development consent for minor works. This is because these regulations under the Electricity Act 1989 are not prescriptive, so the Secretary of State may exercise his discretion as to the form of local

[Baroness Verma]
consultation and what information is necessary to decide whether to grant an application for development consent.

This does not mean, however, that there are less stringent requirements. Consents under both the Planning Act and the Electricity Act are determined by my right honourable friend the Secretary of State. Under both regimes, the public will be consulted. The Electricity Act regime requires applicants to notify local authorities of applications for consent under Section 37 and publication of proposals in local newspapers for applications for consent of lines with a nominal voltage of not less than 132 kilovolts. If a local authority objects to any proposal submitted under the Electricity Act, it will go to public inquiry; and the Secretary of State may determine that, even if there are no objections by the local authority, the application should be the subject of a public inquiry. In determining whether to hold a public inquiry, my right honourable friend will consider any objections from persons other than the relevant local authority.

However, it is important that we make a clear distinction between projects that are nationally significant and those that are not. This is why we are transferring only applications for proposals for works to overhead lines of less than two kilometres in length or those which would increase the nominal voltage on an existing line without significant changes in that line's infrastructure. These are projects that are unlikely to contribute significantly to national electricity network infrastructure. I estimate, based on applications over the past six years and notifications of potential projects to the Planning Inspectorate, that approximately 15 applications annually will be returned to the Electricity Act regime.

This amendment resolves a situation whereby works to overhead lines with no national significance have to comply with the Planning Act regime intended to apply to consideration of major projects such as a new nuclear power station or a major rail project. I commend this statutory instrument to the House and beg to move.

Lord Greaves: My Lords, I thank my noble friend for presenting this order in such a lucid way to the Grand Committee. I have scrutinised it carefully in the hope that I could find some holes in it and things to complain about. I have to report that I have failed completely in this endeavour, and the proposal seems to be entirely sensible. It is a little ironic for those of us who fondly remember grappling with the detail of the Planning Act 2008 when it went through this House, particularly the new planning regime for nationally significant infrastructure projects. We were told that the main reason why the regime had to happen was that such projects were all taking too long, the system was all too bureaucratic and difficult, and we needed a new streamlined regime that would be a lot quicker, less bureaucratic and less expensive. It is slightly ironic that in this instance at least, it has turned out not to be the case and we have to revert to the status quo ante. Perhaps we will find some other matters on which we will have to do the same thing. However, I am very happy to support this order.

Lord Grantchester: I thank the Minister for her explanation of the order. I may be on safe ground when I say to her that I will not contest it. I agree with her explanation that the order is merely a fine-tuning of the planning process for overground lines of 132 kilovolts or greater which are less than two kilometres in length. Underground electricity lines are not required to have development consent.

Furthermore, the order does not remove any lines from planning; it merely transfers installations from falling within the Planning Act 2008 to being assessed under Section 37 of the Electricity Act 1989. The Explanatory Memorandum states that approximately 21 applications for consent for electric lines at 132 kilovolts or greater and 17%, or 15 in number, are for projects of lengths of under two kilometres. The Minister's department considers that lines of under two kilometres should not normally be considered to be national infrastructure projects. The memorandum then speaks admirably concerning the disproportionate nature of the provisions that then fall due. However, is the Minister confident that simply assessing projects on the basis of length is enough to assess whether significant, albeit nationally significant, issues will not come into play? I realise that a number of respondents to the consultation argued for excluding any line under 15 kilometres in length. Can the Minister clarify whether among the responses to the consultation there were any environmental implications, bearing in mind that Article 2(b) of the order inserts new subsection (3A), which provides that subsection (3)(ab)(ii) does not apply where part of the line is in a SSSI or a European site?

4.15 pm

The Explanatory Memorandum is comprehensive and clarifies excellently that there will be no transitional costs as both of the regimes are familiar to developers who, following this order, will be far more willing to undertake improvement projects as a result of the reduction in time and costs consequential on the transfer to Section 37. I agree that the level of 132 kilovolts is intended to facilitate local consultation where electric lines might well have a significant impact and is not intended to determine whether an electric line is nationally significant. Is the Minister extending this argument to the question of length, as mentioned previously?

I would welcome the Minister's clarification on the matter of developers beginning to seek options that avoid having to make an application under the Planning Act, even where that option may be considerably more expensive or delay investment in infrastructure projects. Can she clarify the reasoning set out in the letter dated 21 February 2011 from the Electricity Networks Association to the Minister of State? The Explanatory Memorandum also mentions that the Minister's department is consulting separately on a proposed revision of the fees payable under Section 37 with the intention of moving to full cost recovery. Can the Minister give the Committee an update on this?

Finally, I agree that the under the coalition Government's policy of "one in, one out" regarding regulation containment, this order neither removes nor adds any regulation. It does not change the

implementation of either the Planning Act 2008 or the Electricity Act 1989. The number will not change. However, there is a significant reduction in costs from the provisions of this order transferring from the Planning Act to the Electricity Act. Will the Government include the cost savings of this change in the sum of the benefits they may well consider claiming from their policy of "one in, one out"? Perhaps I can tempt the Minister to allocate a sum that will be claimed for this order.

I am grateful to the noble Baroness for any further comments that she may wish to make and I am content to confirm my consent to the order.

Baroness Verma: My Lords, I am pleased to have received such strong support from my noble friend Lord Greaves and the noble Lord, Lord Grantchester, for what I think is a very common-sense statutory instrument. My noble friend did not raise any questions, for which I am extremely grateful because he is known for his microscopic and forensic approach to legislation. However, the noble Lord, Lord Grantchester, has asked some questions. I will try to answer as many of them as I can and, where I fail to do so, I shall ensure that Members of the Committee receive the response in writing.

The noble Lord, Lord Grantchester, asked about environmental impacts. The provision in relation to areas of specific scientific interest in paragraph (3)(a) means that all applications in such areas will be considered under the Electricity Act since they are not subject to exemption regulations applying to other lines. The noble Lord mentioned the treatment of the SSSIs, and whether they would be covered in overhead lines. The different treatment for project in nationally designated areas is to ensure that applications in these areas have the appropriate scrutiny. I am sure that the noble Lord, like me, would be content with such an approach, where similar projects outside nationally designated areas would be exempt from development consent under existing regulations.

The noble Lord asked about the reasoning behind the length of 2 kilometres. We find that proposals for works over 2 kilometres for 132 kilovolts or greater voltages are more likely to be nationally significant, because they generally contribute to the national network to help provide electricity to everyone. Minor works are not nationally significant and will probably amount to routine maintenance or to work on the existing networks.

The noble Lord also asked whether there would be a cost saving to be brought in with the "one in, one out" policy. Yes, it will reduce the cost to companies of complying with the regulations and will reduce the cost of application fees with total benefits to companies of around £1.2 million, which is a significant sum to those companies. He also asked about the linkage of new subsection 3A, on developers avoiding costs, to the letter to the Minister of State at DECC from the Energy Networks Association. The impact assessment indicates that two applications for 132 kilovolt lines were withdrawn, and one project was subsequently undergrounded at an additional cost estimated at around £1 million so that it could be completed within six months. There would have been an extension of time had it involved overhead lines. The other project was re-engineered to fall within existing exemptions, but it meant that that additional work had to be carried out at additional cost. It is safe to say that there are difficult ways of getting around it unless you incur those extra costs.

Finally, the noble Lord asked about simply assessing lines by length. I think that I dealt with that earlier by saying that it is clear in the response to the SI that it is covered through not being a significant infrastructure project. I thank noble Lords for their contributions and commend the order to the Committee.

Motion agreed.

Accession of Croatia (Immigration and Worker Authorisation) Regulations 2013

Considered in Grand Committee

4.23 pm

Moved by ***Lord Taylor of Holbeach***

That the Grand Committee do report to the House that it has considered the Accession of Croatia (Immigration and Worker Authorisation) Regulations 2013.

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

The Parliamentary Under-Secretary of State, Home Office (Lord Taylor of Holbeach): My Lords, these regulations will apply transitional labour market restrictions to nationals of Croatia when that country joins the European Union on 1 July. The Government have been clear that they will apply the toughest possible transitional restrictions to any country joining the European Union in the future. We are implementing transitional restrictions because it is sensible to do so.

Free movement rights are a fundamental aspect of membership of the European Union and the internal market. However, the accession treaty makes provision for member states to apply transitional controls on labour market access for up to seven years to ensure an orderly transition to the enjoyment of full free movement rights. The restrictions that these regulations apply are similar to those which the UK already applies to nationals of Bulgaria and Romania.

The Government have not made an estimate of the number of Croatians who may migrate to the United Kingdom. Given the variables, including the economic situation and the decisions of other member states, a reliable forecast is not possible. Croatia is a small country and not traditionally a source of migrants to the United Kingdom. There is little reason to expect a large influx after 1 July. However, in the light of previous experience, it would be rash not to take the precaution of applying restrictions, particularly if other member states do so. Germany and the Netherlands have confirmed that they will apply restrictions to Croatian nationals after 1 July.

[Lord Taylor of Holbeach]

The transitional restrictions that these regulations put in place are as restrictive as the terms of Croatia's accession to the EU permit them to be. Under the accession treaty, we cannot apply restrictions that are more restrictive than those which applied to Croatian nationals under the Immigration Rules in force when the treaty was signed in December 2011.

The effect of the regulations is that Croatian nationals will generally have a right to reside in the UK as workers only if they have obtained permission to work from the Home Office in the form of an accession worker registration certificate. They will have no right to reside by virtue of being a jobseeker. In line with our obligations, there are some exceptions to the requirement to obtain permission to work—for example, those who have worked legally and continuously in the United Kingdom for 12 months, and certain family members, will have free access to the labour market. The regulations also provide for the most highly skilled to be granted free access to the labour market from the outset.

Where permission is required, a Croatian national will need to obtain this before they commence employment. In order to obtain an accession worker registration certificate, a Croatian national will, as now, normally need to be sponsored by an employer who has been licensed by the Home Office under the points-based system arrangements. Points-based system criteria will apply, which means that Croatian nationals will normally obtain permission to work under tier 2 of the points-based system only when they are offered a job that is skilled to National Qualifications Framework level 4, meets minimum salary criteria and for which resident labour is not available.

These controls will not prevent Croatian workers obtaining permission to work where they have skills that are in short supply and will benefit the UK economy. However, they will reduce the risk of uncontrolled flows of workers coming to undertake low-skilled work or to take work for which British workers are available. The regulations do not place an upper limit on numbers but the requirement that a Croatian national must have an offer of employment that meets strict criteria will restrict numbers. To put this in context, only 90 Croatian nationals were admitted to the United Kingdom in 2012 for the purpose of work under the points-based system criteria.

It is necessary that these transitional measures are backed up by proportionate enforcement powers. As with the measures applied to prevent the illegal employment of non-EU nationals, the regulations will make it an offence to employ a Croatian national where the worker requires permission to work but does not have it and will provide the Secretary of State with the option of imposing a civil penalty as an alternative to prosecution. They will also make it an offence for a Croatian national to take employment in breach of the regulations. In such cases, liability to prosecution will be discharged by payment of a penalty.

4.30 pm

These measures are proportionate and, since their effect is essentially to continue the existing framework of controls on the employment of Croatian workers into the transitional period, they do not impose any new burden on business, a subject which noble Lords will know is close to my heart as I am the Minister in the Home Office responsible for better regulation.

While these regulations apply transitional controls until 30 June 2018, the need to maintain these restrictions will be kept under review. We are required to notify the Commission about whether we intend to maintain the restrictions beyond the first two years, and we will review the case for their continued application at that point. In addition, the regulations can be extended for a further two years beyond 30 June 2018 if to do otherwise would cause, or risk, serious disturbance of the labour market. I beg to move.

Baroness Smith of Basildon: My Lords, I am grateful to the Minister for that explanation, which answered a few of my questions, which I know he is always pleased to do. I wish to clarify a couple of points by asking a few questions. The Minister mentioned a seven-year transition period, yet the order refers to a five-year transition period and 2018. I assume he referred to seven years because there is a possibility of extending the transition period for a further two years at another date, but this order is for only five years. In case I have misunderstood, will the Minister clarify that?

I am interested in the enforcement regime regarding those who come from another country and try to work. Is it the same as the regime for other employment visa requirements or will there be something different in place for transitional arrangements? Can the Minister say anything about how this will be monitored? I would be interested to know the details, and if he wants to write to me I would be happy for him to do so.

Obviously, we support transitional arrangements. As the Minister acknowledged in his comments, we brought them in for Bulgaria and Romania. I fully understand why it is not possible to get an accurate assessment of the numbers involved, but the Minister said that this order is being brought forward today because of the fear of uncontrolled flows of workers from Croatia to the UK. He also said that there is no anticipation of large numbers coming to the UK. That seems somewhat contradictory. Has there been any assessment of the numbers involved, or was the assessment that it was not a large number and the order is just to minimise the risk in case that is wrong? It is not quite clear as the Minister's comments were contradictory. If there has been some assessment, I am interested in the flows in the other direction. How many people from the UK want to go to work in Croatia?

On the more general points, from what has been said today and from comments made by other Ministers in the past, is the Minister able to clarify the Government's longer-term position on free movement within the EU and say whether there are any plans to change the rules on it? I noted the Minister's comments about unskilled workers from Croatia or, indeed, any other country when local workers are available. On that point, which is slightly tangential but very relevant to this discussion, how can we ensure that unscrupulous employers do not illegally employ those who are not

entitled to work in this country and exploit them by doing so? I am thinking of things such as ensuring that the minimum wage is paid and that health and safety regulations are taken note of because cutting back on those issues is one way that unscrupulous employers exploit foreign workers and therefore undercut and undermine the local workers to whom the Minister referred. Will the Minister give us an assurance that the Government will not weaken those protections, and that when they are not upheld they will take action?

I know that the Government have been very slow in enforcement. There has been a lax approach to the minimum wage legislation. I was very pleased to hear this weekend that HMRC has recently brought a swathe of prosecutions on this, because it had fallen by the wayside. I am pleased that it is picking up now. An assurance from the Minister on those particular issues would be very welcome. I appreciate that that is slightly tangential but it is an important issue. This is the point he is making; we must ensure that people who are not legally allowed to work in this country do not do so.

We are broadly content with the order before us today, but if the Minister is able to address the questions I have raised it would be helpful.

Lord Taylor of Holbeach: My Lords, I thank the noble Baroness for her contributions. As usual, she sets me a high standard if I am to avoid writing in detail, although I certainly would not hesitate to do so if I felt I was not able to answer satisfactorily.

I should like to reiterate that these regulations implement the commitment contained in the Government's programme for government to apply the toughest possible transitional restrictions to any future member state in the EU. That is why we are presenting them. We do not expect levels of migration from Croatia to be significant, however. I made that clear in introducing these regulations.

It was interesting that the Baroness said that she was concerned that we had not given an actual estimate of these figures. We know there could have been considerable numbers from other countries if we had not set these restrictions in place in the past, so we feel that the policy that we arrived at in the coalition agreement was the right one.

I will first explain the business of the five years. I did so in introducing the speech when I explained that these regulations go up to June 2018 but provide for a further extension of two years; they can go up to 2020. They put in place the mechanism whereby the Government can indeed have a seven-year transitional regime.

The noble Baroness asks, "Why apply transitional regimes?" and, "Is it contradictory?". I hope the noble Baroness supports that.

Baroness Smith of Basildon: I thought I made it clear that I did support transitional regimes. I never asked, "Why transitional arrangements?". My query is about the Minister's contradictory comments. I recognise that it is difficult to make an accurate assessment of the numbers involved, but the Minister used the term "uncontrolled flows" when he was talking about the need for this and then said he did not expect large numbers. That was the point I was making. The two comments seemed contradictory. I was trying to square the circle on that. I hope I was clear that we support transitional arrangements—indeed, we brought them in previously for Romania and Bulgaria. So that was not the point I was making. I want to be clear on that.

Lord Taylor of Holbeach: I am grateful for that explanation. As a result, I now understand the position of the noble Baroness. Thank you.

She asked me about the details of how these figures would be monitored. Obviously, where transitional permits are actually applied for, we know how many people are coming from Croatia to this country. As to how they will be enforced, the noble Baroness will know that we now have within the Home Office an immigration enforcement unit that ensures that illegal workers—and, indeed, illegal employers—can be prosecuted. These matters can be dealt with much more forcefully than before.

I am pleased that the noble Baroness noted HMRC's assault on minimum wages. There has been a lot of cross-departmental working on these issues as the Department for Work and Pensions has an interest in them as well as the Home Office and HMRC. The rather amusingly entitled Operation Pheasant was designed to seek out exactly this problem in the part of the world in which I live, and successfully identified weaknesses that we do not want to see. After all, an exploiting employer is also an unfair employer who presents unfair competition to those who respect the law. The enforcement of the law is an important aspect of making sure that business in this country is conducted on a level playing field.

The noble Baroness also asked whether we would seek to reopen the free movement directive and what our approach to that was. We are examining the scope and consequence of the free movement of people across the EU as part of the general balance of competences review. We monitor enforcement issues and publish the outcomes on the Home Office website. All details of instances where employers have been discovered to be illegally employing individuals are published on that website. I hope that that satisfies the noble Baroness and that she will approve the regulations.

Motion agreed.

Extradition Act 2003 (Amendment to Designations) Order 2013

Considered in Grand Committee

4.42 pm

Moved by ***Lord Taylor of Holbeach***

That the Grand Committee do report to the House that it has considered the Extradition Act 2003 (Amendment to Designations) Order 2013.

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

The Parliamentary Under-Secretary of State, Home Office (Lord Taylor of Holbeach): My Lords, we are concerned here with further secondary legislation required to amend the Extradition Act 2003 (Designation of Part 1 Territories) Order 2003 and the Extradition Act 2003 (Designation of Part 2 Territories) Order 2003.

The background to this order is that it is necessary given the accession of the Republic of Korea to the European Convention on Extradition and the accession of Croatia to the European Union on 1 July 2013, from which time it will operate the European arrest warrant procedure. In addition, this order amends the time allowed for India to provide the necessary documentation following a person's provisional arrest to reflect the terms of the bilateral extradition treaty in place between the UK and India. Therefore, three separate countries are the focus of this order.

To take these matters in sequence: first, the Republic of Korea is now a party to the European Convention on Extradition. This requires that extradition requests from the Republic of Korea be dealt with under Part 2 of the Extradition Act 2003, which in turn requires that the Republic of Korea be designated for the purposes of that part. That is what this order does. In addition, in line with the provisions of the ECE, this order ensures that when the Republic of Korea sends an extradition request to the UK, the request need be accompanied only with information—not evidence—which would justify the issue of an arrest warrant in a comparable domestic case.

The second country involved is Croatia, which, as we have already debated, will on 1 July accede to the European Union. We have considered the particular aspects relating to transitional arrangements. From 1 July, EU extraditions to and from Croatia will cease to take place under the ECE and will instead fall under the European arrest warrant procedure, the EAW. It is therefore necessary to redesignate Croatia as a Part 1 territory to ensure that we comply with our obligations under the framework decision on the EAW.

The third amendment relates to our extradition relations with India. The Extradition Act 2003 provides for a procedure known as a provisional arrest, whereby in urgent cases a state can ask for a person to be arrested in advance of sending the full papers making up the extradition request. Section 74 of the Act states that following a person's provisional arrest, the extradition request must be received by the judge within 45 days, unless a longer period is designated by order. This allows the Secretary of State to provide for a longer period, where necessary, to reflect the terms of a bilateral treaty.

The UK concluded a bilateral extradition treaty with India in 1992, which has been in operation since 1993. Article 12 of the treaty specifies that following a provisional arrest the request should be received within 60 days. The UK considered that extradition with India was governed by the London Scheme for Extradition within the Commonwealth. Accordingly, India was not included in the list of territories in Article 4(2) of SI 2003/3334. However, we subsequently learnt that the Indian authorities regard the bilateral treaty as the vehicle for extradition between our two countries. This order ensures that this is reflected in our legislation by setting out that in the case of India the judge must receive the papers within 65 days of the person's provisional arrest. This allows for India to provide the request to the Secretary of State within 60 days, as the treaty provides for, and for the Secretary of State to have five days to certify the request and send it to the appropriate judge.

I hope that noble Lords will understand the background to this collection of separate provisions within a single statutory instrument. The various amendments to the order are necessary to ensure that the United Kingdom can comply with its particular obligations under the relevant international extradition arrangements. I hope that, given my explanation, the Grand Committee will consider the order favourably.

Baroness Smith of Basildon: My Lords, again I am grateful to the Minister for his explanation, which was helpful. I wish to raise only two points, one of which is a probing question. I listened carefully to what he said on India. I do not think that I am dumb, but I struggled to follow some of the reasons for the provisions. Perhaps it will be easier when I read *Hansard*.

The justification given in the Explanatory Notes is the one the Minister just gave, which is that the time limit regarding the extradition arrangements with India requires that country,

"to provide these documents to the Secretary of State within 60 days, and then provides a further five days in order to enable the Secretary of State to provide these documents to the appropriate judge".

My understanding is that the Government are equalising the time allowed for the extradition procedure in the UK with that in India, but I am not clear why it is necessary. The Minister said that the Indian Government understood that to be the position. Are we changing it because there was a misunderstanding in 2003 when it came through? I would have thought that we would want to move to extradition as quickly as possible, and I am not clear whether this is extending or reducing the time made available, because nowhere in the order or the Explanatory Notes could I find what the time was before it was 60 days. Obviously it has been changed to 60 days from something, but I do not know from what. If it is in the Explanatory Notes, I apologise, but I could not find it when I was looking through them. It would be helpful to have that information on why it is coming through now. Has the current timescale, whatever it is, been in place since 2003 or did it exist before that?

I was very pleased to hear the Minister give such a positive explanation for and account of the European arrest warrant, which is something he and I have discussed before. I know the Government are reconsidering this issue, which has caused enormous concern to others in Europe as we extradite through the European arrest warrant and apply for extradition through the European arrest warrant. Can the Minister tell me how many times the UK has used the European arrest warrant for extradition to and from the UK? As the Government are bringing this order forward today, they clearly regard the order and the extension of the European arrest warrant to Croatia as helpful and desirable. Croatia will be subject to the European arrest warrant but, on the other hand, the Government

are now considering withdrawing from all the police and justice measures, which include the European arrest warrant.

I welcome the comments the Minister has made today, and I am sure we will come back to those issues. However, it would be helpful if he can give me some background on the numbers—I am happy for him to write to me on that as I would not expect him to have that figure to hand—and also on the position of India and what the number has changed from to 60.

Lord Taylor of Holbeach: I am grateful to the noble Baroness for her willingness to support this statutory instrument. If the noble Baroness reads *Hansard*, she will see that I covered this point but I will repeat it. Section 74 of the 2003 Act, under which we were operating but the Indians were not, states that extradition requests must be received by the judge within 45 days. That is why we have had to change the timings to the original arrangement we had with India under our bilateral treaty.

Baroness Smith of Basildon: If the misunderstanding is between 45 and 60 days, why has it been changed to 60 rather than remained at 45? It would seem more advantageous to the Government if extradition proceedings took place as quickly as possible.

Lord Taylor of Holbeach: It is because the bilateral treaty overrides the Commonwealth agreement of 2003. That is the sole reason. The Indian Government have asserted that the Commonwealth treaty does not apply to India as we already had a bilateral treaty in place, which was not overridden. We are not disagreeing with them because it is, after all, a matter of mutual consent, and we wish to see it as such.

In answer to the question about numbers, the Home Secretary said that she would write to Parliament when the figures are available. I will chase this matter with the Home Secretary so that the figures are made available as soon as possible. I hope I have answered the questions. I think that if the noble Baroness reads *Hansard*, she will see the background of the Indian case.

Motion agreed.

Police and Criminal Evidence Act 1984 (Application to immigration officers and designated customs officials in England and Wales) Order 2013

Considered in Grand Committee

4.55 pm

Moved by ***Lord Taylor of Holbeach***

That the Grand Committee do report to the House that it has considered the Police and Criminal Evidence Act 1984 (Application to immigration officers and designated customs officials in England and Wales) Order 2013.

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

The Parliamentary Under-Secretary of State, Home Office (Lord Taylor of Holbeach): My Lords, the order before us today will apply certain provisions of the Police and Criminal Evidence Act 1984, commonly known as PACE, to criminal investigations conducted by immigration officers. The direct application of these powers to immigration officers for the first time reflects the increasing incidence of immigration officers taking on criminal investigations. It does not affect existing administrative powers of detention, which will continue to be used for the vast majority of immigration operations under the Immigration Act 1971, so criminal investigations are the focus.

The order will also apply to designated customs officials and to persons detained by designated customs officials. This includes powers of arrest, search of premises and seizure of evidence as well as obligations in respect of persons detained on suspicion of having committed customs offences. It will also repeal part of Section 22 of the Borders, Citizenship and Immigration Act 2009, which provided for the Police and Criminal Evidence Act 1984 (Application to Revenue and Customs) Order 2007 to apply to designated customs officials undertaking criminal investigations in England and Wales. This was the legislative vehicle that afforded PACE powers to customs officials who transferred from HMRC to the Home Office in 2009.

At that time, the commitment made to Parliament was that this was to be a temporary measure pending the coming into force of one order that applied to both immigration officers and customs officials within the Home Office. This is the order before noble Lords today which will fulfil that undertaking made to Parliament. The reason that, to date, these powers have applied only to customs officials undertaking criminal investigations and detention derives from the time when customs work was an integral part of HMRC. The increasing incidence of immigration officers taking on criminal investigations as part of the focus on tackling immigration crime has made it necessary to extend some of the criminal investigation powers that currently apply to police and designated customs officials to immigration officers. These criminal investigation powers will be used only where the criminal prosecution of an individual is realistic. It is normally in the public interest to use administrative immigration powers to remove an illegal entrant. Removal from the UK will take precedence over a criminal prosecution.

The application of PACE provisions to immigration officers will deliver both operational and resource benefits. At present, police and immigration officers on immigration enforcement teams often work in tandem and deploy jointly on operations where they are forced to use different sets of powers, derived from PACE for the police or the Immigration Acts for immigration officers. This dual approach causes confusion and accountability problems as well as having a negative impact on operations by, for example, requiring separate briefing for different officers.

Noble Lords will be aware of the Home Secretary's recent announcement of the creation of a separate immigration enforcement arm of the Home Office whose remit is to tackle any abuse of our immigration laws and to encourage compliance. It is individuals

[Lord Taylor of Holbeach]
within this new entity who investigate immigration crime alongside their colleagues in Border Force, who deal with customs crime, who will benefit from this order. For the first time, it will place all appropriately trained criminal investigators on the same legislative footing regardless of their background and remove any confusion about the legal basis of their actions. In addition to simplifying the operational landscape, the application of PACE to immigration investigators will deliver direct benefits in the form of added powers to tackle crime. Specifically, these will be the ability to seize evidence under Section 19 of PACE and the ability to apply for search warrants in respect of special procedure material under Schedule 1. Powers of search under Sections 18 and 32 are also much simpler in application than their equivalents in Part 3 of the Immigration Act 1971, which is currently the only legal basis on which search powers are available to immigration enforcement investigators.

5 pm

In the longer term, the application of PACE provisions to immigration officers will provide operational flexibility and build capability within immigration enforcement through their professionalising investigation programme, thereby reducing their reliance on the police. Designated customs officials in Border Force will continue to have access to PACE powers as a result of this order but will now do so under the same legislative vehicle as their immigration officer counterparts. Not only will this reduce possible confusion in circumstances where officers are dual-qualified to act as both an immigration officer and a designated customs official, but it should also negate any need to seek any further enabling or provisional powers in the event of future structural change.

In summary, the application of PACE powers to custom officials in the former UKBA, subsequently Border Force, via Section 22 of the Borders, Citizenship and Immigration Act 2009, was only ever intended as a temporary measure. Furthermore, there is a clear operational need for immigration officers to have access to the same set of criminal investigations powers as their law enforcement counterparts. I therefore commend the order to the Grand Committee, and I beg to move.

Baroness Smith of Basildon: My Lords, again, I am grateful to the Minister for his explanation. As I understand it, the order before us extends the powers of arrest, search and seizure to immigration officers and customs officials. The Minister will be aware that, in the interests of effective policing, we have called for these measures to be introduced. Clearly, given the kind of investigative work, particularly on issues such as human trafficking and facilitating illegal immigration, it is appropriate, as the order states, that officers should act within a PACE-complaint framework. That will now include customs and immigration officers. We support that.

The Minister would be disappointed if I did not ask him a couple of questions. Paragraph 7.4 of the Explanatory Memorandum refers to mixed investigative teams with the National Crime Agency, which makes sense if they are looking into serious organised crime relating to immigration issues or human trafficking. Does that mean, for example, that all customs or immigration officers acting in a joint team on an NCA investigation would have the same powers as the police officers in that team and that they would retain those powers? If it does not, can the Minister say anything about the differences? I assume that additional training would be required for the officers to ensure that they know the additional powers that they have and how they can properly use them.

On the joint teams, the NCA—as the Minister will know—will not apply fully to Northern Ireland because of a difficult situation which has arisen, which the Government could have done more to resolve early on, if I am honest. I am curious whether these powers and this order will also apply to customs and immigration officers in Northern Ireland, given that the NCA will not operate in that way in Northern Ireland. If the Minister could given me answer on that, it would be very helpful. I notice our Northern Ireland spokespeople are here today and would be grateful if the point could be clarified. I see puzzled faces behind the Minister and, if it is not clarified today, I am happy for somebody to write to me about it.

It is also my understanding that, while police officers are members of the Police Federation, the new officers who will be subject to and have these powers—those employed by the border agency, for example, or Border Force—are members of a different trade union. Over the years, they will have had different rights at work and different terms and conditions of employment. The order makes no mention of any changes to those at all, so I have assumed that no changes are planned to their terms and conditions of employment or their rights at work and that no changes are expected. I would be grateful if the Minister could confirm that for me.

Lord Taylor of Holbeach: I thank the noble Baroness for her comments. The people working together on mixed teams will have those PACE powers only in relation to their particular function within that team. They will all derive their PACE powers from PACE, so there will be a common source, but it is not correct to assume that, for example, a police constable or an immigration officer will be exercising a customs officer's powers.

As for Northern Ireland, officers of the National Crime Agency are not included in this particular order because the National Crime Agency has not been set up. The noble Baroness will know that the difficulty in Northern Ireland was occasioned not so much by the customs and immigration issues but by the general powers that exist. The noble Baroness will understand that there is only a partial transfer of responsibility and that National Crime Agency functions will still be exercised in Northern Ireland through powers secured through SOCA. I cannot give her an absolute answer on the extension of this particular attribute in Northern Ireland, but if I can write to the noble Baroness, that will enable me to put this particular change, which is largely designed for England and Wales, into context rather than complicating the matter by trying to answer the question on Northern Ireland.

Designated customs officials are already trained to exercise PACE powers and those immigration officers who carry out criminal investigations will receive equivalent training, relevant to the set of PACE powers to which they have access. The noble Baroness will be aware that the changes that have occurred within UKBA have been made without affecting any terms and conditions of employment of any of the individuals involved.

Lord Empey: Will the Minister be kind enough to copy his letter to the noble Baroness to those of us who are in the Committee?

Lord Taylor of Holbeach: I am pleased to see the noble Lord, Lord Empey, in his place. I would be very happy to make sure that he is involved, as I recognise his interest in the particular relationship of Northern Ireland to these changes within the statutory instrument.

Baroness Smith of Basildon: I would be grateful if the Minister clarified one further point and perhaps agreed to write to me. He said something that I tried to jot down quickly—I am not sure that I got it right—about police officers having the powers of immigration officers and customs officers. I thought that it was the other way round regarding immigration officers and customs officers. Would they have those powers only when they are involved in a joint investigation with the NCA or will they have those powers independently when investigating such cases?

Lord Taylor of Holbeach: I am sorry if I have confused the noble Baroness. I had it clear in my mind if it was not clear in my exposition. Each of these specialist elements—police, customs and immigration—are enforcement agencies operating in their particular way. Immigration officers hold their powers totally independently of these other powers. Each agency derives its powers from PACE in an independent fashion. However, it clearly makes it a lot easier, when they are working together, to have powers deriving from the same source, which they do not have at present. The noble Baroness was gracious enough to admit that the 2009 Act needed to put that right at some point in the future. This is the moment at which we have been able to do so.

Motion agreed.

Representation of the People (Northern Ireland) (Amendment) Regulations 2013

Considered in Grand Committee

5.12 pm

Moved by ***Baroness Randerson***

That the Grand Committee do report to the House that it has considered the Representation of the People (Northern Ireland) (Amendment) Regulations 2013.

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

The Parliamentary Under-Secretary of State, Wales Office (Baroness Randerson): My Lords, the regulations were laid before the House on 8 May and make changes in four areas. They prescribe a canvass form, allow the names of those who have not returned their canvass form to be retained on the register for a period of two years following a canvass in certain circumstances, allow the Chief Electoral Officer for Northern Ireland to share certain data with the Northern Ireland Statistics and Research Agency, and permit the chief electoral officer to require information from the Northern Ireland Office in relation to registration activity.

Noble Lords may be aware that the Northern Ireland (Miscellaneous Provisions) Act 2006 abolished the annual canvass in Northern Ireland. That Act introduced instead a process of continuous registration, under which the chief electoral officer uses information from other public bodies to identify those individuals who need to be registered on the electoral register or who need to amend their existing entry on it.

Following a report by the Electoral Commission highlighting a fall in the accuracy and completeness of the electoral register, the chief electoral officer has recommended that a canvass be held in 2013. This will ensure that the electoral register is in the best possible shape in advance of elections in 2014 and 2015. These regulations prescribe a canvass form, which is required in order for the canvass to be conducted in 2013.

The regulations also introduce changes which will improve the way the canvass operates, in line with recommendations in the Electoral Commission's report. The Chief Electoral Officer for Northern Ireland will be able to retain existing entries on the electoral register where those persons have not returned the canvass form, as long as the circumstances make it likely that they are still resident at the address and their information is still accurate. For example, where a person has made an application to be registered in the previous 12 months, the chief electoral officer might be satisfied that it is likely that the person's information has not changed since then.

The regulations also make two changes in relation to information sharing. First, they put the passing of information about new British citizens in Northern Ireland from the Northern Ireland Office to the chief electoral officer on a statutory footing. Previously that information was passed using common law powers. Secondly, the regulations permit certain information about electors that is collected by the chief electoral officer to be passed to the Northern Ireland Statistics and Research Agency, both to assist the chief electoral officer in meeting his registration objectives and for statistical purposes.

Noble Lords may be aware that further changes to the canvass form have been brought forward in the Northern Ireland (Miscellaneous Provisions) Bill, which has recently had its First Reading in the other place. Those changes will provide more flexibility in setting the canvass form in future, as well as the possibility of giving the Electoral Commission responsibility for designing the form, in line with the position in Great Britain.

[Baroness Randerson]

The Electoral Commission, the Chief Electoral Officer for Northern Ireland, the Department of Finance and Personnel in Northern Ireland, the Northern Ireland Statistics and Research Agency and the Information Commissioner's Office were all consulted on the detail of these regulations. A letter was also sent to all Northern Ireland parties represented in Parliament and the Assembly setting out the Government's proposed changes to registration activity.

Recommendations for amending the regulations made by the Chief Electoral Officer and the Northern Ireland Statistics and Research Agency have been included. The Electoral Commission recommended a number of drafting amendments to the regulations, as well as changes to the prescribed canvass form. Where possible these recommendations have been incorporated.

I hope noble Lords can agree this piece of legislation which improves the electoral registration process in Northern Ireland and enables a canvass of electors to take place in Northern Ireland later this year. I commend the regulations to the Committee.

Lord Empey: My Lords, I have a number of issues that I would like to raise with the Minister. She refers to the high number of inaccurate entries on the current register. In her wind up can she give the Committee some up-to-date figures as to what in her opinion the accuracy level of the register is at present? It is a continuous process but people perhaps become less exercised by it and do not follow through; if they move house and move around and so on, it is definitely an issue.

With regards to the reference that you are going to support research by NISRA into alternatives to the 2021 census, I think many people felt that the census was an extremely costly process. The information also decays very rapidly with time. Ten years is a long time in public policy and needs change. If it is possible to have a more accurate and running figure when one is making public policy and spending decisions, there is merit in that. Quite frequently we had to make decisions on the basis of previous censuses which obviously were very inaccurate by the time we got to them.

The Northern Ireland Electoral Commission also recommended changes to the way the canvass form is set, which would require primary legislation. The Government are considering this recommendation. Can the noble Baroness tell us where that thought process is at and whether the Government have decided to accept this recommendation? Will a law come forward?

The one issue to which I want to draw the Committee's attention is that of confidentiality. We all know about the Census (Confidentiality)(Northern Ireland) Order 1991 but I have to tell noble Lords that there is considerable anxiety among many people that the spread of information—the number of agencies from which the information is both drawn from and goes to—means that a very large number of people have access to it. No matter what is said, given that lip service is always paid to confidentiality, I am not clear about what is actually being done about this, so I would be grateful for an indication of what processes and decisions to implement it are in place. The fact is that people are still being targeted and, sadly, we have seen evidence of that over the past six months. A number of people are nervous about having their names appear on the electoral register, and yet they are under a legal obligation to provide information for electoral purposes. That information will be spread around a large number of public bodies whether they want it or not. In the past, I have listened to Ministers say that it is an issue and they are looking at it but I am unclear as what has ever been done about it. It is an extremely difficult problem to solve. Once information is passed to public bodies, it is in the system where loads of people have access to it, and it is not clear to me how that information is controlled.

I would be grateful if the noble Baroness could address these issues in her response to the Committee.

Lord McAvoy: My Lords, I am grateful to the Minister for her clear outline of the regulations. It is extremely important, particularly in Northern Ireland, that there is a continual process of encouraging people to register, despite the obvious difficulties quite rightly mentioned by the noble Lord, Lord Empey. The issue of confidentiality is the only point I wish to raise.

Paragraph 8.4 of the Explanatory Memorandum explains that the Information Commissioner's office made,

"recommendations in relation to the contents of the data arrangements between",

various organisations and bodies in Northern Ireland. Is the noble Baroness able to share with us what those recommendations were, or at the very least at this stage say what the issues were that led the Government to further consider these recommendations? If she cannot do so today, perhaps she will write to me and the noble Lord, Lord Empey.

The Opposition Front Bench supports what the Government are doing here and would encourage them to make sure as best they can that people register and take part in the democratic process in Northern Ireland. I know that I have sprung a question on her, but if the information regarding the Information Commissioner's Office is available and it is possible share it, I would be grateful.

Baroness Randerson: I thank both noble Lords who have spoken for their contributions and those noble Lords who have attended and shown interest in this debate. I will do my best to answer the questions posed and, as ever, I will review the record afterwards and write to noble Lords who are here if I have any further information to add.

The noble Lord, Lord Empey, asked about the completeness of the register and its accuracy. The parliamentary register is considered to be 73% complete and the local government register is considered to be 71% complete. The accuracy for both registers is considered to be 78%. That gives us 22% inaccuracy. It is in the interests of democracy that we make the register as accurate as possible because inaccurate names will not increase the turnout; in fact, they would probably do the reverse. Therefore, it is important that we have a very accurate register in Northern Ireland.

I am pleased that the noble Lord welcomed using NISRA for the census and approaching the census information in a different way. The recommended changes to the canvass form that he referred to are in the primary legislation currently before the other place: the Northern Ireland (Miscellaneous Provisions) Bill. They will allow very broad parameters to be set by government. The form will be designed by the Electoral Commission. In my view and that of the Government, that is very much more satisfactory because, after all, the Electoral Commission has a wealth of experience and its approach has been honed in other parts of Britain.

I shall go back to the census and the issue about confidentiality raised by both noble Lords. Part of the benefit of information sharing with NISRA is improving its ability to obtain information relevant to the census. Confidentiality is a difficult issue, as the Northern Ireland Office is very aware. There was a public consultation on anonymous registration, and provisions on it are currently being considered. It is important to bear in mind that people do not have to have their address advertised on the register in order to have the right to vote. They have a legal obligation to register to vote but do not have to have their address advertised. I emphasise that NISRA deals with census material under conditions of secrecy and confidentiality. Its staff are trained to a very high standard in this and are under considerable regulation in the way in which they handle that data, for the reasons that noble Lords outlined in their concern about confidentiality. The concern about sharing data is not new. It has existed for some time and therefore is not associated with these regulations.

Finally, I shall correct a slip that I made when talking about the Electoral Commission designing the form. It may design the form but will not necessarily do so. The legislation before the other place would permit it to do so.

I commend the regulations to the Committee.

Motion agreed.

Justice and Security (Northern Ireland) Act 2007 (Extension of duration of non-jury trial provisions) Order 2013

Considered in Grand Committee

5.31 pm

Moved by ***Baroness Randerson***

That the Grand Committee do report to the House that it has considered the Justice and Security (Northern Ireland) Act 2007 (Extension of duration of non-jury trial provisions) Order 2013.

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

The Parliamentary Under-Secretary of State, Wales Office (Baroness Randerson): My Lords, this order extends for a further two years the period during which trials without a jury can take place in certain circumstances in Northern Ireland. Without this order, the system allowing for non-jury trials would lapse on 31 July this year.

It is with regret that I propose that this system be renewed for a further two years, but I do so with the knowledge that there remains in Northern Ireland a serious threat from a small but dangerous minority. They have no mandate but seek to drag Northern Ireland back into the past. Their targets are police officers, soldiers and prison officers, but their attacks are felt by the wider community, many of whom face disruption on a daily basis.

The reckless murder of prison officer David Black, in November 2012, by a group referred to as the "new IRA" was an unwelcome reminder of the continuing threat posed by dissident republican terrorists. This new grouping primarily consists of members of the Real IRA, Republican Action Against Drugs, which conducts brutal shootings against nationalist members of the community, and a number of unaffiliated individuals, who we believe have connections to the fatal attack against Massereene barracks in 2009.

The Police Service of Northern Ireland and its counterpart in the Republic of Ireland, the AGS, continue to thwart the efforts of such groups. Across the island of Ireland, 173 arrests and 64 charges were made during 2012. There were also 18 convictions of individuals involved in planning and participating in attacks. So far this year, there have been 63 arrests, 32 charges and 18 seizures. Many more attacks have been thwarted and disrupted.

It is therefore vital that there are means available within the criminal justice system to allow the perpetrators of these attacks to be brought before the law. We must recognise that Northern Ireland is still unfortunately in a unique situation, and the non-jury trial provisions provide a unique solution to a small number of cases. Noble Lords will know that jury trials in Northern Ireland are not safe from disruption by those involved in terrorist activity. Public galleries are at times crowded with members of the public. The close-knit nature of society in Northern Ireland means that jurors are vulnerable to intimidation. This can result in, at best, a partisan verdict.

I thought it would be helpful if I outlined the processes involved in order to obtain a non-jury trial. The Director of Public Prosecutions issues a certificate which allows for one. The DPP can issue a certificate for a non-jury trial only if he believes that one or more of four statutory conditions, which are laid out in Section 1 of the Justice and Security (Northern Ireland) Act 2007, are met. Condition 1 is that the defendant is, or is an associate of, a member of a proscribed organisation. Condition 2 is that the offence was committed on behalf of a proscribed organisation or that a proscribed organisation was involved. Condition 3 is that an attempt has been made by or on behalf of a proscribed organisation to prejudice the investigation or prosecution. Condition 4 is that the offence was committed as a result of, or in connection with, religious or political hostility.

Noble Lords will be aware that a proscribed organisation is one that is concerned with terrorism. It can also be seen that the four conditions relate specifically

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to the circumstances of the offence and the defendant. Furthermore, the DPP must be satisfied that there is a risk that the administration of justice might be impaired if a jury trial were to be held. There is a clear distinction here between this system and the previous Diplock court arrangements which were in place prior to the Justice and Security (Northern Ireland) Act 2007. The Diplock system saw all scheduled offences tried by a judge alone. Today, there is a clear presumption that jury trial will take place in all cases. Certificates are issued only when absolutely necessary in the interests of the administration of justice and where the particular statutory tests are met.

Noble Lords will also wish to be aware that not all cases proceed to a non-jury trial. The PSNI holds no right to stipulate that a non-jury trial takes place, and the Director of Public Prosecutions acts with discretion and independence in deciding whether to issue a certificate. Hence the number of non-jury trials in Northern Ireland remains relatively low. So far, in 2013, the DPP has issued just eight certificates for non-jury trials and one request has been refused. In 2012, 25 certificates were issued and three were refused. However, while they are low, these figures are still significant and show the ongoing need for non-jury trial.

I know that this is now the third such renewal of these provisions and there is some concern about that. I am also aware that during the last renewal in 2011, noble Lords expressed concern about the limited consultation that was held at the time. I can, however, inform noble Lords that prior to taking a decision on the renewal of the provisions this time around, the Northern Ireland Office canvassed opinion from the main stakeholders linked to the operation of non-jury trials in Northern Ireland. This included the PSNI, the Department of Justice, the Northern Ireland Courts and Tribunals Service, the PPS in Northern Ireland and the Office of the Lord Chief Justice. The consensus among all of those stakeholders was that the present threat environment is not dissimilar to that surrounding the previous renewal and, as such, all were in favour of renewing the provisions as they currently stand.

The canvassing exercise did, however, inform the Secretary of State's decision to hold a limited consultation again for the 2013 review. In reaching her final decision on whether to seek the renewal of the provisions, the Secretary of State then formally consulted with those who have direct involvement in the operation of the system, including members of the judiciary, the security forces, human rights groups and political representatives.

The noble Lord, Lord Carlile of Berriew, the Independent Reviewer of National Security Arrangements in Northern Ireland, who has previously scrutinised the non-jury trial system, concluded that trials are not safe from disruption and recommended renewal of the provisions for a further two years. The Attorney-General, in his capacity as Advocate-General for Northern Ireland, also agreed that in view of the current circumstances a further two-year extension should be sought.

Although there was some limited opposition to renewal, the overwhelming response from the consultation acknowledged that the security situation in Northern Ireland rendered the provisions necessary, at least for a further two years. I can assure noble Lords that the Government do want to see a return to full jury trial in all cases in Northern Ireland, but this should happen only when the security situation permits and your Lordships will know that we are not there yet. Given the current severe threat from Northern Ireland-related terrorism and its bearing on criminal trials, now is not the time. The renewal of these provisions for a further two years is, regretfully, the only way forward at present.

The Government remain fully committed to tackling the threat from terrorism and keeping the people of Northern Ireland safe and secure. It is with this responsibility in mind that the Government seek to renew the non-jury trial provisions. I commend the order to the Grand Committee.

Lord Bew: My Lords, I thank the noble Baroness, Lady Randerson, for introducing the order, which I reluctantly support. I have only one question. At one point the noble Baroness said that all stakeholders who were consulted accepted the need for the continuation of these arrangements. The document actually says that the majority of respondents to the consultation accepted the need for the continuation of these arrangements. Is it possible to be told a little more about the arguments of the minority and how strongly they were stated, even, if possible, where they came from and, indeed, if this represents any difference of view among the political parties? However, as I said in my opening remarks, I regretfully agree absolutely with the Government that the situation in Northern Ireland at the moment is such that it is necessary to continue with these arrangements. I hope very much that it will not be too long before the Minister can come to the Dispatch Box and give us better news, but she has had no alternative than to make the announcement that she has today.

Lord Empey: My Lords, I reluctantly agree with the noble Lord, Lord Bew. We are considering a two-year renewal. Given the length of time that would have to elapse before what any of us would consider normality could resume, it seems to me inevitable that this measure will have to be renewed, at least for the proposed period. The fact is that while the number of trials is not large, it is significant, and it is the nature of the trials that is really the issue. I do not see any grounds for believing that we are at a point where a renewal of this provision could be refused in the foreseeable future. That is most unfortunate but I think the reality on the ground speaks for itself.

The noble Baroness referred to the murder of Mr Black towards the end of last year. Perhaps the Committee is not aware of the number of terrorist attempts that have been made since then, to say nothing of what was done in the year or two years before the death of Mr Black. We should put on record our thanks to the security services for the number of terrorist attempts that have been interdicted. We also should thank the Irish police for the co-operation that we are receiving from them and for the very effective actions that they

have taken. Their contribution has saved the lives of many people, not only within their own jurisdiction but within ours.

5.45 pm

It is a fact that a significant number of people are daily continuing to attempt to kill and bomb, and the Minister will be aware that even within the past few weeks there have been a number of very significant attempts. Within the past few days there was an attempt to kill police officers in Belfast. It is inconceivable that if those people were apprehended, you could conduct a trial as if we were in the Home Counties. I have to say with regret that, in view of some events that have taken place on this side of the water, one can see how quickly a situation could become corrupted and people could be intimidated.

We therefore owe the judiciary in Northern Ireland a debt of gratitude for consistency over many decades because it has kept civilisation and the rule of law together. It is not perfect and is not the way that we would like it to be but, unfortunately, I do not see any short to medium-term alternative but to continue to renew this measure. However, I ask the noble Baroness to consider this: if the intention of the initial legislation in 2007 was that it should be short-term, and we continue to renew it in two-year bites, is someone going to judicially review this whole thing and say, "That was not the original intention of Parliament. It was short-term, what you are doing is continuing to renew and renew. You are actually carrying out a purpose for which the original legislation was never intended"? The department should bear that in mind.

Lord McAvoy: My Lords, again I thank the Minister for her clear outline of the order. For the purpose of this discussion, I thank my two friends, the noble Lords, Lord Bew and Lord Empey, for bringing as usual to these discussions weight, knowledge and a firm understanding of what is at stake in Northern Ireland. They have long experience there, which we are lucky to have brought to this Room. I share with all noble Lords and noble Baronesses the reluctance, but nevertheless acceptance, to proceed with the renewal of the order. It is entirely necessary but none of us likes it. There is merit in what the noble Lord, Lord Empey, said about a review at some point and we would all be delighted to have that review and for it to recommend the discontinuation of the legislation. However, we are not there yet.

In the interests of information and getting a clear picture of what is happening on the ground regarding these issues, the Minister outlined the number of cases. She mentioned only one terrorist-based organisation, which was republican. Does that mean that there were no instances of charges involving, for want of a better description, the loyalist/militant unionist community? Perhaps that is a bit of a misnomer. That is not to say that we are in some sort of competition to see who is causing more trouble than anyone else; it is for the sake of giving noble Lords here a grasp of the situation. That would inform us and enable us to get a better picture.

However, it is quite clear that we are all in agreement and the Labour Front Bench strongly supports this move and joins everyone in this Room in hoping that this is near enough the last continuation of these provisions.

Baroness Randerson: My Lords, I thank all noble Lords for their contributions. I agree wholeheartedly with the last sentiment expressed by the noble Lord, Lord McAvoy. We would all agree that we very much hope that this will be the last time that this order has to be renewed.

I shall start with the contribution of the noble Lord, Lord Bew. I was perhaps not clear in what I said. There was a two-stage process in the consultation. The Secretary of State canvassed opinion among stakeholders and, having taken those initial soundings, she decided to hold a formal consultation. It was formal but limited in the number of organisations that were consulted and the response rate did not indicate that there was any burning concern in a number of organisations. Three of the responses from the organisations did not agree with the renewal, although one of them was a group of academics in Australia which was not a formal part of the consultation. The reasons given by the people who live in the community directly affected by this were largely to do with there being a lack of evidence of intimidation. Of course, one is struck by the fact that if this system is working well, it prevents intimidation, and therefore, it if has worked successfully, there will be little evidence of intimidation. For example, the director of the Committee on the Administration of Justice expressed frustration at the lack of available evidence of juror intimidation and questioned the degree of discretion afforded to the Director of Public Prosecutions in issuing the certificate. The tenor of the reply was concern that there was no evidence.

I share the concern expressed by the noble Lord, Lord Empey, about the current violence. It is worth pointing out that there is a large number of unsuccessful attempts at violence and terrorism. I shall give some examples. So far this year, in relation to national security attacks, there have been 68 arrests, 32 charges and 19 seizures. That is a sign of the success of the PSNI operation. The noble Lord raised the possibility of judicial review. It is always a possibility, and the Northern Ireland Office is aware of it. I will ensure that the point is made to the Secretary of State and that she is aware of the noble Lord's comments.

The noble Lord, Lord McAvoy, asked about loyalist attacks. The concern about terrorism is primarily about dissident republicans but, of course, there is another issue about loyalist unrest, the nature of which we saw during the flag protests, which became violent on a number of occasions. There were death threats and violence against the police, and a considerable number of police were injured in the early days of those protests. We need to be aware of the issue, in that there is a different face to concern in both those communities.

Finally, we have to bear in mind that in Northern Ireland people are particularly vulnerable to paramilitary intimidation. It is greater than it is in the rest of the

[Baroness Randerson]

UK because, as noble Lords know very well from their own experience, people live in small, close-knit communities. It is particularly easy to identify those called for jury service, which is at the heart of the problem. We have to be concerned about the intimidation or potential intimidation of jurors by people representing both sides of the community. I commend the order to the Committee.

Motion agreed.

Committee adjourned at 5.56 pm.

Written Statements

Tuesday 4 June 2013

Afghanistan

Statement

The Parliamentary Under-Secretary of State, Ministry of Defence (Lord Astor of Hever): My right honourable friend the Secretary of State for Defence (Philip Hammond) has made the following Written Ministerial Statement.

As our presence in Afghanistan reduces, our requirement for the support of local staff is also reducing. The Government recognise the contribution and commitment of all local staff. They have played a vital role in contributing to our shared goal—a more secure, stable and prosperous Afghanistan. Without them, the UK's contribution to the international mission would not have been possible. We pay tribute to those who have made the ultimate sacrifice and those who have been injured whilst working with us.

The future of Afghanistan lies in the hearts and minds of such people, who have done so much to move their country forward. Having invested so much already, the Government want to encourage local staff to stay in Afghanistan and to use their skills and knowledge to make it stronger, better able to meet the challenges ahead and to seize the opportunities.

For this reason, we have decided to implement a generous package of training and financial support for our locally engaged staff in Afghanistan. It will provide local staff with up to five years of training or education in Afghanistan in a subject of their own choosing and a living stipend for the full period of training based on their final salary. Staff who prefer not to take up the training package will be offered a second option—a financial severance payment which represents 18 months' salary. This will be paid in monthly instalments. These options aim to encourage local staff to develop valuable skills and knowledge in Afghanistan so they can go on contributing to a brighter future for themselves, their families and their country.

The Government acknowledge that some local staff, such as interpreters, have worked in particularly dangerous and challenging roles in Helmand. In recognition of this unique and exceptional service to the United Kingdom, these local staff and their immediate families will be offered a third option—resettlement in the UK. In order to help them adjust to life in the UK, they will be offered initial assistance and accommodation including access to benefits, as well as support in seeking employment.

To be eligible for resettlement in the UK, local staff must have routinely worked in dangerous and challenging roles in Helmand outside protected bases. Seriously injured staff, who might have qualified had their employment not been terminated due to injuries sustained in combat, are also included. Local staff who were contracted by the UK, but who mostly worked for Danish or Estonian Forces and who meet the criteria above, are also eligible. This approach has been agreed with the Danish and Estonian Governments.

We have always been clear in our desire to recognise the efforts of local staff, and have balanced this against a range of other factors. These include the cost of any scheme, and the potential impact on the UK and on Afghanistan of resettling large numbers of people. In line with previous similar policies, qualification for this redundancy scheme is limited to those local staff who were in post working directly for HMG on 19 December 2012, when the Prime Minister announced the drawdown of UK forces, and who have served more than 12 months when they are made redundant. Those whose employment ended before this date, and those whose employment was ended voluntarily or for disciplinary reasons will not be eligible. In total, we estimate that around 1,200 local staff will qualify for a redundancy package. Of these, we estimate that up to 600 will be eligible for resettlement, although they may choose to stay in Afghanistan to help build its future, supported by the training and financial packages.

Further details of the practical arrangements for applying for and implementing the redundancy scheme will be announced in due course.

Separately from the redundancy package, we recognise our obligations to any local staff who face real threats to their safety or that of their immediate family as a result of their service to the UK. Our existing intimidation policy will remain in place for all local staff, regardless of their date and duration of employment. This ensures that local staff who face real threats to their own and their families' safety, now and in the future, are supported. The policy offers relocation within Afghanistan and, in the most extreme cases, the possibility of resettlement in the UK. We are currently reviewing the policy to ensure it continues to provide a fair and robust system of assessing threats to, and ensuring the protection of, our local staff.

The UK is strongly committed to the future of Afghanistan and will maintain a long-term relationship based around trade, diplomacy, development assistance, financial contribution to the Afghanistan National Security Forces and military training. Our future work in Afghanistan will continue to benefit from the talent and dedication of local staff, and we will never forget this.

CCTV and Surveillance

Statement

The Parliamentary Under-Secretary of State, Home Office (Lord Taylor of Holbeach): The Government favour the use of CCTV and automatic number plate recognition (ANPR) systems as a crime-fighting and public protection tool. It supports the use of overt surveillance in a public place when it is in pursuit of a legitimate aim; necessary to meet a pressing need; and proportionate, effective, and compliant with any relevant legal obligations.

Like the public, the Government expect that where CCTV is deployed it is as effective as it can be in meeting its stated purpose and has appropriate privacy safeguards.

The public must, however, have confidence that such surveillance is appropriate and proportionate, and that those who operate the camera systems, or use the images and information they capture, demonstrate integrity in so doing and can be held to account.

This is why the Protection of Freedoms Act 2012 now requires Government to put in place a regulatory framework for surveillance camera systems comprising a code of practice and a surveillance camera commissioner. The appointment of Mr Andrew Rennison as Surveillance Camera Commissioner was announced in a Written Statement on 13 September 2012.

On 7 February 2013, I issued a Written Statement to the House announcing arrangements for a period of statutory consultation in relation to the preparation of the code of practice required under Section 29 of the Protection of Freedoms Act 2012 for the regulation of surveillance camera systems (the code).

We have now given careful consideration to the 134 submissions made in response to that consultation exercise, and are today publishing the Government response. Our response summarises comments and views expressed about the preparation of the code and about the position of the three non-territorial police forces and the Serious Organised Crime Agency in relation to the code. It also provides detail about further amendments made to the code in the light of consultation and says more about plans for implementation and review of the code once it is brought into force.

The code is being laid before Parliament today, along with the necessary draft affirmative order to bring it into force. Copies will be available in the Printed Paper Office.

This code provides a single source of bespoke guidance and is intended to increase understanding of existing legal obligations in relation to the overt use of surveillance camera systems in public places, and to promote good practice—particularly in encouraging: regular reviews of whether use remains justified; greater transparency; and the effective use of a system in meeting its stated purpose through working to relevant standards.

The draft code also establishes a framework within which the Surveillance Camera Commissioner can fulfil his statutory functions and publicise how this will be done, whilst retaining some flexibility to enable him to influence and respond to future developments in surveillance camera technology and practice.

A copy of the Government response to consultation will be placed in the House Library.

Correction to Lords Oral Question

Statement

Earl Attlee: I regret to inform the House about an inaccuracy in part of the response I gave to a Question on 22 May 2013 about daylight saving (*Official Report,* col. 837). I said that time is a devolved matter for Scotland and Northern Ireland. In fact time is a devolved matter for Northern Ireland but is reserved to Westminster for Scotland (and Wales).

Energy: Climate Change

Statement

The Parliamentary Under-Secretary of State, Department of Energy and Climate Change (Baroness Verma): My right honourable friend the Secretary of State for Energy and Climate Change (Edward Davey) has made the following Written Ministerial Statement.

Earlier this year, the European Commission adopted a Green Paper on a 2030 framework for climate and energy policies. The Government will be responding to the Commission consultation to set out how we believe the 2030 framework should look in order to give businesses the certainty they need to invest in low carbon to enable cost-effective emissions reduction and ensure the EU remains a world leader in low carbon technologies. The UK Government position on the EU 2030 framework is:

we strongly support EU action to tackle climate change and to help deliver the EU's goal of limiting global temperature rise to 2 degrees. We remain committed to an increase in the EU climate target for 2020 to 30% and are pushing strongly for urgent structural reform of the EU Emissions Trading System (ETS) to ensure it continues to incentivise investment in low carbon;

we must celebrate the success of the 2020 climate and energy package. By 2011 EU emissions were already down 17.6% on 1990 levels (Reference: European Environment Agency);

but we should also learn the lessons from 2008 package—the EU climate deal for 2020 was not sufficiently ambitious, and the renewables target was the product of a time when renewables badly needed a catalyst. The EU has moved on since then; we need to see a new deal on greenhouse gas targets that is ambitious, but which has flexibility to let countries follow their most cost-effective decarbonisation approach;

looking to 2030, the EU should adopt a unilateral EU target for 2030 of a 40% reduction on 1990 levels. In the context of an ambitious global climate agreement for the period beyond 2020, the EU's target should increase to up to a 50% reduction on 1990 levels; and

we believe that the best way to deliver our low-carbon goal is through a binding GHG target and a strong EU Emissions Trading System, with flexibility for member states to pursue a wide range of options to decarbonise in the least-cost way. While we strongly support renewables to 2020 and beyond, we do not believe a binding EU renewables target would be cost-effective, fit well with our electricity market reforms which incentivise low-carbon generation in a technology-neutral way, or be in line with the Government's commitment to sector-neutral and least-cost emissions reduction. We support EU action where appropriate to enable increased levels of renewables, such as a renewed focus on research and development under the Strategic Energy Technologies Plan and ongoing work to complete the single energy market.

I will be working closely with my EU partners over the coming months to try to ensure that the EU can at the earliest opportunity agree an ambitious but flexible 2030 Climate and Energy Framework.

EU: Energy Council

Statement

The Parliamentary Under-Secretary of State, Department of Energy and Climate Change (Baroness Verma): In advance of the forthcoming Energy Council in Luxembourg on 7 June, I am writing to outline the agenda items to be discussed.

The presidency is planning to give a progress report on negotiations of the draft directive amending directives relating to the quality of petrol and diesel fuels and on the promotion of the use of energy from renewable sources. The draft directive seeks to address indirect land use change (ILUC) emissions and encourage the transition to advanced biofuels. The presidency has put forward amended proposals but there are still divided views in the council on them. The UK supports the introduction of ILUC factors into the amended directives and is concerned that the present proposals do not go far enough to address ILUC factors.

The council is then expected to agree conclusions on the Commission communication on the internal energy market, which was published on 16 November 2012. We are content with the text of the conclusions, which sets out measures for strengthening and developing the internal energy market. We also expect the presidency to report on the outcome of the May European Council but no discussion is envisaged.

There will be a debate on the Commission's recent communication on energy technologies, which outlines the need for better and cheaper low-carbon energy technologies to be developed faster to help reduce the costs of achieving the EU's energy-related policy goals up to 2050. The UK welcomes the communication and supports most of the Commission's messages.

The presidency and Commission will present a report on a number of international energy relations items, including EU-Russia, the International Energy Agency, the Clean Energy Ministerial, the Southern Corridor, and an EU-Algeria Memorandum of Understanding on Energy.

Finally, the Lithuanian delegation will present the programme for their presidency.

EU: Foreign Affairs and Development Foreign Affairs Councils

Statement

The Senior Minister of State, Department for Communities and Local Government & Foreign and Commonwealth Office (Baroness Warsi): My honourable friend the Minister of State for Europe (David Lidington) has made the following Written Ministerial Statement.

My right honourable friend the Secretary of State for Foreign and Commonwealth Affairs attended the Foreign Affairs Council (FAC) on 27 May and my right honourable friend the Secretary of State for International Development attended the Development Foreign Affairs Council in Brussels on 28 May. The FAC and Development FAC were chaired by the High Representative of the European Union for Foreign Affairs and Security Policy, Baroness Ashton of Upholland.

Commissioners Damanaki (Maritime Affairs and Fisheries), Georgieva (International Co-operation, Humanitarian Aid and Crisis Response), Potocnik (Environment), Füle (Enlargement) and Piebalgs (Development) were in attendance for some of the discussions at the FAC and Development FAC.

A provisional report of the meetings and Conclusions adopted can be found at: http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/137317.pdf.

Foreign Affairs Council

Syria

Ministers agreed conclusions that focussed on reiterating the EU's concern at the situation in Syria especially the humanitarian crisis, highlighting the EU's support for progress in Geneva based on the principles of the 2012 Geneva communiqué, support for the Syrian Opposition and the Istanbul meeting, and post-conflict planning.

Ministers agreed that a council decision putting in place the sanctions package for the next 12 months would be adopted before the existing sanctions expired on 1 June. Ministers agreed to end the EU arms embargo and return decisions on arms provision to the member states. They agreed a framework of safeguards to guide those member states who might decide to provide arms: arms can only be sent to the Syrian National Coalition for Opposition and Revolutionary Forces, and must be intended for the protection of civilians; member states must require safeguards that ensure delivery to the intended recipients; and Ministers confirmed that existing obligations under the EU common position for arms exports remain in place. Member states said they would not proceed at this stage with deliveries of arms, in order to give time for the Geneva II process to succeed. Separately from this, Ministers also agreed to review the council position on the arms embargo before 1 August, on the basis of a report from the high representative.

Common Security and Defence Policy (CSDP)

Ministers discussed preparations for the December European Council discussion on Defence. Baroness Ashton highlighted the need to spend national defence budgets more effectively in order to develop key military capabilities and strengthen Europe's defence industry. Baroness Ashton stressed that implementation of the EU's comprehensive approach was key to a successful CSDP and that the EU needed to improve its civilian missions. There was widespread support from Ministers for Germany's recent non-paper on civilian CSDP, of which the UK is a co-signatory, with an emphasis on improving mission planning, speed of deployment and access to funding. Other member states also raised maritime security, cybersecurity, the need for CSDP to complement NATO, the utility of regional approaches to European capability development, the EU's role in the western Balkans and the timing of Baroness Ashton's report on EU CSDP.

Middle East peace process

The planned discussion on the Middle East peace process was postponed until the June FAC.

Iran E3+3

Baroness Ashton updated Ministers on her meeting with the Iranian Chief Negotiator Jalili in Istanbul on 15 May where Baroness Ashton had stressed that Iran needed to consider seriously the E3+3's confidence building measures.

Mali

Baroness Ashton briefed Ministers on the high-level donors' conference on Mali which took place in Brussels on 15 May. More than €3.25 billion had been pledged, including €520 million from the EU. Baroness Ashton said that progress was being made on the political front and that preparations for the handover from AFISMA to the UN were going well. Ministers agreed conclusions that confirmed the importance of the political process and national reconciliation.

Somalia

Baroness Ashton welcomed the Somalia conference held in London on 7 May which had demonstrated strong international support for Somalia. The Foreign Secretary noted that the London conference had served as good preparation for the EU Somalia conference to be held 16 September. The Foreign Secretary highlighted the €350 million in new pledges made at the London conference and stressed the need for this to be delivered quickly to improve Somalia's justice systems, police, armed forces and public financial management.

Serbia/Kosovo

Baroness Ashton reported back on her 21-22 May meeting with the Prime Ministers of Serbia and Kosovo, which had agreed an implementation plan following the 19 April agreement on northern Kosovo. Baroness Ashton informed Ministers that the implementation plan had now been approved in both capitals. Rapid implementation of the agreement was needed ahead of discussions in the June General Affairs Council and European Council, which will include consideration of a date for the opening of accession negotiations with Serbia.

Other business

Ministers agreed without discussion a number of other measures, including:

the council authorised member states to sign the arms trade treaty with respect to matters falling under the exclusive competence of the Union. It encouraged member states to sign the arms trade treaty at the solemn ceremony in New York on 3 June or at the earliest possible date;

the council amended legislation implementing the EU restrictive measures in view of the situation in Libya. Changes were made to take account of modifications adopted by the UN Security Council;

the council extended the EU police mission in Afghanistan until 31 December 2014;

the council allocated a budget of €110 million to the EU rule of law mission in Kosovo to cover the period from 15 June 2013 until 14 June 2014;

the council noted the comprehensive annual report on CSDP and CSDP-related training 2012, and approved its conclusions as a basis for further actions to improve training in the field of CSDP;

the council authorised the opening of negotiations with Libya for an agreement on the status of the EU integrated border management assistance mission in Libya (EUBAM Libya);

the council took note of the third report on member states' progress in facilitating the deployment of civilian personnel to CSDP missions;

the council approved an administrative arrangement between the European Defence Agency (EDA) and the Ministry of Defence of the Republic of Serbia, with a view to its conclusion by the EDA steering board. The arrangement sets out procedures for a mutual exchange of information as well as for Serbia's participation in EDA projects and programmes.

Development Foreign Affairs Council

Post-2015 agenda

Ministers endorsed conclusions on the overarching post-2015 agenda that set out the high-level EU position on preparations for a future framework in advance of the September millennium development goals review event. Ministers agreed that the post-2015 and Rio+20 follow up processes should converge. The International Development Secretary said it was vital that the EU send a clear message on the need for an integrated agenda leading to one set of goals, while remaining flexible in international negotiations to the positions of partner countries on the detail. The conclusions will now proceed to the EU Environment Council on 18 June and be considered for adoption at the General Affairs Council on 16 June.

Agenda for Change

Commissioner Piebalgs introduced a Commission/EEAS paper updating member states on progress on implementation of the EU aid reform programme set out in the Agenda for Change, and reiterated his conviction as to its core principles. Joint programming and demonstrating results were particularly important, as well as blending grants and loans to leverage more money for partner countries.

Ministers welcomed the opportunity to scrutinise progress at a political level and many were positive about joint programming. The International Development Secretary called for more action on the results framework so the EU could better demonstrate value for money, and for more information on progress on gender equality, empowerment of women and private sector development.

Food and nutrition security

Ministers agreed conclusions on food and nutrition security in external assistance setting out a new EU policy framework to enhance maternal and child nutrition and a new EU implementation plan. The Irish presidency noted the important work being done by the UK through the G8 presidency and encouraged the EU and member states to support the UK's nutrition for growth event on 8 June.

2012 Official Development Assistance (ODA) Targets

Ministers adopted conclusions on the annual report 2013 to the European Council on EU development aid targets. Commissioner Piebalgs said it revealed a worrying trend and urged member states to take the necessary steps to meet the 0.7% ODA commitment. This was not just about charity but investment from which the EU would benefit in terms of security, immigration and job creation.

European Development Fund

The council established the EU position on the financial protocol concerning the 11th European Development Fund for 2014 to 2020. In total, €31.5 billion will be available for African, Caribbean and Pacific (ACP) states in that period. Ministers also noted that Somalia had acceded to the ACP-EU Partnership (Cotonou) Agreement.

The EU approach to resilience

Ministers agreed conclusions on the EU approach to resilience setting out guiding principles and priorities for implementation.

Other business

The International Development Secretary briefed Ministers on UK G8 presidency priorities, including forthcoming events on trade, tax and transparency, the nutrition for growth event being co-hosted with Brazil and the Leaders' summit at Lough Erne. The UK and France had recently signed up to the extractive industries transparency initiative. The Minister also gave an update on the work of the Global Partnership, which was well placed to support the EU's efforts on post-2015.

The meeting ended with an informal lunch with UN Deputy Secretary-General Jan Eliasson where discussion focused on the post-2015 agenda.

EU: Telecommunications Council

Statement

Lord Gardiner of Kimble: My honourable friend the Minister for Culture, Communications and Creative Industries (Ed Vaizey) has made the following Statement.

The first item is a full tour de table debate guided by questions from the presidency on the Digital Agenda for Europe—the role of the telecommunications and ICT sectors. The Commissioner for the digital agenda, Vice-President Kroes is planning to launch an initiative with the aim of achieving the goal of a further integrated European telecoms single market. It forms part of the goal to achieve a pan-European Digital Single Market by 2015; though the telecoms single market measures may have a longer timescale before realisation. This new initiative will include legislative measures and we are expecting the outcomes of this debate to inform this package of measures which will be adopted by the Commission before the summer. This package will in turn contribute to the debate at the European Council in October which will focus on digital and innovation issues. We have had initial discussions with the Commission on this initiative.

This debate will focus on two questions: garnering member states' views on how to realise the ambition of a more integrated telecoms single market and how to realise further pan-European spectrum harmonisation. My intervention will note that while the UK welcomes the idea of a further integrated single market in telecoms in principle, we will need to see the details of the initiative first, before we comment in any detail. I will also state that any proposals will need to strike the right balance between allowing consolidation in the telecoms market but still ensuring that there is vibrant competition.

The next is a progress report from the presidency, followed by an orientation debate on the proposal for a directive of the European Parliament and of the council concerning measures to ensure a high level of network and information security across the Union. (First reading EM6342/13) My intervention will include that we welcome the Commission's overarching ambition to raise cyber capabilities across the EU and that we will work with the Commission and other member states to ensure that any potential legislative measures are aligned and, further, that they do not place disproportionate burdens on businesses or the public sector operating in the EU or create the wrong incentives for sharing information.

The presidency will then provide a progress report on the proposal for a regulation of the European Parliament and of the council on electronic identification and trust services for electronic transactions in the internal market (First reading EM10977/12) The UK does not currently foresee the need to intervene on this item.

The council will then look at two proposals under the banner of digital infrastructure and services. The first item looks at the proposal for a regulation of the European Parliament and of the council on guidelines for trans-European telecommunications networks and repealing Decision No 1336/97/EC (First reading EM16006/11) The UK does not currently foresee the need to intervene on this item.

The second item is a progress report on the proposal for a regulation of the European Parliament and of the council on measures to reduce the costs of deploying high-speed electronic communications networks (First reading EM7999/13) If there is a debate, the UK will say that while we strongly support the Commission's overall objective to support broadband rollout by reducing the cost of deployment, we do not support the use of a regulation to achieve this.

There then follows a progress report on the proposal for a directive of the European Parliament and the council on the accessibility of public sector bodies' websites, (First reading EM17344/12), which was published on 4 December 2012. The UK does not currently foresee the need to intervene on this item.

Any Other Business

Finally, the Lithuanian delegation will inform the council of their priorities for their forthcoming presidency. We do not currently foresee the need to intervene on this item.

Food: Supply Networks

Statement

The Parliamentary Under-Secretary of State, Department for Environment, Food and Rural Affairs (Lord De Mauley): My right honourable friend the Secretary of State for Environment, Food and Rural Affairs (Owen Paterson) has today made the following Statement.

I would like to announce to the House that my right honourable friend the Secretary of State for Health and I have asked Professor Chris Elliott, of Queen's University Belfast, to lead an independent review into the integrity and assurance of food supply networks in response to the vulnerabilities recently exposed by horsemeat fraud. I am pleased that he has accepted, subject to the necessary formalities being concluded with Queen's University Belfast.

On 15 April (*Official Report*, col. 13WS) the House was informed that it was our intention to take forward a strategic review of the horsemeat incident and its implications for the food chain and regulatory framework. We have since concluded that the review should examine food supply networks more widely. We have therefore asked Professor Elliott to provide advice to me and my right honourable friend the Secretary of State for Health on issues which impact upon consumer confidence in the authenticity of food products and any systemic failures in food supply networks which could have implications for food safety and public health. We expect him to make recommendations to support improvements in current systems and to improve consumer confidence.

The review will begin shortly and I anticipate it will take nine to 12 months to complete. My right honourable friend the Secretary of State for Health and I have asked for interim advice in December and for a final report by spring 2014. We have also asked Professor Elliott to provide emerging findings on the European aspects of the review so that we can continue to influence action at a European level and effectively engage in the European Union process.

The reviewer will in due course issue a call for evidence seeking information and views on the integrity of the food supply network, any vulnerabilities and how assurances might be strengthened to support consumer confidence. Food fraud is completely unacceptable and consumers have every right to expect their food to be correctly described. In response to horsemeat fraud, investigations continue at a number of sites across the UK and Europe.

In April, the Board of the Food Standards Agency commissioned Professor Pat Troop to conduct an independent review of that organisation's response to horsemeat fraud. Professor Troop will be reporting her emerging findings to the Board of the Food Standards Agency at its open meeting later today. My right honourable friend the Health Secretary and I expect any strategic findings from the Pat Troop review to be considered in our joint review into the integrity and assurance of food supply networks.

The terms of reference for the review into the integrity and assurance of food supply networks are being placed in the House Library.

Schools: Funding

Statement

The Parliamentary Under-Secretary of State for Schools (Lord Nash): My right honourable friend the Minister of State for Schools (David Laws) has made the following Statement.

Schools across the country are unfairly funded as a result of a historic and out-of-date system. In March last year, the Secretary of State confirmed that we would rectify these injustices with a new national funding formula. It will be introduced during the next spending review period. The Secretary of State also announced a number of changes to the school funding system to pave the way for a national funding formula. These changes took effect from April 2013.

This started a welcome journey towards a fairer and more transparent funding system, but following consultation with the sector a number of improvements to the initial arrangements need to be made.

The department carried out a review to understand how the changes introduced in April 2013 have been implemented. We published a document on 12 February seeking views from our partners, and officials also undertook fieldwork in 11 local authorities spread across the country.

We are grateful to the many MPs, head teachers, governors, local authority officers and parents who have taken the time to contribute as part of the review.

Today we are publishing a document which sets out the changes we will be making to school funding arrangements in light of the findings from the review.

In order to maintain momentum towards a national funding formula, we will ensure that more money is targeted to pupils. We will require local authorities to allocate a minimum of 80% of their funding on the basis of pupil characteristics and we will also be setting a minimum amount that each pupil should receive.

In our consultation there was concern about the ability of local authorities to support small schools in rural areas. From April 2014, therefore, we will enable local authorities to provide additional funding for schools in sparsely populated areas.

The document also sets out new flexibilities to provide different amounts of funding to cover the fixed costs of primary and secondary (as well as middle and all through) schools. These new flexibilities will ensure local authorities can act to take account of varying fixed costs between different types of school. Schools that merge will also be able to keep some of their funding for fixed costs for at least the first year.

We will continue to target support on deprived and vulnerable pupils. Local authorities will be required to target additional funding to deprived pupils in addition to the pupil premium. We are also making changes to ensure that those pupils who are less likely to attain well at the end of the primary or secondary phase are identified and attract additional funding.

We also want to encourage local authorities to provide the right level of additional funding for schools to enable them to support looked after children, regardless of how long the child has been in care.

We made significant changes to the funding arrangements for pupils with special educational needs last year so we are not making any further substantial changes in 2014. We are, though, intending to require all local authorities to provide notional SEN budgets

to their schools on the basis that the school will meet the costs of the first £6,000 of additional support required by a pupil with SEN.

In the document we are publishing today, we are providing the detailed findings from the review, the approach which will be put in place from April 2014 and technical guidance on this for local authorities. Copies of these documents will be placed in the House Libraries.

Taken together, these changes will further strengthen our funding reforms and will help us move towards our aim of ensuring that pupils attract a more consistent amount of funding wherever they go to school in the country.

Taxation: Anti-avoidance

Statement

The Commercial Secretary to the Treasury (Lord Deighton): My honourable friend the Exchequer Secretary to the Treasury (David Gauke) has today made the following Written Ministerial Statement.

The Government are today tabling an amendment to Finance Bill 2013 to put beyond doubt that a particular stamp duty land tax (SDLT) avoidance scheme is ineffective. The scheme uses the SDLT transfer of rights rules to avoid SDLT on the purchase of UK land. The legislation will have effect from 21 March 2012.

Because of repeated avoidance in this area, at Budget 2012 the Chancellor of the Exchequer made it clear that he would not hesitate to use retrospective legislation to close down future SDLT avoidance schemes.

Acting on this warning it was announced at Budget 2013 that legislation will be introduced in the Finance Bill to close down two schemes, which use the transfer of rights rules, with effect from the date of the Chancellor's warning, 21 March 2012.

Since then a further transfer of rights scheme has been identified. The Government do not accept that the scheme has the effect intended but to remove any doubt, prompt action is being taken to protect the Exchequer.

Given the Chancellor's clear warning last year and the announcement at Budget 2013 of retrospective legislation to close down similar transfer of rights schemes, it should have been obvious to both promoters and users of this scheme that it could be subject to retrospective action.

An updated tax information and impact note and guidance note are available on the HMRC website.

Women's Business Council

Statement

Baroness Stowell of Beeston: My right honourable friend the Secretary of State for Culture, Media and Sport (Maria Miller) has made the following Statement.

The Women's Business Council was set up in 2012 to advise Government on how women's contribution to economic growth could be optimised. I am delighted that they have today published their findings. I would like to thank each of them for their hard work and for the constructive approach they have taken.

The council's report clearly demonstrates the importance of ensuring that women are fully able to contribute to the economy of this country. We cannot afford to ignore the additional contribution that women could make, if the barriers to their full participation in the economy could be resolved. This is not just an equality issue; it is a very important economic issue.

The council has made a series of recommendations for action, by Government and by business, focusing on areas where the economic case for action is clearest.

The Government welcome the recommendations. I am pleased that in many cases the recommendations for Government endorse the Government's current approach, while suggesting ways to go further.

I can announce today that I will be chairing a ministerial taskforce to drive forward the implementation of these. The taskforce will have a clear focus on economic growth, with Ministers from all the relevant departments. The taskforce will have its first meeting shortly and will publish a detailed action plan in the autumn.

In the mean time, I am publishing today the Government's initial response to the council's recommendations, which details a series of early actions which will start to make a real difference to women's lives, in each of the four key areas identified for action by the council. These measures will:

broaden girls' aspirations and help inform their choices at the start of their careers, including encouraging more girls to study science, technology, engineering and maths, and to consider jobs in these areas;

help business culture embrace the benefits of flexible working and support working parents in the second part of their working lives;

ensure that women in the third part of their working lives can utilise their skills and fully contribute to economic growth; and

ensure that women are better supported to set up their own businesses.

Written Answers

Tuesday 4 June 2013

Afghanistan: Interpreters

Question

Asked by ***Baroness Coussins***

To ask Her Majesty's Government whether the resettlement options scheme to be offered to Afghan interpreters who have worked with the United Kingdom Armed Forces will include those working for the secret service; and, if not, why not. [HL500]

The Senior Minister of State, Department for Communities and Local Government & Foreign and Commonwealth Office (Baroness Warsi): It is the policy of successive Governments not to comment on matters of intelligence and national security.

Agriculture: Intensive Farming

Questions

Asked by ***Baroness Miller of Chilthorne Domer***

To ask Her Majesty's Government whether they have received assessments of the whole carbon cycle of (1) a litre of milk, and (2) a kilogram of pork, produced under (a) traditional extensive husbandry methods, and (b) intensive indoor conditions. [HL482]

The Parliamentary Under-Secretary of State, Department for Environment, Food and Rural Affairs (Lord De Mauley): A 2005 study for Defra: *Determining the environmental burdens and resource use in the production of agricultural and horticultural commodities* (IS0205) considered different dairy management systems (spring versus autumn calving). The study analysis, below, compared a range of milk production systems but did not include fully-housed dairy animals.

Comparison burdens of production of some alternative milk production systems (kg CO_2e per litre of milk)

Non-organic	*Organic*	*More fodder as maize*	*60% High yielders*	*20% autumn calving*
1.06	1.23	0.98	1.02	1.03

The table below gives carbon dioxide equivalent emissions (i.e. CO_2 and methane/nitrous oxide emissions expressed as 002) of a kg of pig meat from a variety of systems:

Indoor breeding and Finishing	*Outdoor breeding, Indoor Finishing*	*Organic fully Outdoor*
6.42	6.33	5.64

Asked by ***Baroness Miller of Chilthorne Domer***

To ask Her Majesty's Government how many intensive dairy farms exist in the United Kingdom; and how many house more than (1) 500, and (2) 1000, dairy cows. [HL483]

Lord De Mauley: We do not collect data based on the intensiveness of farm businesses and to do so would be at disproportionate cost. However, at June 2010 there were an estimated 23,541 commercial holdings with dairy cows in the UK. Of these, 107 holdings had between 501 and 1,000 dairy cows and a further 10 holdings had more than 1,000 dairy cows.

These figures are from the 2010 Farm Structure Survey.

Architecture and the Built Environment

Questions

Asked by ***Baroness Whitaker***

To ask Her Majesty's Government whether the independent review of architecture, the built environment and a possible Government architecture policy, to be led by Sir Terry Farrell, will include the totality of places and not only buildings. [HL18]

Lord Gardiner of Kimble: The review of architecture and the built environment, which Sir Terry Farrell has been asked to carry out, will take a holistic approach to the built environment, and a public call for evidence will be issued soon allowing all stakeholders to submit their views on the subject.

Asked by ***Lord Marlesford***

To ask Her Majesty's Government whether they anticipate new guidance being added to the National Planning Policy Framework as a result of the report of the review of architecture and the built environment led by Sir Terry Farrell. [HL395]

The Parliamentary Under-Secretary of State, Department for Communities and Local Government (Baroness Hanham): There are no current plans to review the National Planning Policy Framework. The Government will consider the outcome and recommendations of the Farrell review when it is published.

Asked by ***Lord Marlesford***

To ask Her Majesty's Government whether they will arrange for the terms of reference, membership and the experience of the membership of the advisory board of the review of architecture and the built environment led by Sir Terry Farrell to be published in the *Official Report*; and when they expect the review to report. [HL396]

Lord Gardiner of Kimble: The terms of reference were published on the www.gov.uk website on 25 March, together with the membership of Sir Terry Farrell's advisory panel. Further details about the advisory panel will be published on the review's website, www.farrellreview.co.uk shortly. This information will shortly be supplemented by a call for evidence which will give further details in respect of the subject areas under consideration. It is expected Sir Terry Farrell will produce a report by the end of the year.

Argentina

Question

Asked by ***Lord Laird***

To ask Her Majesty's Government whether they propose to impose sanctions on Argentina's exports to the United Kingdom if that country continues to claim the Falkland Islands. [HL447]

The Senior Minister of State, Department for Communities and Local Government & Foreign and Commonwealth Office (Baroness Warsi): The UK has no doubt about its sovereignty over the Falkland Islands and surrounding maritime areas, nor of the Falkland Islanders' right to decide their own future and their clear wish to remain an Overseas Territory of the UK, as expressed through the referendum held in March 2013. The Government actively challenge any statements issued by the current Government of Argentina suggesting otherwise.

As a member of the EU, the Government implement trade sanctions in accordance with agreed EU procedures. Imposing a sanctions regime on Argentina would breach our World Trade Organisation treaty commitments and risk escalating a trade dispute.

Audit Commission

Question

Asked by ***Lord Beecham***

To ask Her Majesty's Government what is their detailed estimate of the cost of abolishing the Audit Commission. [HL514]

The Parliamentary Under-Secretary of State, Department for Communities and Local Government (Baroness Hanham): The abolition of the Audit Commission will save a substantial amount of taxpayers' money. The local audit impact assessment sets out the detailed estimate of the cost of abolishing the Audit Commission. In total, the gross transition costs relating to the abolition of the Audit Commission and the setting up of the new audit regime are estimated to be approximately £79.5 million. However, these transition costs are included in the overall assessment of net savings of £1.2 billion over the 10-year period from 2009-10 to 2019-20. A copy of the impact assessment has been placed in the Library of the House.

BBC: Charter

Question

Asked by ***Lord Ashcroft***

To ask Her Majesty's Government whether they will initiate an inquiry as to whether the BBC is fulfilling its Charter responsibilities and television licence holders are getting value for money. [HL141]

Lord Gardiner of Kimble: The Government do not intend to initiate an inquiry along these lines as the BBC Trust is responsible for holding the BBC to account for the performance of its functions and for its compliance with the law and regulatory requirements. The BBC Trust regularly carries out in-depth value for money reviews on areas of BBC expenditure, some of which are commissioned from independent consultants with specialist expertise and some of which are conducted by the National Audit Office.

Chagos Islands

Question

Asked by ***Lord Ramsbotham***

To ask Her Majesty's Government whether they will commission an independent study to re-evaluate the science and practicality of resettlement of the Chagos Archipelago, in consultation with the Chagossians, in the light of the recent report by Dr Paul Kench which concluded that the 2002 feasibility study used untested models and contradictory evidence. [HL371]

The Senior Minister of State, Department for Communities and Local Government & Foreign and Commonwealth Office (Baroness Warsi): We are currently reviewing our policy on the British Indian Ocean Territory. We do not have a timetable for the conclusion of this review but will update Parliament as soon as we are in a position to do so.

Child Minders and Nursery Staff

Question

Asked by ***Lord Storey***

To ask Her Majesty's Government what consideration they have given to (1) the safety and well-being of (a) child minders, and (b) nursery staff, and (2) the estimated reduction in childcare costs, as part of their proposals to increase the number of children that may be cared for by a single adult. [HL471]

The Parliamentary Under-Secretary of State for Schools (Lord Nash): The Government have considered the impact of the proposed staff: child ratio changes on providers, staff (including childminders) and children.

The Department for Education has produced analysis which examines the potential impact of the proposed ratio changes on both salaries for staff and fees for parents. That analysis is available here: https://www.gov.uk/government/publications/request-for-costs-and-benefits-of-the-childcare-ratios-proposed-in-more-great-childcare.

Nurseries and childminders must continue to meet the welfare and safeguarding requirements in the Early Years Foundation Stage framework.

Table 1: Nursery ratios summary

Provider	*Nurseries*			
Age	*Under 1*	*1*	*2*	*3+*
England (current ratios)	1:3	1:3	1:4	1:8 or 1:13
England (proposed ratios where there are high quality staff)	1:4	1:4	1:6	1:8 or 1:13
Netherlands	1:4	1:5	1:6	1:8
France	1:5	1:8	1:8 or 1:12	1:8 or 1:26
Ireland	1:3	1:5	1:6 or 1:11	1:8 or 1:11
Denmark	None	None	None	None
Germany	None	None	None	None
Sweden	None	None	None	None

Source: DfE obtained figures by a bespoke survey of 15 OECD countries (fieldwork carried out in 2012).

Notes:

England - Over-3s ratio is 1:13 if led by a teacher.

France - Ratios vary by provider type: crèches (1:5 children who cannot walk and 1:8 children who can walk); jardins d'éveil (1:12 children between two and three years old); kindergartens and pre-schools (1:26 children aged three to compulsory schooling, where led by a teacher).

Ireland - In sessional pre-school provision the staff:child ratio is 1:11 for children aged 2.5 years to six years. In full/part time daycare provision the ratio is 1:6 for two year olds and 1:8 for three to six year olds.

Germany - although there are no national mandatory staff: child ratios, individual Länder (regions) are free to set their own regulations.

Table 2: Childminder ratios summary

	Childminders						
Age	*0*	*1*	*2*	*3*	*4*	*5*	*6*
England (current)	1:1	1:3	1:3	1:3	1:3	1:3	1:6
England (proposed)	1:2	1:4	1:4	1:4	1:4	1:4	1:6
Denmark	1:5	1:5	1:5	1:5	1:5	1:5	1:5
France	1:4	1:4	1:4	1:4	1:4	1:4	1:4
Germany	1:5	1:5	1:5	1:5	1:5	1:5	1:5
Netherlands	1:2	1:4	1:5	1:5	1:5	1:6	1:6
Ireland	1:2	1:2	1:5	1:5	1:5	1:5	1:5
Sweden							None

Source: DfE obtained figures by a bespoke survey of 15 OECD countries (fieldwork carried out in 2012).

Notes:

England (current) - Childminders can have a maximum of six children under the age of 8, a maximum of three young children (until 1st September following their 5th birthday), and a maximum of one child under 1.

England (proposed) - Childminders can have a maximum of six children under the age of 8, a maximum of four young children (until 1st September following their 5th birthday), and a maximum of two children under 1. Ratios can be exceeded by one for reasonable periods of time to allow for overlaps between children.

Denmark - The number of children per adult is regulated by law.

Ireland - Childminders can care for five children (including their own) and no more than two under the aged of 15 months.

Table 3: Average annual salaries (GBP £)

European country	*Childminders (family daycare)*	*Childcare workers in more formal settings (e.g. crèche or accredited play groups)*	*Supervisors / managers of formal settings*	*Primary school teacher*
Denmark	£21,500	£20,350	£32,800	£38,050
Finland	£14,800	£18,800	£22,300	£28,100
France	£13,250	£16,300	£23,950	£25,400
Germany	£14,600	£19,150	£28,250	-
Netherlands	£22,500	£22,100	£34,400	£34,000
Sweden	£20,150	£22,450	£29,250	£23,250
England	£11,400	£13,300	£16,850	£33,250

Source: Figures obtained via a DfE survey of UK Embassies (November 2012), in the case of England via the Childcare and Early Years Providers Survey 2011 and for France: INSEE / déclarations obligatoires des entreprises aux organismes sociaux (màj. extrapolée 2012). Primary school teacher salaries are from Eurydice (2012) Teachers' and School Heads' Salaries and Allowances in Europe, 2011/12, and OECD (2012) Education at a glance.

Notes:

1. Figures are converted using Purchasing Power Parity (PPP). All figures have been rounded to the nearest 50.

2. For England, France and Finland, the salaries for childcare workers and supervisors are averages. For the remaining countries, salaries are based on mid-point estimates.

3. The salaries for childcare workers, supervisors/managers and primary school teachers are for staff in the private and public sectors, apart from the figure for primary teachers in England which is for the public sector only.

4. The salaries for childcare workers and supervisors/managers are on a full-time basis. The typical working patterns and definitions of full-time will differ by country. For England the definition of full-time used is 39 hours per week for 52 weeks per year.

5. The salary figures for supervisors in England are for staff defined as those who are qualified to supervise a group of children on their own. They do not necessarily supervise other members of staff. This is different from a senior manager who is the person with overall responsibility for managing the provision in a setting. For the other countries the salaries are for staff in either a supervisory or a managerial role.

6. The childcare worker and supervisor salary figures for England are based on staff in private, voluntary and maintained full daycare settings only.

7. For the Netherlands, the childminder salary is based on approximately £4 per child per hour for a maximum of five children for an average of 21.6 hours per week for 52 weeks per year.

Notes on Primary school teacher salaries:

8. Denmark – includes part-time workers.

9. France – based on the mid-point of the salary scale for a primary teacher with the minimum required qualifications.

10. Sweden – covers teachers in primary and lower secondary, includes part-time workers.

11. Salary data for primary school teachers in Germany not available.

Democratic Republic of the Congo

Question

Asked by ***Lord Alton of Liverpool***

To ask Her Majesty's Government whether they will publish their assessment of the outcomes and effectiveness of the United Kingdom Government-funded programme training the Democratic Republic of the Congo's military forces at Cranfield University and the Royal Military Academy; and what impact that programme has had on the levels of the rape of civilians by members of the military in the Democratic Republic of the Congo. [HL223]

The Parliamentary Under-Secretary of State, Ministry of Defence (Lord Astor of Hever): Since 2006, two military officers from the Democratic Republic of Congo (DRC) have undertaken the managing defence in the wider security context (MDWSC) course at Cranfield University. No one from DRC has attended the Royal Military Academy during this period.

The MDWSC is a seven-week course aimed at middle ranking officers and officials. It examines approaches to the governance and management of defence in developed and transitional democracies and addresses issues such as policy development, leadership, governance, international law, and change management. Like all UK military education and training for overseas nations it presents the same foundations of rule of law, democratic control of Armed Forces, and respect for human rights as underpin training to our own Armed Forces.

Defence education in DRC targets potential future leaders within the DRC military, and is intended to inculcate a mind set of change, encouraging acceptance of the need for greater accountability, improved respect for human rights, and a longer term process of reform. It is unlikely that we would be able to identify any direct correlation between this targeted training and sexual violence in the DRC.

Embryology

Question

Asked by ***Lord Alton of Liverpool***

To ask Her Majesty's Government, further to the Written Answer by Viscount Younger of Leckie on 11 February (*WA 99–100*), whether they will place in the Library of the House a copy of the advice obtained from the Medical Research Council in which it was stated that researchers in Newcastle have overcome challenges associated with somatic cell nuclear transfer on the basis of insights gained from pronuclear transfer; and whether they will indicate when a detailed account of those advances will be provided by the researchers concerned; and in which future publication the data will be described. [HL380]

The Parliamentary Under-Secretary of State, Department for Business, Innovation and Skills (Viscount Younger of Leckie): The advice obtained from the Medical Research Council (MRC) was essentially that stated in the original Answer.

A research paper describing further findings of the MRC grant to the University of Newcastle, *Improving the Efficiency of Human Somatic cell Nuclear Transfer* (SCNT) has been submitted for publication and is currently in scientific review. This paper was referred to on 5 November 2012 (*WA 167-168*) and 11 February 2013 (*WA 99-100*).

The manuscript submitted includes a detailed account of how the researchers have addressed some of the challenges associated with somatic cell nuclear transfer. Once the paper is published, the researchers will be in a position to provide further information on how the development of specific technical modifications were informed by their research on pronuclear transfer, which shared some of the technical challenges of somatic cell nuclear transfer.

Further information on the content of the paper and the journal cannot be provided at present as this may compromise publication. As the manuscript is currently in scientific review the likely date of publication is not known.

Energy: Prices

Questions

Asked by ***Lord Oakeshott of Seagrove Bay***

To ask Her Majesty's Government which United Kingdom regulatory body or bodies are responsible for regulating price-reporting agencies in the energy sector. [HL340]

The Parliamentary Under-Secretary of State, Department of Energy and Climate Change (Baroness Verma): There is no specific, regulatory framework in the UK and on a pan-European level governing the activities of Price Reporting Agencies (PRAs). Those forming price reports or providing information to price reporters in the energy sector are, however, required to comply with generally/applicable legislation, including the European Regulation on Wholesale Energy Integrity and Transparency as well as competition law.

The International Organisation of Securities Commissions, of which the Financial Conduct Authority is a member, published Principles for Oil Price Reporting Agencies to follow in October 2012. IOSCO is currently reviewing their implementation by all PRAs.

OFGEM is currently assessing the broader role and impact on the gas and electricity markets of price benchmarking including Price Reporting Agencies.

Asked by ***Lord Myners***

To ask Her Majesty's Government, further to the Written Answer by Lord Deighton on 11 March (*WA 14*), stating that they had "not seen evidence of the manipulation of Brent crude prices by financial speculators", and in the light of the recent raids on oil companies by the European Commission, when they were first advised by the European Union, United Kingdom competition authorities or the Financial Services Authority that market manipulation was suspected. [HL390]

The Commercial Secretary to the Treasury (Lord Deighton): The European Commission announced on Tuesday 14 May 2013 that it had carried out "unannounced inspections at the premises of several companies active in and providing services to the crude oil, refined oil products and biofuels sectors". Government officials first became aware of the European Commission's concerns that "companies may have colluded in reporting distorted prices to a Price Reporting Agency to manipulate the published prices for a number of oil and biofuel products" and that "the companies may have prevented others from participating in the price assessment process, with a view to distorting published prices" on that day. Government officials were in contact with the Office of Fair Trading on 15 May about this investigation.

EU: Taxation

Question

Asked by ***Lord Marlesford***

To ask Her Majesty's Government what is the threshold of domestic turnover for registration for VAT in each member state of the European Union; and whether the European Commission has made any proposal to harmonise those thresholds.[HL466]

The Commercial Secretary to the Treasury (Lord Deighton): The European Commission publishes details of VAT registration thresholds in the member states. Their latest edition (March 2012) can be found at: http://ec.europa.eu/taxation_customs/resources/documents/taxation/vat/traders/vat_community/vat_in_ec_annexi.pdf.

No proposal has been made by the European Commission to harmonise VAT registration thresholds.

Finance: Investment Trusts

Question

Asked by ***Lord Myners***

To ask Her Majesty's Government what action they are taking to ensure that the remuneration of United Kingdom-based investment trust and unit trust fund managers is not restricted by European regulation. [HL391]

The Commercial Secretary to the Treasury (Lord Deighton): The Government do not intend to apply the majority of the provisions of the alternative investment fund managers directive (AIFMD) to small managers of investment funds, including the new remuneration requirements.

The Financial Conduct Authority (FCA) is considering ESMA guidelines on remuneration for full scope AIFMD managers. The FCA will determine whether application of the guidelines is appropriate and it will make a policy statement in due course.

The Government are also working to secure a balanced outcome in the ongoing UCITS V negotiations that will promote sound remuneration practices without imposing restrictions.

First World War: Commemoration

Question

Asked by ***Lord Dykes***

To ask Her Majesty's Government, in the light of current pressures on public spending, how they will ensure that plans to commemorate the centenary of the First World War provide value for money; and whether they have considered cancelling those plans. [HL506]

Lord Gardiner of Kimble: The First World War centenary commemoration programme of funded activity, announced by the Prime Minister in October 2012, will provide a legacy that will extend beyond the 2014-18 period. This will include the opening of the new First World War Galleries at the Imperial War Museum, valuable education and community benefits arising from the government-funded Battlefield Visits programme for maintained secondary schools in England, as well as lottery-funded projects that will either support nationally important assets such as HMS "Caroline" or link communities to their local First World War heritage. These activities will deliver significant value by ensuring that an understanding of the events of 1914-18, at home and on the Front Line, will be passed to future generations.

Fuel Laundering

Questions

Asked by ***Lord Empey***

To ask Her Majesty's Government what estimate they have made of the amount of fuel duty evaded as a result of illegal fuel laundering plants. [HL401]

To ask Her Majesty's Government whether they have entered into arrangements with any individuals or companies to pay fuel duty on illegally traded fuel in order that those individuals or companies could avoid prosecution. [HL402]

To ask Her Majesty's Government how many prosecutions have occurred in the last three years for which figures are available of individuals or companies suspected of laundering or selling illegally produced fuel. [HL403]

To ask Her Majesty's Government when they last discussed the operation of fuel laundering plants with the Government of the Republic of Ireland; and what was the outcome of those discussions. [HL404]

To ask Her Majesty's Government whether they have any information linking Irish Republican paramilitary organisations to the production and distribution of laundered fuel in the United Kingdom; and, if so, what is the estimated annual value of such sales. [HL405]

To ask Her Majesty's Government whether Irish Republican organisations have been found to own or operate businesses engaged in the distribution or production of laundered fuel products in the United Kingdom. [HL406]

The Commercial Secretary to the Treasury (Lord Deighton): HM Revenue and Customs (HMRC) does not have a figure for fuel duty evaded as a result of fuel laundering as this is only one aspect of fuel fraud. However, the Government publish tax gap figures resulting from the illicit use of fuel on pages 23-26 of HMRC's *Measuring Tax Gaps 2012*[1].

HMRC policy is to arrest any individuals suspected of involvement in fuel fraud, where it is proportionate to do so. Where there is sufficient evidence HMRC reports them to the Public Prosecution Service (PPS) for prosecution. Civil penalties may also be applied to lower level misdemeanours that would not warrant criminal action HMRC has never entered into an arrangement with individuals or companies whereby in return for payment of duties they would secure an amnesty from prosecution.

Figures for oils fraud prosecutions in the past three years are set out below and available in Annex B of the Northern Ireland Department of Justice consultation document on excise evasion sentencing[2].

Oils

Northern Ireland			*Outcome of case*	*England and Wales*		
2010-11	*2011-12*	*2012-13 (First three quarters)*		*2010-11*	*2011-12*	*2012-13 (First three quarters)*
4	4	7	Convictions	7	1	2
0			Acquittals	7		
0	0	0	Custodial sentences (not suspended)	4	1	0
3	1	3	Suspended custodial sentence	3		1
1	2	2	Non custodial sentence	0	0	0
	1	2	Awaiting sentence		0	1
Of the 12 sentenced: Custodial sentence—0—0%; Suspended sentence—7—58.33%; Non custodial sentence—5—41.66%				Of the 9 sentenced: Custodial sentence—5—55.6%; Suspended sentence—4—44.4%; Non custodial sentence—0—0%		

HMRC chairs the quarterly meeting of the Cross Border Fuel group, a sub-group of the Organised Crime Task Force. This group has representation from HMRC, the Police Service of Northern Ireland, Serious Organised Crime Agency, An Garda Siochana, the Revenue Commissioners, Criminal Assets Bureau and the Environment Agencies from both North and South of the border. Operational co-operation and understanding is considerable and there have been many joint successes. Issues discussed include current and planned operational activity across the civil and criminal regimes, and the group is constantly considering new ways of responding to criminal attack from the illicit trade in fuel. The last meeting was on 27 February.

As a tax collection agency HMRC is responsible for tackling fraud, and targets those involved in fraud because they are robbing the Exchequer of vital public revenues. Any other connections that fraudsters may have are the responsibility of other agencies and not HMRC. HMRC's focus is firmly and solely on stopping fraud and protecting the revenue.

[1] http://www.hmrc.gov.uk/statistics/tax-gaps/mtg-2012.pdf

[2] http://www.dojni.gov.uk/index/public-consultations/current-consultations/unduly-lenient-sentencing-for-excise-fraud.pdf

G8

Question

Asked by ***Lord Judd***

To ask Her Majesty's Government what priority they are giving within the G8 to the furtherance of the principles of open, accountable, equitable and inclusive decision-making within international institutions and within the G8 itself. [HL312]

Lord Wallace of Saltaire: The Prime Minister's 2010 Governance for Growth report highlighted the importance of working to: build consensus in the areas where it is most needed; drive collective action; and support the work of existing international bodies and institutions. This year's G8 works in that spirit by delivering a concrete and ambitious agenda on tax, trade and transparency that benefits G8 countries and developing countries alike. For example, by working with organisations such as the Organisation for Economic Co-operation and Development (OECD) and the Financial Action Task Force (FATF) we will promote more effective rules and standards that support global economic activity.

The 2013 presidency will publish a comprehensive accountability report which will set out G8 progress against the previous 56 development commitments that were the subject of the 2010 comprehensive accountability report and the additional commitments leaders made at Muskoka, Deauville, and Camp David Summits. Comprehensive accountability reports will be published every three years covering progress against [all] G8 commitments.

Higher Education: Overseas Students

Question

Asked by ***Lord Norton of Louth***

To ask Her Majesty's Government what proportion of the budget for international aid is devoted to the provision of scholarships for overseas students to undertake higher education courses in the United Kingdom; and what plans there are to expand the provision of such scholarships. [HL419]

Baroness Northover: DfID primarily supports scholarships through the Commonwealth Scholarship Commission. A total of £87 million is committed to Commonwealth scholarships over four years from 2011-12 to 2014-15. In 2012, this was £21.06 million, which represented 0.24% of the UK's overseas development assistance in 2012 . This is in line with DfID's priorities to support programmes targeting those who most need financial support and reached the poorest and most marginalised. No decisions have been taken regarding future investment.

Housing

Questions

Asked by ***Lord Greaves***

To ask Her Majesty's Government in how many houses income tax payers claim a tax allowance on income received from renting out a room in their house; what is their estimate of the number of householders who are prevented from renting out a room by the terms of a mortgage; and how many more householders they estimate would take advantage of such a tax allowance if not prevented from doing so in that way. [HL416]

The Commercial Secretary to the Treasury (Lord Deighton): Under the rent-a-room relief, individuals may rent out a room in their main residence and receive up to £4,250 a year, rent free of income tax. HM Revenue and Customs (HMRC) estimates that about 110,000 individuals claimed this allowance during the tax year 2010-11.

The Government do not hold information on the number of individuals that are restricted from renting out a room in their home because of provisions in their mortgage agreement with their lender as these are usually private agreements between individuals and their lenders.

Asked by ***Lord Alton of Liverpool***

To ask Her Majesty's Government what assessment they have made of the report, *Build-It- Yourself: Understanding the changing landscape of the UK self-build market*; and whether they will encourage lenders to facilitate finance for self-build housing projects. [HL437]

The Parliamentary Under-Secretary of State, Department for Communities and Local Government (Baroness Hanham): The Government welcome the report *Build-It- Yourself Understanding the changing landscape of the UK self-build market*, published by Lloyds Banking Group in partnership with the University of York on 20 May 2013, and is carefully considering its conclusions and recommendations in discussion with industry partners such as the National Self Build Association.

The Government support the report's recommendation that lenders should consider how mortgage products can be tailored to specific procurement routes to aid delivery and will continue to encourage lenders to provide finance for self-build housing projects.

Asked by ***Lord Alton of Liverpool***

To ask Her Majesty's Government what measures they are initiating to facilitate the entry of younger and less affluent households into the self-build market; and what assessment they have made of how Germany and the Netherlands have used self-build to assist such groups. [HL438]

Baroness Hanham: The Government are determined that anyone who wants to build their own home should have the opportunity to do so, including younger and less affluent households.

The Government have been working closely with the self-build industry to introduce a comprehensive range of measures designed to enable the self-build sector to become a mainstream housing option for everyone. These include publishing proposals to give relief to self-builders from paying the Community Infrastructure Levy, asking local planning authorities to assess the need and plan for anyone wanting to build their own homes, bringing forward a surplus public sector land sites for self-build development, and, making available £44 million of funding to help aspiring self-builders and local community groups to get their projects off the ground.

As part of the preparation of the Self Build Action Plan, the Government worked with industry to assess a range of international self-build housing practices, including the approaches to self build in Germany and the Netherlands. Further detail is set out in *An Action*

Plan to promote the growth of self build housing (July 2011). The Minister for Housing also led an international visit to Almere in the Netherlands in May 2012 to identify transferable lessons for self-build practice in England. Lessons from that visit are set out in *Planning for Custom Build Housing—A Practice Guide* (November 2012). Details are available on the National Self Build Association website at www.nasba.org.uk

Iran

Question

Asked by ***Lord Hylton***

To ask Her Majesty's Government what assessment they have made of the purpose of Iranian enrichment of uranium; and on what evidence that assessment is based. [HL387]

The Senior Minister of State, Department for Communities and Local Government & Foreign and Commonwealth Office (Baroness Warsi): The International Atomic Energy Agency (IAEA)'s report of 21 February states that Iran's declared purpose for enriching uranium is for fabrication of fuel for its nuclear facilities and research reactors. However, as the IAEA report notes, as of February 2013 Iran already had just under 6000kg of uranium enriched up to 5% and 167kg enriched up to 20%. This is enough enriched uranium for many years' worth of fuel. We therefore assess that continuing enrichment by Iran and the expansion of its nuclear programme—in violation of UN Security Council Resolutions and Board of Governors—has no plausible civilian justification.

Israel

Question

Asked by ***Lord Hylton***

To ask Her Majesty's Government whether they have access to reports produced by the Temporary International Presence in Hebron since 1997; and what assessment they have made of whether the Israeli authorities have adopted any of the recommendations, and, if so, which. [HL384]

The Senior Minister of State, Department for Communities and Local Government & Foreign and Commonwealth Office (Baroness Warsi): Our officials in Tel Aviv receive weekly Temporary International Presence in Hebron reports and have not made an assessment of the implementations of the recommendations. However, we continue to press the Israeli authorities to comply with their obligations under international law.

Israel and Palestine: West Bank

Question

Asked by ***Lord Hylton***

To ask Her Majesty's Government what representations they have made to the Government of Israel following the decision of that country's Supreme Court to allow Israeli companies to exploit stone quarries in the West Bank, especially about the implications of that decision for international law. [HL386]

The Senior Minister of State, Department for Communities and Local Government & Foreign and Commonwealth Office (Baroness Warsi): Officials at our embassy in Tel Aviv have not raised this specific case but we continue to press the Israeli authorities to comply with their obligations under international law.

Mayoral Referendums

Question

Asked by ***Lord Grocott***

To ask Her Majesty's Government what, over and above the cost of routine local elections, was the total cost of holding 10 mayoral referendums in May 2012; and what was the cost for each individual referendum. [HL428]

The Parliamentary Under-Secretary of State, Department for Communities and Local Government (Baroness Hanham): The impact assessment on creating executive mayors estimated the additional costs of these referendums at just under £2.1 million. In addition, we agreed to refund costs incurred by the authorities on awareness campaigns where appropriate. We are now considering the local authorities' claims and as soon as these are settled we will provide details to the House.

Migrant Domestic Workers

Question

Asked by ***Lord Hylton***

To ask Her Majesty's Government what assessment they have made of (1) the report by Fiona McTaggart MP and Matthew Lawrence, *Service not servitude: protecting the rights of domestic workers*, (2) the report by Kalayaan, *Slavery by another name: the tied migrant domestic worker visa*, and (3) the Republic of Ireland's Code of Practice for Protecting Persons Employed in Other People's Homes. [HL388]

The Parliamentary Under-Secretary of State, Department for Business, Innovation and Skills (Viscount Younger of Leckie): The Government are aware of the reports that the noble Lord raises.

The Government believe that existing safeguards protect the rights of domestic workers. This strikes the right balance between protecting vulnerable workers and ensuring that aspects of employment law which can carry criminal sanction are not extended to private households.

A copy of ILO 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.

Mobile Phones

Question

Asked by ***Lord Birt***

To ask Her Majesty's Government whether they will take action to protect owners of mobile phones from the unlimited liability for charges that occur when handsets are stolen. [HL163]

Lord Gardiner of Kimble: The Government are concerned that consumers are ultimately liable for unauthorised charges generated when their phone is lost or stolen up to the point at which they notify their operator. While the proportion of mobile phone consumers that face unexpectedly high bills (UHBs) as a result of unauthorised use of a lost or stolen mobile phone is relatively low, the financial harm to individual consumers can be significant—in some cases running into several thousand pounds. The Government want mobile operators to take effective action to protect their customers from unauthorised use of lost and stolen phones. We aim to set out the steps we expect operators to take and our proposed approach to securing protection for consumers against unlimited liability for unauthorised use of lost or stolen phones before summer Recess.

National Crime Agency

Question

Asked by ***Lord Laird***

To ask Her Majesty's Government whether they have considered using their powers under Section 26 of the Northern Ireland Act 1998 to direct that the necessary action is taken to give the National Crime Agency the powers to carry out police operations and recruit agents in Northern Ireland. [HL420]

The Parliamentary Under-Secretary of State, Wales Office (Baroness Randerson): The framework under which policing operates in Northern Ireland is an important part of the political settlement. We have no current plans to legislate to give the National Crime Agency powers in the devolved sphere because the Northern Ireland Executive and Assembly have not signalled their consent.

We remain open to discussion with the Northern Ireland Executive about the operation of the National Crime Agency in Northern Ireland. The Crime and Courts Act includes order-making powers to extend the NCA's operational capabilities to Northern Ireland, where appropriate, with the consent of the Assembly. In the mean time, the Government continue to work closely with the Northern Ireland Justice Minister to ensure that the people of Northern Ireland benefit as much as possible from the National Crime Agency.

Overseas Aid

Question

Asked by ***Lord Stoddart of Swindon***

To ask Her Majesty's Government how much United Kingdom overseas aid was spent per head of United Kingdom population in the past five years, including funds distributed by the European Union; and how that figure compares to aid spent by (1) Germany, and (2) the United States. [HL412]

Baroness Northover: The Organisation for Economic Co-operation and Development (OECD) Development Assistance Committee (DAC) publish annual figures on net Official Development Assistance (ODA) spend for each calendar year for United Kingdom, Germany and the United States of America. This is detailed in Table 8 of the "Statistics on International Development" publication which is available online at:

https://www.gov.uk/government/publications/statistics-on-international-development.

Population data from UN World Population Prospects (2010 Revision) are available online at http:/esa.un.org/unpd/wpp/Excel-Data/population.htm.

Overseas Territories

Questions

Asked by ***Lord Jones of Cheltenham***

To ask Her Majesty's Government what progress has been made in achieving the aims and objectives set out in Section 4 of the Overseas Territories White Paper (Cm 8374), published in June 2012, in so far as "strengthening accountability including by making the performance of public bodies and services more transparent" is concerned. [HL422]

The Senior Minister of State, Department for Communities and Local Government & Foreign and Commonwealth Office (Baroness Warsi): At the Overseas Territories Joint Ministerial Council in December 2012, reported in a Written Ministerial Statement on 19 December 2012 (*Official Report*, col. 109WS) the UK and territory Governments committed to work together on a series of priority actions which will contribute to strengthening accountability and transparency, including:

to continue to develop democratic institutions that serve and take account of the interests of all the people in the territories;

to encourage the adoption and implementation of the seven principles of public life set out by the UK Committee on Standards in Public life (namely, selflessness, integrity, objectivity, accountability, openness, honesty and leadership);

to strengthen public services to provide effective and efficient policy advice, public services and regulation;

to put in place, as appropriate, and implement codes of practice for Ministers, Parliamentarians and public servants;

to strengthen public financial management and ensure it is undertaken transparently and is open to external scrutiny in order to provide the conditions necessary for sustainable economic growth; and

to promote systems for fair and transparent recruitment to the public services.

In pursuit of these goals, the Foreign and Commonwealth Office has established a small programme to support training and the exchange of expertise between UK and territory public servants. We continue to encourage partnerships between territories and UK local authorities to share best practice.

Asked by ***Lord Jones of Cheltenham***

To ask Her Majesty's Government what progress has been made in achieving the aims and objectives set out in Section 4 of the Overseas Territories White Paper (Cm 8374), published in June 2012, in so far as giving power to people and communities across the Overseas Territories is concerned.[HL423]

Baroness Warsi: In the Overseas Territories White Paper, the Government said that we believe the fundamental structure of our constitutional relationships with the Overseas Territories is the right one. Powers are devolved to the elected Governments of the territories to the maximum extent possible consistent with the UK retaining those powers necessary to discharge its sovereign responsibilities in 1999. The previous Government launched a process of modernising the constitutions of the inhabited territories. We are continuing this work with a view to equipping each territory with a modern constitution. We expect these constitutions to continue to evolve and to require adjustment in the light of circumstances.

We continue to build stronger partnerships with the territories. In December 2012, UK Ministers and elected leaders from the territories met for the first time as the Joint Ministerial Council and agreed a detailed communiqué setting out a work plan for the year ahead. Further details are in the Written Ministerial Statement of 19 December 2012 (*Official Report*, col. 109WS).

Asked by ***Lord Jones of Cheltenham***

To ask Her Majesty's Government what progress has been made in achieving the aims and objectives set out in Section 4 of the Overseas Territories White Paper (Cm 8374), published in June 2012, in so far as making the performance of public bodies and services more accountable is concerned.[HL424]

Baroness Warsi: At the Overseas Territories Joint Ministerial Council in December 2012, reported in a Written Ministerial Statement on 19 December 2012 (*Official Report*, col. 109WS) the UK and territory Governments committed to work together on a series of priority actions which will contribute to strengthening accountability and transparency, including:

to continue to develop democratic institutions that serve and take account of the interests of all the people in the territories;

to encourage the adoption and implementation of the seven principles of public life set out by the UK Committee on Standards in Public life (namely, selflessness, integrity, objectivity, accountability, openness, honesty and leadership);

to strengthen public services to provide effective and efficient policy advice, public services and regulation;

to put in place, as appropriate, and implement codes of practice for Ministers, parliamentarians and public servants;

to strengthen public financial management and ensure it is undertaken transparently and is open to external scrutiny in order to provide the conditions necessary for sustainable economic growth; and

to promote systems for fair and transparent recruitment to the public services.

In support of these goals, the Foreign and Commonwealth Office has established a small programme to support training and the exchange of expertise between UK and territory public servants. We continue to encourage partnerships between territories and UK local authorities to share best practice.

Asked by ***Lord Jones of Cheltenham***

To ask Her Majesty's Government whether they plan to identify individual Overseas Territories which can be presented to other territories as examples of best practice in respect of any of the aspirations mentioned in Section 4 of the Overseas Territories White Paper (Cm 8374), published in June 2012. [HL425]

Baroness Warsi: We recognise and cherish the diversity of the Overseas Territories. We continue to encourage them to identify and share best practice, including through meetings of Heads of Public Services and between UK Ministers and Territory leaders at the annual Overseas Territories Joint Ministerial Council.

Pakistan

Question

Asked by ***Lord Alton of Liverpool***

To ask Her Majesty's Government whether they will hold discussions with the incoming Government of Pakistan about the action being taken to investigate the murder of Pakistan's Minister for Minorities, Shahbaz Bhatti. [HL379]

The Senior Minister of State, Department for Communities and Local Government & Foreign and Commonwealth Office (Baroness Warsi): The assassination of Shahbaz Bhatti in March 2011 for his vocal support for religious freedom was an appalling and cowardly act. It is important for those responsible to be brought to justice. The investigation into Mr Bhatti's death is a matter for the Pakistani authorities.

We will continue to raise the issue of religious freedom, including the death of Mr Bhatti, with the Pakistani authorities.

Pensioners: Assets

Question

Asked by ***Lord Moonie***

To ask Her Majesty's Government how many old-age pensioners they estimate possess assets exceeding £2 million. [HL408]

The Commercial Secretary to the Treasury (Lord Deighton): The HM Revenue and Customs (HMRC) Personal Wealth Statistics for 2008-10 estimates the number of individuals aged over 65 in the identified

wealth population with assets over £2 million to be 30,000. This is published on the HMRC website in National Statistics table 13.3[1]. These estimates are based on the wealth owned by estates represented by those passing through probate in each year, grossed up to that of the living using mortality rates.

Alternative estimates are provided below, based on the Office for National Statistics' Wealth and Assets Survey. These statistics are not directly comparable with the HMRC Personal Wealth Statistics, as they are (i) based on households rather than individuals, (ii) use a different definition of wealth which, for example, includes the value of private pension funds.

An estimated 2.8% of individuals over the state pension age[2] (312 thousand individuals) live in a household where the total wealth[3] in excess of £2 million.

An estimated 2.1% of households headed[4] by an individual over state pension age (155 thousand households) have total wealth estimated to exceed £2 million.

[1] http://www.hmrc.gov.uk/statistics/wealth/table 13-3.pdf.

[2] Individuals above State Pension Age (SPA) are males aged above 64 and females above 59.

[3]Total wealth of a household is a net wealth measure for each household created by adding together the different types of household wealth; property wealth (net), financial wealth (net), physical wealth and private pension wealth. It should be noted that it does not include business assets, accrued rights to state pensions or assets held in trusts.

[4] The Household Head or HRP is defined as follows: in households with a sole householder, that person is the HRP, in households with joint householders the person with the highest income is taken as the HRP, if both householders have exactly the same income, the older is taken as the HRP.

Source: Wealth and Assets Survey of Great Britain, 2008-10, Office for National Statistics

Piracy

Question

Asked by ***Lord Luce***

To ask Her Majesty's Government what assessment they have made of any trends in acts of piracy in the Indian Ocean and of the number of people who have been held hostage as a result of acts of piracy on that ocean. [HL457]

The Senior Minister of State, Department for Communities and Local Government & Foreign and Commonwealth Office (Baroness Warsi): The volume of hijackings in the Indian Ocean peaked between 2009 and 2011, with an average of 171 attacks per year. However, last year saw a dramatic decline in pirate attacks off the coast of Somalia to just 35, with the number of ships seized falling by over 80% compared to the previous year. The last successful hijacking was in May 2012 and so far this year there have been three unsuccessful attacks. This is the combined result of continued military naval action at sea, greater shipping compliance with industry best management practice and increased use of embarked private security companies. Although there have been as many as 736 hostages held by Somali pirates, 54 hostages remain in pirate hands, often subjected to terrible conditions with no knowledge of when, or even if, they will be released.

Despite the successes, progress is fragile and reversible. Lasting solutions to piracy lie on the land as underlined by the recent Somalia Conference in London, whether in stepping up international efforts to prosecute those behind piracy or in supporting greater stability, prosperity and rule of law. The UK continues to play a leading role in providing such support. For example, the Regional Anti-Piracy Prosecutions Intelligence Co-ordination Centre (RAPPICC) was opened in Seychelles in February with UK support. This focuses on what we can do to intercept financial flows and to bring to justice those organising and benefiting from piracy.

Planning

Questions

Asked by ***Lord True***

To ask Her Majesty's Government which local authorities sought exemption from the proposed relaxation of planning rules for change of use from offices to residential, but had their applications rejected by Ministers. [HL277]

To ask Her Majesty's Government from which departments were Ministers or officials involved in making decisions on whether local authorities which had sought exemption from the proposed relaxation of planning rules for change of use from offices to residential should have their request agreed.[HL278]

To ask Her Majesty's Government from which bodies or consultants advice was sought before determining the list of local authorities to be refused exemption from the proposed relaxation of planning rules for change of use from offices to residential; and what fees were paid to any consultants involved in assessing or advising on applications. [HL279]

The Parliamentary Under-Secretary of State, Department for Communities and Local Government (Baroness Hanham): The Department for Communities and Local Government received requests for exemption from the permitted development rights for change of use from office to residential uses from 165 local planning authorities. The identity of those local planning authorities which successfully requested an exemption have been published in the Town and County Planning (General Permitted Development) Order 1995, as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013. We do not routinely publish lists of local authorities who have made unsuccessful applications to ensure that they are not deterred from participating in similar exercises in the future.

The permitted development rights policy and decisions on which local authorities would be granted an exemption have been agreed across government departments in the usual way.

The department commissioned independent advisers, Arup, to provide specialist and expert assistance on commercial property markets. The total value of the work carried out was £66,790.

Asked by ***Lord Vinson***

To ask Her Majesty's Government whether, as part of the proposed relaxation of planning controls on farm buildings, they will also relax controls on previous barn conversions to dwellings (where not

scheduled or in an Area of Outstanding Natural Beauty) to enable improvements in line with those applicable to local homes. [HL430]

Baroness Hanham: The new limits for householder permitted development rights apply to dwelling houses outside Article (5) land and sites of special scientific interest, unless the planning permission granting the permission for the change of use included a condition preventing any extension of the property. It is possible at any time to make an application to the local planning authority to remove or vary a planning condition.

Railways: East Coast Main Line

Question

Asked by ***Lord Berkeley***

To ask Her Majesty's Government whether they plan to seek competitive tenders for the new supply or upgrade of the East Coast Main Line electric passenger rolling stock. [HL376]

Earl Attlee: A decision has already been made to replace diesel rolling stock on East Coast with rolling stock provided by the Intercity Express Programme (IEP).

A decision on the replacement of electric rolling stock on East Coast by IEP trains is expected to be taken in the summer. This will either result in IEP rolling stock replacing the existing electric passenger rolling stock, or if IEP phase 2 is not approved, then any new supply or upgrade would be for bidders of the East Coast franchise competition to consider.

Railways: High Speed 2

Questions

Asked by ***Viscount Astor***

To ask Her Majesty's Government what is the projected average fare for HS2 at the commencement of the service from London to Birmingham, for the whole journey and per kilometre travelled. [HL477]

Earl Attlee: The economic case for HS2 assumes that high speed fares are broadly comparable to classic fares.

Asked by ***Viscount Astor***

To ask Her Majesty's Government what is the procedure for appeal for those applicants turned down for compensation under the Government's exceptional hardship scheme for HS2. [HL478]

Earl Attlee: Applicants who are turned down for compensation under the exceptional hardship scheme are able to reapply to the scheme, and there is no limit to the number of times they can re-apply.

All applicants who are turned down are given feedback on the reasons for which they were turned down, and this feedback can be used to inform any re-applications.

Asked by ***Viscount Astor***

To ask Her Majesty's Government whether they will publish the names of the members of the independent panel for the exceptional hardship scheme for HS2. [HL479]

Earl Attlee: The names of the independent exceptional hardship scheme panel members are already published, along with details of their background, on the HS2 Ltd website at: http://www.hs2.org.uk/sites/default/files/inserts/EHS%20Panel%20Members.pdf.

Asked by ***Viscount Astor***

To ask Her Majesty's Government whether they will publish a list of those to be consulted on the proposed property bond for HS2. [HL480]

Earl Attlee: The Government will not restrict consultation on a property bond to one specific group. It has undertaken to launch a consultation on long-term property compensation options which will include a property bond. This will be a public consultation where all members of the general public, as well as interest groups, members of parliament and professional bodies will be free to consider the information provided and respond accordingly.

Railways: Network Rail

Question

Asked by ***Viscount Astor***

To ask Her Majesty's Government what is their forecast of Government funding for Network Rail based on Network Rail's business plan for 2014–19. [HL476]

Earl Attlee: The Government's rail investment strategy, published in July 2012, sets out the following funding per year for the railway for 2014-19.

	2014-15	*2015-16*	*2016-17*	*2017-18*	*2018-19*	*Total*
Funds available:	3,165	3,382	3,385	3,516	3,394	16,842
Franchise support	(341)	(166)	(296)	(254)	(396)	(1,453)
Network Grant	3,506	3,548	3,681	3,770	3,789	18,294

All prices are in £m, nominal, and negative numbers represent income to the Department for Transport. The illustrative split of funding is based on the access charging regime for 2009-14.

The final level of funding for the period will be determined by the independent Office of Rail Regulation's final determination, due to be published on 31 October 2013.

Roads: Litter

Question

Asked by ***Lord Marlesford***

To ask Her Majesty's Government when they expect to clear the litter from the A14 trunk road between the M6 and the M1. [HL397]

Earl Attlee: The removal of litter from the A14 trunk road between the M6 and the M1 is the responsibility of two Local Authorities, Harborough District Council and Daventry District Council.

Harborough District Council have confirmed to the Highways Agency that they litter pick their section of the A14 on a six-weekly cycle.

Daventry District Council has confirmed that they carried out a litter pick of the A14 at junction 19 of the M1 (Catthorpe Interchange) within the last fortnight.

Roads: M4

Question

Asked by ***Lord Stoddart of Swindon***

To ask Her Majesty's Government, further to the Written Answer by Earl Attlee on 7 February concerning the M4 bus lane (WA 881), whether they have now made a decision about its removal and the restoration of that part of the M4 to motorway status; and, if not, why not. [HL453]

Earl Attlee: Analysis of the environmental assessment, which includes a review of the speed limit, has not yet been completed. Once this is completed, the Highways Agency will be in a position to make a decision on how best to proceed.

Roads: Motorways

Question

Asked by ***Baroness Walmsley***

To ask Her Majesty's Government whether motorists wrongly convicted as a result of the use of unlawful Advanced Message Indicators on the motorway network will be compensated, and any penalty points issued as a result of their use cancelled. [HL426]

Earl Attlee: It would ultimately be for the courts to decide if a sign is lawful but the Government would vigorously defend any challenge to the use of Advanced Motorway Indicators. Defendants who have been convicted in a magistrates' court of a road traffic offence may seek to appeal to a higher court against their conviction.

Roads: Speed Limits

Question

Asked by ***Baroness Walmsley***

To ask Her Majesty's Government on what legal basis the statutory instruments applying variable speed limits on specified motorways were overridden by the special authorisation given by the Secretary of State on 27 November 2012; and whether they plan to revoke or replace the statutory instruments as a result. [HL370]

Earl Attlee: The Secretary of State for Transport's special traffic sign authorisation, given under the powers of the Road Traffic Regulation Act 1984, does not override the statutory instruments applying variable speed limits on specified motorways and as such there is no plan to revoke or replace the statutory instruments.

Royal Mail

Question

Asked by ***Lord Dykes***

To ask Her Majesty's Government whether, in the light of Royal Mail's return to profitability, they will reassess plans to privatise it. [HL505]

The Parliamentary Under-Secretary of State, Department for Business, Innovation and Skills (Viscount Younger of Leckie): Royal Mail's results are another encouraging step, showing how its staff and management together with Government's reforms are putting the company on a sustainable footing.

The final stage of our reforms is to give Royal Mail future access to capital through a sale of shares by Government this financial year (2013-14). Royal Mail is one of Britain's biggest companies and it needs future access to private capital to be able to continue its modernisation programme and to seize opportunities for growth such as the boom in on-line shopping.

We are committed to a sale but its structure and timing remain open. Government are committed to implementing its reforms in full to ensure that we achieve our overall objective of securing the universal postal service.

Schools: National Curriculum

Question

Asked by ***Lord Storey***

To ask Her Majesty's Government whether they will review (1) the remit of, and (2) the name given to, the new draft national curriculum to reflect (a) its application to English schools only, and (b) that academies and free schools are under no legal obligation to follow it. [HL470]

The Parliamentary Under-Secretary of State for Schools (Lord Nash): We do not propose to review either the remit of, or the name given to, the proposed new national curriculum.

Since the devolution of powers to the National Assembly for Wales, the four nations of the United Kingdom have had separate statutory curriculum arrangements. The remit of the current review was therefore always restricted to maintained schools in England, and all formal documentation refers to the national curriculum for England.

While academies and free schools do not have to follow the prescribed national curriculum, we would expect that they have due regard to it as a benchmark of appropriate standards when planning their school curricula.

Shipbuilding

Question

Asked by ***Lord West of Spithead***

To ask Her Majesty's Government how they are going to fulfil their commitment to provide at least £230 million per annum of ship building work to BAE Systems after completion of HMS Prince of Wales and before the T26 frigate build starts. [HL460]

The Parliamentary Under-Secretary of State, Ministry of Defence (Lord Astor of Hever): The Ministry of Defence (MoD) is engaged in detailed discussions with BAE Systems Maritime—Naval Ships, the MoD's industrial partner for designated complex warship design, build and elements of support work under the terms of business agreement signed in 2009, to address any potential workload gap between the drawdown of the QEC programme and the start of build work on the planned T26 GCS once the design has been matured and the Main Gate approved. These discussions are exploring a number of options about how best to deliver the future shipbuilding programme at the lowest cost to the defence enterprise, and in a way that sustains key skills.

Sri Lanka

Question

Asked by ***Lord Luce***

To ask Her Majesty's Government, further to the remarks by the Deputy Prime Minister on 15 May (*Official Report*, Commons, col. 634), what improvements they expect to see in Sri Lanka by the time of the Commonwealth Heads of Government meeting later this year. [HL456]

The Senior Minister of State, Department for Communities and Local Government & Foreign and Commonwealth Office (Baroness Warsi): The attendance of many world leaders at Commonwealth Heads of Government Meeting (CHOGM) will shine the media spotlight on Sri Lanka, including on its human rights record.

We firmly hope that the Sri Lankan Government will recognise that it has an opportunity to clearly demonstrate a commitment to shared Commonwealth values. This would include holding free and fair Northern Provincial Council elections in September and making concrete progress against the recommendations of the Lessons Learnt and Reconciliation Commission.

We also hope to see concrete progress on respect for human rights including media freedom, the rule of law and independence of the judiciary. It will be crucial that Sri Lanka ensures that non-governmental organisations and the media have a full and proper access to CHOGM so that their voices can be heard.

Syria

Question

Asked by ***Lord Stoddart of Swindon***

To ask Her Majesty's Government, further to the comments by Baroness Northover on 15 May (*Official Report*, col. 404), what measures are in place to ensure that the £12.1 million of assistance provided to the "moderate opposition" in Syria in 2012 and the present £170 million for humanitarian aid are not reaching Islamist insurgents whose aims and objectives are contrary to the interests of the United Kingdom. [HL414]

Baroness Northover: All the humanitarian aid the UK provides to Syria is channelled through trusted neutral and impartial humanitarian agencies that have a proven track record of delivering humanitarian aid in complex environments. To ensure that aid provided is not misappropriated we work with multilateral agencies such as the UN and International non-governmental organisations to carry out due diligence checks. We will continue to monitor the situation inside Syria and the region to ensure UK aid is not misused.

Taxation: Avoidance and Evasion

Question

Asked by ***Lord Dykes***

To ask Her Majesty's Government what progress has been made by HM Revenue and Customs in securing increased tax payments from individual and corporate tax avoiders, including those based in tax havens; and what figures are available to demonstrate that progress. [HL504]

The Commercial Secretary to the Treasury (Lord Deighton): HM Revenue and Customs (HMRC) collected £16.7 billion of additional revenues from compliance work in 2011-12—this is £2.8 billion more than in 2010-11. In addition, HMRC collected £14.8 billion additional revenue from large businesses between 2010-11 and 2011-12. Budget 2013 further announced a significant crackdown on tax avoidance and offshore evasion which, in total, raises over £4.6 billion in new revenue over the next five years. Also at Budget, HMRC published two leaflets, *Levelling the tax playing field* and *No safe havens*. The leaflets provide further details of the progress and notable successes HMRC has achieved in tacking tax avoidance and evasion since 2010.

Taxation: VAT

Questions

Asked by ***Lord Marlesford***

To ask Her Majesty's Government how many businesses or self-employed persons in the United Kingdom are registered for VAT; and how many businesses or persons have been given permission not to register on the grounds that their turnover is below the registration threshold. [HL442]

The Commercial Secretary to the Treasury (Lord Deighton): Details of the total number of businesses registered for VAT are published in the monthly VAT Bulletin series which is available on the HM Revenue and Customs website[1]. The latest number of live VAT registered traders in the United Kingdom for 2012-13 is 1,917,517 and includes registered businesses whose turnover is below the VAT registration threshold.

Businesses or persons are not required to seek permission to register for VAT if their turnover is below the registration threshold.

[1] http://www.hmrc.gov.uk/statistics/vat.htm#1

Asked by ***Lord Marlesford***

To ask Her Majesty's Government what estimate they have made of the loss of revenue to HM Revenue and Customs from the sales of goods and services by businesses and self-employed persons not registered for VAT. [HL443]

Lord Deighton: Details of the estimated loss of revenue due to the VAT registration threshold are available in the "Main tax expenditures and structural reliefs" (Table 1.5) on the HM Revenue and Customs (HMRC) website. The latest estimate (2012-13) for the revenue lost to HMRC by businesses and self-employed persons below the turnover limit for VAT registration is £1.75 billion.

Asked by ***Lord Marlesford***

To ask Her Majesty's Government what estimate they have made of how many new jobs have been created in each of the last five years by the exemption from registration for VAT. [HL444]

Lord Deighton: The Government have not made such estimates. The VAT registration threshold is determined by the need to balance administrative burdens against revenue and fair competition considerations.

Asked by ***Lord Marlesford***

To ask Her Majesty's Government what assessment they have made of the contribution to gross domestic product of businesses and self-employed persons not registered for VAT. [HL445]

Lord Deighton: The Government have not made such an assessment.

Turkey

Question

Asked by ***Lord Hylton***

To ask Her Majesty's Government what information they have received about those responsible for two explosions near the Syrian frontier in Turkey; and whether that has any implications for their policy towards Syria. [HL303]

Lord Newby: The Reyhanii attacks were the deadliest terrorist attacks in modern Turkish history. Fifty one people died, and many more were injured. The Secretary of State for Foreign and Commonwealth Affairs, my right honourable friend the Member for Richmond (Yorks) (Mr Hague), condemned the atrocities and offered the UK's condolences to those affected. We do not yet know who carried out the attacks. The Turkish authorities continue to investigate and it would be inappropriate to speculate at this time.

These attacks will not change our policy on Syria, and will only strengthen our commitment to find a peaceful political solution to the conflict. Turkey shares this common aim with the UK. We have worked closely with Turkey since the beginning of the civil conflict in Syria, particularly on co-ordination of support to the opposition. As a key member of the Friends of Syria group, Turkey will have an important role to play in the build up to the Geneva CE conference and beyond.

We welcome Turkey's generous provision of refuge for hundreds of thousands of Syrians who have tied the violence and their efforts to minimise the impact of the conflict on regional stability. We should pay tribute to the Turkish people, who are showing their hospitality to huge numbers of refugees while enduring outrageous bomb attacks, such as the one that we saw a taw days ago. In order to support the refugee response, the UK has provided over £6 million in humanitarian aid in Turkey, including £1 million to the Turkish Red Crescent.

Universal Credit

Question

Asked by ***Baroness Lister of Burtersett***

To ask Her Majesty's Government what proportion of universal credit claimants they estimate to be in receipt of earnings not covered by real time information. [HL493]

The Parliamentary Under-Secretary of State, Department for Work and Pensions (Lord Freud): We intend to publish official statistics on pathfinder areas in Autumn 2013 and on nationally implemented Universal Credit from Autumn 2014.

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