



HOUSE OF LORDS

Liaison Committee

1st Report of Session 2007–08

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The Liaison Committee

The Liaison Committee advises the House on the resources required for select committee work and allocates resources between select committees; reviews the select committee work of the House; considers requests for *ad hoc* committees and reports to the House with recommendations; ensures effective co-ordination between the two Houses; and considers the availability of Lords to serve on committees.

Current Membership

The Members of the Liaison Committee are:

Baroness Ashton of Upholland
Lord Brabazon of Tara (Chairman)
Baroness D'Souza
Baroness McIntosh of Hudnall
Lord McNally
Lord Moser
Baroness Perry of Southwark
Lord Richard
Lord Strathclyde
Baroness Thomas of Winchester
Lord Wakeham

General Information

General information about the House of Lords and its Committees is on the internet at http://www.parliament.uk/about_lords/about_lords.cfm

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First Report of Session 2007–08 from the Liaison Committee

Abortion

1. The Committee considered a request from Lord Alton of Liverpool and others that an *ad hoc* select committee be established on abortion, and specifically the working of the Abortion Act 1967. A memorandum from Lord Alton and Lord Steel of Aikwood is printed as Appendix 1. Lord Alton and Baroness Finlay of Llandaff addressed the Committee.
2. Lord Alton argued that, given the marked social, medical, ethical and legal changes since 1967, it was right to review whether the provisions of the 1967 Act remain appropriate. It was particularly important for Parliament to have the benefit of such a review, and to be able to consider abortion issues in a measured way. The case for a review was heightened by the passage of the Embryology and Human Fertilisation Bill, to which amendments about abortion are relevant. That Bill was not the right vehicle for parliamentary consideration of abortion issues and before any further legislative changes were contemplated Parliament should conduct a prior examination of the issues to inform decision-making. The aim was not for any inquiry to inform deliberations on the current Bill but to enable discussion of abortion to take place separately, at a later date.
3. The Committee is conscious of the high reputation earned by previous House of Lords select committees appointed to examine issues relating to medical ethics. However we unanimously concluded that the proposal put to us was not an appropriate subject for an *ad hoc* committee. We considered that the scope of the proposal was unmanageably wide, and that in any event there was no particular case for undertaking a review of the 1967 Act now. Nor were we persuaded that the passage of the current Bill added support to the case for an inquiry.
4. **We accordingly do not recommend the establishment of an *ad hoc* select committee on the current operation of the Abortion Act 1967.**

The Barnett Formula

5. The Committee considered a request from Lord Barnett for the establishment of an *ad hoc* select committee on the Barnett Formula (the mechanism by which changes to public spending budgets in Scotland, Wales and Northern Ireland are determined by relation to changes to public spending in England). A memorandum from Lord Barnett is printed as Appendix 2. Lord Barnett addressed the Committee.
6. Lord Barnett argued that the operation of the Barnett Formula should be re-examined in the light of changes in the economic and constitutional complexion of the United Kingdom since the Formula was devised. He suggested that the Formula had only been introduced as a temporary expedient and that it needed to be reviewed to ascertain whether it was still fit for purpose. He further suggested that although the issue was one of

public spending it would benefit from the dispassionate and non-partisan approach of a Lords committee.

7. We have some sympathy with Lord Barnett on the case for a review of the Formula in principle. However we are not convinced that this is an appropriate subject for an *ad hoc* inquiry by a Lords committee. Although it was suggested to us that a large part of any such inquiry would be involved in simple collation of factual information, we have some doubts about the extent to which any review of the Barnett Formula could be limited or constrained, either from ranging over devolution issues or from assessing macroeconomic arrangements for government spending more generally. We think that in principle the subject matter falls within the area of scrutiny more obviously undertaken by the Commons, and we are doubtful about the extent to which any inquiry by a committee of this House would carry influence in decision-making. **Accordingly, we do not recommend the establishment of an *ad hoc* committee on the Barnett Formula.**

Joint Committee on the Statistics Board

8. The Committee considered a proposal from Lord Jenkin of Roding for the establishment of a permanent joint committee to scrutinise the Statistics Board. A memorandum from Lord Jenkin is printed as Appendix 3, and the Committee also received a note from Lord Turnbull supporting the proposal, printed as Appendix 4. Lord Jenkin addressed the Committee.
9. The arguments for and against this proposal were largely rehearsed in a Question for Short Debate asked by Lord Jenkin on 29 November 2007¹, and to some extent in proceedings on the Statistics and Registration Services Bill last Session. The resultant Act provides for the creation of a new Statistics Board from April 2008, with responsibility for promoting and safeguarding the quality of official statistics. It is suggested that the work of the new Board will be assisted if there is a mechanism for Parliament to support the Board in its work and to hold to account those public bodies which the Board regards as falling down in their use of statistics. On the other hand the Government argues that this function can be discharged through current arrangements, in particular through the Commons departmental committee system where the Public Administration Committee will have lead responsibility for scrutiny of the new Board itself. They therefore oppose duplicating these arrangements with a new Joint Committee.
10. The Committee agrees with Lord Jenkin that, following the passage of the 2007 Act, Parliament should establish stronger arrangements for oversight of official statistics. We think that this would best be achieved by establishing a dedicated Parliamentary body to support the work of the new Board, and we think that a Joint Committee structure would be an appropriate way of achieving this. However, as Lord Jenkin recognised, the establishment of a Joint Committee is not something which lies within the gift of this House alone. Lord Jenkin therefore asked us to support his proposal in principle, and to recommend that it be further considered by those responsible. This we are happy to do and we so recommend to the House. **Accordingly, the Committee gives its support in principle to the establishment of a**

¹ HL Deb 27 November 2007, cols 1401-1414

Joint Committee on the Statistics Board. The Leader of the House has agreed to relay those views to the Leader of the House of Commons.

Select Committee on Scrutiny of Treaties

11. The Committee considered a proposal from Baroness Williams of Crosby for the establishment of a permanent select committee to scrutinise international treaties before they are ratified by the Government. A memorandum from Lady Williams is printed as Appendix 5. Lady Williams addressed the Committee.
12. The case put forward by Lady Williams is that, other than in respect of matters relating to the European Union, Parliament is not sufficiently actively involved in the scrutiny of international treaties, many of which have a very significant effect on domestic rights and administration in the UK. She proposes that the House should emulate other second chambers in developing a role to scrutinise and advise on significant international treaties which the Government proposes to ratify.
13. This proposal is one which the Committee has considered previously. It was put forward by the Royal Commission on the Reform of the House in 2000, which recommended that the Committee should consider the case for a Lords select committee to scrutinise treaties into which the Government proposed to enter. The appropriate role for the House of Commons was also at that time subject to consideration by the Commons Procedure Committee, which recommended against the establishment of a Commons committee to scrutinise treaties, but instead proposed an extension of the Ponsonby Rule (under which the Government undertakes to lay before Parliament treaties which it intends to ratify) to require the Government to send copies of all treaties subject to ratification to the relevant departmental committee in the Commons, together with an explanatory memorandum. This recommendation was accepted by the Government, and the Liaison Committee decided to defer further consideration of scrutiny in the Lords until the new procedures had bedded down². Since then the Government has also agreed, where practical, to defer ratification of treaties under active consideration by departmental committees, and to give time in the Commons for a debate on any treaty where a departmental committee so requests and the Liaison Committee in the Commons supports the request.
14. The proposal made by Lady Williams raises significant constitutional, procedural, resource and capacity issues. The Government is currently consulting about putting the Ponsonby Rule on a statutory basis, as part of its wider package of constitutional reforms relating to the royal prerogative set out in the Green Paper *The Governance of Britain*³. The Committee considers that further consideration of these issues should be taken forward in the context of consultation on the Government's own proposals, and that any new arrangements for scrutiny by the House should only be considered when the Government proposals, and the reactions to them, are clarified.
Accordingly, we do not at this stage recommend the establishment of a committee on the scrutiny of treaties.

² Liaison Committee, 1st Report 2000-01 (HL 30)

³ Cm 7170

APPENDIX 1: MEMORANDUM FROM LORD ALTON OF LIVERPOOL AND LORD STEEL OF AIKWOOD REGARDING AN AD HOC SELECT COMMITTEE TO REVIEW ABORTION

40 years after the entry into force of the 1967 Abortion Act there are nearly 200,000 abortions taking place every year in England and Wales. Some people take the view that this simply reflects changes in social attitudes and is not of itself a cause for concern, while others believe that we are facing a situation of ‘abortion on demand’. Whatever view one takes, it is undeniable that what we have now is not what most people expected from the 1967 Act.

The original Act derived from a desire to end backstreet abortions and protect women against the potential harm arising from them, which included the risk of death or subsequent infertility. It set a range of conditions under which terminations could take place. It recognised that decisions over abortion represented a balance between the interest of the foetus and the interest of the mother, including her domestic situation.

In the last 40 years changes have occurred in the ways that abortions are carried out, and the safety of the procedure has improved. There have also been changes in society, including sexual activity at an earlier age. The median age for abortions is now 19 years of age and the majority are carried out for so-called social indications, with a significant number of women having second or third abortions. There have also been advances in diagnosis of foetal abnormality and of survival among babies born prematurely, so that decisions around termination of pregnancy now pose wider ethical challenges for individual parents, for healthcare resources and for society as a whole.

The Warnock Report of 1984 has influenced societal views of the moral status of the foetus, with a gradualist approach replacing previous absolutist views. Over recent months some have pressed for abortion to be more easily available, including an abolition of the need for two doctors to sign an application, for nurse-administered abortion, and for medical abortion to be provided in the community, so that a woman may abort at home—there are two such trials in progress at present. A minority has even called for the registration of abortion data to be discontinued. On the other side of the debate, there have been calls for tighter scrutiny of abortion for minor foetal abnormality which is amenable to surgery (such as hare-lip/cleft palate) and for lowering the upper limit of termination of pregnancy, particularly for so called ‘social reasons’.

Recently the Science Committee of the House of Commons reviewed the science of abortion. They looked at changes in clinical practices, in survival of premature babies and at the strength of evidence about the effects on women’s health, they did not examine the wider societal aspects of the law nor the way the original Act has been implemented over time and the implications for the future. However, their report does provide a helpful background of information to inform a much wider inquiry.

All important laws need to be reviewed regularly to ensure that they are working as intended. Government legislation is regularly subjected to this form of scrutiny, but here is an issue on which the Government took no stance 40 years ago and on which it remains neutral today. An appropriate vehicle for exploring whether the law is working as it should is an all-party select committee of the House of Lords.

Such a committee should start without preconceptions. Its purpose is not to examine specifically whether, for example, the time limit on abortions should be

changed but rather to look at the working of the Act as a whole over the last 40 years against the background of what was foreseen in 1967, what changes there have been in the social, medical, ethical and legal landscape during this period and what implications all this has for the future of the law. Such a review may, of course, lead to recommendations for specific changes to the law but the select committee's remit should be broad-based.

The Embryology and Human Fertilisation Bill

Currently the Embryology and Human Fertilisation Bill is going through Parliament. Abortion falls within its scope and amendments to the Bill have been tabled which could affect the working of the current Abortion Act. However, the floor of the House is not the appropriate place for considering amendments to the Bill which might lead to modification of the existing Act. There is a need for prior examination by the House of the complex issues surrounding the difficult and controversial subject of abortion in order to inform decision making.

A Select Committee on the working of the Abortion Act should therefore be established and all amendments tabled against the Embryo and Human Fertilisation Bill which deal with this subject should be referred to the committee for examination and comment. The proposed Select Committee would not, of course, be able to report before the passage of the Bill. However, this need not hold up the progress of the Bill as a whole. Abortion-related amendments to the Bill will simply serve to distract from other complex moral issues that need to be considered in connection with the Bill. Any recommendations arising from the Select Committee's work can be considered subsequently in the light of its deliberations and any changes to legislation considered separately.

Questions for the Inquiry

Among the questions which the Select Committee might consider are:

How does the incidence of abortion today compare with public and parliamentary expectations 40 years ago? What have been the main factors of the sharp rise in abortions in recent years? To what extent are there causes for concern here?

How does the situation in Britain compare with the position in other countries, especially those of our European partners? How can any differences be explained? Have we anything to learn from other countries in this field?

What is society's attitude to abortion today compared with 40 years ago?

To what extent have advances in medical science and changes in societal attitudes generally influenced the debate on abortion?

What has been the experience of the medical profession? What views do the professional bodies take today compared with 40 years ago?

Are doctors with conscientious objections adequately protected? What impact has the 1967 law had on the number of doctors and nurses entering or remaining in obstetrics and gynaecology? Should there be an 'opt-in' rather than an 'opt-out' conscience clause?

Is the system of scrutiny of applications rigorous enough? If not, how might it be tightened up? Should the criteria around the administration of medical abortions in early pregnancy be widened?

How are women being supported in making decisions? Are there wide variations in practice? Are women being given adequate contraceptive and sexual health advice

at the time of an abortion? What use is being made of contraception and how could awareness be improved? Is it true to say that abortion is being increasingly used as a form of contraception? And how are predicted trends likely to impact on service provision? Should Parliament be taking a role in influencing such trends?

How extensively have the short and long term effects on women's health been assessed; how have women's attitudes to subsequent pregnancies and children been assessed?

How have such trends impacted on adoptions and societal attitudes to women who decide to give up their baby for adoption?

How do UK sexual health and unplanned pregnancy rates compare with other European countries? How can any differences be explained? How much education is being given at school and how comprehensive is the sexual health education of young people? How is media pressure affecting young people's attitudes to sexual activity? What are the influences of alcohol and have the recent changes in legislation over opening hours had an influence on sexual activity under the influence of alcohol or other drugs?

What implications do advances in foetal science, especially as regards the survival of babies born prematurely, have for the working of the present law? How should advances in the knowledge of foetal development of the neurological system and of the cardio-respiratory system affect the working of the law, if at all?

What are the financial burdens to society of the current law, of unplanned pregnancy and of long term care costs? What are the pressures on housing, schools and social services?

What are the regional differences in the application of the current legislation in the devolved administrations in Scotland, Wales and N. Ireland?

Are there unnecessary delays in the way the NHS operates the current law? Are there wide variations across the UK? Are there delays which adversely affect the availability of very early abortion?

Overall these and other questions will inform conclusions about areas where the current law is working well and areas where changes in legislation might be necessary, and how other areas of legislation, such as the Human Tissue Act, are helping or hindering the process of auditing the working of the current Abortion Act.

APPENDIX 2: MEMORANDUM FROM LORD BARNETT REGARDING AN AD HOC SELECT COMMITTEE TO REVIEW THE BARNETT FORMULA

1. The case is clear from the latest Treasury figures⁴. As will be seen, they show Scotland at £8,414 and England at £6,949. Some English counties are even worse.

2. At this time, this Memorandum is not necessarily seeking change, although simple figures emphasise the case for change. It simply seeks to set-up an Ad Hoc Sub Committee with the following remit.

- (i) To examine and review changes there have been in the Formula since it was first introduced.
- (ii) To what extent is expenditure outside the Formula the cause of the disparity.
- (iii) The Committee should review whether there is a case for change.
- (iv) If there is no case, then whether there is a case for retention of the Formula, but based on need.
- (v) A definition of need.

3. Neither Government nor the main Opposition Party have sought change, indeed the new Prime Minister and main Opposition Leader have supported no change.

4. It should be made clear, that this is not an anti-Scottish issue, but a unique opportunity for the Lords to provide facts, so that sensible decisions can be made.

⁴ See tables below. Source: *Public Expenditure Statistical Analyses 2007*. Cm 7091.

Total identifiable expenditure on services by country and region in real terms*, 2001-02 to 2006-07

	National Statistics						accruals, £ million
	2001-02 outturn	2002-03 outturn	2003-04 outturn	2004-05 outturn	2005-06 outturn	2006-07 plans	
North East	17,311	17,725	18,787	19,272	19,990	20,376	
North West	43,073	44,545	47,317	49,345	51,215	52,288	
Yorkshire and Humberside	29,602	30,564	32,214	33,802	35,188	35,800	
East Midlands	22,453	22,899	24,439	25,921	26,719	27,461	
West Midlands	30,030	30,967	33,106	34,736	36,257	37,046	
Eastern	26,602	27,897	30,070	31,389	32,852	33,380	
London	48,410	51,095	56,209	57,800	61,376	62,252	
South East	39,724	41,230	44,404	47,243	48,660	50,471	
South West	27,281	27,500	29,650	31,239	32,425	33,313	
England	284,486	294,422	316,196	330,745	344,682	352,387	
Scotland	35,347	36,154	38,586	39,252	41,671	42,985	
Wales	19,426	20,521	21,500	22,184	23,028	23,647	
Northern Ireland	13,163	13,601	14,029	14,455	15,024	15,869	
UK identifiable expenditure	352,423	364,697	390,311	406,636	424,405	434,888	
Outside UK	4,725	8,244	9,245	11,251	11,674	12,938	
Total identifiable expenditure	357,148	372,941	399,556	417,887	436,080	447,826	
Non identifiable expenditure	60,913	60,697	61,716	63,373	65,516	68,632	
Total expenditure on Services	418,061	433,638	461,272	481,260	501,596	516,459	
Accounting adjustments	15,948	20,563	16,967	19,562	21,239	24,756	
Total Managed Expenditure	434,009	454,201	478,239	500,822	522,835	541,215	

* 2005-06 prices.

Total identifiable expenditure on services by country and region per head in real terms*, 2001-02 to 2006-07

	National Statistics						accruals, £ per head
	2001-02 outturn	2002-03 outturn	2003-04 outturn	2004-05 outturn	2005-06 outturn	2006-07 plans	
North East	6,815	6,984	7,398	7,572	7,814	7,980	
North West	6,360	6,567	6,954	7,228	7,481	7,610	
Yorkshire and Humberside	5,948	6,121	6,431	6,708	6,949	7,014	
East Midlands	5,359	5,423	5,747	6,057	6,205	6,334	
West Midlands	5,687	5,838	6,223	6,512	6,757	6,894	
Eastern	4,926	5,145	5,504	5,716	5,928	5,995	
London	6,611	6,932	7,608	7,781	8,164	8,200	
South East	4,951	5,126	5,495	5,825	5,960	6,151	
South West	5,519	5,536	5,931	6,200	6,398	6,516	
England	5,753	5,930	6,342	6,603	6,835	6,949	
Scotland	6,980	7,152	7,630	7,729	8,179	8,414	
Wales	6,675	7,019	7,318	7,514	7,784	7,943	
Northern Ireland	7,792	8,016	8,240	8,451	8,713	9,158	
UK identifiable expenditure	5,962	6,148	6,554	6,796	7,049	7,184	

* 2005-06 prices.

APPENDIX 3: LETTER FROM LORD JENKIN OF RODING REGARDING A JOINT COMMITTEE FOR SCRUTINY OF THE STATISTICS BOARD

There are two issues to be considered. Do we need a new Committee? If 'yes', should it be a Joint Committee of both Houses of Parliament?

The Statistics and Registration Services Act 2007 will come into force on 1 April 2008. Central to its provisions is the creation of a new Statistics Board with a statutory responsibility for ensuring the quality and comprehensiveness of official statistics. The Act also contains a number of provisions intended to distance Ministers from the production of official statistics. Instead, the Board will be subject to direct scrutiny by Parliament who will hold the Board to account for the performance of its duties. Departmental responsibility for this area of policy will be transferred from the Treasury to the Cabinet Office—the amendments to the Bill making this change were passed after a Division in the House of Lords and later agreed by the Commons.

The position will therefore be significantly different from what has happened hitherto. Until now, the limited Parliamentary scrutiny has been the task of a sub-committee of the Commons' Treasury Select Committee which has had the job of holding Ministers to account in the normal way. Lords' Committees have only been involved when particular Inquiries have required statistical information—for instance, the current Inquiry by the Select Committee on Economic Affairs on the Economic Impact of Immigration.

It became clear during the passage of the Bill that the new direct accountability of the Statistics Board to Parliament would require substantially more involvement than has been the case of the sub-committee of the Treasury Select Committee. In a short debate held in this House on 29 November 2007, several speakers drew attention to this. Lord Moser cited the Government's White Paper of November 2006, *Independence for Statistics: the Government's Response*:

“The Government expects Parliament to play the central role in holding the statistical system to account ... and expects that there will be full accountability to Parliament for the statistical system.”

Lord Moser went on to refer to the many issues of public concern including migration, crime, pensions, population movement, health, transport and several other policy areas where there is much anxiety about the erosion of public trust in the statistics. Parliament will be expected to scrutinise the new Board's views on such matters.

Lord Newby, from the Lib-Dem front bench reinforced many of Lord Moser's points, arguing that Parliamentary scrutiny must be 'adequate and effective'. For instance, it must question whether the role of the Chairman of the Board vis-à-vis the National Statistician is working out in the way hoped for and not in the way some have feared; are the resources adequate for the job in hand? Is Ministerial involvement reducing the effectiveness of the Board?

Baroness Noakes from the Opposition Front Bench argued that

“We have to see parliamentary scrutiny as a part of the framework for restoring confidence—the Statistics Board cannot be expected to do it all by itself. There needs to be a forum in which difficulties can be aired, even if those difficulties and their airing are not to the taste of the Treasury”.

She went on:

“We know that permanent secretaries quake at the thought of having to appear before the Public Accounts Committee following reports by the National Audit Office ... If a visit to the [Statistics] Committee to defend non-compliance with the Code of Practice or the deliberate exclusion of dodgy statistics from the ambit of national statistics becomes unpleasant for permanent secretaries, that will enhance the status and effectiveness of the Statistics Board. It is clear that I have in mind a heavy-hitting parliamentary committee.”

There was a good deal more in the same vein. It is clear from all this that something more than a sub-committee of an existing Committee is required. The Government’s reforms of the system need to be backed by a rigorous and comprehensive scrutiny by a committee of Parliament whose exclusive task it is to undertake the job. I submit that this requires a new Committee. I know from my discussion with him that this is also the view of Sir Michael Scholar, the Chairman-Designate of the Statistics Board.

If this is accepted, the second question is whether this should be the role of a Committee of just one House or whether it should be a Joint Committee of both Houses of Parliament.

It has consistently been argued in this House that a Joint Committee would be better placed to do the job. In the same debate on the 29 November 2007, I argued that there is a great deal of expertise in this House which could be deployed to great effect in such a Joint Committee. I quoted the words of the former Financial Secretary to the Treasury, John Healey MP, who took the Bill through the Commons:

“I see some merit in the proposal for a Joint Committee of the two Houses, although it is not a matter for me as a Minister. It would enable both Houses’ expertise and interest in such matters to be played in, and it would allow their breadth and depth of expertise to play a part in the strong and proper scrutiny of the system.”

Another argument used in the debate was that Peers are less likely to engage in Party politics on such a committee than in one composed only of Members of the House of Commons, a point that was taken up by both Lord Newby and Baroness Noakes.

Lady Noakes said:

“It is not an overstatement to say that the style and tone of the two Houses, both in the Chamber and in Committee, are somewhat different ... I would hope, however, that the combination of the tough and somewhat political style of our colleagues in another place would blend very well with our rather quieter approach in this instance to produce highly effective parliamentary scrutiny.”

Several speakers cited the Joint Committee on Human Rights as a relevant precedent.

Both the Conservative and the Liberal Democrat leaderships in the Commons have backed the proposal for a new Joint Committee on Statistics. Yet, despite the encouraging words of John Healey quoted above, the Government remains opposed to the idea. Instead, the Minister replying to the debate, Lord Bach, said:

“We expect the Public Administration Select Committee to be the proper committee to scrutinise the operations of the board and the wider statistical system in another place.”

He went on to argue that other committees in both Houses could continue to scrutinise statistics that relate to their areas of interest. I would contend that this would be but a poor substitute for a Joint Select Committee whose sole remit would be to hold the Statistics Board to account over the whole field. I believe that the Government's intentions that the Board should be accountable to Parliament and not to Ministers would be best achieved by a Joint Committee of both Houses **specifically set up for the purpose.**

APPENDIX 4: NOTE FROM LORD TURNBULL SUPPORTING THE PROPOSAL FOR A JOINT COMMITTEE FOR SCRUTINY OF THE STATISTICS BOARD

During the passage of the Statistics and Registration Services Bill through the House of Lords, several speakers, including myself, argued that there was both an opportunity and a requirement to put in place an enhanced regime for Parliamentary scrutiny of statistics. This is a role which has been carried out to date by a sub-committee of the House of Commons Treasury Select Committee on the basis that Office for National Statistics was one of the departments reporting to the Chancellor of the Exchequer.

The requirement for a change arises in three ways:

- The Act has many aspirations but few incentives or sanctions. Without a Parliamentary Committee to back it up the Statistics Board may make recommendations or criticisms but it has limited power to get departments to respond. It has the power to name and shame, but no one to name to, and no one to do the shaming. The need is for a strong Committee which can call Ministers, Permanent Secretaries and the departmental Chief Statistician to respond to any recommendations or criticisms made.
- The new regime widens the scope of the statistical debate away from a focus on the statistics produced by ONS towards those produced across the whole of government.
- As well as looking at the statistics produced by individual departments there is an increased need to look at generic issues, e.g. quality, confidentiality, release practices, priorities for development, and resources.

The specific proposal advanced in the House of Lords debates was for a Joint Commons/Lords Select Committee. This would further divorce statistics from party politics and allow the huge experience which resides in the Lords to be mobilised. (It was in the Lords that most of the beneficial changes to the Bill were made.) It would also avoid duplication of Commons and Lords Committees.

In the House of Commons on 16 January 2007, the then Financial Secretary to the Treasury, John Healey MP said he saw some merit in this idea. The Government's response to Lord Jenkin's Question for Short Debate on 29 November was, therefore, very disappointing. Lord Bach argued that the current departmental basis of scrutiny should be maintained save that the lead responsibility should pass from the sub-committee of the Treasury Select Committee to the Public Administration Select Committee, presumably also to a sub-committee. I regard this as an inadequate response and a major opportunity missed. Far from being an advantage I believe the departmental basis is a source of weakness.

First I do not believe that the individual select committees, while nominally having responsibility for statistics in their area will ever be able to put statistics high up the agenda in competition with other pressing policy issues.

Secondly this approach fails to recognise the importance of the generic statistical issues. The PASC has developed a well earned reputation among select committees. But it is itself a specialised committee, with an expertise in the constitutional and propriety issues which are currently the responsibility of the

Cabinet Office. Unlike the Lords it has nothing distinctive to offer in the field of statistics.

Thirdly, the PASC will have a very heavy workload dealing with the host of issues thrown up by the Prime Minister's constitutional reform programme. It is difficult to see that they will be able to prioritise statistical issues or develop the specialised expertise required.

I hope, therefore, that the House of Lords will continue to press for a Joint Select Committee which is able to look at both sectoral statistical issues and generic ones, and which has the power to call before it Ministers and senior officials.

APPENDIX 5: MEMORANDUM FROM BARONESS WILLIAMS OF CROSBY REGARDING A SELECT COMMITTEE ON SCRUTINY OF TREATIES

The House of Lords does a remarkable job of scrutinising legislation. However in today's globalising world, many of the laws that have the greatest effect on the citizens of the United Kingdom are international treaties which, once ratified, impose obligations on us all.

Among the most important recent examples are the Kyoto Treaty, the Nuclear Proliferation Treaty, the World Trade Organisation, the Convention on the Rights of the Child; the Convention on the Elimination of All Forms of Discrimination against Women and the International Convention on the Elimination of All Forms of Racial Discrimination each have had significant effects on social policy in Britain. The 2000 International Convention for the Suppression of the Financing of Terrorism has proved one of the most effective tools in dealing with cross border crime and terrorism.

The example of the Kyoto Treaty is particularly relevant. The House is currently discussing the new bill on Climate Change. The objectives of this domestic law will have obvious consequences for a treaty to succeed Kyoto. That is already being discussed in Bali. There is a direct relationship, therefore, between the two, and Parliament should be able to scrutinise one in the light of the other.

In other democracies, the legislature is able to advise on treaties, and in many cases its consent is also required. The United States Senate, for instance, is in this position. So are the Upper Houses of Parliament in such European countries as Germany, France, Belgium and Spain.

The scrutiny of treaties that have such significant impacts on our lives seems to me a most appropriate extension of the current responsibilities of the House of Lords. I very much hope you will give this proposal sympathetic consideration.