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PARLIAMENTARY DEBATES
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HOUSE OF LORDS

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House of Lords

Tuesday, 16 March 2010.

2.30 pm

Prayers—read by the Lord Bishop of Ripon and Leeds.

House of Lords: Members Question

2.37 pm

Asked by Viscount Tenby

To ask Her Majesty's Government whether they plan to change the law to allow peers who are members of the House of Lords to vote in general elections.

The Parliamentary Under-Secretary of State, Ministry of Justice (Lord Bach): My Lords, the Government's 2008 White Paper on House of Lords reform proposed that Members of a reformed second Chamber should be able to vote in elections both to the House of Commons and to the reformed second Chamber. The proposals would enable all members of the peerage and new Members of the second Chamber to vote in all elections.

Viscount Tenby: My Lords, I thank the Minister for that incisive reply. Is he aware—I am sure that he is—that once those in custody have been given the vote, which rightly seems likely to happen in the near future, the only people unable to do so will be those who are judged incapable of voting and Peers of this House? With so much dissension about the constitutional reform of this House across and among parties, would not the Government welcome the chance to bring in a relatively easy amendment that would command support on all sides of the House?

Lord Bach: I am not sure that it would get absolutely unanimous support across the House—I have to say that first—although I think that it would get general support. However, our view is that provisions on voting in general elections are best dealt with in the context of a fully reformed second Chamber—so perhaps we should move to a reformed second Chamber as quickly as we can.

Lord Waddington: Would not the Minister agree that, whereas Members of the House of Commons represent their constituents, we have the great privilege of representing ourselves in Parliament? Leaving aside what may be in store for us in future, is not the present set-up entirely justifiable? Why should we have the right to have an MP represent us when we can represent ourselves?

Lord Bach: I do not think that the constitutional position could have been put better, but I am looking forward myself to being able to vote in a general election again.

Lord Acton: My mother's father—the late, late, late Lord Rayleigh—adopted the American colonists' mantra, "No taxation without representation". Does that not answer the point made by the noble Lord, Lord Waddington?

Lord Bach: It is an extremely effective mantra. Whether it actually answers the noble Lord's constitutional point, going back to the resolution of the House in 1699, I am not entirely certain.

Baroness Butler-Sloss: Would not the Minister like to divide the Peers from the lunatics?

Lord Bach: I do that every day.

The Lord Bishop of Ripon and Leeds: Would the Minister confirm that it is in order for Lords spiritual, who are not Peers, to vote in general elections, and that they should therefore be encouraged like all good citizens to use their vote?

Lord Bach: There is no bar to the Lords spiritual voting in parliamentary elections. However, I understand that it has long been the tradition that they do not do so. While they are not Peers, they none the less sit in this House and can therefore participate in person in the proceedings of Parliament instead of being represented in the House of Commons. There is no legal bar to the Lords spiritual voting in a general election; it is very much a matter for them.

Lord Tyler: My Lords, as the Minister said, there was cross-party agreement in the group that led to the 2008 White Paper on this issue. Does he recognise that that was 89 weeks ago? What have he and his fellow Ministers at the Ministry of Justice been doing all this time? Apparently there is now the promise of a draft Bill or some draft clauses. What is this going to be—is it serious legislation or is it simply electioneering at the fag end of this Parliament?

Lord Bach: The noble Lord will remember that, as I understand it, the cross-party group was made up of Front-Benchers. There are many others in this House who are not Front-Benchers who do not always share precisely the views of their Front Bench.

Lord Kinnock: I ask my noble friend to be slightly more incisive than he was even in his very incisive first Answer and anticipate the spirit of future reform by inserting a small government amendment in the forthcoming constitutional Bill that would enable those Peers who wanted to vote, as well as voting for a Member of Parliament, to vote for a Government, and those Peers who did not want to vote to be able to abstain. By those means, he would satisfy everyone.

Lord Bach: My Lords, I have always found everything that my noble friend has said extremely tempting, but on this occasion I have to resist what he has to say. Our view is that provisions on voting in general elections are best dealt with in the context of a fully reformed second Chamber.

Lord Selsdon: My Lords, I declare an interest: I have never been able to vote at all. How many people, other than me, did not vote in the previous election?

Lord Bach: Of those entitled to vote, some 38 per cent.

Lord Davies of Coity: My Lords, my noble friend made reference to a new reform Bill, which has been referred to as a constitutional Bill. An amendment could be incorporated into it, as has been suggested, to deal with the question of Peers voting in the general election. However, my understanding is—my noble friend referred to this when he talked about differences of opinion between the Front Bench—

Noble Lords: Too long!

Lord Davies of Coity: Sorry. My question is: can my noble friend guarantee that this House will support the reform Bill that the Front Benches are agreeing to?

Lord Bach: I find as months go by that I can guarantee really nothing at all. I have certainly never been able to guarantee anything that is before this House.

Universities: Student Services *Question*

2.43 pm

Asked by Lord Ashley of Stoke

To ask Her Majesty's Government what steps they are taking to safeguard services for university students.

The Parliamentary Under-Secretary of State, Department for Business, Innovation and Skills (Lord Young of Norwood Green): My Lords, the Government have presided over huge investment in higher education, with spending up some 25 per cent since 1997 and significantly increased income to higher education from variable fees. This year the department is allocating some £15 billion to higher education, taking into account spend on institutions and students. Results from the national student survey show that students are very satisfied, with 80 per cent and over consistently rating their teaching experience highly for the past five years.

Lord Ashley of Stoke: My Lords, I thank my noble friend for that reply. It sounds pretty good, but is he aware that the University and College Union has said that no fewer than 14,000 jobs are expected to go in the university sector, meaning that people will suffer? Is he also aware that the real problem is that the impact of these job losses will be felt in the key staff sector and that disabled people will suffer accordingly, as they are helped by those key staff? Can he help?

Lord Young of Norwood Green: My Lords, I am aware of the figures that have emerged from the UCU, but some of them do not bear inspection. There are those who talk about cuts bringing HE to its knees, but such claims are alarmist. We are asking for savings of less than 5 per cent; we expect universities to make those savings in a way that minimises the impact on students, teaching and research activities, especially on those students who require additional support and help. We will still be making significant funding available for students who receive disabled student allowances. The Government cannot arbitrate on where universities decide to make savings, but we want to give a strong steer about institutions carefully examining their efficiency and considering matters such as pay restraint before they attack anything which might impact on front-line services, including those for students with disabilities.

Lord Borrie: My Lords, my noble friend referred to students' general satisfaction with their courses. Has he taken into account the diversity that exists? For example, those who study philosophy seem to have a very high rate of satisfaction, while those who study dentistry are at the other end of the scale. It may be that they are completely different types of subjects. In any case, surely each student has no real means of comparison between the course he is doing and courses which he does not take.

Lord Young of Norwood Green: I was just pondering the unintended pun about dentists and scale. As Minister for Students, I go around as many universities as I can, talking directly to student listening groups, and there is still high satisfaction. Of course, if you disaggregate statistics, not everybody will be pleased. Talking of dentistry, I found when I visited UCLan—the University of Central Lancashire—that the dentistry faculty received a very high level of satisfaction. I do not deny that there will be disparities between different subjects. Nevertheless, consistently, year after year, the student satisfaction survey gives high ratings of 80 per cent and 81 per cent, so it cannot be all bad by any means.

Baroness Garden of Frognal: My Lords, the university think tank Million+ has proposed that full-time and part-time students should be treated equally with regard to student support systems, with equal access to student services. How are the Government proposing to ensure equal services for part-time students?

Lord Young of Norwood Green: We are encouraging universities to think more flexibly about the services they offer. My noble friend Lord Mandelson pointed out the possibility of their offering two-year degrees; similarly, they should consider the kind of flexibility that would ensure the best possible services for part-time students.

Baroness Murphy: My Lords, the Higher Education Funding Council for England has very wisely allowed flexibility for universities—I declare an interest as chairman of St George's Hospital Medical School, University of London. That being so, could we not return to the very serious case raised by the noble Lord, Lord Ashley of Stoke, that with such flexibility comes responsibility? Unfortunately in the past, support

services, especially those for students with disabilities, have often been disadvantaged. What will the Government do to ensure that those services are preserved?

Lord Young of Norwood Green: My Lords, my experience from visiting a number of universities is that they all take very seriously the question of access for students with disabilities. They go to inordinate lengths. We have stressed that efficiency savings should not be achieved at the expense of groups such as students with disabilities. These fairly modest savings of 5 per cent in relation to a budget of £15 billion should be achieved without putting at risk the important groups referred to by the noble Baroness.

Lord Smith of Clifton: My Lords, will the Minister consider imposing a windfall tax on the inflated earnings of the current crop of vice-chancellors?

Lord Young of Norwood Green: The short answer is no. Like many noble Lords, I saw yesterday's article in the *Guardian*. Higher education bodies are autonomous institutions. However, we believe that this period of pay restraint should be taken into account.

Lord Howarth of Newport: My Lords, will my noble friend congratulate universities on their extraordinary achievement over the past 20 years of educating vastly increased numbers of students and a diverse student body to a very high standard? Is he not also confident that, in their professionalism, university staff will seek to continue to do the same in the forthcoming period? Will he and his department be sensitive to the areas of stress that fiscal retrenchment may bring about?

Lord Young of Norwood Green: I thank my noble friend and concur with the first part of his analysis—that it has been an extraordinary experience. We set ourselves a target of 50 per cent of people going to university. We have achieved a level of 43 per cent. In many cases, those students are the first in their family to go to university, which is an example of social mobility. Universities have managed to maintain standards and we are confident that, given the steer that we have given, they should be able to do that in a period of modest restraint.

Power Station Closures

Question

2.52 pm

Asked by **Lord Willoughby de Broke**

To ask Her Majesty's Government how they will replace the energy capacity of the nine oil and coal-fired power stations which are due to close in 2015 under the European Union large combustion plant directive.

The Minister of State, Department of Energy and Climate Change (Lord Hunt of Kings Heath): Within the confines of the large combustion plant directive, it is for companies to either manage their assigned operating hours or take appropriate steps to make themselves consistent with the directive. However, the market is already responding with new-build plants under construction or with planning consents to replace those closing power stations.

Lord Willoughby de Broke: My Lords, I am grateful for that Answer. Can the Minister confirm that no new nuclear power station will be operational until at least 2017, and that clean coal and carbon capture and storage remain aspirations rather than reality? Is it therefore sensible for the Government to tie themselves into this large combustion plant directive at the risk of facing power shortages after 2015?

Lord Hunt of Kings Heath: My Lords, we hope that the first new nuclear power station will be in production by the end of 2017 or the beginning of 2018. As far as carbon capture and storage is concerned, the noble Lord knows that we wish to see four scaled-up projects developed. We are in the middle of the first competition and I am confident that, as the years go by, clean coal will have a major role to play. However, in the interim, there is considerable building activity. I am aware that 2.3 gigawatts of power generation has recently been commissioned. A further 10 gigawatts is under construction and a further 11 gigawatts has planning consent. I am confident that we will have the replacement necessary for those plants that will have to close.

Lord Teverson: My Lords, the large combustion plant directive deals with sulphur dioxide, nitrous oxides and other such pollutants, but not carbon dioxide. We manage to have emission performance standards for such relatively small items as cars and trucks. Why can the Government not introduce emission performance standards for carbon dioxide for power stations?

Lord Hunt of Kings Heath: Because we think it is unnecessary, premature and would risk delivery of our CCS demonstration programme. This has been discussed extensively in the other place in debates on the Energy Bill. I have no doubt that at Second Reading next week we will discuss it again. Not only is it unnecessary but it would lead to a lack of investment in the very sector that we wish to encourage through carbon capture and storage.

Lord Lawson of Blaby: My Lords, is it not clear that, should there be a choice in the near future between allowing the lights to go out in this country and deferring the implementation of the directive, which many—if not most—energy experts think is likely to occur, we will have to defer the implementation of the directive?

Lord Hunt of Kings Heath: My Lords, the lights will not go out. To suggest that they are at risk of going out at some stage in the next decade is completely wrong. As I have already indicated, a considerable amount of generating capacity is either being built at the moment, or has received or is seeking planning consent. I am confident that we will have enough electricity generation to make sure that the noble Lord's suggestion will not happen.

Lord Broers: My Lords, in support of what the noble Lord, Lord Willoughby, said, would it not be better to extend the life of some of our atomic nuclear stations that are still operating? Also, if we fast-tracked our first nuclear plant, we might even bring them on a year or two earlier. That would mean that we matched the rate that other countries have succeeded in achieving.

Lord Hunt of Kings Heath: We should bear in mind that we are one of the first countries to turn back to nuclear power after a moratorium of a considerable number of years. No one would be better pleased than me if we saw the opening of a new nuclear power station earlier than the end of 2017. We will do—and are doing—everything we can to ensure that progress is made as quickly as possible, and that the UK gains enormously from the development of an enhanced supply chain within the UK.

Lord Stoddart of Swindon: I welcome the Minister's assurances and confidence that security of supply will be maintained, but does that not depend on 20,000 megawatts of wind power, which may or may not be built and which is totally unreliable? Is there any news about the development of wave power in the Pentland Firth, which would provide far more reliable power to around 750,000 homes?

Lord Hunt of Kings Heath: Yesterday the Government published the Marine Action Plan, which very much takes the noble Lord's point about the potential importance of wave and tidal power in the future. However, wind also has an important role to play. I look forward to the building of many wind turbines in the next 10 years.

Lord Dykes: Further to that, the Minister was uncharacteristically reluctant in yesterday's Written Answer to say how many wind turbines he thought there would be by 2015, both onshore and, more importantly, marine. Could he give at least an estimate of the percentage of total energy that will be created by wind farms in 2015 and 2020?

Lord Hunt of Kings Heath: We are not in the business of forecasting the exact number of wind turbines that we require. At the moment, 5.5 per cent of electricity is generated through renewables. By 2020, we expect that to be around 30 per cent, and I would expect the contribution of wind to be around two-thirds of that.

Lord Grocott: While welcoming and thoroughly agreeing with my noble friend's cast-iron assurance that in 10 years the lights will not go out, is it not worth recalling that the last time the lights went out was under a Conservative Government?

Lord Hunt of Kings Heath: My Lords, I look, alas, to see whether the noble Lord, Lord Jenkin, is here. My noble friend is absolutely right. It would be better for the party opposite to come forward with a rather more cohesive energy policy than we have seen so far.

Lord Howell of Guildford: My Lords, given that all this new capacity is about to be built, as the noble Lord, Lord Hunt, has said, and that in the next few years most of it will be gas and gas turbines—that is what is being built at the moment—and that if we rely on more wind farms they will need gas turbine back-ups because in cold weather they do not produce any electricity, can he reassure us that our gas supplies will be reliable and secure, given that the North Sea supplies are now running down?

Lord Hunt of Kings Heath: My Lords, the North Sea may well be in decline—as it is—but our projection for 2020 is that it will still provide more than 50 per cent of our needs. The United Kingdom continental shelf has many more years of gas security to offer. When one puts that alongside the increase that we have seen in import capacity and storage, I am confident that we have the security which the noble Lord desires.

Chile: Earthquake

Question

3 pm

Asked by *Viscount Montgomery of Alamein*

To ask Her Majesty's Government what plans they have to aid Chile following the recent earthquake there.

Lord Brett: My Lords, Her Majesty's Government have provided the following aid in response to requests for assistance from the Chilean Government: £250,000 on 1 March to the Chilean Red Cross to deliver immediate water, sanitation and shelter emergency relief on the ground; and 600 tents by Ministry of Defence flight to Concepción for distribution by the relief agency World Vision to people left homeless by the earthquake.

Viscount Montgomery of Alamein: My Lords, that is extremely encouraging and very generous so far, but is the noble Lord aware that President Sebastián Piñera, the new president of Chile who took office last Thursday, has appointed a committee to study what will be required to achieve an orderly reconstruction process in Chile, which is a highly organised country? Will he therefore ensure that his department keeps in close touch with the Chilean embassy in London in order to find out exactly what will be required and when?

Lord Brett: My Lords, I appreciate the noble Viscount's Question. He is a great friend of and expert on Chile. We received the request from the Chilean ambassador and looked at the areas where we could offer assistance most effectively—as opposed to other areas where it would come more quickly from regional partners—and at our understanding of the humanitarian need; hence the items that we chose. We will, of course, look at any list provided by the new presidential committee to see whether there are other areas where we can give humanitarian aid and immediate assistance. In the long term, reconstruction is thought to be within Chile's own ability as it is a relatively wealthy country in Latin American terms. The new president has already announced that he expects reconstruction to be borne by the Chilean economy.

Lord Naseby: Is the Minister aware that what the Government have done so far is most welcome, but should we not have learnt from the experience of the tsunami when the United Kingdom contributed Bailey bridges and enormous help, particularly to the charitable sector, to rebuild houses and replace fishing boats?

Should we not be sharing that experience with the incoming Chilean Government, particularly as regards Bailey bridges which are relevant in Chile and would provide that extra help?

Lord Brett: I appreciate the noble Lord's sentiments about the United Kingdom Government's endeavours in this area. Bailey bridges are available within Chile. I am sure that the expertise that we have in their construction in an emergency could be made available if that were requested by the Chilean authorities. There is no good news in a national disaster. However, compared to Haiti, where 230,000 people have lost their lives, the Chilean death toll is 500. That is helped by the fact that the detonation was at a much greater depth and therefore caused less damage, although it was larger on the Richter scale. Chilean society is more robust in the buildings in which people live and the civil defence and other emergency services; hence it has emerged from this with much less trauma and devastation than Haiti.

Baroness Finlay of Llandaff: Given the expertise of the British search and rescue teams that have to go into an area very rapidly, are the Government part of any international initiative to try to decrease bureaucratic delays when earthquakes occur in at-risk countries in earthquake zones? We saw delays occur in Haiti, where some lives could have been saved if our own teams had been able to get in more quickly.

Lord Brett: My Lords, the UK Government put a search and rescue team on standby, but it was not required to go to Chile, as I have said, because of the enhanced nature of that country's civil defence and other mechanisms. However, the noble Baroness makes a good point; it is essential for those countries which live on earthquake fault lines to recognise, when these situations occur, that search and rescue is the most essential and immediate requirement. It may well be that the advice to Governments such as Chile and others is to make sure that they have search and rescue teams in place.

Baroness Thomas of Walliswood: My Lords, to what extent has there been a restoration of water supplies, a rebuilding of temporary shelters and so on in the weeks since the earthquake? Does he agree that Chile's ability to cope with emergencies is highly developed? Did the Chileans have any special needs which the British Government have been able to supply?

Lord Brett: The most immediate response was of course that of Shelter, whereby we were able to dispatch 600 tents by RAF flight. The Americans, for example, were able immediately to provide a substantial number of satellite cell phones. That is the kind of immediate external help that Chile requires. Beyond that, I am sure that the new president—and we wish him well—who faces enormous tasks in reconstruction, is confident that he has both the resources and expertise within his own nation to do much of that. But of course, as Europeans, as Brits, and as part of the nation of humanity within the United Nations and beyond, we will offer such assistance as we can and as is appropriate.

Baroness Rawlings: My Lords, as the Minister knows, Chile is highly vulnerable to earthquakes as it is situated on the Pacific ring of fire on the edge of the Pacific and South American plates. The Chilean Red Cross has responded quickly and efficiently. What further support are Her Majesty's Government giving to the Chilean Government, even though they are very well organised, to help particularly the poorer areas and to develop better earthquake resistance?

Lord Brett: Our endeavours at the moment and those of the Chilean Government are, first, to get people back into shelter, and to reconstruct and rebuild people's lives that have been shattered by this experience; and secondly, to learn the lessons and to seek to avoid such things in the future. In addition to immediate UK aid, some €3 million is being provided by the European Commission for further assistance, and pledges of some \$29 million have been given via the United Nations—\$10 million has been provided from the Central Emergency Response Fund. The UK contribution to CERF is 16 per cent or \$1.6 million, so I think that we are doing all we can. However, it is for the world to learn, not just from this disaster but from the disaster of the tsunami in south-east Asia and from the experience in Haiti, that we have to do better. That is where the United Nations has a responsibility; its specialised agencies need to co-ordinate better, not only in the aftermath of these natural disasters but, by greater endeavour, to prevent them or to recognise as early as possible that they are going to happen and to respond more effectively.

Business of the House

Order of Consideration Motion

3.08 pm

Moved by **Baroness Royall of Blaisdon**

That Standing Order 47 (No two stages of a Bill to be taken on one day) be dispensed with tomorrow to allow the Consolidated Fund (Appropriation) Bill to be taken through its remaining stages that day.

Motion agreed.

Rehabilitation of Offenders (Amendment)

Bill [HL]

Third Reading

3.08 pm

Bill passed and sent to the Commons.

Service Voters' Registration Period Order 2010

Motion to Approve

3.09 pm

Moved by **Lord Bach**

That the draft order laid before the House on 26 January be approved.

Relevant Document: 8th Report from the Joint Committee on Statutory Instruments, considered in Grand Committee on 8 March.

Motion agreed.

Business

Announcement

3.09 pm

Lord Bassam of Brighton: My Lords, as there is no speakers list for this afternoon's debate on the guide to the code of conduct and the rules governing the use of facilities, it may be helpful if I say a few words about the expected running order. The debate will be opened by the Chairman of Committees, the noble Lord, Lord Brabazon of Tara, who will be followed by my noble friend the Leader of the House, by the noble Lords, Lord Strathclyde and Lord McNally, and by the noble Baroness, Lady D'Souza. At that point, the House may wish to hear from the noble and right reverend Lord, Lord Eames, before other noble Lords rise to speak. The noble Lord, Lord Brabazon of Tara, will reply at the close of the debate.

Privileges Committee: Second Report

Motion to Agree

3.10 pm

Moved by The Chairman of Committees

To move that the Report from the Select Committee on the Guide to the Code of Conduct (2nd Report, HL 81) be agreed to.

Relevant Document: 2nd Report from the Privileges Committee.

The Chairman of Committees (Lord Brabazon of Tara): My Lords, I shall speak also to the second Motion standing in my name on the Order Paper, which invites the House to agree the second report from the House Committee. These Motions represent the culmination of almost a year's work by the two committees, by the Sub-Committee on Lords' Interests, by the Leader's Group chaired by the noble and right reverend Lord, Lord Eames, and by the various domestic committees. I thank all Members and staff who have contributed to this work.

Noble Lords will recall that following publication of the report of the Leader's Group last October, the House agreed, on 30 November, a new code of conduct. At the same time, the House debated the report of the Leader's Group, and in particular the group's proposal for an accompanying guide to the rules on the conduct of Members. The House also agreed that the report of the Leader's Group,

"be remitted to the Committee for Privileges, with an instruction that it reports a Guide to the Rules on the Conduct of Members of the House of Lords to the House".

The first report on today's Order Paper is made in accordance with that instruction.

After the debate in November, I wrote to the chairman of the Sub-Committee on Lords' Interests, the noble Baroness, Lady Manningham-Buller, to request that she and her colleagues undertake a detailed review of the guide. I trust that noble Lords will agree that the sub-committee did an impressive job. It consulted widely, and, in respect of the rules on the use of facilities, invited the domestic committees of the House to agree appropriate rules in each area. These rules are set out in the House Committee report, which I shall come to shortly.

The guide produced as a result of the sub-committee's work, and the further scrutiny of the Committee for Privileges itself, closely follows the guide that was originally proposed by the Leader's Group. That guide was fully debated on 30 November, and therefore I do not intend to describe its contents in detail. However, noble Lords should be aware of the few significant changes that are proposed.

First, there is the date of commencement. The resolution agreed by the House on 30 November stated that the new code of conduct would come into effect on 1 April this year. Noble Lords will appreciate that such a start date might, as it turns out, be inopportune. We therefore propose that the new code, and the accompanying guide, should come into effect from the start of the new Parliament. Before then, the Registrar will contact all noble Lords to ask them to update their entries in the Register of Interests, in light of the new categories set out in the guide. As long as noble Lords respond promptly, this will allow for publication of the new Register in time for the new Parliament.

Noble Lords will also be interested in the process of appointing the new House of Lords Commissioner for Standards. A lot of work has been put into defining the terms of appointment, and I confirm that the post has now been advertised. It is unlikely that the commissioner will actually be in post at the start of the new Parliament, but I expect him or her to start work not long after. In the mean time, the sub-committee will continue to be responsible for investigations.

We have also proposed certain changes in nomenclature. In line with the changing nature of their work, we recommend that the Committee for Privileges and its Sub-Committee on Lords' Interests should be renamed, respectively, the Committee for Privileges and Conduct, and the Sub-Committee on Lords' Conduct. These changes will require several technical amendments both to the code of conduct and to Standing Orders, which we hope will bring greater clarity to the roles of the committee and sub-committee.

Noble Lords will recall that in November we debated at some length the proposal from the Leader's Group's that, as part of the ceremony of taking the oath, noble Lords would be required upon introduction, and at the start of each subsequent Parliament, to sign an undertaking to abide by the code of conduct. The noble Lord, Lord Stoddart of Swindon, tabled an amendment to remove that requirement from the code, although he did not press it to a vote. We have explained in paragraphs 8 and 9 of our report how the undertaking will be made, and noble Lords will wish to pay special attention to those paragraphs. Similar guidance will be sent to all noble Lords, by means of a Lords Notice, at the same time as the Writ of Summons is issued ahead of the new Parliament.

We have also sought to clarify the status of this undertaking. Noble Lords should be in no doubt, first, that the code is binding on all Members of this House who are not on leave of absence, regardless of whether they have signed the undertaking, and secondly, that under the code the signing of the undertaking is mandatory. It therefore follows that any noble Lord who attends the House without having signed the undertaking will be automatically deemed to have

breached the code. It will then be for the sub-committee, in accordance with the enforcement procedure described in the guide, to recommend an appropriate sanction.

I do not intend to spend more time speaking to the report of the Committee for Privileges at this stage but, before turning to the House Committee report, I should remind noble Lords that the guide is intended to be a living, evolving document. While the guide before us today is, I believe, workable and comprehensive, it is not the last word. The sub-committee is charged, under the code, with keeping the guide under regular review, and if any difficulties emerge, or if any changes are required as a result of new case law, then the sub-committee will no doubt propose amendments. I hope that on that basis the guide before us today will enjoy the support of the whole House.

I turn now to the 2nd Report of the House Committee regarding the use of facilities provided by the House. Noble Lords will recall that the original Leader's Group report accepted that these facilities were the responsibility of the various domestic committees, under the guidance of the House Committee. The Sub-Committee on Lords' Interests therefore sought the views of these domestic committees on the various facilities for which they are responsible, and their decisions are reflected in the House Committee report before us today.

We have sought to avoid excessive detail and bureaucracy. The overriding principle must be that facilities and services available to Members which are either provided or subsidised at public expense are intended primarily to support Members in their parliamentary work. While respecting this principle, the House Committee and the domestic committees have also sought to provide sufficient latitude to enable Members to continue working on their outside interests, as they have a right to do in an unsalaried House which relies on the experience and expertise of its Members, as this one does. I hope that noble Lords will feel that the report strikes the right balance.

I should also point out that the report must be read in conjunction with the House Committee's 3rd Report of 2008-09. This sets out the rules on banqueting functions and has already been agreed by the House.

Standards of conduct in this House have been under close and often painful scrutiny over the past year or more, but these two reports show just how well the House has responded. They have not been imposed upon us: they are the fruits of the labour of many Members of your Lordships' House—by my rough calculation, between 60 and 70 noble Lords have sat on the various groups and committees that have contributed to the two reports. Collectively, we have tightened up the rules where necessary, while respecting the essential values of the House and the rights of its Members. These reports represent a real step forward in the way that we as a House regulate our own conduct. I recommend them warmly to the House and I beg to move.

3.15 pm

The Chancellor of the Duchy of Lancaster (Baroness Royall of Blaisdon): My Lords, the Lord Chairman has set out very fully for the House the issues that we are considering today and I commend him for his clarity.

I wish to pick up where the Lord Chairman left off. He said that standards of conduct in this House have been under close and painful scrutiny over the past year or more but that these two reports show just how well the House has responded. I agree with that judgment. We have come a long way over the past year or so. Both Houses of Parliament have experienced considerable and critical public and media scrutiny. The scrutiny of the other place was, at its peak, far more intense than has at any point been the scrutiny of your Lordships' House. However, the scrutiny of this House has been long-running and is continuing. Some of it has been unfair, some of it has been wrong but, where it has led to the exposure of wrong-doing, we have taken action and we will continue to do so.

I said at the beginning of last year that if there were wrongs they must be righted and if there were abuses they must be rooted out. That is what we have been doing. The issues in front of us today are a key point in that process. We have taken action over Members' expenses; the House Committee made a request to the Prime Minister to commission the SSRB's report; we have a process to consider the issues in the SSRB's report, which is being carried out by the ad hoc group under the chairmanship of the noble Lord, Lord Wakeham; and next week there will be action over the principal residence of Members of the House. There is of course more to do. We have taken action over Members' conduct—the House deciding that it did have the power to suspend Members, suspending two Members of this House, and establishing a Leader's Group to propose a new code of conduct; and the House approving a new code of conduct, developing and I hope, today, adopting the new guidance associated with that code.

This is a considerable programme of change and reform but it is necessary so that we can be more confident in ourselves and the public can have more confidence in us. I recognise that the steps that we have taken are not quick enough for some. I and many other Members of this House have been impatient for change, but these are complex, serious and important issues and it is right to consider them carefully, cautiously and comprehensively. That is what we have been doing. I have no doubt that we have more work to do on these matters. I have no doubt, too, that we will continue to face scrutiny.

We are getting our rules and systems right. Today is a significant day for two reasons; not just because it marks the important step of putting fully into place the new code of conduct and its associated guide as well as the rules governing the use of facilities for this House, but because it marks the moment when this issue moves from those who have been involved in drawing up these rules—and I echo the Lord Chairman's thanks to the large number of Members and officials of the House who have taken part in this work—to us Members of the House ourselves. It is for the House to draw up and to decide on its rules, regulations and provisions. But it is now up to us, the Members of this House, to abide by them.

I know that many Members of this House have felt, and continue to feel, tarnished by activities that they regard as dishonourable or worse. I know, too, that the vast, overwhelming majority of Members of this House

[BARONESS ROYALL OF BLAISDON]

act not just in accordance with the rules of this House but with their own standards of personal honour, morality and conduct. That is right; that is proper. However, Members of this House do have an obligation and a responsibility placed on them by the code of conduct which the House has already agreed and by the guidance to that code which is in front of us today.

It is the responsibility of us all, each and every Member of this House, to abide by those rules, to behave in accordance with them, and, if necessary, to adjust our behaviour to ensure that we do. We all face the mirror test. When we look at ourselves, are we satisfied not just with what we do but with the way in which we do it? Are we satisfied that the public are satisfied with the way that we conduct ourselves?

I do not for a moment believe that such self-examination will be difficult for the Members of this House. I believe that the Members of this House are dedicated to the idea of public service, to the essential role that this House has as part of our legislative process and of the checks and balances in our constitution, and to the responsibility that they have in discharging their role—discharging it fully but also sensibly, moderately, fairly and honestly. I am confident that the new provisions that we are putting in place will be of real assistance in helping them to do so, and helping the House to deal with any failures if or when they happen. The responsibility on us all as Members of your Lordships' House is real; it is rigorous and it is right.

In conclusion, I said last year when the scrutiny level of this House intensified that we needed to put our own house in order. That is what we have been doing, and that is what we are doing today. The proposals before the House are considered and correct and I urge the House to adopt them and to continue our processes of reform and improvement.

Lord Strathclyde: My Lords, I join the noble Baroness in wishing to convince your Lordships to agree the Motions laid by the Lord Chairman of Committees relating to the new code of conduct. A great deal of thought has gone into this and there has been wide consultation in the House. As has already been said, the House should rightly be grateful to the Leader's Group led by the noble and right reverend Lord, Lord Eames, to the Committee for Privileges and, specifically, to the Sub-Committee on Lords' Interests under the chairmanship of the noble Baroness, Lady Manningham-Buller. An enormous amount of reflection and discussion has been undergone in the past few weeks. While I may or may not agree with every nuance—and your Lordships may have your own detailed questions—overall, a good balance has been struck. I unequivocally support the reports that are before us and I hope that your Lordships will support them too.

There is an air of “bash the House” about. There is a fashion for breast-beating and people, including some who have recently come among us, saying that everything in the old House was bad. There is talk of systems being wrong in the past and the need for radical change. I do not defend the old systems. I recognise and urge the need for change. Equally, as one who has been here for nearly 25 years, I would say

that Members of this House have in that time overwhelmingly acted on their honour and with a deep sense of propriety and of commitment to public service.

If there are problems—and there have been problems which have had to be and will yet have to be dealt with—they have been the errors not of the many but of the few. Let us not fall into the trap of letting anyone set this House, this unpaid House, up as a den of thieves and chisellers. It was not so in the past, and it is not today. However, given the degree of public distrust of politics and politicians, it is vital that in our daily conduct we should follow clear and understandable rules and that what we do and the way we do it are both transparent and fully accountable.

I know that the noble Lord, Lord Adonis, and Mr Jack Straw have recently leaked plans for a paid, fully elected Chamber from which we will all be removed, but that is for a future Parliament to decide. Unless and until that day comes, we will remain as we are now: an unpaid House drawing heavily on the expertise that noble Lords bring from other walks of life and from their interests—without the ability to speak about their interests, we would be in a sorry state. In such a House, we need clear rules that enable Peers to earn a living outside and to play a full part here. I think that this code meets that challenge.

I know that some object to the idea that we should sign a document acknowledging our acceptance of the code. Some feel that it impugns their honour, that it demeans the House or purports to place a condition on the Writ. These are important questions, no doubt, but there is also no doubt that the House may enjoin rules on Peers. There are many things that we sign in life far less important than an undertaking to abide by the rules set by this House, which shares in making law for every subject of the Crown.

I confess that I cannot share the anxiety of some on this point. I ask your Lordships to reflect on how it would be seen were the House to oppose such a proposal from your Lordships' Committee for Privileges. The British public, drowned as they are under a mass of forms, undertakings and regulations to sign and abide with, would not begin to understand what was in your Lordships' mind. I hope that we will not let ourselves be caught up on that small hook and lose sight of the significance of the code before us.

I defend the honour and integrity of this House; I condemn the actions of a few; but I urge your Lordships to accept that greater transparency and clarity has been made necessary and to give these Motions your support.

Lord McNally: My Lords, often, when I am showing people around this building, I say that I have worked here for more than 40 years and that I never enter it without a sense of awe for what it stands for, for what it is. As we are very close to the alarums of battle, I can also say, as one who is slightly to one side of it, something that I said yesterday. I think that this House has been very well served by the Leader of the House and the leader of the Opposition in the way that they have approached these very difficult circumstances. It would have been very easy for this to collapse into easy point-scoring on one side or another. The fact that we

have progressed so far on this road is in no small measure due to the leadership that we have had from those two Front Benches.

That is not drawing together in a common defence, but a real addressing by this House of the problems that we face. The vast majority of people in this House feel the sense of honour, duty and responsibility to which I referred. What we have had to come through has been extremely painful for many. I cannot remember which noble Baroness said at a very early stage, “For the first time, I came in this morning feeling ashamed of being in the House of Lords”, because of some splash in one of the newspapers. We have come through it, thanks to the work of the committees, especially the noble and right reverend Lord, Lord Eames, and his committee, and the noble Baroness, Lady Manningham-Buller, and her committee. The Leader of the House’s speech could well bear reading by the press, because it brought together very well the whole raft of reforms which are coming forward now to repair the reputation of this House.

I shall not repeat that, but I will echo the plea made by the noble Lord, Lord Strathclyde. I know that some colleagues will feel that the request to sign up to the code of conduct is a “When did you stop beating your wife?” declaration, but we must realise that the mood outside needs clear demonstrations. Members may well feel the affront of being asked to sign such a declaration but, as the noble Lord, Lord Strathclyde, said, it is a fairly small price to pay for that outward show of determination to put our House right.

On the use of facilities, we must remember that the outside use of facilities is also a subsidy. It would be almost impossible to run the facilities of this House commercially with the sitting days and the hours that we sit. The real clue—I again echo the noble Lord, Lord Strathclyde—is transparency. If we know who is booking what, the chances of abuse are scant. I hope that we do not put the shutters up on the use of facilities by outside organisations because it is one of the benefits of this House.

The times, they are a-changin’. We cannot run the House in some of the comfortable ways that we have run it in the past, even though those ways were entirely innocent as well as being comfortable. We cannot just look at ourselves and have confidence in each other. We have to satisfy an external audience, and the work that we are putting in hand today goes some way to doing that.

3.30 pm

Baroness D’Souza: My Lords, the final draft of the *Guide to the Code of Conduct* was agreed by the Committee for Privileges on 1 March and published last week. The fact that we are debating it today is evidence of the priority it has been given. Many of your Lordships will recognise the difficulty in codifying personal honour, which underlies much of what is in the guide, with a degree of clarity that will allow anyone who picks it up to know what is expected from him or her. I do not think we are quite there yet, and there will, no doubt, be some test cases which gradually refine usage and practice. Indeed, this is anticipated in the expressed intention to keep the guide under review.

Among other functions, this excellent guide will help all to keep to forefront of our individual and collective minds what precisely our obligations are.

I, among many others in this House, have long argued for incremental reform. I consider the publication of this report and its intended implementation in the new Parliament to be such a reform. It may possibly have unanticipated consequences, as many small changes often do, but these are likely to be in the direction of greater clarity, transparency and accountability. There may then be the final recognition that this House must be subject to external audit not only of expenses, but of all other aspects of the ways in which we carry out our constitutional function.

If we are to embrace change, then let us do so not with mealy-mouthed reluctance but with conviction. Public perception is not to be manipulated but to be heard and responded to when it is appropriate. However, I have to say that I do not believe that our hair shirt should extend to the eradication of your Lordships’ House as we know it. In any case, this would not be the answer.

As I look around the House today, I see so many hugely distinguished Peers who would not dream of putting themselves up for election. We would be a lesser House without them, and the public would be the poorer. We are moving towards professionalism, which some may regret, but the days when the concept of personal honour alone held sway are over; accountability to the taxpayer is paramount. No doubt there will be some who pick away at this code to find gaps, but gaps do not mean loopholes. They mean areas which have yet to be identified and remedied. Our job is to climb out of perdition by accepting these conditions and enhancing their implementation.

A favourite strategic vision question that is often asked in interviews is, “What would you like to see in five or 10 years’ time?”. I should like a much smaller professional House of experts from a very wide range of disciplines: a House with a well-oiled machinery for ensuring accountability and transparency that is therefore fit to carry out its pre-eminent function—to scrutinise and revise legislation.

I thank and congratulate all those who have worked so hard to produce and finalise this document.

Lord Eames: My Lords, the code of conduct which the Leader’s Group presented to this House was considered in detail by the House last November. As the *Hansard* report of that discussion indicates, there was general support for the thinking behind our recommendations. We were, however, conscious that great importance should attach to the substance of the guide as well as to the code. It is one thing to produce a code or statement of how a Peer should regard his or her conduct in Parliament; it is surely an equally important task to provide interpretation of and guidance on that conduct. Therefore, the Leader’s Group welcomed the decision to invite the noble Baroness, Lady Manningham-Buller, to lead the Sub-Committee on Lords’ Interests in examining the guide in detail.

When I had the honour of presenting the report by the Leader’s Group in November, I tried to emphasise that we recognised the importance of such a review, and I pay tribute to the work involved on the part of

[LORD EAMES]

the noble Baroness, Lady Manningham-Buller, and her colleagues. The sub-committee's work closely identifies with the guide that was debated on 30 November.

I will refer briefly to just two aspects of the report before us. First, I accept the argument for the date of the implementation of the new code of conduct as the start of the new Parliament. It is surely entirely desirable that by then we will all have had the opportunity to review our entries in the Register of Members' Interests. As the House will recall, the Leader's Group proposed the appointment of the Lords commissioner for standards. Since the November debate on our report, a considerable number of Peers have spoken to me and my colleagues of their approval of this decision. Events even since November have surely underlined the importance of this decision. Throughout the work of the Leader's Group, we were deeply conscious of the need to place the code of conduct within a framework that would do much to address the cynicism and open criticism of Parliament by such a wide cross-section of public opinion. This appointment will do much to meet that situation, but in this debate today it is important to underline that the code of conduct document, together with the guide before us, will form the agenda—the working brief—of the new commissioner.

Secondly, as we stated in November, much of what we are doing is taking us into uncharted waters. There will be a development of interpretations and an evolving precedent of criteria in the observance of a new code and its guide. The acceptance of the new post of commissioner in our daily work as a House will mean that, from time to time, the guidance to the observance of a code will need to be addressed. That is why what this House decided last November and what we decide today is so important. Despite whatever changes may emerge because of experience, surely it must be known and recognised that we are setting out the principles that will make our work transparent, understandable and open to wide scrutiny. The guide as a developing phenomenon must be an instrument which, as far as possible, removes dilemma and doubt as to what is expected of us.

Paragraphs 103 to 128 of the guide refer to the work of the commissioner. Those paragraphs are of necessity a first step in establishing his or her duties. Experience will most likely provoke reviews of particular parts of his or her work. However, I wish to draw attention to one aspect of paragraphs 103 to 128. Irrespective of the details of any individual case of complaint and irrespective of the ultimate outcome, I believe that the House needs to exercise sensitivity towards the opportunities a Peer under investigation has to present his or her case.

Paragraph 115 states:

“Proceedings are not adversarial, but inquisitorial in character”.

Paragraph 117 includes the words:

“They may be accompanied to any meeting by a colleague, friend or legal adviser”.

My concern is—I speak personally—that there could be occasions when a Peer under investigation may find it difficult best to present his or her case by themselves, bearing in mind the seriousness of the occasion and the situation in which they will find themselves. Under

paragraph 117 of the guide, they are permitted to consider and to seek the advice of their adviser “off the record”. However, I feel that in due course the procedural guidance may need to be revisited in the light of experience. In the name of natural justice, as the Leader's Group said in paragraph 74 of the original code, we must remember the seriousness for any of us finding ourselves in such a situation. This is not just an inquiry into a breaking of the code; it is a moment when one's reputation and standing are under question, and it involves self-respect and personal honour. Therefore, the utmost care is surely needed in the implementation of the code and the guidance to the code so that justice is not only offered but is seen to be offered.

I welcome the fact that the code will be binding on all Members of the House. The nation is demanding nothing less and has a right to expect nothing less. That is why the Leader's Group places such emphasis on the mandatory nature of the undertaking expected of all Peers and why we suggested more than a mere acknowledgement of the code at the beginning of a Session. While the signing of a declaration may sound to some as overbearing, to say the least, I believe that it sends a symbolic message to the outside world.

I express the hope that in our debate today those who have particular issues or problems with any part of the proposed guide will bear in mind that even now not every word will be cast in stone. The House will ask the sub-committee to keep the new guide under constant review and, where appropriate, to propose amendments for our consideration. That was the spirit behind the proposal of the Leader's Group that the House received last November. It would be unfortunate if in today's debate individual difficulties over the interpretation of this guide should prevent the whole House, as it did in November, from moving forward and grasping the opportunities for a fresh beginning, which will push back such negative and divisive images of the immediate past.

In closing, I join those who have thanked the noble Baroness, Lady Manningham-Buller, and her colleagues for the presentation of this guide to the code. I cannot commit all the former members of the Leader's Group, for we are no longer in existence, but for myself I unreservedly support the proposed guide.

3.45 pm

Lord Campbell-Savours: My Lords, I wish to say a few words about the guide and some residual concerns that I have over implementation. I gave evidence originally to the Nolan commission and to Wicks in his review of the House of Commons between 1997 and 2001. I also prepared a detailed proposal for a guide and code of conduct for the Eames committee.

My first observation concerns presentation. We will have two documents—the code of conduct and the guide—and I suggest that we should publish only one document, which is the position in the Commons. The Commons document has the code of conduct together with the guide to the rules so that there can be no misunderstanding as to what is the relevant document when anyone is considering their position.

I welcome paragraphs 109 and 110, which establish the remit for the commissioner. Following my experience on the Standards and Privileges Committee in the

House of Commons in the period 1997 to 2001, I expressed concern to the Wicks inquiry about the remit for the commissioner being tightly defined, unambiguous and clear. There is a danger of remit drift, which can lead to anxiety in the House about the limit of the remit, particularly in the minds of those who are the subject of complaint. Remit drift can also instil a sense of expectation in the media as to what can be investigated by the commissioner.

One area of the remit concerns me. Paragraph 110, which deals with,

“Matters not falling within the Commissioner’s remit”,

includes “Members’ non-parliamentary activities”. That is very broad. There may be circumstances where a breach of public duty responsibilities unrelated to parliamentary activities but related to a Member’s conduct, while not constituting a criminal offence may bring dishonour on the Member and, indeed, on the House. For example, a case might arise in the management of a charity, in third-party influence on a contract or—and I am not political point-scoring when I say this, because it affects all parties in this House and all Members—in accuracy of declarations of domicile. That is an important issue for us all.

Paragraph 5 relates to the *Ministerial Code*. It has been my view since the early 1990s that the *Ministerial Code* should be enforced not by the Cabinet Office and the Cabinet Secretary but, in the Commons, by the parliamentary commissioner for standards and, in the Lords, by the commissioner for the House of Lords. That responsibility should be transferred to them and taken away from the Executive.

Paragraphs 19 and 20 in the appendix to the guide to the code of conduct could cause confusion, not only in the code but in the guide, and could potentially lead to abuse. Perhaps I may quote selectively without destroying the sense intended. It states:

“Members may not ... advise outside organisations ... on process, for example how they may lobby or otherwise influence the work of Parliament”.

It then states:

“The following is not parliamentary advice ... advice in general terms about how Parliament works”.

Paragraph 20 states that,

“a Member may exceptionally give parliamentary advice to an organisation ... with whom the Member has a financial interest, provided that the Member can demonstrate that: he or she does not receive payment or benefit in return for the provision of parliamentary advice or services. The Member should ... be able to show that the payment or benefit is provided in return for some non-parliamentary advice or service which the Member provides”.

There is a built-in contradiction. While the great majority of the House will, I am sure, honour this part of the code and guide to the letter, it is inevitable that there will be those who breach the provisions and what I believe to be the intentions of the guide.

I am concerned also about paragraph 90, which deals with declarations in Committee. I understand that it has been the case for quite a time—it is not new—that one declares an interest at the beginning of a set of proceedings in Committee; in other words, one does so at the beginning of Committee stage on a Bill. I have never believed that that is satisfactory. What happens in conditions where a Bill may run in Committee for seven, eight, nine or 10 sessions? Is it sufficient for

a Member simply to declare their interest at the beginning of a Committee stage on a Bill in a way that covers all amendments that might be moved during it? The public may well be misled and a Member may stand publicly accused of not declaring a relevant interest.

I know that we are here to act on our honour. The noble and right reverend Lord, Lord Eames, was very careful in his original report—wisely so in my view and, I am sure, in the view of all of us—to emphasise the need for honour in the way in which we conduct ourselves. But I say it again: honour varies between Members and there will be some who do not see it being as important as others do.

The issue of domicile should be dealt with in the code, so that when a Member signs up at the beginning of a Parliament to the code they are effectively signing up to whatever rules might exist on domicile.

My objective in making my observations, most of which I communicated to my noble friend Lord Hart of Chilton during the many months that he spent toiling over the code of conduct along with other members of that committee, is simply to flag up certain issues that the committee may wish to consider when it reviews what the noble and right reverend Lord, Lord Eames, referred to as a living and evolving document. The whole code is based on personal honour. I only hope that we are all capable of living up to the very fine intentions as set out both in the guide and in the code.

Lord Carrington: My Lords, I agree entirely with the Leader of the House and my noble friend the Leader of the Opposition that something of this kind is necessary in the current circumstances. However, I should like to put it on record that I think that this is a sad day. It is a sad day for the House, a sad day for your Lordships and, alas, an even sadder reflection on the declining standards of public life.

Lord Lloyd of Berwick: I wish only to make a brief comment on the work done by the Sub-Committee on Lords’ Interests. It has done an excellent job in revising the guide to the rules of conduct prepared by the Eames committee and in proposing a change in the name. I can identify few changes between the original guide and what is now proposed. However, there is one change to which I should draw attention. In paragraph 119 of the original guide, the Sub-Committee on Lords’ Interests, as it was then to be called, had the task of resolving any significant contested issues of fact. That is, as I understand it, no longer to be the case, as one can see from comparing paragraph 119 of the original guide to paragraph 130 of the revised guide. Thus the facts are to be found by the commissioner and those facts are final, subject only to appeal under paragraph 131 to the Committee for Privileges itself. Paragraph 133 of the revised guide provides that, “the Committee will not reopen the Commissioner’s investigation”. I wish only to ask whether my understanding of the position is correct and, if so, to say that it is an important improvement on what was there before.

The Lord Bishop of Ripon and Leeds: My Lords, I am delighted from these Benches to welcome these two reports and the clarity and transparency that they give in our dealings with one another and with the

[THE LORD BISHOP OF RIPON AND LEEDS]
wider society. I am pleased, along with the noble Lord, Lord McNally, that the point is made in the facilities report that refreshment outlets can be used for raising money for charity. It is an important principle of our life together that we share our privileges with those in need and with other charitable causes. It is good to see that being affirmed in that report.

I welcome the code of conduct and its guide for their specific clarity and, still more, for their refusal to confine and define our behaviour by a set of rules. Our signing the code with each new Parliament, which I very much welcome, will remind us of our solemn duties as Members of this House. I particularly welcome the development of the concept of personal honour, partly through our discussions in this House, expressed in paragraphs 6 to 8. Our daily prayers remind us of the need to lay aside all private interests, prejudices and partial affections. That phrase, which is very appropriate to the whole life of this House, is picked up in this code and its guide.

There is a complex relationship between our personal sense of honour and the standards of the House as a whole. I was particularly interested to hear the Leader of the House taking that up in her introduction to this piece of business. It is well expressed in the balance between my own—or our own—deep convictions and those of the institution to which I am committed, a balance that applies not only to our membership of this House but to those other cultures of which we are a part, whether it is the British Medical Association, a county council, the Church of England or society as a whole. Personal integrity and communal allegiance must go together and I very much welcome the way in which the code and its guide deal with that.

On a more specific issue, I am grateful for the clarification of the role of the Lords spiritual provided in paragraph 29, which is new, although I am also somewhat uncomfortable about it. The paragraph says that the Lords spiritual, along with Ministers of the Crown and members of non-departmental public bodies, are excluded in relation to those specific roles from the prohibitions on receiving payments for exercising parliamentary influence. I take it that that is a reference to our stipends as Church of England bishops, because, on a literalistic interpretation of the code, we could otherwise be excluded from contributing on matters of education or social care, for example. I would be grateful for confirmation from the Lord Chairman that it is our stipends that are being considered in paragraph 29. Apart from those, it is right that Lords spiritual should be bound by these provisions in just the same way as are other noble Lords. I suppose that it is one advantage of our curious dress code that this interest is at least fairly obvious when we contribute in this House.

This code and its guidance ensure that we do not ever again fall into a culture where it is appropriate to argue that no rules have been broken. It will reinforce our moral integrity and remind all of us of the privilege of our service. I welcome it wholeheartedly.

Lord Neill of Bladen: My Lords, I shall make a historical reference. In case some of your Lordships are not aware of the earlier history, I came into the

House at the end of 1997 and had just been appointed as the second chairman of the Committee on Standards in Public Life. Our first report was about how elections should be conducted and money provided to the parties. The second one was about your Lordships' House because at that time, in 1999, there was concern that the House of Lords rules seemed to be laxer than and not as enforced as those down the Corridor. There was a feeling that all was not well. When I was introduced into that situation, I had four separate meetings where I was invited to address all the parties and the Cross-Benchers. Without disclosing any confidences, I can say that there was not unanimous enthusiasm for the role that I was trying to urge upon Members of your Lordships' House; indeed, there were quarters where one might almost say that voices of dissent were heard.

It would have been inconceivable in 1999 that two documents like today's could have come before the House of Lords. They would have been turned down, and the attitude would have been wholly different from the responses, such as nodding, that it is getting around the House today. The House is behind these documents. It wants them to be put in place and voted upon, and I fully agree with that.

My only word of warning relates to how we have got to the position that we are in. There has been a gradual shift in opinions during the decade from 2000 to 2010. Then we had these terrible cases that seemed to start in another place but effectively came to include Members of this House. The allegations that were made, if true, were serious and deeply disturbing. One asked oneself: how could any Member of this House have indulged in the alleged conduct?

Now, not all the cases have been taken to trial, as it were. Two cases that were judged by committees of your Lordships' House have been dealt with and led to penalties. Other cases have not had judgment, and I think that one should apply the ordinary rule that a man or woman is deemed innocent until proved guilty by due process, which has not been fully carried out. Nevertheless, allowing common sense to intrude, one's suspicion has to be that some of what one read was true. That is deeply worrying.

My only message for the future is that there must be some recognition in the House that this has to be watched. We cannot wait for another torrent of media revelations to get us into the right frame of mind. How exactly that will be done, I do not know, but it is an important consideration that we should keep in mind.

Lord Brooke of Alverthorpe: My Lords, I shall follow up on the points made by the noble Lord, Lord Neill of Bladen. I have two questions. The first relates to an issue that I spoke on back in November when I expressed my unease at the inability to raise issues that would lead to changes in the code of conduct, which at that time I felt was deficient.

Paragraph 4 makes it clear that the sub-committee will review the guide and the code and change it as appropriate. However, if an individual Member of the House has cause for dissatisfaction, not with another Peer, but feels uneasy about particular rules or paragraphs in the guide or the code, how can that individual raise the matter and ensure that it is examined and acted upon if appropriate? I have described previously how,

when one felt unhappy and went to different Leaders or Clerks, quite often the complaint disappeared somewhere within the machinery of the House. I would like some clarity on that.

If there is a requirement for a change, I hope that at that point we might pick up on my previous suggestion to my noble friend the Leader of the House. We need a reference to the Register of Lords' Interests, Members' Interests, and those of secretaries and research assistants. The House will recall that the press went into this some years ago and, as a consequence, we were required to draw up such a register. I felt that the lack of reference to this was an omission from the report of the noble and right reverend Lord, Lord Eames. I understand that there is an indirect reference in the facilities document which comes before us later this afternoon, but quite frankly, it has disappeared. Unless we cover issues such as accountability, we leave ourselves open, the press will come back to them and the House will be in difficulties again. I hope that I can finally have an answer on what will happen in that regard. Do I need to continue pursuing the issue in one form or another and, if so, what is the mechanism for doing so?

My final point concerns the undertaking in paragraph 9, on which we have had a full discussion and which I fully support. It states:

“We hope that the House of Lords Appointments Commission will be willing to assist by making potential nominees for peerages aware of the provisions of the Code of Conduct—though it would be inappropriate for the Commission to require the potential nominee to undertake before nomination that they would sign the undertaking”.

I would like to know why. I have spoken to the noble Lord, Lord Jay of Ewelme, about some of the issues arising from the operation of the Appointments Commission. We see at the other end that more examination of public appointments is taking place. I am in favour of elections, but I do not foresee them in the near future, and I find it amazing that we may have 80 or 90 new Peers entering this House without any changes in the procedures under which they will be appointed.

I would have hoped that we might have given a stronger indication to the Appointments Commission on how it might conduct its affairs. If promises are given to or required of individuals to enable them to enter the House, that should be known publicly. It should be open to the public and to the House to examine those issues in due course. We should ask the Commission very firmly to ensure that the code of conduct is signed in advance by anyone who wants to enter the House.

Lord MacGregor of Pulham Market: My Lords, as a member of the Leader's Group under the chairmanship of the noble and right reverend Lord, Lord Eames, I would like to follow him in saying that I support unreservedly the entirety of the guide as it is now and the changes made to it. I do not propose to talk about the content, but I should like to say a word about the process, which I think has helped to bring about this improved guide.

There were only six of us in the Leader's Group. We worked at speed; we took as much evidence as we could and we received some representations, but not that many, from colleagues. All of us on the committee

were clear and unanimous about the code, and that was accepted by the House in November. In addition, to assist the House, we agreed to a unanimous report on the text of the proposed guide. On the latter, it would be fair to say that in the time available, it was not possible to explore every nook and cranny in detail. Indeed, there was some disagreement on detail among us, but as we did not regard ourselves as the repository of all wisdom, we thought it reasonable to put forward concrete suggestions in order to enable wider consultation and comments on those details before they were finalised. An illustration of that was when we put some of the figures in brackets.

In the context of the debate on 30 November, I received a number of comments from colleagues on some of the details. I felt that it right, therefore, to put my submission to the committee of the noble Baroness, Lady Manningham-Buller, and I put forward five changes that should be made to the report that we had all agreed. Four of those were accepted. One on shareholdings was not, but I quite understand that. However, my point is, as the noble Lord, Lord Brabazon, made clear, that the text in front of us is the fruit of the labour of many Members. It has been greatly improved as a result of that and is the better for that wider consideration.

That leads me to the more general point that I want to make. There seems to be a view in some quarters that when committees are set up to comment on points in relation to either House, we should simply accept en bloc and without question the recommendations of those committees. The noble Lord, Lord Neill of Bladen, has referred to the Committee on Standards in Public Life and I was proud to serve under him for two sessions of the committee. I remember that period very clearly because I was in the other place and had to come and defend our report here in this House. We put forward reports on the House of Lords and on the funding of political parties. Not all of our recommendations were agreed and it was quite right that those with much wider experience and from different elements of experience were able to comment on those reports. In fact, two of us from the other place were on the Committee on Standards in Public Life at that time and I hope that the noble Lord, Lord Neill, will agree that there was benefit to the committee in our knowing the inside workings of that place to be able to make recommendations.

The point is that this is the view of a committee. I have seen the Committee on Standards in Public Life at work subsequently and I have considerable reservations about some aspects of the report that it recently produced on the other place. I have also had something to do with the Senior Salaries Review Body. Sometimes, I felt that wider experience would have helped it rather more in coming to some of its recommendations. Having been subjected to them as a Minister, I can say that the same is true of royal commissions or committees of inquiry into issues of accidents on the railway and so forth. We do not always accept the royal commission's recommendations or all the recommendations of the committee of inquiry, and quite rightly.

When we debated the Senior Salaries Review Body's report earlier, I said that I supported the broad framework and thrust of the report but had reservations in detail

[LORD MACGREGOR OF PULHAM MARKET]

on some of the recommendations. It is entirely reasonable for the longer process that we have taken on the code of conduct to be applied in those other cases too. Of course, we have to bear in mind that self-interest is at stake here and we should not talk in terms of our own self-interest. We should take very seriously the recommendations of these bodies, but sometimes they do not get all the details right. The report that we have in front of us now on the guide is all the better for the wider consideration that has been given to it by others. I hope that we can accept that that should apply in other cases as well.

Lord Hart of Chilton: As a member of the Eames group, may I for the record also associate myself with the sentiments expressed by the noble and right reverend Lord, Lord Eames, and say that the guidance that has now been revised is in my view better focused and has greater clarity than when it left us. I thank the group for the work that it has done. I also say that the noble Baroness, Lady Jay, associates herself with those remarks, so there is a whole set of Eames group members agreeing with what has been proposed this afternoon. We should also pay great attention to the fact that, in due time, inductions and mentoring will also play a part in a better explanation of the code and the rules of guidance when newcomers come into the House.

4.15 pm

Lord Foulkes of Cumnock: My Lords, I, too, agree with the general thrust and the vast majority of the recommendations of the report. I have just two reservations. I have been waiting for the noble Lord, Lord Stoddart, to raise again the matter that he raised in the previous debate on the subject and which I supported. Outside this Chamber many people told me that they also agreed with it; I do not know why no account has been taken of it. It relates to the signing of the undertaking. I had assumed that, as the noble Lord, Lord Stoddart, and I said in the debate, it was implicit in taking the oath that you accepted all the rules and regulations of this House, including the code of conduct. Why is there any reason to sign a separate undertaking?

I want an explanation of this in the reply. I would also like to know, because I am a suspicious character, as some here know already, where this idea for the separate undertaking came from. Who suggested it? Was it a member of the committee or was it the Clerks?

Noble Lords: Oh!

Lord Foulkes of Cumnock: I am sorry—I do not mean that in a derogatory way. The Leader of the House, for whom I have great respect, looks upset. I would just like to know because sometimes the bureaucracy suggests things that are not in the best interests of the Members. As Members, we need to recognise that.

Lord MacGregor of Pulham Market: I can answer the noble Lord. The suggestion came from the Members on the Leader's Group.

Lord Foulkes of Cumnock: I am most grateful. I thank the noble Lord. Now we are getting into a debate. We have had a series of monologues until now and I like debates. Now that my good friend, the noble Lord, Lord MacGregor, has said that the suggestion came from Members, I would be interested to know which Members it came from, the reason behind it and an explanation as to why it is necessary in addition to the oath. As I said previously, I almost never agree with the noble Lord, Lord Stoddart, on other occasions, particularly on the European Union, but on that occasion he argued a very sound case. Outside the Chamber many people came up to him and to me to say that they agreed with it, yet nothing has happened. No account has been taken of it between that debate and this report. I just do not understand why.

I come to the second point on which I have some reservations. I was encouraged by the fact that the right reverend Prelate the Bishop of Ripon and Leeds agreed with me. He did not understand why Lords spiritual were excluded from the code of conduct. I do not either. We may be coming at this from different points of view. I hope he will not take offence at this, as Members took offence when I even hinted that the Clerks might come up with suggestions, which they do from time to time. However, I would have thought that there is probably no purer example of paid advocacy in this House than the Bishops of the Church of England. They are an absolutely perfect example. They come along and argue their case. The debates and votes that they participate in are on matters that have direct relevance to the teachings, work and actions of the Church of England. With the single exception of the retired generals, they are probably the most eager advocates of their case. I hope that in the reply we will get an explanation of why the Lords spiritual are excluded from this.

Lord McIntosh of Haringey: My Lords, I will be quick because I want to refer only to three paragraphs of the Privileges Committee's report. I played no part in the preparation of these documents, so I can be objective in congratulating all those who have been involved. However, I was involved more than 10 years ago in the Griffiths committee on the code of conduct. I disagreed profoundly with our conclusion then that we should retain this phrase in paragraph 15 of the code of conduct:

"Members of the House should ... be especially cautious in deciding whether to speak or vote in relation to interests that are direct, pecuniary and shared by few others".

The phrase,

"direct, pecuniary and shared by few others",

is of ancient origin. It was devised by a committee chaired by Lord Greenwood of Rossendale in the 1960s or 1970s. It ought at that time—and ever since—to have been an unequivocal exclusion from acting in this House, just as it would be in any local authority. Yet we have, frankly, three paragraphs of equivocation. If Members have interests which are,

"direct, pecuniary and shared by few others",

they should not be acting in Parliament—period.

Lord Stoddart of Swindon: My Lords, the noble Lord, Lord Foulkes, drew attention to the fact that I had not spoken this afternoon. The reason I have not

spoken up to now is to see how many people would get up on this point. I am glad to say that the noble Lord, Lord Foulkes, got up on the point and made a very good case as to why this onerous chapter has appeared in the guidance. I thought very closely about this matter when I saw the final report and saw that there had been no alteration. I was considering putting down another amendment but decided not to do so because this House has been under pressure lately and I did not want to put it under further pressure. However, I continue to believe that the recommendation for a signature to be appended to the swearing-in ceremony that you will obey the code of conduct—which you would be expected to do anyway—may have unfortunate consequences at a later date. I can see that the House has no great objection to it and, as I welcome and support the rest of the report, we shall just have to see how it goes. However, I wanted to put on record that I still believe that such a document is unnecessary and will in time be seen to be unfortunate, and perhaps will eventually be withdrawn.

The Chairman of Committees: My Lords, I am grateful to all noble Lords who have spoken in this fascinating and wide-ranging debate. However, I hope noble Lords will agree that it is time for me to try to answer the points that have been made. Although I cannot guarantee to answer every point, I shall certainly write to those whose points I have not managed to answer this afternoon.

We are most grateful to the noble and right reverend Lord, Lord Eames, for his speech. I again thank him for the report that he has produced. I agree with the noble and right reverend Lord that any investigations of noble Lords must be scrupulously fair and consistent with natural justice. The noble and right reverend Lord was dealing with the investigative process at that stage. The sub-committee will keep the guide under review and I am sure that it will bear representation in mind.

The noble Lord, Lord Campbell-Savours, asked me a number of questions. His first suggestion was that the guide and the code should be a single document. The Leader's Group took the view that a problem with the existing code was that it was not always self-evident what constituted a rule and what constituted advice. Therefore that group, the sub-committee and the Privileges Committee all supported the introduction of separate documents. Indeed, the House did so when we debated the report back in November.

The noble Lord was also worried about what he called the "remit creep" of the commissioner. In fact, the job description and remit have been pretty tightly drawn. If the noble Lord has not seen the job description, I can certainly let him have sight of it. He also took the view that non-parliamentary activities should be reviewed by the commissioner. They can be reviewed, but the Leader's Group report was clear that the commissioner should bite only on the code. As for the number of times that one has to declare an interest during the Committee stage of a Bill, paragraph 90 of the guide states that there may be circumstances when a noble Lord may declare more often, but this issue was dealt with back in 2008 in a Privileges Committee report agreed by the House, by the group of the noble and

right reverend Lord, Lord Eames, and by the sub-committee, whereby it would be necessary to declare an interest only once at each stage of a Bill. That matter has been dealt with. The noble Lord, Lord Campbell-Savours, said also that the commissioner should vet the *Ministerial Code*, but that goes straight against the guide and the report of the noble and right reverend Lord.

The right reverend Prelate the Bishop of Ripon and Leeds and the noble Lord, Lord Foulkes, asked about paragraph 29 of the guide. However, this refers to the bishops' stipend and that is why they and Ministers are specifically dealt with differently in that paragraph. It is only one paragraph of the guide.

The noble Lord, Lord Campbell-Savours, asked whether domicile should be included in the code. As noble Lords are only too well aware, there are currently no rules on this. They would be a matter for legislation; they may even be a matter for legislation; but if they become law they could be included in the code. At the moment, they are not included.

Lord Campbell-Savours: Does my noble friend accept that a resolution of the House would be an alternative to legislation in the event that legislation were to be delayed?

The Chairman of Committees: I am dealing with the guide to the code before us this afternoon. On those grounds, it would probably be a mistake for me to speculate. I am trying to answer as many questions as I can.

The noble Lord, Lord Brooke of Alverthorpe, asked about putting a register of staff in the Register of Interests. That has been done. I shall have to come back to the noble Lord with more detail on that, but we can and indeed will look at improving its accessibility and visibility.

The noble Lord also asked how individuals could give feedback on the operation of the code and the guide. The sub-committee on Lords' conduct is, as I have said, charged with keeping the guide under regular review. Therefore, I suggest that the noble Lord approaches the chairman of the sub-committee with any suggestions. He also asked about the role of the Appointments Commission and the undertaking. The noble Lord, Lord Jay, confirmed in a letter that I received from him today that the Appointments Commission will inform new Members about the code of conduct, but it would not be right to insist at that stage that the appointee should have to agree to accept the code. That will happen when the noble Lord takes his or her seat.

The noble Lord, Lord Carrington, who is not in his place, said that this was a sad day for the House. I would make just one point in reply. We have had a code of conduct for many years; this is only a revision. I agree that the guide is new, but there is nothing new about having the code of conduct.

The noble and learned Lord, Lord Lloyd of Berwick, referred to the investigative procedure outlined in paragraph 129. It is different because it takes account of the existence of the commissioner, and not just the sub-committee, the main committee and the House. There is an additional layer, if I may put it like that.

[THE CHAIRMAN OF COMMITTEES]

The noble Lord, Lord MacGregor of Pulham Market, suggested that the SSRB should follow a similar process to this. That, I am glad to say, is a matter for another day. Noble Lords will be aware that its recommendations are currently under consideration by an ad hoc group of Members chaired by the noble Lord, Lord Wakeham, which will in due course report to the House Committee. There will be ample opportunity to consider the matter. One step in that direction will be debated next Monday: we will leave consideration of the issue until then.

I am grateful to the noble Lord, Lord Hart of Chilton, for his support for the revisions to the guide that the sub-committee and the Committee for Privileges have made to the original recommendations from the noble and right reverend Lord, Lord Eames. I am sure that noble Lords will agree with him.

The noble Lord, Lord McIntosh, raised the question of financial interests that are direct, pecuniary and shared by others. He also made the point that these had been around for a long time. The only difference now is that in the guide we give some additional explanation of what these are. The noble Lord will have seen that we define “direct” as meaning that the Member could personally benefit as a result of the proceedings. “Shared by a few others” means that the Member is one of a small group of people in society who would benefit. We believe that this is a workable definition that brings clarity to this long-standing principle. The noble Lord may disagree with the definition.

Lord McIntosh of Haringey: My Lords, I do not disagree with the definition, but there should be an automatic exclusion from taking part in parliamentary activities. It is perfectly clear.

Lord Brabazon of Tara: I am glad that the noble Lord says that it is perfectly clear. Throughout the proceedings, we have tried to strike a balance between not discouraging noble Lords who have experience and expertise in these matters and know what they are talking about from speaking, and at the same time dealing with the matters to which the noble Lord, Lord McIntosh, referred. I believe that we have found the right balance.

Lastly, I turn to the speech of the noble Lord, Lord Foulkes of Cumnock, which was followed by that of the noble Lord, Lord Stoddart of Swindon, and concerned the signing of the undertaking. As the noble Lord said, this was dealt with when we debated the report of the Leader’s Group on 30 November and agreed the code of conduct. The undertaking is an integral part of the code of conduct that was debated at the time. As the noble and right reverend Lord, Lord Eames, said in his speech, the symbolism of the signing is as important as the signing. It means reference can be made to a Member having signed on such and such a date. That is now rather an old argument. The noble Lord, Lord Foulkes, asked why we did not take any notice of those who objected to signing the undertaking. The reason is that the vast majority of people did not object to it; in fact, today a number of speakers have said how important it is that noble Lords sign the undertaking at the same time as they take the oath. I think that the opportunity for changing that has now long passed and that therefore that battle is lost from the noble Lord’s point of view.

Lord Foulkes of Cumnock: The battle but not the war.

The Chairman of Committees: We’ll see, my Lords. The noble Lord also asked—this is probably the last question that I have to answer—why the Lords spiritual were dealt with differently. As I pointed out to the right reverend Prelate, that is the case only regarding the stipend, and this applies only to paragraphs 8(c) and 8(d) of the code. In every other aspect of the code, the Lords spiritual are treated exactly the same as any other noble Lord.

I am sure that I have not answered all the questions as well as I should have done but I shall certainly write to noble Lords if that is the case. I am grateful to all those who have spoken this afternoon and, again, I commend the report to the House.

Motion agreed.

House Committee

Motion to Agree

4.36 pm

Moved by The Chairman of Committees

That the Report from the Select Committee on the Rules Governing the Use of Facilities (2nd Report, HL Paper 47) be agreed to.

Relevant Documents: 2nd Report from the House Committee

The Chairman of Committees (Lord Brabazon of Tara): My Lords, I have already spoken to this Motion and I beg to move.

Motion agreed.

Procedure Committee: Second Report

Motion to Agree

4.36 pm

Moved by The Chairman of Committees

That the 2nd Report from the Select Committee (HL Paper 51) be agreed to.

Relevant Documents: 2nd Report from the Procedure Committee

The Chairman of Committees (Lord Brabazon of Tara): My Lords, in speaking to this Motion, I shall speak also to the second Motion in my name relating to the committee’s 3rd Report.

The bulk of these two reports is taken up with proposals arising out of the Lisbon treaty, which came into force on 1 December 2009, and out of government commitments made during the passage of the European Union (Amendment) Act 2008.

Noble Lords will be delighted to hear that I do not propose to explain the Lisbon treaty provisions and the resulting new procedures in detail—in fact, I can see that noble Lords are voting with their feet. Indeed, as far as the Lisbon treaty is concerned, I do not feel qualified to do so, but I am delighted to see that the

noble Lord, Lord Roper, is in his place, as he may be able to help me out if I get into difficulty. However, I will give a brief summary.

In outline, the Lisbon treaty conferred certain powers upon national Parliaments to submit so-called “reasoned opinions” to the European institutions in respect of legislative proposals which breach the principle of subsidiarity. That principle means that EU action is appropriate only if,

“the objectives of the proposed action cannot be sufficiently achieved by the Member States”.

The treaty also established a process whereby national Parliaments may, through their national Governments, challenge recently adopted legislative Acts before the European Court of Justice, also on subsidiarity grounds.

It is not for me to comment on the merits or likely impact of these treaty provisions. The duty placed on your Lordships’ Procedure Committee was simply to propose a mechanism by which the House could make effective use of these new powers. This we have done.

We expect that in the normal course of events subsidiarity questions will come before the House following a report by the European Union Committee. It will, however, be open to any Member of the House to make use of the same procedure by tabling a free-standing resolution incorporating a reasoned opinion. Noble Lords should be aware, however, that the Leader made it clear to the committee that the usual channels would decide whether to provide time to debate such free-standing Motions on a case-by-case basis, and there can be no presumption that a debate will be facilitated in every case.

The other procedures described in this report relate to parliamentary approval for the proposed use of passerelle clauses—I shall not attempt to explain these but they are described in the report—and to scrutiny by the European Union Committees of the two Houses of possible decisions by the United Kingdom to opt in to proposals in the field of justice and home affairs. The latter proposals arise out of commitments made on behalf of the Government by the noble Baroness, Lady Ashton of Upholland, in June 2008.

I do not intend to say more about these Lisbon-related proposals at this stage, other than to assure noble Lords that the powers described in the 2nd report may be exercised by each House wholly independently. This House may play its “yellow” or “red” card, irrespective of what the other place does. Similarly, the approval of this House, as well as the other place, is required before the United Kingdom may support a passerelle decision within the European Council.

It may be helpful if I now turn briefly to the 3rd report. This proposes new terms of reference for the EU Committee, a revised scrutiny reserve resolution, and a wholly new resolution covering scrutiny of opt-in decisions. The changes to the terms of reference and the scrutiny reserve resolution are largely technical in nature, but are necessary to bring them into line with the revised treaties.

I now turn to the other matters covered in the two reports. The points in the 2nd report most likely to be of interest to noble Lords are the committee’s recommendations on Private Notice Questions, and the revised guidance on Motions and Questions, which

we have adopted with a view to its inclusion in the forthcoming new edition of the *Companion*. On PNQs, we have recommended that the Lord Speaker’s decision in respect of the admissibility of PNQs henceforth be made final. The present procedure for an appeal to the House against the Lord Speaker’s decision, which replicates the procedure that used to apply when the Leader of the House made the preliminary decision, is, frankly, unworkable. The Lord Speaker is unable to defend her decision on the Floor of the House, and there is no one who appropriately can speak on her behalf, nor is there any way in which the House can, formally, make its views known.

As the report states, there was no consensus on how to address these problems. However, the majority view of the Committee was that the Lord Speaker’s decision should be made final. We have a Lord Speaker; she has certain duties assigned to her by the House, and most Members of the Committee felt that on this particular issue, which creates real difficulty for her in performing those duties, we should trust her to get on with it without second-guessing her decision. That is the essence of our recommendation.

Turning to the guidance on Motions and Questions, we were particularly grateful to the Clerk of the Parliaments for bringing forward this major revision and consolidation of all the available rules and guidance. We believe that this new guidance, once incorporated in the new edition of the *Companion*, which is almost ready for publication, will be of enormous assistance to noble Lords, their researchers and assistants and staff of the House. I emphasise that there is nothing new in the guidance. It is a summary of existing rules and conventions, but set out in a much more comprehensive, coherent and helpful way. The new guidance does not affect the fundamental principle that noble Lords will remain responsible for the content of their Questions, subject to the sense of the House.

Finally, I wish to touch briefly on the second item covered in our 3rd report—our recommendation that the time limit within which Questions for Written Answer are expected to be answered should be changed from the present fortnight to 10 working days. This is a small but significant change that will not affect the vast majority of QWAs, but which will help Government departments to produce timely answers on those occasions—chiefly the Christmas and New Year holidays and perhaps, to a lesser extent the Easter Recess, when two or more bank holidays fall close together.

Lord Roper: My Lords, I had not intended to speak but on behalf of the European Union Committee, I thank the Procedure Committee and the Leader of the House for all the work that they have put in to bring these proposals forward. That has required a lot of work and a number of meetings, which will enable our committee to do our task of scrutiny more effectively in future.

The Chairman of Committees: I am grateful to the noble Lord, Lord Roper, and I am grateful that he was here just in case anybody else should have asked questions about the Lisbon treaty, with which I have to say I am not particularly familiar. I beg to move.

The Earl of Sandwich: I draw attention to paragraph 5.18 on page 12 regarding the guidance on Questions, which states:

“Questions do not ask about the internal affairs of another country”.

I am very daunted by the footnote, which refers to *Erskine May*, 23rd edition, because this is clearly derived from a previous decision. I put it to the Chairman of Committees that there are a large number of Questions concerning the internal affairs of other countries. The Table Office has reminded me on occasion that Her Majesty’s Government are not responsible for those internal affairs. On the other hand, Her Majesty’s Government intervene in the internal affairs of other countries. The rubric regarding human rights and international conventions seems to me insufficient. I urge the Chairman of Committees and the committee to look at that again.

The Chairman of Committees: I certainly undertake to look at that again but, as I said my opening remarks, there is nothing new in the rules. As the footnote says, it is covered by *Erskine May*. I am not quite sure when the 23rd edition was published—I will have to come

back to the noble Earl on that. I have some sympathy with what he says, and the Table Office will be able to advise him on those matters. As I said, this is nothing new; it is just a consolidation of existing advice and our rules, but I will look into the point that the noble Earl makes.

Motion agreed.

Procedure Committee: Third Report

Motion to Agree

4.46 pm

Moved by The Chairman of Committees

That the 3rd Report from the Select Committee (HL Paper 82) be agreed to.

Relevant Documents: 3rd Report from the Procedure Committee

Motion agreed.

House adjourned at 4.47 pm.

Written Statements

Tuesday 16 March 2010

Control Order Powers

Statement

The Parliamentary Under-Secretary of State, Home Office (Lord West of Spithead): My right honourable friend the Minister of State for Policing, Crime and Security (David Hanson) has today made the following Written Ministerial Statement.

Section 14(1) of the Prevention of Terrorism Act 2005 (the 2005 Act) requires the Secretary of State to report to Parliament as soon as reasonably practicable after the end of every relevant three-month period on the exercise of the control order powers during that period.

The level of information provided will always be subject to slight variations based on operational advice.

The control order regime

In the 16 September 2009 quarterly report to Parliament on control orders, my right honourable friend the Secretary of State for the Home Department made clear that he considered that the control order regime remained viable following the June 2009 House of Lords judgment in *AF & Others*, but intended to keep that assessment under review as cases were considered by the courts. The High Court has upheld four control orders since the House of Lords judgment, following court proceedings that were compliant with the Article 6 test laid down in *AF & Others*. The Government therefore remain of the view that the regime remains viable. The Government's position was set out in greater detail in its memorandum to the Home Affairs Committee on post-legislative scrutiny of the Prevention of Terrorism Act 2005 (Cm 7797), which was laid before Parliament on 1 February.

My right honourable friend the Secretary of State for the Home Department also asked the independent reviewer of terrorism legislation, Lord Carlile, to consider in his fifth annual report on the operation of the 2005 Act the continuing viability of the control order regime in the light of *AF & Others*. I welcome the conclusion of Lord Carlile in that report, which was laid before Parliament on 1 February "that abandoning the control orders system entirely would have a damaging effect on national security. There is no better means of dealing with the serious and continuing risk posed by some individuals". Lord Carlile emphasises that in reaching this conclusion he has "considered the effects of the court decisions on disclosure. I do not consider that their effect is to make control orders impossible". Lord Carlile's conclusions support our view that control orders continue to be an important tool to protect the public from the risk of terrorism where individuals who we suspect of involvement in terrorism-related activity cannot be prosecuted or deported.

The powers in the 2005 Act have now been renewed by my right honourable friend the Secretary of State for the Home Department for a further year from 11 March 2010, after both Houses of Parliament supported its renewal.

The exercise of the control order powers in the last quarter

As explained in previous quarterly statements on control orders, control order obligations are tailored to the individual concerned and are based on the terrorism-related risk that individual poses. Each control order is kept under regular review to ensure that obligations remain necessary and proportionate. The Home Office continues to hold Control Order Review Groups (CORGs) every quarter, with representation from law enforcement and intelligence agencies, to keep the obligations in every control order under regular and formal review and to facilitate a review of appropriate exit strategies. During this reporting period, no CORGs were held in relation to the orders currently in force. This is because meetings were held just before, and are due to be held just after, this reporting period. Other meetings were held on an ad hoc basis as specific issues arose.

During the period 11 December 2009 to 10 March 2010, one non-derogating control order has been made and served. No control orders have been renewed in accordance with Section 2(6) of the 2005 Act in this reporting period. In this reporting period there have been two revocations of control orders that were in force. Neither control order was revoked because it was not possible to meet the disclosure test set out in the House of Lords judgment in *AF & Others*. The Secretary of State revoked one control order because it was no longer considered necessary, and was directed by the court to revoke another on the basis that the court considered that the order was no longer necessary.

In total, 11 control orders are currently in force, 10 of which are in respect of British citizens. All these control orders are non-derogating. Six individuals subject to a control order live in the Metropolitan Police Service area; the remaining individuals live in other police force areas. Two individuals have been charged with breaching their control order obligations; no criminal proceedings for breach of a control order were concluded during this reporting period.

During this reporting period, 44 modifications of control order obligations were made. Thirteen requests to modify control order obligations were refused.

Section 10(1) of the 2005 Act provides a right of appeal against a decision by the Secretary of State to renew a non-derogating control order or to modify an obligation imposed by a non-derogating control order without consent. One appeal under Section 10(1) of the 2005 Act has been lodged with the High Court during this reporting period. A right of appeal is also provided for by Section 10(3) of the 2005 Act against decisions by the Secretary of State to refuse a request by a controlled person to revoke their order and/or to modify any obligation under the order. During this reporting period two appeals have been lodged with the High Court under Section 10(3) of the 2005 Act.

Judgments have been handed down in relation to five control orders in substantive judicial review proceedings under Section 3(10) of the 2005 Act during this reporting period. Four of these control orders have been upheld by the courts. The five judgments are these:

judgment was handed down by the High Court in Secretary of State for the Home Department v BG and BH on 15 December 2009. Both control orders were upheld. No further detail can be given for legal reasons;

judgment was handed down in Secretary of State for the Home Department v AM on 21 December 2009. The High Court upheld this control order as necessary and proportionate, finding that there was overwhelming evidence of AM's past involvement in terrorism-related activity and his future intentions. AM sought permission to appeal against this judgment on various grounds and permission has been granted;

in Secretary of State for the Home Department v Al-Saadi, also handed down on 21 December 2009, the High Court found that while it was necessary for him to be placed on a control order when it was initially imposed, it was no longer necessary. The court directed the Secretary of State to revoke the control order;

judgment in Secretary of State for the Home Department v BM was handed down on 16 February 2010. The control order was upheld by the court on the grounds that there are reasonable grounds for suspecting that BM is or has been involved in terrorism-related activity and that the imposition of a control order on him is necessary for purposes connected with protecting the public from a risk of terrorism; and

a judgment was handed down on 18 January 2010 in the case of Secretary of State for the Home Department v AE and AF. This determined two preliminary issues: whether in circumstances where the requirements of Article 6 of the ECHR compel the Secretary of State to withdraw the material relied upon in support of a control order such that the order cannot be maintained, the court should quash the control order or direct revocation; and whether the disclosure requirements identified in AF & Others apply where the Secretary of State wishes to rely upon closed material to defend against a claim for damages by a controlled person. The court found that in these circumstances the order should be quashed and that the requirements in AF & Others do apply, although the judge commented that it did not follow that the controlled individuals would automatically succeed on liability on all claims against the Secretary of State and that even if they did recover any damages, the level of compensation payable was likely to be low. The Secretary of State is appealing against the judgment.

In addition to the appeals to the Court of Appeal mentioned above, one further individual subject to a control order has applied for, and been granted, permission to appeal to the Court of Appeal. One individual has been granted permission to appeal to the Supreme Court.

Most full judgments are available at <http://www.bailii.org/>.

Crime: Reoffending Statement

The Parliamentary Under-Secretary of State, Ministry of Justice (Lord Bach): My right honourable friend the Minister of State, Ministry of Justice (Maria Eagle), has made the following Written Ministerial Statement.

I have today laid before Parliament the Government's response to the Justice Committee report *Cutting Crime: The Case for Justice Reinvestment*. This document sets out the response of the Government to the report published by the House of Commons Justice Committee in January 2010.

In January 2008 the Justice Committee launched an inquiry into the cost implications of the Government's current strategy to reduce reoffending and potential alternative policies. The committee's report contains 98 recommendations and conclusions and these make a case for a systematic approach to justice reinvestment as a way to reduce the size of the prison population, as well as providing an analysis of the current strategy for reducing reoffending and cutting crime. We are very grateful to the committee for its contribution to this important debate.

The Government share with the committee the ambition to tackle both crime and the causes of crime: to reserve custody for the most serious offenders; to make full use of tough community sentences that demand change from the offender and maintain public confidence; and to invest in "what works" in reducing reoffending. The Government's approach involves punishment for breaking the law and giving offenders the opportunity to reform and turn away from crime. The aim is to ensure justice for victims and local communities; punishment and reform for offenders; and, ultimately, value for the taxpayer. This is a complex undertaking, and one in which we have already achieved much: according to the British Crime Survey, crime has dropped by over a third since 1997, and adult reoffending is down 20.3 per cent since 2000 and 11.1 per cent since 2005. However, we want to go further and will reflect carefully on the committee's analysis and recommendations.

The Government have a duty to protect the public, and a key element of this is to provide sufficient prison places for the most dangerous, serious and persistent offenders. We are clear that prison remains the right option for these offenders and that a prison sentence, long or short, can be essential to demonstrating to law-abiding communities that offenders face the full range of punishments, including the deprivation of liberty behind bars. We must therefore ensure that prison is available as an option for sentencers when necessary. The Government are committed to increasing prison capacity to 96,000 places by 2014 to meet projected demand.

Nevertheless, we recognise that for a significant number of offenders community sentences can be more effective: in 2008, the number of people sentenced to community sentences was 190,171 compared to 99,525 for immediate custody. More can be done as part of a wider approach that includes tough community sentences for lower-risk offenders and diversion away from the criminal justice system where alternatives

would be more effective, particularly access to mental health services. Innovations such as intensive alternatives to custody, integrated offender management and the prolific and other priority offenders programme are clear examples of how partners can work together to focus resources where they can make the greatest impact. Our work to take forward the recommendations set out in the Corston and Bradley reviews (for women in prison and offenders with mental illnesses respectively) demonstrates our commitment to ensuring better use of community alternatives where this is possible and safe to do.

The Government seek to ensure that prison is used in a measured, responsible way on behalf of the wider community, that what happens in prison is effective and efficiently delivered, and that resources can be used in both custody and the community to reduce reoffending. Our detailed response is set out in the Government's response to the Justice Committee report *Cutting Crime: The Case for Justice Reinvestment*, copies of which have been placed in the Vote Office and the Printed Paper Office.

EU: Foreign Ministers' Meeting

Statement

The Minister of State, Foreign and Commonwealth Office (Baroness Kinnock of Holyhead): My honourable friend the Minister for Europe (Chris Bryant) has made the following Written Ministerial Statement.

My right honourable friend the Foreign Secretary represented the UK at the informal meeting of EU Foreign Ministers (Gymnich) on 5 and 6 March in Cordoba, Spain.

The agenda items covered were as follows:

Emerging Powers

High Representative Ashton opened by saying the EU's relationship with the strategic powers was one of her top priorities. The transatlantic relationship remained central, but we also needed close engagement with countries like China, Brazil, India, South Africa and Russia. If the EU wanted to be relevant, we needed a direct relationship with these key players.

The presidency (Moratinos) led a wide-ranging discussion of the EU's approach to the emerging powers following the changes to its structures brought about by the Lisbon treaty. Most Ministers agreed that we needed to make better use of summits and other meetings with these countries and in general take a more strategic and medium-term view of our relations, including now that the high representative had a five-year term in which to work.

External Action Service

Discussion of the EAS spanned both days. The high representative set out her thoughts and vision for the EAS including that it should bring coherence to all the EU's external activities. The Foreign Secretary and other Ministers expressed their support for the high representative and the need for a strong and effective EAS as a key tool to help deliver Europe's priorities.

Middle East Peace Process

The presidency led a short discussion on the Middle East peace process, focusing on how to take forward the December 2009 council conclusions. The high representative set out her plans to visit the region.

Western Balkans

The three Ministers of the candidate countries (FYROM, Croatia and Turkey) joined EU Foreign Ministers for a discussion.

The high representative and Commissioner Füle stressed the importance of the region for the EU. The future of the region lay within Europe, and Europe would be judged by the effectiveness of its support to its neighbourhood. On visas, Commissioner Füle said the Commission would make recommendations in respect of Bosnia and Herzegovina and Albania following recent work.

Health: Maternity Services

Statement

The Parliamentary Under-Secretary of State, Department of Health (Baroness Thornton): My right honourable friend the Secretary of State for Health (Andy Burnham) has made the following Written Ministerial Statement.

The Government have today announced the launch of a strategic vision for the further transformation of maternity services and early-years services. *Maternity and Early Years—Making a Good Start to Family Life* has been placed in the Library and copies are available for honourable Members from the Vote Office.

The document has been developed jointly by the Department of Health, the Department for Children, Schools and Families and the Prime Minister's Strategy Unit, drawing on the views of mothers and fathers, children's centre staff, local health practitioners and children.

Maternity and Early Years—Making a Good Start to Family Life makes the clear case for helping families to give their baby the best possible start in life and sets out a vision of renewed and more integrated maternity and early-years services that put the excellent clinical care already available at the centre of a wider network of family support:

with commitments to consult on new entitlements for women to access maternity services early in pregnancy and make important choices around where to have their baby;

where local services will join up so that families have continuous care and support from early pregnancy to at least the child's sixth month—with a named Sure Start children's centre contact offered to parents early in pregnancy, who will invite them into the children's centre, and access to a health visitor for every children's centre;

where families will also be offered more help to prepare for parenthood so they can give their baby the best possible start in life—with new antenatal education opportunities rolled out in settings that suit parents and with a further focus on the

opportunities for fathers to get more involved—including an invitation for both parents to attend a Family Start meeting at their children’s centre and an opportunity to agree a parents’ plan together; and

understanding that families will have very different needs, and that some may want more support in preparing for parenthood, with extra support for those families that need it—for instance by expanding the family nurse partnership to help young, vulnerable first-time families.

With over 3,500 Sure Start children’s centres now established across the country, in addition to the existing network of GP surgeries and health centres, we are well placed to reach all families, and to make sure all families can draw on the support they want in preparing for and bringing up their baby.

Health: Volunteers

Statement

The Parliamentary Under-Secretary of State, Department of Health (Baroness Thornton): My honourable friend the Minister of State, Department of Health (Phil Hope), has made the following Written Ministerial Statement.

The Government have today announced the launch of a strategic vision for volunteering for health and social care. *Volunteering—Involving People and Communities in Delivering and Developing Health and Social Care Services* has been placed in the Library and copies are available for honourable Members from the Vote Office.

The vision is of a health and social care environment in which volunteering is encouraged and supported wherever it has the power to reduce inequality, enhance service quality or improve outcomes for individuals and communities. The strategic vision has been developed by the department in consultation with a wide range of stakeholders from across the third sector, national health service and local government.

The Government’s emphasis for the future of health and social care is on better and more personalised services. *High Quality Care for All* urges the NHS to place quality at the heart of everything it does. *Putting People First* and the transformation of adult social care services increasingly place individuals in control of decisions about the services they receive and the resources that pay for them. These developments present new roles and opportunities for volunteering that complement services provided by the paid workforce and engage the expertise of service users in the design and delivery of services.

Volunteers already make an enormous difference to the experience people have of the health and care services they come into contact with—making a huge contribution to almost every sphere of health and social care. Volunteering helps to create people-centred services, keeps people active, engaged and independent and helps to meet the support needs of patients, carers and users of care services. It can and does contribute significantly to:

- quality, choice and innovation in services;
- building social capital and reduced isolation;

enhancing the capacity of preventive care;

meeting the culturally specific needs of health and social care service users; and

increasing connections between citizens and the services they use.

Together these build a strong case for people across the health and social care system to refresh their thinking about volunteering and its role in their organisation or community. The strategic vision provides a starting point and an opportunity for leaders in this field to be at the forefront of service innovation, community engagement and improved user experience.

Articulating key messages and a framework for action in relation to leadership, partnership, commissioning, volunteer management, and support for individual volunteers, the vision is designed to engage everybody working in the health and social care system, in the public and third sectors, to support its aim to:

- enhance the profile and involvement of volunteers;
- highlight its potential in terms of health and well-being;
- improve the evidence base for investment;
- promote best practice;
- reduce obstacles and increase opportunities that make volunteering accessible to all; and
- inspire and enable change to support its delivery.

Local Government: Housing and Planning Delivery Grant

Statement

The Parliamentary Under-Secretary of State, Department for Communities and Local Government & Department for Work and Pensions (Lord McKenzie of Luton): My right honourable friend the Minister for Housing and Planning (John Healey) has made the following Written Ministerial Statement.

I am today announcing the final allocations of £135 million of housing and planning delivery grant (HPDG) for 2009-10. The grant provides a direct incentive for councils to work with partners in the public and private sector to ensure that new homes are built where they are needed. It is an additional top-up to mainstream funding and councils can choose how to spend it locally.

A copy of the determination and a table showing the local authority allocations is available in the Libraries of the House.

Members’ and Peers’ Correspondence

Statement

Baroness Crawley: My right honourable friend the Minister of State, Cabinet Office (Angela E Smith) has made the following Written Ministerial Statement.

I am today publishing a report on departments’ and agencies’ performance on handling Members’ and Peers’ correspondence during 2009. Details are set out in the attached table. 2008 correspondence statistics

can be found on 2 April 2009 (*Official Report*, 81WS-86WS). Departmental figures are based on substantive replies unless otherwise indicated.

The footnotes to the table provide general background information on how the figures have been compiled.

Correspondence from MPs/Peers to Ministers and Agency Chief Executives in 2009

| <i>Correspondence from MPs/Peers to Ministers and Agency Chief Executives¹</i> | | | | 2009 |
|---|--|-----------------------------------|-----------------------------------|------|
| <i>Department or Agency</i> | <i>Target set for reply (working days)</i> | <i>Number of letters received</i> | <i>% of replies within target</i> | |
| Attorney General's Office | 20 | 192 | 88 | |
| Department for Business, Innovation & Skills ² | 15 | 17623 | 58 | |
| —Companies House | 10 | 96 | 100 | |
| —Insolvency Service | 10 | 794 | 74 | |
| —UK Intellectual Property Office | 10 | 481 | 88 | |
| Cabinet Office | 15 | 1444 | 82 | |
| Charity Commission | 10 | 214 | 78 | |
| Department for Children, Schools and Families | 15 | 15256 | 78 | |
| Department for Communities and Local Government | 15 | 9154 | 63 | |
| —Planning Inspectorate | 10 | 184 | 90 | |
| Crown Prosecution Service | 15 | 483 | 96 | |
| Department for Culture, Media and Sport ³ | 20 | 3215 | 56 | |
| —Royal Parks | 20 | 30 | 93 | |
| Ministry of Defence | 15 | 6254 | 86 | |
| —Met Office | 10 | 14 | 93 | |
| —Service Personnel and Veterans Agency | 15 | 198 | 94 | |
| Department for Energy and Climate Change ⁴ | 15 | 9071 | 51 | |
| Department for Environment, Food and Rural Affairs | 15 | 12527 | 73 | |
| —Animal Health | 15 | 76 | 93 | |
| —Marine Fisheries Agency | 15 | 35 | 82 | |
| —Rural Payments Agency | 15 | 406 | 66 | |
| Food Standards Agency | | | | |
| DH Ministers replies | 20 | 408 | 70* | |
| | 20 | 584 | 95** | |
| FSA Chair/CE replies | 20 | 120 | 90 | |
| —Meat Hygiene Service | 15 | 22 | 100 | |
| * response to non-campaign letters | | | | |
| ** response to campaign letters | | | | |
| Foreign and Commonwealth Office | 20 | 10462 | 82 | |
| Government Equalities Office | 20 | 1438 | 63 | |
| Department of Health | 20 | 16008 | 93 | |
| —Medicines and Healthcare Products Regulatory Agency | 20 | 516 | 95* | |
| Regulatory Agency | 20 | 22 | 77** | |
| —NHS Purchasing and Supplies Agency | 20 | 33 | 94 | |
| *Agency Ministerial cases | | | | |
| **Letters sent directly to Agency Chief Executive or where Agency Chief Executives responded on behalf of Ministers | | | | |
| Home Office | 15 | 9128 | 88 | |
| —Criminal Records Bureau | 10 | 933 | 99 | |
| —Identity and Passport Service | 10 | 1012 | 72 | |
| —UK Border Agency | 20 | 66320 | 78 | |

Correspondence from MPs/Peers to Ministers and Agency Chief Executives in 2009

| <i>Correspondence from MPs/Peers to Ministers and Agency Chief Executives¹</i> | | | | 2009 |
|--|--|-----------------------------------|-----------------------------------|------|
| <i>Department or Agency</i> | <i>Target set for reply (working days)</i> | <i>Number of letters received</i> | <i>% of replies within target</i> | |
| Department for International Development | 15 | 2013 | 95 | |
| Ministry of Justice ⁵ | 20 | 4554 | 63 | |
| —HM Courts Service | 20 | 729 | 65 | |
| —HM Land Registry | 20 | 52 | 96 | |
| —National Archives | 20 | 60 | 95 | |
| —National Offender Management Service | 20 | 1723 | 60 | |
| —Northern Ireland Court Service | 20 | 16 | 88 | |
| —Office of the Public Guardian | 20 | 220 | 82 | |
| —Official Solicitor and Public Trustee | 20 | 32 | 50 | |
| —Tribunals Service | 20 | 273 | 66 | |
| Northern Ireland Office | 15 | 637 | 85 | |
| —Compensation Agency | 10 | 15 | 73 | |
| —Northern Ireland Prison Service | 10 | 79 | 77 | |
| Office for National Statistics | 10 | 112 | 79 | |
| Office for Standards in Education, Children's Services and Schools | 7 | 232 | 58 | |
| Office of Fair Trading | 15 | 497 | 72 | |
| Office of Gas and Electricity Markets | 15 | 200 | 77 | |
| Office of the Leader of the House of Commons | 15 | 418 | 72 | |
| Office of the Leader of the House of Lords | 15 | 63 | 92 | |
| Office of Rail Regulation | 20 | 93 | 92 | |
| Office of Water Services | 10 | 404 | 58 | |
| Postal Services Commission | 7 | 13 | 77 | |
| Scotland Office ⁶ | 15 | 75 | 40 | |
| Serious Fraud Office | 20 | 43 | 81 | |
| Department for Transport | 15 | 9150 | 89 | |
| —Driver Vehicle Licensing Agency | 7 | 1486 | 100 | |
| —Driving Standards Agency | 10 | 185 | 99 | |
| —Highways Agency | 15 | 443 | 94 | |
| —Maritime and Coastguard Agency | 10 | 12 | 91 | |
| —Vehicle and Operator Services Agency | 10 | 112 | 98 | |
| HM Treasury ⁷ | 15 | 16251 | 53 | |
| —H M Revenue and Customs | 15 | 5492 | 75 | |
| | 15 | 774* | 81 | |
| —National Savings and Investments | 15 | 19 | 79 | |
| —Office of Government Commerce | 15 | 47 | 85 | |
| | 15 | 93** | 93 | |
| *Local Office and 'delegated' figures (where local tax offices have replied directly to MPs) | | | | |
| ** Letters where Chief Executive has replied | | | | |
| —Valuation Office | 18 | 25 | 72 | |
| Treasury Solicitor's Department | 10 | 32 | 100 | |
| Wales Office | 15 | 101 | 82 | |
| Department for Work and Pensions | 20 | 18062 | 76 | |

Correspondence from MPs/Peers to Ministers and Agency Chief Executives in 2009

| <i>Correspondence from MPs/Peers to Ministers and Agency Chief Executives¹</i> | | | | <i>2009</i> |
|---|--|-----------------------------------|-----------------------------------|-------------|
| <i>Department or Agency</i> | <i>Target set for reply (working days)</i> | <i>Number of letters received</i> | <i>% of replies within target</i> | |
| —Child Maintenance and Enforcement Commission | 15 | 6352 | 99 | |
| —Debt Management | 15 | 43 | 86 | |
| —Health and Safety Executive | 15 | 117 | 66 | |
| —Jobcentre Plus | 15 | 2847 | 93 | |
| —Pension, Disability and Carers Service | 15 | 2292 | 84 | |

1 Departments and Agencies which received 10 MPs/Peers letters or fewer are not shown in this table. Holding or interim replies are not included unless otherwise indicated. The report does not include correspondence considered as Freedom of Information requests.

2 Includes BERR and DIUS. Following an increase in correspondence relating to the recession, a review has been undertaken to improve performance and recommendations are now being implemented. Performance rose to 73 per cent by end of 2009.

3 An external review was undertaken mid-year, from which an action plan was agreed. Performance rose to 73 per cent by end of 2009.

4 In 2009 DECC's correspondence was handled by a shared services system. DECC now has its own correspondence unit which will lead to an improvement in the handling of correspondence.

5 A substantial increase in the volume of correspondence received by MoJ has contributed to a downturn in performance. Measures are in place to improve correspondence handling as a matter of urgency and these have led to a significant improvement. Performance rose to 86 per cent by end of 2009.

6 Measures have been put in place to improve the correspondence process as a matter of urgency, including systematic monitoring by senior management. The drop in performance in 2009 is largely attributable to delays in receiving essential information. Measures have been put in place to improve our correspondence process as a matter of urgency, including systematic monitoring by senior management.

7 Performance has been affected by a significant increase in all correspondence to the Treasury, creating a backlog of cases in the first half of 2009. This has been addressed over the course of the year and performance rose to 59 per cent by end of 2009.

Pensions: National Employment Savings Trust (NEST)

Statement

The Parliamentary Under-Secretary of State, Department for Communities and Local Government & Department for Work and Pensions (Lord McKenzie of Luton): My honourable friend the Minister of State for Pensions and the Ageing Society (Angela Eagle) has made the following Written Ministerial Statement.

I can confirm that the Personal Accounts Delivery Authority signed the contract for the administration of NEST with Tata Consultancy Services yesterday. This marks another important milestone on the road to delivering a pension scheme for the millions of people currently excluded from low cost pension saving.

As the terms of this contract have been finalised, the Government are now able to set out their plans for financing NEST.

NEST will be paid for by member charges. In the long term, it will be self-financing, and Government expect it to realise the Pensions Commission's ambition of a charge level as low as 0.3 per cent of members' funds under management—an annual management charge (AMC) of 0.3 per cent.

Nevertheless, NEST will need to meet set-up and operational costs incurred in the period before charge revenues are sufficient to meet the full costs of the scheme. Therefore, NEST is expected to make a small additional charge on contributions of around 2 per cent, until set-up costs are extinguished.

This means that the members of NEST, many of whom are expected to have low and moderate earnings will, for the first time, be able to save for a pension while facing charges at levels currently available only to higher earners or those accepted into large pension schemes.

NEST will have a public service duty to accept all employers who want to use the scheme to discharge their duty automatically to enrol workers, irrespective of costs. This means that NEST will be required to bear costs that other pension providers do not face. In recognition of this and in order to preserve the scheme's low cost aims, the Government intend to provide relief to the scheme to limit the overall interest charges scheme members incur on funds borrowed to the Government's cost of borrowing. The Government are currently seeking the European Commission's approval that this approach is consistent with European rules on competition and state aid.

The Government believe that this funding package represents a fair balance between delivering good value to NEST's members, ensuring affordability for the taxpayer and putting NEST on a level playing field with the existing pensions industry.

Royal Parks and Other Open Spaces (Amendment) etc. Regulations 2010

Statement

Lord Brett: On Wednesday 10 March the noble Lord, Lord Howard of Rising, moved a Motion, "this House regrets that Her Majesty's Government have laid before Parliament the draft Royal Parks and Other Open Spaces (Amendment) etc. Regulations

2010 despite the public objections to the imposition of parking charges in Richmond Park and Bushy Park; and therefore calls on Her Majesty's Government to withdraw the draft regulations and to replace them with regulations that do not contain such parking charges, but which enable the reduction of speed limits and other improvements to public amenity in the Royal Parks". The Motion was carried by 136 votes to 71. Previously that evening an amendment proposed by the noble Baroness, Lady Tonge, that the draft regulations be not made was rejected by the House.

The Government take seriously the concerns of the House and have considered the next steps for the draft statutory instrument.

The Government believe that the principle of introducing parking charges in the two parks is sound, and that the objective of encouraging visitors to consider means of transport to the parks other than by private car is right. Furthermore, the Government believe that the proposed rates of charge are set at a reasonable level, so as not to be punitive but to introduce a disincentive to using a car to visit what are two environmentally sensitive parks.

The Government have agreed to review the impact of parking charges in Richmond and Bushy Parks within 18 months of their introduction. The review will look at areas of concern to the House, such as the potential for displacement parking. The results of the review will be published.

The noble Lord, Lord Howard of Rising, and the noble and learned Baroness, Lady Butler-Sloss, said that the proposed regulation changes would end free

access to two great Royal Parks. In my reply I said that the Royal Parks are free to everyone and will remain so. This is manifestly the case. Charges will apply only to use of the parking facilities.

Parking charges are already in place in the three other Royal Parks with public parking provision, and are also in place in comparable sites across the country.

The noble Lord, Lord Howard, said that the policy would lead to railway style car parks with bright spotlights. This is not, and has never been, the intention. Bright spotlights would be wholly inappropriate for such sensitive sites, and unnecessary in parks which are closed at night. They will not be installed. Moneys raised from parking charges will be offset against necessary investment to bring the car parks up to an acceptable general standard and make important environmental improvements. This investment will enhance and not detract from the landscape and fabric of the parks.

There is an estimated works maintenance liability of around £58 million across the Royal Parks. Approximately £2.7 million needs to be spent on the car parks and roads in Richmond and Bushy Parks irrespective of the introduction of car parking charges.

During the debate there were calls for road tolls as an alternative to car parking. There is no evidence that road tolls would be popular with visitors. As I stated in the House, when the public was last consulted on this issue there was little support. The Government have not ruled out road tolls indefinitely, but there are no immediate plans to reconsider the issue.

Written Answers

Tuesday 16 March 2010

Afghanistan

Question

Asked by *Lord Astor of Hever*

To ask Her Majesty's Government how many improvised explosive devices have been successfully defused by British forces in Helmand province this year. [HL2321]

The Minister for International Defence and Security (Baroness Taylor of Bolton): During the current Op Herrick 11 deployment, Task Force Helmand has successfully neutralised 768 improvised explosive devices. This figure covers the period October 2009 until the end of February 2010.

Armed Forces: Afghanistan

Questions

Asked by *The Earl of Sandwich*

To ask Her Majesty's Government whether they will address the concerns of British aid agencies about the ability of soldiers from the provincial reconstruction teams in Afghanistan to manage development projects and earn the trust of local communities. [HL2573]

The Minister for International Defence and Security (Baroness Taylor of Bolton): Earning the trust of local communities is a key aspect of the International Security Assistance Force counter insurgency approach in Afghanistan of which the provincial reconstruction team in Helmand, including its military staff, plays a crucial role. We are not aware of any concerns from British aid agencies about the ability of military personnel within the provincial reconstruction team.

Asked by *Lord Astor of Hever*

To ask Her Majesty's Government how many (a) Warthog vehicles, and (b) Viking vehicles, will be deployed to Afghanistan by the end of (1) 2010, (2) 2011, and (3) 2012. [HL2598]

Baroness Taylor of Bolton: For reasons of operational security, I am unable to provide the numbers of vehicles currently deployed to Afghanistan or the numbers that will be deployed in the future. However, I can confirm that we are continuously delivering improvements to our fleet of protected vehicles in Afghanistan to ensure that they meet operational requirements. We are buying Warthog vehicles to replace the Vikings on operations in Afghanistan and their delivery is being brought forward, as announced by the Prime Minister on 1 September 2009.

By the end of 2009, the numbers of protected vehicles in theatre had increased by 36 per cent since August 2009, including 90 per cent more Mastiff and Ridgeback. We are also looking to the future, and are

now committed to the procurement of a new light protected patrol vehicle that will replace Snatch Land Rovers in Afghanistan.

Armed Forces: Four-star Generals

Question

Asked by *Lord Foulkes of Cumnock*

To ask Her Majesty's Government how many four-star generals there are in the Army; and what responsibilities are undertaken by each of them. [HL2589]

The Minister for International Defence and Security (Baroness Taylor of Bolton): There are currently five serving four-star Army generals.

The Chief of the General Staff is the professional head of the Army. He is responsible for generating a balanced and integrated Army capability, and for maintaining the fighting effectiveness, efficiency and morale of the service. As a member of the Defence Council and the Army Board, the Defence Ministerial Committee, the Defence Board, the Chiefs of Staff Committee and the Senior Appointments Committee he contributes to the conduct of defence higher-level business, with a particular responsibility for providing specialist advice on Army matters. He chairs the Executive Committee of the Army Board.

The Vice Chief of the Defence Staff, together with the Second Permanent Secretary, acts as joint Chief Operating Officer for Defence, ensuring that strategic decisions are implemented. He is a member of the Defence Council, the Defence Ministerial Committee, the Defence Board, the Chiefs of Staff Committee, the Defence Board Sub Committee on Equipment and the Investment Approvals Board. He co-chairs the Defence Operating Board. He also deputises for the Chief of Defence Staff.

The Chief of Defence Materiel is the head of Defence Equipment and Support. He is a member of the Defence Council, the Defence Board, the MoD Investment Approvals Board, the MoD Research and Development Board; he chairs the Defence Logistics Board (as the process owner for end-to-end defence logistics) and is the UK's national armaments director. Chief of Defence Materiel attends the Defence Ministerial Committee by invitation.

The Commander-in-Chief Land Forces is responsible for delivering forces that are properly trained, prepared and equipped to deliver success on current and future contingent operations. He commands the Field Army, Personnel Support Command, which includes the Territorial Army, Force Development Training and the Joint Helicopter Command, which collectively comprise some 90,000 military personnel and 30,000 civilians.

The Deputy Supreme Allied Commander Europe (DSACEUR) is the senior British Officer in the Supreme Headquarters Allied Forces Europe and in NATO. DSACEUR acts as a deputy for SACEUR on NATO business and has particular responsibilities for force generation for operations. DSACEUR is also the Operation Commander for Operation ALTHEA, which is the EU Operation in Bosnia under the Berlin Plus agreement.

Armed Forces: Languages

Questions

Asked by *Lord Astor of Hever*

To ask Her Majesty's Government what are the locations of the 140 trained Pashtun speakers serving in Her Majesty's Armed Forces who are not deployed to Afghanistan. [HL2481]

The Minister for International Defence and Security (Baroness Taylor of Bolton): The individual locations of all non-deployed Pashto speakers can only be provided at disproportionate cost and details would be constrained by security considerations. In-date military Pashto speakers will be located outside Afghanistan for a number of reasons:

- rear-based intelligence support to operations (using Pashto);
- Pashto language training (instructor or continuation training);
- general pre-deployment training;
- mid tour and post tour leave;
- recuperation between tours (in line with Harmony Guidelines);
- non-language career progression needs;
- service employment priorities; and
- returning to the reserve.

Asked by *Lord Astor of Hever*

To ask Her Majesty's Government how many personnel deployed to Afghanistan are capable in the following languages: (a) Farsi, (b) Hazaragi, (c) Uzbek, and (d) Pashto. [HL2483]

Baroness Taylor of Bolton:

| Year | Higher Level | Lower Level |
|------------|--------------|-------------|
| Farsi/Dari | Fewer than 5 | 20 |
| Hazaragi | 0 | 0 |
| Uzbek | 0 | 0 |
| Pashto | 10 | 360 |

A combined figure has been provided for Farsi and Dari as they are mutually comprehensible. The MoD does not currently have a need for trained personnel in Hazaragi or Uzbek. The numbers trained in Farsi/Dari and Pashto at lower levels are planned to increase significantly in subsequent roulements. Higher-level training (for professional and expert qualifications) enables trusted translation; lower-level training enables linguists to undertake basic military business. The majority of the higher-level capability requirement is provided by contractors and locally employed civilians.

Armed Forces: Official Residences

Question

Asked by *Lord Foulkes of Cumnock*

To ask Her Majesty's Government what consideration has been given by the Ministry of Defence to dispensing with the 10 official service residences as part of the defence review. [HL2593]

The Minister for International Defence and Security (Baroness Taylor of Bolton): The provision of official service residences has been reviewed several times in recent years to ensure that the system is appropriate, efficient and meets its objective of helping senior officers to fulfil the responsibilities of their posts. However, as part of a programme of work looking at how we can provide better value for money across the Ministry of Defence, we are currently undertaking a further study into the support provided to Ministers, senior officials and senior officers. This study covers, among other things, the provision of official service residences. We hope to conclude the study shortly.

Armed Forces: Redeployment

Question

Asked by *Earl Attlee*

To ask Her Majesty's Government how many employees of Reserve Forces' and Cadets' Associations who are remunerated by the Ministry of Defence are in a redeployment pool. [HL2746]

The Minister for International Defence and Security (Baroness Taylor of Bolton): None.

Armed Forces: School Children

Question

Asked by *Lord Foulkes of Cumnock*

To ask Her Majesty's Government how many children of service background attending private schools in the United Kingdom are paid for out of public funds; of those, how many are children of (a) officers, (b) non-commissioned officers, and (c) other ranks; and what is the total annual cost involved. [HL2590]

The Minister for International Defence and Security (Baroness Taylor of Bolton): The number of children of service background attending private schools in the United Kingdom receiving public funding for the financial year 2008-09 was 9,090. This figure can be broken down as follows:

| | |
|---------------------------|-------|
| Officers | 5,710 |
| Non-commissioned Officers | 3,320 |
| Other Ranks | 60 |
| Total | 9,090 |

The total annual cost to the Ministry of Defence for financial year 2008-09 was £172,844,735 and includes tax and national insurance on the benefit paid to Her Majesty's Revenue and Customs by the department on behalf of individuals.

In the Armed Forces, the allowance paid to service personnel to fund the education of their children in independent schools is known as the continuity of education allowance (CEA). The purpose of the CEA is to allow children of Armed Forces personnel to achieve a stable education against a background of frequent parental postings both at home and overseas.

Limits apply in respect of the amount that can be claimed per school term by the service person, and all claims are subject to a parental minimum contribution of 10 per cent per child, per term.

Belfast Agreement

Question

Asked by **Lord Laird**

To ask Her Majesty's Government in the context of the provisions of the Belfast Agreement, what discussions they have had about funding to the Irish and Ulster-Scots communities in Ireland.

[HL2541]

Baroness Royall of Blaisdon: The Government are committed to supporting the enhancement and protection of the development of the Irish language and the enhancement and development of the Ulster-Scots language, heritage and culture. It continues to have a range of discussions on these matters.

Businesses

Question

Asked by **Lord Bates**

To ask Her Majesty's Government how many businesses were registered in each region and country in the United Kingdom in (a) 1997, (b) 2006, and (c) 2009.

[HL2752]

Baroness Crawley: The information requested falls within the responsibility of the UK Statistics Authority. I have asked the authority to reply.

Letter from Stephen Penneck, Director General for ONS, to Lord Bates, dated March 2010.

As Director General for the Office for National Statistics, I have been asked to reply to your recent Parliamentary Question asking how many businesses were registered in each region and country in the United Kingdom in (a) 1997, (b) 2006 and (c) 2009. (HL2752)

Data are available from 2000 onwards and relate to March each year. The table below contains statistics for the UK, each region and each country for 2000, 2006 and 2009.

| <i>Counts of Enterprises by Region and Country</i> | | | |
|--|---------|---------|---------|
| | 2000 | 2006 | 2009 |
| North-East | 49,000 | 52,865 | 57,425 |
| North-West | 186,180 | 199,990 | 211,915 |
| Yorkshire and the Humber | 134,760 | 147,510 | 152,475 |
| East Midlands | 126,865 | 140,245 | 147,980 |
| West Midlands | 155,795 | 170,085 | 177,195 |
| East of England | 189,780 | 206,445 | 217,925 |
| London | 312,870 | 315,725 | 339,185 |
| South-East | 297,815 | 321,380 | 337,380 |
| South-West | 175,000 | 191,985 | 202,550 |

Counts of Enterprises by Region and Country

| | 2000 | 2006 | 2009 |
|------------------|-----------|-----------|-----------|
| England Total | 1,628,065 | 1,746,230 | 1,844,030 |
| Wales | 83,760 | 90,410 | 92,005 |
| Scotland | 132,560 | 136,930 | 145,745 |
| Northern Ireland | 62,030 | 67,920 | 70,620 |
| United Kingdom | 1,906,415 | 2,041,490 | 2,152,400 |

Table 1: Average net weekly equalised household income in the City of York Parliamentary constituency area, 2001-02 and 2007-08^{1,2}

| | £ per week | |
|------------------------------------|---|--|
| | Mean income (before housing costs) ³ | Mean income (after housing costs) ³ |
| (a) In current prices ⁴ | | |
| 2001-02 | 360 | 330 |
| 2007-08 | 470 | 380 |
| (b) In 2007-08 prices | | |
| 2001-02 | 410 | 370 |
| 2007-08 | 470 | 380 |

¹ Incomes are presented net of income tax payments, national insurance contributions and council tax.

² Figures rounded to the nearest £10.

³ Housing costs include rent (gross of housing benefit), water charges, mortgage interest payments, structural insurance, ground rent and service charges.

⁴ Current prices are the prices as they were at the time of the survey. For example, data for 2001-02 are in 2001/02 prices and data for 2007/08 are in 2007/08 prices.

Source:

Office for National Statistics

Census

Question

Asked by **Lord Foulkes of Cumnock**

To ask Her Majesty's Government what consultation has taken place with the Scottish Executive on the 2011 census; and whether they were asked for their views on including a question on Scottish Standard English.

[HL2594]

Baroness Crawley: The information requested falls within the responsibility of the UK Statistics Authority. I have asked the authority to reply.

Letter from Stephen Penneck, Director General for ONS, to Lord Foulkes, dated March 2010.

As Director General for the Office for National Statistics I have been asked to reply to your recent question asking what consultation has taken place with the Scottish Executive on the 2011 Census; and whether they were asked for their views on including a question on Scottish Standard English. (HL2594)

The census in Scotland is a devolved matter. There have been frequent discussions between the Office for National Statistics (ONS) and the General Register Office Scotland on preparations for the 2011 censuses across the UK, but there has not been any discussion or consultation about Scottish Standard English.

Courts: Northern Ireland

Questions

Asked by **Lord Kilclooney**

To ask Her Majesty's Government how many people in Northern Ireland access the Northern Ireland Court Service website each week. [HL2474]

The Parliamentary Under-Secretary of State, Ministry of Justice (Lord Bach): The Court Service does not hold the number of people who access the website each week. However, the Court Service website receives 210,000 page impressions in an average week. This is the number of times a page on the Court Service website is accessed.

Asked by **Lord Kilclooney**

To ask Her Majesty's Government whether the Northern Ireland Court Service consultation document entitled *Public Prosecution Service to commence proceedings without recourse to a lay magistrate* will be advertised in the Northern Ireland weekly and daily press. [HL2475]

Lord Bach: The consultation paper issued on 1 March for a period of eight weeks has been published on the Northern Ireland Court Service website www.courtsni.gov.uk. All individuals, organisations and representative bodies held on the Court Service general consultee list have been contacted individually

by mail and have been invited to download the consultation documents from the Court Service website. Hard copies, or alternative formats of the consultation, will be made available on request.

In addition, the Court Service announced the launch of the consultation by way of a press release to the media.

Asked by **Lord Kilclooney**

To ask Her Majesty's Government how many consultation documents were published by the Northern Ireland Court Service during the past five years; and, of those, how many were published (a) on the Court Service website only, and (b) in the press only; and how many individuals (rather than organisations) responded to (1) those published on the website only, and (2) those published in the press only. [HL2476]

Lord Bach: During the past five years the Northern Ireland Court Service has published 19 consultations. All consultations were published on the Court Service website and were accompanied by a press release and letters to consultees. A public notice was published in Northern Ireland's daily newspapers for full public consultations and, where relevant, in a number of regional weekly papers. The remainder were targeted consultations.

The table below details the numbers of consultations published and the responses received:

| Year | No of consultations | Publication | | Responses | | | Total |
|-------|---------------------|-------------|-------|------------|--------------|-----|-------|
| | | Website | Press | Individual | Organisation | | |
| 2010 | 5* | 5 | 0 | n/a | n/a | n/a | |
| 2009 | 4 | 4 | 1 | 5 | 16 | 21 | |
| 2008 | 4 | 4 | | 10 | 90 | 100 | |
| 2007 | 0 | 0 | 0 | 0 | 0 | 0 | |
| 2006 | 3 | 3 | 1 | 2 | 17 | 19 | |
| 2005 | 3 | 3 | 0 | 0 | 35 | 35 | |
| Total | 19 | 19 | 3 | 17 | 158 | 175 | |

* Consultation period is still live

Crown Prosecution Service

Questions

Asked by **Lord Ouseley**

To ask Her Majesty's Government further to the Written Answer by Baroness Scotland of Asthal on 4 March (WA 363), what independent involvement there is in the three investigations into allegations of race or sex discrimination, bullying or victimisation in the Crown Prosecution Service; and whether any of the investigations involve senior managers investigating staff members of their teams. [HL2684]

The Attorney-General (Baroness Scotland of Asthal): All grievances which disclose issues relating to discrimination, harassment, bullying or victimisation

are investigated by independent investigating officers who are outside of the CPS area and line management chain.

Two of the investigations are being carried out by appropriately qualified internal investigators and one is being carried out by an appropriately trained external investigator. None of the investigations involve senior managers investigating staff members of their teams.

Asked by **Lord Ouseley**

To ask Her Majesty's Government how many cases of alleged race or sex discrimination, bullying or victimisation were lodged against the Crown Prosecution Service with employment tribunals in (a) 2007, and (b) 2008; what were the outcomes in each case; and what remedial action has been taken by the Crown Prosecution Service. [HL2685]

Baroness Scotland of Asthal: In 2007 there were eight employment tribunal claims lodged against the

Crown Prosecution Service (CPS) alleging race discrimination; five alleging sex discrimination; and five alleging victimisation. Of the eight race discrimination claims, three were withdrawn, three were dismissed by the employment tribunal and two are currently ongoing. Of the five sex discrimination claims, two were withdrawn and three were settled. Of the five victimisation claims, two were withdrawn, two were dismissed by the employment tribunal and one is currently ongoing.

In 2008 there were five employment tribunal claims lodged against the CPS alleging race discrimination; five alleging sex discrimination and none for victimisation. Of the five race discrimination claims, one was dismissed by the employment tribunal, three were settled and one is currently ongoing. Of the five sex discrimination claims, four were settled and one is currently ongoing.

The CPS is unable to provide information on employment tribunal claims relating to bullying as bullying is not included as a head of claim in employment tribunal proceedings.

The CPS currently employs around 9000 staff and the number of employment tribunal claims lodged in any one year is relatively small. Nevertheless, the CPS carefully reflects on the issues raised in each claim, regardless of the outcome, to ensure that lessons are learned and changes made to policy and practice where appropriate. It also conducts an annual analysis to identify trends at an organisational level.

Asked by Lord Ouseley

To ask Her Majesty's Government how many staff of the Crown Prosecution Service were disciplined in (a) 2008, and (b) 2009, for breaches of the staff code of conduct with regard to race or sex discrimination, bullying, harassment or victimisation. [HL2686]

Baroness Scotland of Asthal: In 2008 there were two members of staff in the Crown Prosecution Service (CPS) who were disciplined for breaches of the staff code of conduct with regard to race or sex discrimination, bullying, harassment or victimisation. In 2009 three members of CPS staff were disciplined for these reasons.

Asked by Lord Ouseley

To ask Her Majesty's Government further to the Written Answer by Baroness Scotland of Asthal on 4 March (WA 364), whether there has been any independent assessment of the Crown Prosecution Service's performance regarding race and sex equality, discrimination, bullying, harassment and victimisation affecting its staff since 2007; and, if not, whether such a review is planned. [HL2687]

Baroness Scotland of Asthal: In November 2006 Her Majesty's Crown Prosecution Service Inspectorate (HMCPSI), following an inspection on equalities in employment practice in the Crown Prosecution Service (CPS), commended the CPS in relation to employment and equality (Equalities Driving Justice). The inspection covered all aspects of equality in employment. In July 2007 a Cabinet Office capability review, conducted by an external team of reviewers, commended the CPS's overall work on equality and diversity.

Following the inspection by HMCPSI, the recommendations it suggested were accepted and a programme of actions developed. HMCPSI will be undertaking a follow-up review in 2010-11, again covering all aspects of equality in employment.

To enable a more holistic and measurable approach, the actions arising from both reviews have been incorporated over time into the CPS Diversity Delivery Plan and Single Equality Scheme governance arrangements.

Cuba: Prisons

Question

Asked by Lord Alton of Liverpool

To ask Her Majesty's Government whether they made representations to the government of Cuba about the recent death of Orlando Zapata Tamayo, who died in prison after an 80-day hunger strike; and what assessment they have made of the position of political prisoners in Cuba. [HL2743]

The Minister of State, Foreign and Commonwealth Office (Baroness Kinnock of Holyhead): The Government are concerned about the continued imprisonment of political prisoners and prison conditions in Cuba. We frequently raise these issues with the Government of Cuba, both bilaterally and through the EU. On 23 February the EU's High Representative for Foreign Affairs made a statement through her spokesperson expressing regret at the death of Orlando Zapata Tamayo. We strongly support this. In addition we continue to urge the Cuban Government to follow up on their invitation to Manfred Nowak, the UN special rapporteur on torture and cruel, degrading and inhuman treatment, by quickly setting dates for his visit and allowing him access to all detention facilities.

Democratic Republic of Congo

Questions

Asked by Lord Alton of Liverpool

To ask Her Majesty's Government following reports of recent attempts by North Korea to sell weapons and military equipment to the Democratic Republic of the Congo, what is their assessment of the effectiveness of the United Nations sanctions on the Democratic Republic of the Congo; and what steps they will take to prevent the flow of arms into areas of conflict. [HL2538]

The Minister of State, Foreign and Commonwealth Office (Baroness Kinnock of Holyhead): There is no embargo against the Government of the Democratic Republic of Congo (DRC) purchasing arms. The UN Group of Experts report on the DRC sanctions regime stated that the embargo against supplying arms to non-state armed groups was being breached. The UN Organization Mission to the DRC (MONUC) is empowered by UN Security Council Resolution 1533 to seize any arms which may end up in the hands of militia groups. We work with the international community to support MONUC and build the capacity of the DRC state and military to police the embargo. The UK will not, and has not, issued any strategic export

licences that would be in breach of the UN arms embargo and the Government's international commitments.

Asked by Lord Chidgey

To ask Her Majesty's Government whether they have raised with the government of the Democratic Republic of the Congo the case of Lt Col Innocent Zimurinda, a senior FARDC army officer, who is suspected of human rights abuses; and whether they will make representations to that government for impartial investigations into the alleged abuses and for his suspension from the Congolese army pending the outcome of the investigations. [HL2709]

Baroness Kinnock of Holyhead: The UK has raised the case of Lt. Col. Innocent Zimurinda with the Congolese authorities and we have pressed the Democratic Republic of the Congo (DRC) to take appropriate action on this case. A DRC government spokesperson has said that they will do so. We will support any such action and will continue to monitor the case.

I visited the country at the end of February, where I pressed the essential need for action to be taken on human rights abuse and for an end to impunity with President Kabila. President Kabila agreed and reaffirmed his stance on zero tolerance. I also discussed the application of conditionality in Amani Leo with the military of the DRC (FARDC) and UN mission in the DRC (MONUC) troops. I delivered our message in no uncertain terms that human rights abuses by FARDC will not be tolerated and that we will press hard for conditionality to be applied wherever necessary. I was assured by MONUC and FARDC commanders that this message is being delivered and that Amani Leo will be conducted differently to Kimia II. I heard how operations have been delayed in Bunyakari to allow MONUC to complete vetting of FARDC commanders to prevent similar cases occurring. However we will remain vigilant and will keep a close eye on the situation.

Education: Overseas Students

Question

Asked by Lord Laird

To ask Her Majesty's Government further to the Written Answer by Lord West of Spithead on 22 February (*WA 210–11*), why the provision of passport numbers on confirmation of acceptance for studies (CAS) forms is compulsory; and what checks are made to ascertain whether CAS forms originate from a legitimate tier 4 sponsor. [HL2367]

The Parliamentary Under-Secretary of State, Home Office (Lord West of Spithead): The provision of passport numbers on confirmations of acceptance for studies (CAS) is a security feature to combat fraud. By entering passport numbers on the CAS the education provider confirms that they are making an offer to the specific holder of the passport. The CAS cannot be forged, tampered with or reused so the UK Border Agency is able to confirm that the person applying for leave is the person who will study with the education provider.

A confirmation of acceptance for studies (CAS) is not a paper document; it is a virtual document, similar to a database record, which sponsors complete within the sponsorship management system (SMS).

Elections

Question

Asked by Lord Roberts of Llandudno

To ask Her Majesty's Government how many days there are between the close of nominations for elections to the National Assembly for Wales and (a) the last day for receipt of postal vote applications, and (b) polling day. [HL2725]

Lord Davies of Oldham: Applications for postal votes for elections to the National Assembly for Wales must be received by 5pm on the 11th day before polling day. Postal ballot papers cannot be sent out before that time. Nominations close at noon on the 19th day before polling day.

Estate Agents: Regulation

Question

Asked by Baroness Harris of Richmond

To ask Her Majesty's Government why the Office of Fair Trading has decided that estate agents do not require regulation. [HL2509]

The Parliamentary Under-Secretary of State, Department for Business, Innovation and Skills (Lord Young of Norwood Green): The Office of Fair Trading published a market study report entitled *Home Buying and Selling* on 18 February 2010. The rationale for the OFT's recommendations is set out in this report. The Government will respond to the OFT's recommendations in due course.

Expenditure: Office Equipment

Questions

Asked by Lord Bates

To ask Her Majesty's Government what was the average purchase price, excluding value added tax, of a 500-sheet ream of white A4 80 gsm photocopier paper paid by (a) the Local Better Regulation Office, (b) the Competition Commission, (c) the Certification Officer, (d) the Union Modernisation Fund Supervisory Board, (e) the Waste Electrical and Electronic Equipment Advisory Board, (f) Enterprise and Business Support, and (g) the Consumer Council for Postal Services, in the latest period for which figures are available; and how much they spent in total on all photocopier paper in the last year for which figures are available. [HL2438]

The Parliamentary Under-Secretary of State, Department for Business, Innovation and Skills (Lord Young of Norwood Green): The information is as follows:

(a) *The Local Better Regulation Office*

The Local Better Regulation Office pays £1.99 excluding VAT for each 500-sheet ream of white A4 80 gsm photocopier paper. The total spend was £804.70 excluding VAT for the period for which figures are available—11 months from April 2009.

(b) The Competition Commission

The average price of a 500-sheet ream of white A4 gsm photocopier paper purchased by the Competition Commission was £1.88 excluding VAT. For the period 1 April 2009 to 31 January 2010 the Competition Commission purchased 3650 packs of paper at a total cost of £6,862 excluding VAT.

(c) The Certification Officer

The Certification Officer pays £2.80 for each 500-sheet ream of white A4 80 gsm photocopier paper. In 2008-09, 210 packs of paper were purchased at a total cost of £588.40.

(d) The Union Modernisation Fund Supervisory Board

The Union Modernisation Fund Supervisory Board receives support from my department and therefore does not purchase any photocopier paper in its own right.

(e) The Waste Electrical and Electronic Equipment Advisory Board

The department provides the secretariat for the advisory board. The purchase price in (f) below applies.

(f) Enterprise and Business Support

Enterprise and Business Support forms part of two directorates within my department and the department currently pays £1.65p for each 500-sheet ream of white A4 80 gsm photocopier paper, exclusive of VAT. Information on actual reams purchased by departmental directorates is not held centrally.

(g) The Consumer Council for Postal Services

The Consumer Council for Postal Services was abolished in 2008.

Asked by **Lord Bates**

To ask Her Majesty's Government what assessment the Office for Government Commerce has made of the total public sector procurement budget for (a) stationery, and (b) photocopier paper. [HL2629]

The Financial Services Secretary to the Treasury (Lord Myners): This information is not held centrally and to collect it would incur disproportionate cost.

However, the Operational Efficiency Programme (OEP) published at Budget 2009 gave an estimate of £2.4 billion of procurement expenditure in 2007-08 on office solutions across Government, including the wider public sector. This total includes expenditure on stationery and photocopier paper alongside other categories such as postal services, records storage and office machinery. The Office of Government Commerce is currently compiling comparable figures for 2008-09 as part of its work to meet OEP targets on categorisation of public expenditure on procurement.

Government Departments: Consultancy Services

Questions

Asked by **Baroness Warsi**

To ask Her Majesty's Government how much the Department for Transport and its agencies spent on (a) public relations consultants, and (b) public affairs consultants, in each of the past three years; and for what purposes. [HL2449]

The Secretary of State for Transport (Lord Adonis):

The Department for Transport and its executive agencies operate separate finance systems that record expenditure differently and there are no centralised records relating to spend on public relations consultants and public affairs consultants during the past three years. To search across the department's disparate finance systems to obtain this information would incur disproportionate cost.

Public relations consultants perform an important role in disseminating information to the public on a range of transport issues including road safety. The major campaigns involving public relations consultants and the expenditure on those campaigns in each of the past three years are as follows:

| PR Campaigns | 2006-07 | 2007-08 | 2008-09 |
|-----------------------|----------|----------|----------|
| THINK! | £290,885 | £229,247 | £110,780 |
| ACT ON CO2 | £80,987 | £49,527 | £54,399 |
| Concessionary Fares | | £181,688 | |
| Aviation | | | £59,800 |
| Sea Smart | £79,148 | £54,552 | £1,751 |
| Vehicle Registrations | | | £163,000 |

Asked by **Baroness Warsi**

To ask Her Majesty's Government how much the Department for Business, Innovation and Skills, its predecessors and its agencies spent on (a) public relations consultants, and (b) public affairs consultants, in each of the last three years; and for what purposes. [HL2496]

The Parliamentary Under-Secretary of State, Department for Business, Innovation and Skills (Lord Young of Norwood Green): The department spent the following via the Central Office of Information (COI) and directly with public relations agencies in the last three years. This includes spend for campaigns started by the former Department for Business, Enterprise and Regulatory Reform (BERR) and the former Department for Innovation, Universities and Skills (DIUS).

2009-10 BIS campaign (including BERR and DIUS)

| | Company | Amount |
|-----------------------------------|---------------------|-------------|
| Pay and Work Rights | Four Communications | £ 90,000 |
| Family Rights (paternity) | Four Communications | £ 36,000 |
| Consumer Tipping Awareness | Four Communications | £ 31,000 |
| Employing People | Cohn & Wolfe | £163,000 |
| Student Finance and Employability | Consolidated | £146,640.86 |

| <i>2009-10 BIS campaign (including BERR and DIUS)</i> | | |
|---|------------------------------|---------------|
| | <i>Company</i> | <i>Amount</i> |
| Science (So What? So Everything) | Kindred | £661,513.58 |
| Iawards | Grayling | £124,794.49 |
| Employee Engagement | Fishburn Hedges | £292,265.95 |
| FE Colleges Week | Band & Brown | £170,852.20 |
| Climate Change | Cohn & Wolfe | £ 11,276 |
| Media Audit | Cohn & Wolfe | £ 4,000 |
| Informal Adult Learning | Kindred | £194,603 |
| Academic Freedom Debates | Forster | £ 35,896 |
| Total 2009-10 | | £1,961,842.58 |
| <i>2008-09 BERR Campaign</i> | | |
| | <i>Company</i> | <i>Amount</i> |
| Employing People | Cohn & Wolfe | £165,596.25 |
| Consumer Protection Regulations | Trimedia Harrison Cowley Ltd | £112,142.03 |
| Flexible working | Cohn & Wolfe | £ 24,733.63 |
| Queen's Awards | Highlight PR | £ 19,875 |
| Renewable Energy | Gavin Anderson | £ 2,506.54 |
| Total 2008-09 BERR | | £324,853.45 |
| <i>2008-09 DIUS campaign</i> | | |
| | <i>Company</i> | <i>Amount</i> |
| Student Finance and Employability | Consolidated | £271,610.57 |
| Science (So What? So Everything) | Kindred | £243,349 |
| FE Colleges Week | Band & Brown | £199,760.31 |
| Climate Change | Cohn & Wolfe | £ 49,130 |
| Academic Freedom Debates | Forster | £115,337.50 |
| Total 2008/09 DIUS | | £879,187.38 |
| <i>2007-08 DTI/BERR</i> | | |
| | <i>Company</i> | <i>Amount</i> |
| Enterprising Britain | Geronimo Communications | £172,630.27 |
| Renewable energy | Gavin Anderson (UK) Ltd | £109,326.38 |
| Employing People | GO London | £ 30,030 |
| Queen's Awards | Highlight PR | £ 17,254.61 |
| Fireworks safety | Trimedia Harrison Cowley Ltd | £ 15,000 |
| Consumer Protection Regulations | Trimedia Harrison Cowley Ltd | £ 73,000 |
| Total 2007-08 DTI/BERR | | £417,241.26 |
| <i>2007-08 DIUS campaign</i> | | |
| | <i>Company</i> | <i>Amount</i> |
| Student Finance and Employability | Consolidated | £273,391.49 |

External public relations companies are used for raising public awareness on specific issues and are used only where the internal specialism is not available. I have asked the chief executives of the executive agencies to respond directly to the noble Baroness.

Asked by Baroness Warsi

To ask Her Majesty's Government how much the Ministry of Justice and its agencies spent on (a) public relations consultants, and (b) public affairs consultants, in each of the past three years; and for what purposes. [HL2501]

The Parliamentary Under-Secretary of State, Ministry of Justice (Lord Bach): The Ministry of Justice does not distinguish between different types of consultancy expenditure in its accounting records. A one-off exercise was, however, undertaken in 2007-08 which found that expenditure on public relations consultancy was £290,476. This figure has not been audited.

Consultants are employed by the ministry to provide expertise for a defined period of time that is not available in-house.

All expenditure incurred is in accordance with the principles of *Managing Public Money* and the Treasury Handbook *Regularity and Propriety*.

Government Departments: Energy *Question*

Asked by Lord Bates

To ask Her Majesty's Government what assessment has been made of the total cost of office energy bills to departments. [HL2627]

The Financial Services Secretary to the Treasury (Lord Myners): The Operational Efficiency Programme (OEP) published at Budget 2009 gave an estimate of £3.6 billion of procurement expenditure in 2007-08 on

energy across Government, including the wider public sector. The Office of Government Commerce is currently compiling comparable figures for 2008-09 as part of its work to meet OEP targets.

Government: Correspondence

Question

Asked by *The Countess of Mar*

To ask Her Majesty's Government whether Ministers are required to respond to correspondence addressed directly to them on matters of policy rather than delegate responses to chief executives of agencies. [HL2793]

The Chancellor of the Duchy of Lancaster (Baroness Royall of Blaisdon): Cabinet Office guidance *Handling Correspondence from Members of Parliament, Members of the House of Lords, MEPs and Members of Devolved Assemblies; Guidance for Departments* makes clear that when correspondence relates to day-to-day operations of an executive agency or NDPB, Ministers may authorise the appropriate chief executive to reply.

Copies of the guidance are available in the Libraries of the House and can be accessed on line at http://www.cabinetoffice.gov.uk/propriety_and_ethics/handling_members_correspondence/guidance_for_departments/guidance.aspx.

Government: Ministerial Visits

Question

Asked by *Lord Laird*

To ask Her Majesty's Government whether the Secretary of State for Northern Ireland has visited the United States on official business since 1 January; if so, when; for what purpose; and at what cost. [HL2656]

Baroness Royall of Blaisdon: The United States has played and continues to play a critical role in the political process, further progress towards the devolution of policing and justice—which now includes the successful cross-community vote on 9 March—and investment in Northern Ireland. Successive Secretaries of State have worked closely with the United States and have made regular visits to discuss policy. The current Secretary of State continues this policy.

Details of all foreign visits undertaken by Cabinet Ministers are published by the Cabinet Office annually. Copies are available in the Library.

Justice: Arrest Warrants

Question

Asked by *Baroness Northover*

To ask Her Majesty's Government further to the Written Answer by Baroness Kinnock of Holyhead on 22 February (*WA 233-4*), which European Union countries have asked for information from them about the issues arising from the United Kingdom's arrest warrant procedure; and when those requests were made. [HL2292]

The Minister of State, Foreign and Commonwealth Office (Baroness Kinnock of Holyhead): Officials gave information on issues arising from the application of the UK's arrest warrant procedures in cases of universal jurisdiction during regular EU-wide discussions on foreign relations.

Legal Aid

Questions

Asked by *Lord McColl of Dulwich*

To ask Her Majesty's Government what assessment they have made of the appropriateness of funding by legal aid of research carried out on the claimants and controls in connection with the measles, mumps and rubella/measles and rubella vaccine litigation. [HL2675]

To ask Her Majesty's Government what plans they have to recover legal aid money paid to Dr Andrew Wakefield in connection with the measles, mumps and rubella/measles and rubella vaccine litigation. [HL2678]

To ask Her Majesty's Government what plans they have to recover legal aid money paid to Alexander Harris solicitors in connection with the measles, mumps and rubella/measles and rubella vaccine litigation. [HL2679]

To ask Her Majesty's Government what plans they have to recover legal aid money paid to Jeremy Stuart-Smith QC, Simeon Maskrey QC, and Augustus Ullstein QC in connection with the measles, mumps and rubella/measles and rubella vaccine litigation. [HL2680]

The Parliamentary Under-Secretary of State, Ministry of Justice (Lord Bach): The MMR and MR litigations involved allegations that, as a consequence of a national vaccination campaign, children were very seriously injured because the vaccines in question were defective. Legal aid funding, which covered litigation services, advocacy and disbursements for experts, was granted in the early stages of the case and was supported by the opinions of leading counsel, which took into account the expert evidence available at the time.

The Legal Services Commission (LSC) is obliged to review continually the merits of funded litigation, and to withdraw funding where a case no longer meets the legal merits test. Funding for the MMR and MR claims was therefore discontinued when they no longer met this test. Since those cases concluded, the civil legal aid funding code guidance has been revised, and there are now more stringent criteria for funding high-cost cases, as well as a presumption that legal aid will not be used to fund new scientific research.

The LSC has no plans to recover the legal aid fees paid to Dr Andrew Wakefield, Messrs Alexander Harris, Mr Stuart-Smith, Mr Maskrey or Mr Ullstein.

Live Music

Question

Asked by *Lord Colwyn*

To ask Her Majesty's Government what are the dates of the research sources for the numbers of professional musicians in 2006 and 2008 cited in the

Department for Culture, Media and Sport's report *Live Music: An Analysis of the Sector* under the heading "increases in those performing music—are there more musicians?". [HL2478]

Lord Davies of Oldham: The *Live Music: An Analysis of the Sector* report used source material taken from the Creative and Cultural Skills Council (CCSC) studies of the industry.

We understand that CCSC are making some revision to their material. DCMS will incorporate any changes affecting our analysis in the report in due course.

Media: Newspapers

Question

Asked by **Lord Ashcroft**

To ask Her Majesty's Government how much they spend annually on recruitment advertising in the *Guardian*. [HL2756]

Baroness Crawley: This information is not held centrally and could only be provided at a disproportionate cost.

Mohammad Amin Valian

Question

Asked by **Lord Hylton**

To ask Her Majesty's Government whether they will ask the government of Iran for clemency for Mr Mohammad Amin Valian, who was sentenced to death after admitting throwing stones at security forces. [HL2647]

The Minister of State, Foreign and Commonwealth Office (Baroness Kinnock of Holyhead): The United Kingdom is extremely concerned by reports that twenty year-old Mohammad Amin Valian faces execution, having been charged with acting against the national security, propagating against the Islamic system and insulting prominent figures of the Islamic Republic.

On behalf of all EU member states, Spain as EU presidency in Tehran has sought an urgent meeting with the Iranian authorities to obtain more precise information on the imminent risk of execution of Mr Valian and any other individuals sentenced during the mass trials. As EU presidency, Spain has made clear our deep concern over the possible imminent executions, and reinstated the EU's firm opposition to the death penalty in all its forms.

These sentences undermine Iran's claimed commitment to justice, human rights and democratic values, and, alongside EU partners, we will continue to call for clemency on behalf of all individuals facing execution for the peaceful pursuit of their basic rights and freedoms.

Nagorno-Karabakh

Question

Asked by **Viscount Waverley**

To ask Her Majesty's Government whether as a United Nations Security Council member they support Armenia or Azerbaijan in their respective claims regarding Nagorno-Karabakh. [HL2641]

The Minister of State, Foreign and Commonwealth Office (Baroness Kinnock of Holyhead):

The Government support the efforts of the Organisation for Security and Co-operation in Europe Minsk group to promote a sustainable political settlement of the Nagorno-Karabakh conflict. We encourage both Armenia and Azerbaijan to co-operate fully with the Minsk process.

Northern Ireland Office: Opinion Polls

Questions

Asked by **Lord Maginnis of Drumglass**

To ask Her Majesty's Government which Northern Ireland Office minister determined the requirements of and sanctioned the opinion poll conducted by the Northern Ireland Office during the week beginning 1 March. [HL2638]

Baroness Royall of Blaisdon: The Secretary of State for Northern Ireland approved the opinion poll.

Asked by **Lord Maginnis of Drumglass**

To ask Her Majesty's Government which minister or official in the Northern Ireland Office devised the wording of questions used in the opinion poll conducted during the week beginning 1 March; and what was the full wording of the questions. [HL2639]

Baroness Royall of Blaisdon: The questions in the opinion poll conducted on 5 and 6 March were approved by the Secretary of State for Northern Ireland. The questions were:

Q1. Who do you personally think is best placed to make decisions on policing in Northern Ireland?

Q2. Overall do you support or oppose the agreement to transfer policing and justice powers to the Executive at Stormont?

Q3. I believe we should transfer policing and justice powers to Stormont so that the Executive can get on with the job of improving life for everyone in Northern Ireland. 1. Agree 2. Disagree 3. Don't know

Asked by **Lord Laird**

To ask Her Majesty's Government how much the recent poll carried out for the Northern Ireland Office about the transfer of policing and justice powers to the Executive cost; how many people were polled; and when. [HL2655]

Baroness Royall of Blaisdon: The poll carried out by the Northern Ireland Office (NIO) cost £16,215, involving 1,000 people. It took place on 5 and 6 March 2010.

Northern Ireland: Human Rights Commission

Question

Asked by **Lord Laird**

To ask Her Majesty's Government what is the ethnic breakdown of the employees of the Northern Ireland Equality Commission. [HL2542]

Baroness Royall of Blaisdon: Although the Secretary of State appoints commissioners to the Equality Commission for Northern Ireland, the sponsorship of the commission is a matter for the devolved Administration.

The noble Lord may wish to write directly to the Equality Commission for Northern Ireland or to the relevant sponsor department, the Office of the First Minister and Deputy First Minister.

Nuclear-powered Submarines

Question

Asked by **Lord Dykes**

To ask Her Majesty's Government when they will publish the report on the collision between the British and French nuclear submarines in the Bay of Biscay in 2007. [HL2693]

The Minister for International Defence and Security (Baroness Taylor of Bolton): There was no such collision in 2007. The report on the collision between HMS "Vanguard" and FS "Le Triomphant", which happened in 2009, contains highly classified operational detail concerning the United Kingdom's nuclear deterrent, and so, for reasons of national security, it will not be published.

Officers' Training Corps

Question

Asked by **Lord Astor of Hever**

To ask Her Majesty's Government how many officer cadets serving in the Officers' Training Corps (a) regularly attended training prior to the suspension of their pay, and (b) regularly attend training currently. [HL2596]

The Minister for International Defence and Security (Baroness Taylor of Bolton): The number of officer cadets serving in the University Officers Training Corps (UOTC) that regularly attended training prior to the temporary suspension of pay was two,250. This is the average attendance figure for October 2009. The average attendance figure for February 2010 was 1,387.

UOTC attendance patterns are to some degree predictable. For example, many first-year students do not sustain their interest in cadet activities beyond the first term. Second term attendance figures are therefore always lower. Attendance is also usually weak during examination periods.

Orange Halls

Question

Asked by **Lord Laird**

To ask Her Majesty's Government which Orange halls have been attacked in the last 12 months. [HL2734]

Baroness Royall of Blaisdon: This is an operational matter for the Chief Constable. I have asked him to reply directly to the noble Lord, and a copy of his letter will be placed in the Library of the House.

Police: Northern Ireland

Questions

Asked by **Lord Maginnis of Drumglass**

To ask Her Majesty's Government whether the comments by the Secretary of State for Northern Ireland, Shaun Woodward, about withdrawing £800 million of funding for policing and justice gave adequate consideration to the safety of the community in Northern Ireland; and whether the comments were intended only to influence the decision by the Northern Ireland Assembly on whether to devolve policing and justice. [HL2582]

Baroness Royall of Blaisdon: The additional £800 million of funding was agreed specifically in the context of the devolution of policing and justice, and it was at all times clear that it was only on offer in that context.

Asked by **Lord Kilclooney**

To ask Her Majesty's Government how many full-time serving officers of the Police Service of Northern Ireland speak (a) Irish Gaelic, and (b) Mandarin or Cantonese. [HL2698]

Baroness Royall of Blaisdon: That is an operational matter for the Chief Constable. I have asked him to reply directly to the noble Lord, and a copy of his letter will be placed in the Library of the House.

Prisoners: Voting

Questions

Asked by **Lord Lester of Herne Hill**

To ask Her Majesty's Government what were the responses to their second public consultation on prisoners' voting rights, which concluded on 29 September 2009; and what is their evaluation of the responses. [HL2568]

The Parliamentary Under-Secretary of State, Ministry of Justice (Lord Bach): The second stage consultation closed on 29 September and we are currently considering the responses. Details of the views received and the Government's evaluation of the responses will be published in due course.

Asked by Lord Lester of Herne Hill

To ask Her Majesty's Government whether the Prison Service has expressed concerns about enabling sentenced prisoners to vote in parliamentary elections.

[HL2570]

Lord Bach: The National Offender Management Service responded to the first consultation on prisoner voting rights that there were "a number of complex practical issues that would need further consideration" in relation to facilitating postal voting by prisoners. They further indicated that there was a "fundamental need for further clarity on the administrative procedures that would need to be adhered to should Parliament decide to amend the current UK electoral law".

NOMS, as part of the Ministry of Justice, was engaged in the development of the options for practical implementation on which the second stage consultation paper sought views. That consultation closed on 29 September 2009 and an analysis of the responses is being undertaken. The responses, and the Government's evaluation of them, will be published in due course.

Schools: Teachers*Questions**Asked by Lord Quirk*

To ask Her Majesty's Government further to the Written Answers by Baroness Morgan of Drefelin on 3 March (WA 354-5), what importance they attach to educational qualifications; and why they do not monitor and record the educational qualifications of teachers serving in primary and secondary schools.

[HL2601]

The Parliamentary Under-Secretary of State, Department for Children, Schools and Families (Baroness Morgan of Drefelin): Teaching is a graduate-level profession and all new teacher trainees in most subjects since 1980-01, and all subjects from 1983-84, have had to have a degree. Records of teacher qualifications are not currently held centrally, although a new annual school workforce census has been introduced which will help to improve the quality of data in this area. The census will collect information on the level and subject of all post-A-level qualifications held by teachers in primary and secondary schools. The qualifications module of the census was piloted in autumn 2009 and the full roll out of the census is scheduled for autumn 2010.

Although comprehensive data about the qualifications of serving teachers are not currently collected, the department has a range of information available:

the Secondary Schools Curriculum and Staffing Survey (SSCSS) provides information on the levels and subjects of qualification of secondary teachers. This is an occasional sample survey that is used to provide national estimates of the number of teachers by subject area. The survey was carried out in 1988, 1992, 2002 and most recently in 2007;

in addition, the proportion of first year entrants holding a UK degree of classification 2:1 or higher forms part of the performance profiles dataset held by the Training and Development Agency for Schools (TDA); and

the General Teaching Councils for England and Wales record information on teachers' qualifications upon entry into the profession, including degree subject and the level obtained. This information is not complete, however, particularly for all teachers qualified before 1986 and for a proportion since then (amounting to around 40 per cent of teachers in service). Qualifications achieved after the attaining of QTS are also missing. Consequently, an accurate assessment of teachers' qualifications is not considered reliable from these sources alone.

Asked by Lord Bradley

To ask Her Majesty's Government what is the average annual salary of (a) primary head teachers, and (b) secondary head teachers, in each of the ten districts of Greater Manchester.

[HL2717]

Baroness Morgan of Drefelin: Information on the average annual salary of head teachers is not available at the district level because leadership grade information has been incorrectly recorded within the data source and any figures provided, broken down by district, would not be reliable.

UN: Territorial Integrity*Question**Asked by Viscount Waverley*

To ask Her Majesty's Government whether in their activities in the United Nations they give greater weight to territorial integrity than to self determination.

[HL2435]

The Minister of State, Foreign and Commonwealth Office (Baroness Kinnock of Holyhead): The United Kingdom, in its activities within the United Nations, gives weight to both the international legal principles of the territorial integrity of states and the self-determination of peoples. The application of these principles to any given factual situation will depend on all the circumstances.

Unemployment*Question**Asked by Lord Roberts of Llandudno*

To ask Her Majesty's Government which 10 local authorities have the highest rate of unemployment in the United Kingdom.

[HL2727]

Baroness Crawley: The information requested falls within the responsibility of the UK Statistics Authority. I have asked the authority to reply.

Letter from Stephen Penneck, Director General for ONS, to Lord Bates, dated March 2010.

As Director General for the Office for National Statistics, I have been asked to reply to your Question asking which 10 local authorities have the highest rate of unemployment in the United Kingdom. (HL2727)

The Office for National Statistics compiles unemployment statistics for local areas in Great Britain using model based estimates. Estimates for Northern Ireland are not available on this basis.

The latest available estimates cover the 12-month period ending June 2009 and are shown in table 1 for the 10 local or unitary authorities with the highest unemployment rates.

As with any sample survey, model-based estimates are subject to a margin of uncertainty. A guide to the quality of the estimates is given in table 1.

National and local area estimates for many labour market statistics, including employment, unemployment and claimant count are available on the NOMIS website at <http://www.nomisweb.co.uk>.

Table 1: Highest unemployment rates¹ in Great Britain by local unitary authority, July 2008 to June 2009

| | per cent |
|-----------------------------|----------|
| Sandwell | 14.6*** |
| Tower Hamlets | 13.1*** |
| Birmingham | 13.1*** |
| Newham | 12.9*** |
| Blaenau Gwent | 12.8*** |
| Nottingham | 11.8*** |
| Leicester | 11.5*** |
| Kingston upon Hull, City of | 11.5*** |
| Wolverhampton | 11.3*** |
| Newcastle upon Tyne | 11.0*** |

Source:

Model based estimates

1. Coefficients of Variation have been calculated as an indication of the quality of the estimates. See Guide to Quality below.

Guide to Quality:

The Coefficient of Variation (CV) indicates the quality of an estimate, the smaller the CV value the higher the quality. The true value is likely to lie within +/- twice the CV - for example, for an estimate of 200 with a CV of 5% we would expect the population total to be within the range 180-220.

| Key | Coefficient of Variation (CV) (%) | Statistical Robustness |
|-----|-----------------------------------|--|
| * | $0 \leq CV < 5$ | Estimates are considered precise. |
| ** | $5 \leq CV < 10$ | Estimates are considered reasonably precise. |

Table 1. Total Claimant Count and persons aged 16-24 claiming Jobseeker's Allowance resident in each of the parliamentary constituencies in the North East of England.

| | April 1997 | | June 2001 | | June 2005 | | January 2010 | |
|----------------------------------|------------|-------|-----------|-------|-----------|-------|--------------|-------|
| | Total | 16-24 | Total | 16-24 | Total | 16-24 | Total | 16-24 |
| Berwick-upon-Tweed | 2,004 | 495 | 1,122 | 275 | 848 | 230 | 1,644 | 505 |
| Bishop Auckland | 2,479 | 730 | 1,780 | 545 | 1,201 | 425 | 2,796 | 865 |
| Blaydon | 2,511 | 565 | 1,266 | 330 | 973 | 280 | 2,128 | 595 |
| Blyth Valley | 2,783 | 815 | 1,794 | 590 | 1,386 | 500 | 2,675 | 845 |
| Darlington | 3,381 | 915 | 2,078 | 545 | 1,574 | 440 | 3,155 | 985 |
| Durham, City of | 2,165 | 600 | 1,251 | 385 | 919 | 290 | 1,891 | 600 |
| Easington | 2,293 | 730 | 1,572 | 555 | 1,033 | 490 | 2,915 | 1,050 |
| Gateshead East & Washington West | 2,709 | 790 | 1,495 | 470 | 1,252 | 450 | 2,585 | 770 |
| Hartlepool | 4,269 | 1,285 | 2,765 | 810 | 2,122 | 740 | 4,363 | 1,365 |
| Hexham | 1,271 | 330 | 776 | 200 | 543 | 155 | 1,185 | 345 |
| Houghton & Washington East | 2,888 | 945 | 2,056 | 690 | 1,256 | 445 | 2,926 | 950 |

| | | |
|------|-------------------|---|
| *** | $10 \leq CV < 20$ | Estimates are considered acceptable. |
| **** | $CV \geq 20$ | Estimates are considered too unreliable for practical purposes. |

Asked by **Lord Bates**

To ask Her Majesty's Government what were the levels of (a) unemployment, and (b) youth unemployment, in each parliamentary constituency in the north east of England in (1) April 1997, (2) June 2001, (3) June 2005, and (4) January 2010. [HL2749]

Baroness Crawley: The information requested falls within the responsibility of the UK Statistics Authority. I have asked the authority to reply.

Letter from Stephen Penneck, Director General for ONS, to Lord Bates, dated March 2010.

As Director General for the Office for National Statistics, I have been asked to reply to your question asking what were the levels of (a) unemployment, and (b) youth unemployment, in each parliamentary constituency in the north east of England in (1) April 1997, (2) June 2001, (3) June 2005, and (4) January 2010. (HL2749)

The Office for National Statistics (ONS) compiles unemployment statistics in line with International Labour Organisation (ILO) definitions for local areas from the Annual Population Survey (APS). However, due to the small sample size, no reasonable estimates are available for parliamentary constituencies in the north east of England.

As an alternative, in Table 1 we have provided the number of (a) total, and (b) people aged 16-24, claiming Jobseeker's Allowance in each parliamentary constituency in the north-east of England in April 1997, June 2001, June 2005 and January 2010.

National and local area estimates for many labour market statistics, including employment, unemployment and claimant count are available on the NOMIS website at <http://www.nomisweb.co.uk>.

Table 1. Total Claimant Count and persons aged 16-24 claiming Jobseeker's Allowance resident in each of the parliamentary constituencies in the North East of England.

| | April 1997 | | June 2001 | | June 2005 | | January 2010 | |
|--------------------------------------|------------|-------|-----------|-------|-----------|-------|--------------|-------|
| | Total | 16-24 | Total | 16-24 | Total | 16-24 | Total | 16-24 |
| Jarrow | 3,328 | 895 | 2,226 | 570 | 1,769 | 525 | 3,182 | 920 |
| Middlesbrough | 5,787 | 1,745 | 3,935 | 1,180 | 2,909 | 1,095 | 5,384 | 1,765 |
| Middlesbrough South & East Cleveland | 3,516 | 970 | 2,290 | 675 | 1,596 | 550 | 3,301 | 1,100 |
| Newcastle upon Tyne Central | 3,736 | 1,025 | 2,082 | 535 | 1,518 | 465 | 2,671 | 775 |
| Newcastle upon Tyne East & Wallsend | 4,081 | 1,060 | 2,418 | 730 | 1,886 | 605 | 3,647 | 1,100 |
| Newcastle upon Tyne North | 2,786 | 730 | 1,409 | 420 | 996 | 295 | 2,358 | 695 |
| North Durham | 2,741 | 715 | 1,538 | 460 | 1,175 | 450 | 2,701 | 845 |
| North Tyneside | 3,469 | 950 | 2,067 | 605 | 1,612 | 510 | 3,112 | 860 |
| North West Durham | 2,725 | 740 | 1,522 | 395 | 984 | 340 | 2,501 | 745 |
| Redcar | 4,139 | 1,220 | 2,753 | 845 | 1,986 | 765 | 3,943 | 1,310 |
| Sedgefield | 2,011 | 580 | 1,637 | 540 | 1,091 | 430 | 2,445 | 780 |
| South Shields | 4,337 | 1,145 | 3,190 | 775 | 2,393 | 710 | 4,029 | 1,200 |
| Stockton North | 4,228 | 1,115 | 2,667 | 805 | 1,804 | 665 | 3,919 | 1,300 |
| Stockton South | 3,244 | 845 | 2,096 | 610 | 1,433 | 455 | 3,197 | 985 |
| Sunderland North | 3,447 | 935 | 2,286 | 660 | 1,683 | 580 | 3,274 | 1,105 |
| Sunderland South | 4,358 | 1,185 | 2,740 | 715 | 1,907 | 630 | 3,728 | 1,135 |
| Tyne Bridge | 5,225 | 1,415 | 3,032 | 900 | 2,524 | 790 | 4,046 | 1,090 |
| Tynemouth | 2,903 | 725 | 1,632 | 420 | 1,257 | 325 | 2,292 | 590 |
| Wansbeck | 3,028 | 890 | 1,792 | 540 | 1,501 | 585 | 2,776 | 910 |

Age data rounded to nearest 5

Source:

Jobcentre Plus Administrative System

Age data are only available for computerised claims, which account for 99.7 per cent of all claims.

Universities: Foreign Languages

Question

Asked by **Lord Dykes**

To ask Her Majesty's Government what plans they have to persuade universities to encourage students to study less favoured European languages such as Polish, Italian, Serbo-Croat and the Baltic languages. [HL2562]

The Parliamentary Under-Secretary of State, Department for Business, Innovation and Skills (Lord Young of Norwood Green): The Government's policy is to encourage more young people to study modern languages throughout their time in education. Understanding other languages benefits individuals and wider society as well as the economy and Britain's competitiveness. It is, however, a matter for each individual university to determine which specific subjects, including languages, it will teach.

Victoria and Albert Museum

Question

Asked by **Lord Smith of Finsbury**

To ask Her Majesty's Government what representations they have received or made in relation to the future of the musical instrument collection at the Victoria and Albert Museum. [HL2199]

Lord Davies of Oldham: The Department for Culture, Media and Sport has received four representations from hon. Members and five representations from members of the public about the future of the Victoria and Albert (V&A) Museum's musical instrument collection. An e-petition on the No. 10 website about this issue has received over 5,100 signatures.

The future of the musical instruments gallery is a matter for the V&A. However, my department is in regular contact with the V&A about its plans regarding the musical instruments collection and the V&A reassure us that they will conserve this collection and keep it accessible to the public. The V&A intends to display some of its musical instruments in their British galleries, the medieval and renaissance galleries and the new furniture gallery (due to open in 2012) and the new Europe 1600-1800 galleries (due to open in 2014). The museum is in discussion with other institutions to enter into partnerships to loan out parts of its musical instruments collection to keep them publicly available. The Horniman Museum is working closely with the V&A to display some of the collection alongside its existing collection

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