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PARLIAMENTARY DEBATES
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HOUSE OF LORDS

OFFICIAL REPORT

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Abbreviation	Party/Group
CB	Cross Bench
Con	Conservative
DUP	Democratic Unionist Party
GP	Green Party
Ind Lab	Independent Labour
Ind LD	Independent Liberal Democrat
Ind SD	Independent Social Democrat
Ind UU	Independent Ulster Unionist
Lab	Labour
LD	Liberal Democrat
LD Ind	Liberal Democrat Independent
Non-afl	Non-affiliated
PC	Plaid Cymru
UKIP	UK Independence Party
UUP	Ulster Unionist Party

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House of Lords

Monday 4 June 2018

2.30 pm

Prayers—read by the Lord Bishop of Carlisle.

Death of a Member: Lord Howie of Troon *Announcement*

2.37 pm

The Lord Speaker (Lord Fowler): My Lords, I regret to inform the House of the death of the noble Lord, Lord Howie of Troon, on 26 May. On behalf of the House, I extend our condolences to the noble Lord's family and his friends.

Retirement of a Member: Lord Glentoran *Announcement*

2.37 pm

The Lord Speaker (Lord Fowler): My Lords, I should also like to notify the House of the retirement with effect from 1 June of the noble Lord, Lord Glentoran, pursuant to Section 1 of the House of Lords Reform Act 2014. I thank the noble Lord for his valuable service to this House.

Police: Firearms *Question*

2.37 pm

Asked by Lord Hogan-Howe

To ask Her Majesty's Government what was the outcome of the review of police officers' use of firearms announced in November 2015 after the terrorist attacks in France.

The Minister of State, Home Office (Baroness Williams of Trafford) (Con): My Lords, armed police officers do a vital and uniquely challenging job on behalf of the public. It is right that they are supported to take difficult decisions to protect the public without fearing that the justified use of force will damage their careers. The work looking into the legal and procedural framework governing police use of firearms and post-incident investigation is ongoing, taking into account learning from recent events.

Lord Hogan-Howe (CB): My Lords, in this country there are 120,000 police officers, only 6,500 of whom are armed. They deal with 15,700 firearms operations a year, yet discharge their weapons on only 10 occasions. Yet when they do discharge their weapons they can expect a lengthy and prolonged inquiry—more than 10 years on the worst occasion. Something needs to happen about this. That was agreed in the review that this Question relates to by the then Prime Minister, Mr David Cameron. Here we are two and half years later and that review has yet to conclude. The Government and the law need to change to accommodate the needs of the firearms officer to ensure these things are carried forward well in the future. The very least that should happen is that the review should conclude.

Baroness Williams of Trafford: I thank the noble Lord for his Question—his first to me, I think. I thank him for the time he took to speak to me this morning and join him in paying tribute to all those who serve in our police services in some very difficult circumstances indeed. On his first point on the previous Prime Minister commissioning the review, officials have been looking at the legal and procedural framework of post-incident procedure in consultation with stakeholders, including the noble Lord. His second point was about armed police officers feeling like they are treated as suspects. As I am sure that he would agree, it is quite clear that the facts should be established and no predetermination made during the process. The police and the IOPC have agreed a protocol for post-incident procedures following a terrorist attack to improve clarity and address concerns about safety and fairness. On the noble Lord's third point on timeliness from the point of view of the firearms officer, and that of the family of someone who might have been shot, he is absolutely right. There have been precious few convictions—in fact none—since 2004, but timeliness is improving.

Lord Harris of Haringey (Lab): My Lords, I refer to my interests to do with policing in the register. Can the Minister confirm that it is proving difficult to recruit up to the required level of firearms officers at present? Can she tell us the reason? Is it because there is now too small a pool of police officers to recruit from? Is it because police officers who accept this responsibility are not paid any extra? Is it because they are worried about the extremely long processes that might follow if they ever have to use their weapon? Which is it?

Baroness Williams of Trafford: The noble Lord rightly raises a number of concerns. We know there have been challenges in recruiting additional firearms officers. To date, we have recruited 650 and hope to reach 1,000 by the end of this year. Developing a pipeline of skills is very important when we are looking to recruit. In doing so, we want firearms officers to feel that they can do their job with the safety of a legal framework around them.

Lord Paddick (LD): My Lords, police firearms officers are volunteers who make split-second decisions to protect us all. Does the Minister not agree that they deserve some legal protection in return?

Baroness Williams of Trafford: I think the final part of my answer to the noble Lord, Lord Harris of Haringey, made precisely that point. We absolutely acknowledge the way the police have to make—in the blink of an eye—what are sometimes life-and-death decisions. They had a particularly challenging time last year during the several terrorist attacks that took place in this city and in Manchester. I think the noble Lord, Lord Harris, acknowledged in his report how well the police responded in those situations.

Lord Trefgarne (Con): My Lords, in view of the increasing number of firearms officers required, is my noble friend the Minister satisfied that the training arrangements for them are adequate?

Baroness Williams of Trafford: My noble friend is absolutely right: the training is crucial. These officers are experts in their field, who have to make split-second decisions in not just challenging but life-threatening situations, with a lot of people being affected should decisions go wrong. Training is absolutely crucial.

Baroness Meacher (CB): My Lords, the Minister said that the timeliness of investigations into firearms incidents is improving, but my understanding is that it is not. Will she take this matter back and perhaps leave a report in the Library about what the Government are doing to improve that timeliness?

Baroness Williams of Trafford: I am certainly happy to give the noble Baroness a longer answer in writing. I will just run through some of the things we have done in recent years. The timeliness of investigations has gone down from 205 working days in the year to April 2017 to 186 working days in the year to April 2018. The IOPC has increased the number of investigations nearly sixfold since 2013-14. In addition, we have doubled the IOPC budget.

Lord Kennedy of Southwark (Lab Co-op): My Lords, the noble Lord, Lord Hogan-Howe, has raised a very important issue but can the noble Baroness tell us when she expects the review to conclude? As he said, it has been going now for nearly two and a half years.

Baroness Williams of Trafford: We expect that Michael Lockwood will complete his review soon. He is quite new in post and is looking at the Section 22 draft statutory guidance on achieving best evidence in death and serious injury matters, while taking into account the College of Policing's authorised professional practice for armed policing post-incident procedures.

Baroness Jones of Moulsecoomb (GP): My Lords, the point has been raised that the timeliness of these investigations is quite poor. That does not give justice to the families of the people who have been shot, nor to the officers who have done the shooting, so are there plans for the Government to review the processes so that they can be run concurrently rather than sequentially?

Baroness Williams of Trafford: The timeliness is improving. A number of changes made to the IOPC have resulted in better performance from it, including in the time it takes to investigate.

Children: Special Educational Needs

Question

2.46 pm

Asked by **Lord Storey**

To ask Her Majesty's Government what assessment they have made of the impact of education, health and care plans on children with special educational needs.

The Parliamentary Under-Secretary of State, Department for Education (Lord Agnew of Oulton) (Con): My Lords, more than 98% of statements of SEN were reviewed by 31 March of this year, this being the deadline for

introducing education, health and care plans. A survey of 13,000 people who received an EHC plan during 2015 found that 73% agreed that it led to the child or young person getting the right support. Ofsted and the Care Quality Commission are undertaking joint SEND inspections in all local authority areas. These are providing evidence of progress, including positive feedback on the impact of these plans.

Lord Storey (LD): I think we all had high hopes when education, health and care plans were introduced. However, with vacancies in and shortages of educational psychologists, speech therapists, occupational therapists and SENCOs—and, added to that, schools having tough budgets and spending less on educational needs— young people and children often do not get the support that they need. A family from Liverpool wrote to me about Eva, who is at nursery. The nursery staff think that she is autistic, but she will have to wait 12 to 18 months because there is only one occupational therapist at Alder Hey Hospital to put her on the pathway. What would the Minister advise on this?

Lord Agnew of Oulton: My Lords, in 2018-19 the high needs block will rise by £142 million, to a total of £6 billion across England, which is up from £5 billion in 2013. Just last week we announced an additional £50 million of capital funding, bringing the total to £265 million of capital funding, to help build new places at mainstream and special schools. I would be happy to meet the noble Lord on the specific request he makes to discuss the case and, if necessary, I will ask the Minister for Children to write to the local authority.

Lord Morris of Handsworth (Lab): My Lords, there is a group of children whose interests are hardly ever mentioned in your Lordships' House, and those are the children whose mothers are being detained in Yarl's Wood detention centre. How are these children being educated, and what progress is being measured in respect of their detention?

Lord Agnew of Oulton: My Lords, I do not have that information to hand, but I am very happy to write to the noble Lord with it.

Lord Cormack (Con): Does my noble friend agree that some of the reports last week of young children being badly educated in basic hygiene point to the need for parenting classes? What is being done to increase those?

A noble Lord: Sure Start!

Lord Agnew of Oulton: My Lords, I cannot speak about the increase in the Sure Start programme. I am sorry to disappoint Members opposite me. We have made a huge investment in early years education, both for two and three year-olds and for slightly older children. This takes pressure off families from poor backgrounds, enables them to go to work and generally makes their lives easier. That is the policy that we are pursuing.

The Lord Bishop of Carlisle: My Lords, in Cumbria where I live, a huge proportion of schools are classified as small and are often very small. Their funding, especially for children with special educational needs, is greatly limited by their ability to access economies of scale. Does the Minister agree that in smaller schools educational outcomes can at present be disproportionately affected by current funding models?

Lord Agnew of Oulton: My Lords, as I mentioned in answer to an earlier question, we have increased the overall funding for children in need to £6 billion, up from £5 billion in 2013. When we brought in the specific changes to the SEN process in 2014, we allocated some £391 million to this programme, which includes the burdens on local authorities and help for other partners involved, including schools.

Lord Ramsbotham (CB): My Lords, I declare an interest as co-chair of the All-Party Group on Speech and Language Difficulties. Do the figures the Minister gave for those on plans include young people in custody?

Lord Agnew of Oulton: My Lords, I cannot answer specifically for young children in custody, but I will add that to the answer to the other noble Lord.

Lord Addington (LD): My Lords, does the Minister agree that it has been something like more than two decades since we brought in the statement system? The statements or plans often deal with very commonly occurring conditions which we know are going to be there. Why are we dependent on something outside the school to deal with a condition which we will know will occur? Should we not be investing in better teacher training and in support within schools?

Lord Agnew of Oulton: To answer the first part of the noble Lord's question, the changes we brought about were to join the system up so that we were not dealing in silos for children who often have complex needs. One of the most important changes was to ensure that there was cross-agency working, not just with education but with health and social care. The other important change was to be much more focused on outcomes for children in need of this sort of support with flexibility in, for example, being able to provide a personal budget for children and families who need this support.

Lord Watson of Invergowrie (Lab): My Lords, autism is the most common type of special educational need of children who have an EHC plan or statement, with 27% of those children having autism as their main need. Despite these numbers, too many children on the autism spectrum are held back from getting the support they need to succeed and 43% of appeals to the SEND tribunal are on behalf of those children. The Minister spoke earlier of the £50 million funding to create more places for SEND children. Capital funding is not the most pressing need. What will the Government do to ensure that the necessary staff capacity is provided to prevent so many children with autism falling through the cracks in the support system?

Lord Agnew of Oulton: My Lords, we have introduced a number of improvements in teacher training over the past six years, including changes to teacher standards in 2012 to require that teachers have a clear understanding of the needs of all pupils, including those with SEND. In 2016, we changed the content of initial teacher training to require training providers to include modules on specific types of SEND. Each school must have a SEND co-ordinator, who must hold qualified teacher status. They must usually undertake a master's-level national award in SEND co-ordination within three years of being appointed. Awareness of these conditions is becoming much wider.

Peru: Visa Requirements *Question*

2.54 pm

Asked by Baroness Coussins

To ask Her Majesty's Government what assessment they have made of the impact of removing visa requirements for visitors to the United Kingdom from Peru.

Baroness Coussins (CB): My Lords, I beg leave to ask the Question standing in my name on the Order Paper. In doing so, I declare an interest as president of the Peru Support Group.

The Minister of State, Home Office (Baroness Williams of Trafford) (Con): My Lords, the UK keeps its visa system under regular review. Decisions on changes are always taken in the round and reflect key facets of the bilateral relationship with the country concerned. These will vary globally but often include security compliance, returns, reciprocal arrangements for UK nationals and prosperity.

Baroness Coussins: My Lords, it is encouraging to hear that there is some degree of flexibility in the visa review process, especially as most other Latin American countries do not need a visa to come to the UK. The Schengen area lifted its visa requirements for Peru in 2014, which has resulted in a huge disparity in visitor numbers, with only 4,014 Peruvians coming to Britain last year compared with over 204,000 going to the Schengen countries. Does the Minister agree that the economic disadvantage to the UK in revenue from tourism alone means that there is now every good and logical reason to lift the visa requirement for Peru, especially as we plan to expand our trade and investment links with Peru after Brexit and are promoting closer links between our universities?

Baroness Williams of Trafford: My Lords, a visa regime is not a barrier to trade. We have excellent trading relationships with many countries whose citizens require a visa to come to the UK such as China, India, Turkey and the UAE. All non-EEA visitors to the UK are assessed against the same immigration rules regardless of nationality and whether there is a visa requirement. The only difference is where the assessment is actually

[BARONESS WILLIAMS OF TRAFFORD]

made. I can attest to the noble Baroness that our visa service is excellent: the processing time is less than eight days, and 97% of non-settlement visa applications were decided within our standard 15-working-day processing time. To return to the noble Baroness's original Question about whether we will think again about Peru, as I have said to her, we will keep these things under regular review. I know the Foreign Secretary has had talks with Peru on trade, unveiling several infrastructure programmes that the UK is supporting.

Lord Purvis of Tweed (LD): My Lords, on an IPU visit to Peru last year the Minister for Trade and Tourism told me that the inward trade delegation from Peru to the UK was disrupted because of the visa complications at the British end, which I am afraid contradicts what the Minister has just told the House, and that does not seem to be an isolated incident. At the same time as the United States seems to be raising trade barriers and making it more complicated for us to trade, countries such as Peru are an ideal opportunity to enhance British direct trade and the visa regime is part of the difficulties that many businesses face. Given the Home Secretary's announcement yesterday of a review, is Peru not a perfect example of a case study to be included in the Home Secretary's review about how we could be facilitating a better regime?

Baroness Williams of Trafford: I am sure my right honourable friend the Home Secretary will be considering all situations in the round. I am dismayed to hear about any visa complications that might have been experienced by the Peruvian delegation to the UK. Obviously I will not discuss single cases on the Floor of the House but if the noble Lord will give me the details then I will look into it. I know the Foreign Secretary has signed a treaty on the mutual recognition of qualifications, which will facilitate greater exchange of people and opportunities for students from both the UK and Peru. He himself has heralded a developing and intensifying relationship between the UK and Peru that will enable both countries to save endangered wildlife, help to promote the education of women and girls and build our common prosperity.

Lord Howell of Guildford (Con): As the Minister has raised the issue of reviewing global visa policy generally, is she aware that the visa policy for senior business visitors to this country, investing in this country or operating here, leaves very much to be desired, not just for Peru and Latin America but across the whole world? Is she particularly aware that in the case of Japan—I declare an interest as in the register on the Japanese situation—very senior Japanese investors coming here, and Japan is one of the major investors in this country, have found that since the Brexit referendum their delays at Heathrow have increased from one hour to anything up to two hours? This is madness and the reverse of what we should be doing. Could she review it and pass on the need for a review to her colleagues quickly?

Baroness Williams of Trafford: I shall certainly take back what my noble friend has said—what the noble Lord, Lord Purvis, said certainly triggered alarm bells

for me. I shall take back the points made by my noble friend and the noble Lord, get an answer and write to them.

Lord Foulkes of Cumnock (Lab): My Lords, notwithstanding Peru's lucky victory over Scotland at football last week, I support everything that the noble Baroness, Lady Coussins, said. I was astonished on a recent visit to New Zealand to find that some visitors from New Zealand, of all places, still require visas. What is the Minister doing about that?

Baroness Williams of Trafford: I will personally look into that, but of course there are certain countries where visas are required. As I said to the noble Baroness—I totally understand the point that she makes—we keep these arrangements under review on a regular basis.

Lord Kennedy of Southwark (Lab Co-op): My Lords, can the Minister confirm that visitors from Peru and all other non-EEA countries are required to complete a landing card on arrival in the UK and present it to a Border Force officer? Can she further tell the House what the Border Force and the Government do with all the data collected?

Baroness Williams of Trafford: I think the noble Lord is absolutely right about landing cards: that anyone from a non-EEA country will present a landing card. Landing cards are for statistical purposes, in the main. They are not stored in a warehouse somewhere, they are destroyed soon after.

New Cars: Sales Question

3 pm

Asked by **Lord Naseby**

To ask Her Majesty's Government what plans they have to ban the sale of new (1) diesel, (2) petrol, (3) hybrid, and (4) electric, cars over the next 25 years.

The Parliamentary Under-Secretary of State, Department for Transport (Baroness Sugg) (Con): My Lords, the Government's aim is for every new car and van to be effectively zero emission by 2040 and we will end the sale of new conventional petrol and diesel cars and vans by this date. We expect this transition to be industry and consumer-led, but will consider intervening if not enough progress is being made. Our approach is focused on the goal of zero tailpipe emissions and is technology-neutral. More detail will be set out in the forthcoming zero-emission road transport strategy.

Lord Naseby (Con): I thank my noble friend for that Answer but, given that all Governments are poor at forecasting—and in this industry, diesels come to mind—would it not make much more sense for Her Majesty's Government to stop trying to dictate and rather to listen and work with the relevant industry? In this case, was not the CEO of the Society of Motor Manufacturers and Traders right when he said,

“industry cannot dictate the pace of change nor levels of consumer demand. Unrealistic targets and misleading messaging on bans will only undermine our efforts to realise this future, confusing consumers and wreaking havoc on the new car market and the thousands of jobs it supports”?

Baroness Sugg: My Lords, transport is now the biggest contributor to UK greenhouse gases, and road transport makes up some 91% of that, so it is important that we set a target for it, but I agree with my noble friend that it is important that we work alongside the automotive industry, which we are. As I said, we want this transition to be industry and consumer-led, but we must make sure that it is deliverable. We need to cut our emissions to deliver improvements in air quality, but we must do so in a way that allows our automotive industry to continue to thrive.

Lord Broers (CB): My Lords, this is a multifaceted and complex problem. I hope that the Government will take serious advice from not only engineers but the medical profession—which has changed its mind, creating a certain disorder in the decisions—and from behavioural scientists. Will the Minister reassure us that such detailed advice will be taken before we proceed in a cavalier manner based on politics, in many instances?

Baroness Sugg: My Lords, I entirely agree that we must work across many departments and get much advice on this. At the end of May, we published our clean air strategy, which aims to cut all forms of air pollution, not just transport emissions. It set out a wide range of actions that the Government are taking. We are working with the organisations the noble Lord mentioned.

Lord Watts (Lab): My Lords, what discussions have taken place with, and what assessment has been made of the likely impact on jobs in, the car industry?

Baroness Sugg: The noble Lord is quite right to point to the number of jobs in the UK car industry: there are nearly 190,000 direct jobs, and we absolutely do need to protect them. We are working very closely with the industry on this. As I said before, we want to make sure that we set these targets and that they are reached, but also that the transition is done in a managed way, so that our very successful car industry can continue.

Baroness Randerson (LD): My Lords, the reality is that the 2040 date that the Government announced is so far ahead as to have no impact on the automotive industry, because individual manufacturers are already announcing their own plans to produce only ultralow emission vehicles. Does the Minister accept that, far from leading, the Government are in fact lagging behind many other countries, particularly within Europe? Do the Government accept that they should reconsider their leisurely timescale in order to have a positive impact on the health of our nation, particularly our young children?

Baroness Sugg: My Lords, I am afraid that I do not agree that 2040 is unambitious. As the noble Baroness points out, the industry is setting its own targets, which is a great thing to see; everyone is working together to deliver this. On the international point, the UK was the first major economy in the world to set

out a challenging ambition to end the sale of new conventional petrol and diesel vehicles by 2040. We are also the second largest market in Europe for ultralow emission vehicles, and for their development and manufacture. One in eight electric cars sold in Europe was made in the UK, and we are ranked sixth globally and second in Europe in that regard, which is a position we should be proud of—but I entirely agree that there is more that we can do.

Lord Tunnicliffe (Lab): My Lords, the Government's silver bullet on this seems to be the *Road to Zero* document. Could she tell us a bit more about it? When did work on it start, and how did its existence become known? I could find only one reference in government documentation, which is to Defra owning it. Why has there been no public consultation, when will it be published and what questions will it answer?

Baroness Sugg: My Lords, we have been working hard on the *Road to Zero* document and are in the final stages of pulling it together, having welcomed the input of many stakeholders. It will be published shortly. I wish that I could give noble Lords an exact date, but I am afraid that I cannot at this point. We are working closely with departments across government on that issue. It forms part of all our efforts to reduce emissions following the *Clean Air Strategy* consultation, which was recently published. We set out our aim and ambitions in the manifesto, and the two strategies taken together—the *Road to Zero* strategy and the *Clean Air Strategy*—will help to deliver those goals.

Lord Patten (Con): My Lords, I declare my interest, as I should, as the owner of a mark 1, series 1 Land Rover from 1950 which, if it could, would like to run on leaded fuel. What provisions will be made for owners of historic vehicles and historic collections of vehicles in carrying these regulations forward?

Baroness Sugg: My Lords, I know that historic vehicles can be incredibly popular. It is possible to convert them to electric, as we all saw at the recent royal wedding. However, it may be that not all owners of historic vehicles can afford that conversion, so we have said that the 2050 ambition is for nearly all vehicles to be zero emission. There is in that a recognition that certain types of vehicles may need special consideration.

Secondary Legislation Scrutiny Committee

Membership Motion

3.08 pm

Moved by Lord McFall of Alcluth

That Lord Cunningham of Felling be appointed a member of the Select Committee in place of Baroness Blackstone, resigned.

Motion agreed.

**Rating (Property in Common Occupation)
and Council Tax (Empty Dwellings) Bill**
Second Reading

3.09 pm

Moved by Lord Bourne of Aberystwyth

That the Bill be now read a second time.

The Parliamentary Under-Secretary of State, Ministry of Housing, Communities and Local Government and Wales Office (Lord Bourne of Aberystwyth) (Con): I am grateful to the noble Lords who have given up their time to discuss the Bill. Their engagement is a recognition of how important these measures will be for people across the country. I am looking forward to hearing the considered and expert views of the House. These views are always welcome, as we work together to ensure our laws are both fair and robust. The Bill is much needed, something recognised in the Commons, where it passed without amendment. We have moved quickly to introduce it, to ensure that ratepayers receive the urgent help that it will provide, and it is designed to address two basic needs. First, it restores previous valuation practice for those hard-working business ratepayers affected by the so-called staircase tax. Secondly, it aims to reduce the number of empty and unused homes, helping those who are struggling to find a place to live.

I turn to the detail of the Bill's first measure, which relates to the so-called staircase tax. Clause 1 provides clarification to the rates bill for businesses that occupy or own several adjoining properties. Noble Lords will be aware that, for more than 50 years, businesses operating in adjoining units or rooms—accessed from a common corridor or staircase—were assessed as a single property for business rates. This practice was widely understood and accepted by the Valuation Office Agency and rating surveyors. A 2015 Supreme Court decision, in *Woolway v Mazars*, found this rule to lack a legal basis. Instead, it found that each unit of a property accessed from common areas should have its own rating assessment, regardless of whether the properties are adjoining or part of the same business.

The unexpected consequences of the 2015 judgment have brought unwelcome change and uncertainty for business ratepayers. Some businesses which previously had one rating bill now receive several. In most cases, this has not led to a change in what businesses pay overall, but in two circumstances bills have increased, leading to what has been described by some as a staircase tax. First, when some properties were broken down into individual units, the total rateable value of their holdings also increased as a result. This led to an unexpected increase in bills, which was backdated to 2010 in some cases. Secondly, the change saw some ratepayers lose their small business rate relief, which helps ratepayers who own properties with rateable values of up to £15,000. It ensures that over 600,000 small businesses pay no business rates at all. To ensure that it only helps small businesses, it is targeted at ratepayers with only one property. However, with businesses operating in adjoining units or rooms now receiving two or more rates bills, some ratepayers also lost some or all of

their relief. We estimate that the numbers affected are relatively low—fewer than 1,000—but they deserve to have their relief reinstated.

Therefore, Clause 1 restores the widely accepted and understood practice of the Valuation Office Agency, and those affected will be assessed as a single property once again. This will ensure that these businesses, which have already paid their fair share, do not continue to suffer from the unexpected burden imposed by that judgment. This will be a key outcome of Clause 1, and we are implementing change retrospectively—to as far back as 1 April 2010—to ensure that the earlier provision remains throughout. We have been able to bring forward this measure without amendment because of the support we have received in drafting the clause from the Rating Surveyors Association, the Royal Institution of Chartered Surveyors and the Institute of Revenues Rating and Valuation. Their expertise has been invaluable and I am grateful for their assistance, as are the Government.

The second measure of the Bill relates to empty dwellings. A shortage of housing continues to be a barrier to progress in this country, at a time when the average house price in England is almost eight times the average income, and when over 1 million households are on social housing waiting lists. For this reason, the Government are taking action on many fronts. Tackling empty homes is essential to bring more properties on to the market so that we make the best use of the homes we already have.

Clause 2 follows the commitment we made in last year's housing White Paper to continue to support councils as they encourage efficient use of existing housing stock. As announced in the Autumn Budget, the Bill increases the maximum level of council tax premium that local authorities can charge on long-term empty homes from 50% to 100%. This means that local authorities will have the discretion to double the council tax bills of properties that have been empty for two years or more. This measure adds to existing powers we have given to local authorities to bring homes back into use. These include the 50% council tax premium, the new homes bonus scheme and the ability of councils to charge the full rate of council tax on empty homes.

Following these important interventions, I am pleased to report to the House that the number of properties empty for six months or longer has dropped by a third since 2010, from 300,000 to just over 200,000. In addition, the power to charge a 50% council tax premium has been taken up by nearly nine out of 10 councils, all but three of which applied the full 50% rate in 2017. Where councils have used the power every year since 2013, the number of properties subject to a premium has fallen by 9%. This is welcome, but we can do more. That is why, through the Bill, we are allowing local authorities to strengthen the incentive to bring empty homes back into use.

It is right that decisions on whether to apply a premium and at what rate remain with the local authority concerned. We are not changing these arrangements. Councils know their areas best and will take local priorities into account when deciding whether a premium would be appropriate. There will of course be individual circumstances where to apply a premium would not

be right. Under current arrangements, homes that are empty due to the occupant living in Armed Forces accommodation for job-related purposes, for example, are not subject to these rules. They may also be exempt due to annexes being used as part of the main property, as they cannot be separately let.

There are statutory exemptions for properties left empty for a specific purpose, such as the owner going into care. Councils can also apply discretionary discounts as they see fit in cases such as hardship, fire or flooding. Where home owners are struggling to rent or sell a property in a challenging market, I do not doubt that local authorities will wish to reflect carefully when deciding whether to issue a determination, and then to reflect on what that determination should be. Our guidance on this issue, published in 2013, made it clear that the premium should not be used to penalise owners of homes that are genuinely on the market. Only properties that would already have been potentially liable for a premium will be affected by this clause. It will not bring any additional properties within the scope of the premium; it merely increases the potential of the premium.

The Bill is about fairness for business affected by the so-called staircase tax, and about increasing the incentive to bring long-term empty homes back into productive use. I look forward to hearing from noble Lords and I beg to move.

3.18 pm

Baroness Pinnock (LD): My Lords, I refer to my register of interests as a councillor on Kirklees Council in West Yorkshire and as a vice-president of the Local Government Association.

This short Bill will make two important changes to local taxation. First, there is the proposed change to the definitions of the qualification for business rates. As the Minister said, this is in response to a legal judgment. It is a pity that the Government have not used the opportunity of this minor reform to grasp the bigger nettle of a radical overhaul of business rates. This has been raised several times in your Lordships' House over the last few years. Each time we are told that the Government agree that reform is needed but we are not getting a proposal for such radical change. The longer the Government delay, the more likely it becomes that high streets up and down the country will see more empty retail properties. What is desperately needed is a level playing field for retail businesses. Global online retailers currently enjoy a significant advantage over high-street retailers. This injustice urgently needs to be addressed and I wonder whether the Minister will be able to say when the Government intend to tackle this problem.

In a more direct response to the Bill, I acknowledge that it seeks to be crystal clear about the definition of "property in common occupation". However, it may be that further anomalies will result from this definition. Is the Valuation Office Agency satisfied that the proposals will work in practice? Obviously, local authorities now rely on income from business rates in a way that they have not previously. Have the Government assessed the financial changes that might result, and are any individual local authorities significantly affected? Perhaps

the Minister will be able to give some indication of the consequences for local authorities. For instance, he has said that about 1,000 businesses are affected. However, if these are all clustered in a couple of areas, that might have a significant impact on those local authorities.

Turning to the second element of the Bill, the proposal for a potential 100% premium on council tax for long-term empty properties is welcome. The huge need for more housing justifies this change. However, tackling the problem of empty homes effectively is more difficult than just making an additional charge on properties. There are too many empty homes, and that applies not just to the well-publicised issue of the buy-to-invest market in London. In some parts of the country—mainly former industrial heartlands—housing is not at a premium, and in these towns and cities additional council tax might not help the problem. In such a case, we seek further remedies which this proposal will not address.

Tackling the problem of homes left empty for more than two years needs more than this single approach. The empty homes development orders have not proved an effective tool for many councils because they are complex and costly to invoke. For example, in my own council area there were—I hope it is "were"—2,113 empty properties recorded at the beginning of this year out of a total of nearly 200,000 properties. Of those, 722 have been empty for more than two years and 117 for more than 10 years. So the change proposed in the Bill, although an important measure, is applicable for Kirklees in only one-third of the empty homes, and I have seen no evidence that the proportion across the country is not similar. Therefore, the Bill will address the difficulty of tackling the problem of empty homes in relation to probably just one-third of homes that are indeed empty.

The next issue that requires a bit more clarification is the definition of an "empty home". The Bill describes it as one that is unoccupied and substantially unfurnished for two years or more. Perhaps the Minister can describe in more detail what is meant by "substantially unfurnished" and "unoccupied". For instance, there is a property in my council ward where the owner stays for the weekend perhaps once or twice a year. Throughout the rest of the year it remains unoccupied and totally unvisited, but furniture has been left in the property. I am told that this has been the case for more than nine years. There needs to be a recognition that, even with this additional council tax premium, it is probably financially beneficial for some properties to be kept empty because of property value increases. If your property is going to increase by more than, say, £2,000 or £3,000 a year, it is beneficial for you to leave it empty and pay the council tax premium.

There is broad support for both elements of this Bill but a feeling that, in both cases, it is a missed opportunity for more significant reform.

3.25 pm

Lord Patten (Con): My Lords, following what the noble Baroness said, I do not think that this is a missed opportunity; rather, it is a pretty big incremental step in dealing with the issue. That is why, during

[LORD PATTEN]

debates in another place, the Bill received all-party assent and agreement—and I congratulate my noble friend and his colleagues on getting that. Having said that, I do not want to alarm the noble Baroness but I agreed with much of what she said—but that is business for another time. This sort of cross-party agreement is not without precedent. It is reasonably rare, but I hope it will be followed by your Lordships, because this is a good, if short, Bill that addresses two exceptional issues. I will concentrate on the second: empty dwellings.

For a long time in England it has seemed that having at least 300,000-plus empty houses was accepted as being structurally the natural figure needed to balance the housing market. I do not agree with that. It should not have been so and it is good that, since 2010, a concerted effort has resulted in the figure of empty homes being greatly reduced to a bit above 200,000, as the noble Baroness has just said. However, I do not think that that should suddenly be accepted as the new normal, and with these new powers there is absolutely no reason to accept any figure much above 100,000 as the likely structurally reasonable figure at any one time to take into account the needs of people moving in and out, service men and women, the settlement of inheritances, delays in selling due to market conditions and regional differences in those conditions, and all the rest. I wonder whether my noble friend has some such end target clearly in mind or whether the Government accept that 200,000 is about as far as we should go—I must say, I hope not.

Even so, eternal vigilance will be necessary to stop the problem re-emerging. After all, it seems that, as my noble friend said in his excellent introductory speech, about 10% of councils in England today have yet to shake their local stumps and even take up the powers to use the existing premium on empty homes of just 50%, let alone go any further. I say to my noble friend that I trust that they will not be allowed to carry on like this for much longer or be dilatory with the new higher figure of 100%, as proposed in the Bill, which in effect would allow a maximum council tax charge of 200%.

Equally, too few councils—perhaps as low as one in 10—are making use of the empty dwelling management orders that I am told can be used in respect of properties that have been empty for a long period. I am not quite sure why this is: I believe that experts are useful sometimes and I am sure experts will come up with reasons as to why this is. Perhaps it has something to do with the typical English reserve about using powers that may be thought of as confiscatory of property—I do not know. It seems that there may also be striking differences between location to location in the publicly owned stock of councils and housing associations and the percentages of empties in their ownership. Again, I do not understand the reasons for this.

Nor do I understand the surprising spike in the number of empties in areas of very great pressure in the London commuter belt, in council areas such as Harrow, Brentford or Three Rivers—these being exactly where, at the same time, the green belt is under the greatest pressure. It may be a case of that buy-to-leave phenomena, with owners waiting for land values to increase, again promoting redevelopment.

So I conclude that greater, more effective and uniform pressure on all local authority areas would be brought about by the regular six-monthly publication of centrally collected data on these critical aspects of public information, without the need for campaigning bodies to resort to freedom of information requests, the media, me or whoever else to get the facts in front of them. I do not believe that that is right. Facts are of great value and, once published and regularly available, speak for themselves. That is when councillors might shake their stumps in this area. It is not a matter of naming or shaming but rather of naming to inform.

Others would argue that it is a pity that the Bill does not contain provisions for what might be thought of as a later escalator of the maximum council tax charge, pushing it up by another 50% or 100% in areas of extreme pressure. I would have liked to have seen that order-making power in this Bill. But I shall not seek to disturb the smooth surface, for the reasons that the other place concluded. We must always be on guard. Just when public policy seems to be incrementally dealing with an issue such as this, other unforeseen problems may pop up to disturb the surface and increase the number of empties. Let us look at the huge structural changes in retail that are currently overwhelming shops and shopping, devastating high and side streets alike in cities large and market towns small. This may well lead to a new increase in empties suddenly hitting us among the often interconnected residential properties when it is least expected, because of redevelopment in areas where shopping has collapsed. I have seen this myself in a small Somerset town near where I live, where there are many empty shops and many empty residential properties among them.

So eternal policy vigilance is imperative in the never-ending problem of vacant and residential homes. I have thought this for a long time, from when I was first on the old Oxford City Council, as it was then called. Across that chamber, the then yet-to-be-enobled Lords, Lord Hunt, Lord Liddle and Lord Oakeshott of Seagrove Bay, were busy cutting their ruthless interrupting and barracking teeth on me. It was a problem then and so it remains.

There was a drive in this direction by the Chancellor in his excellent Budget last November to increase the empties premium, which will be combined with whatever action he may take following the conclusions of the review currently being conducted by Sir Oliver Letwin from another place on how to bring forward homebuilding on lands with valid planning permission that are vacant and being hoarded. Indeed, land being hoarded and vacant is the exact mirror image of the empty homes that have already been built. They are part of the same problem that the noble Baroness, Lady Pinnock, has just referred to. If we get those two streams of public policy action in tandem, there will be a clear twin-track more-homes approach by the Government that should be widely welcomed—just like, to me, this Bill should be welcomed.

3.33 pm

The Earl of Lytton (CB): My Lords, I welcome the opportunity to debate this Bill, narrow though its objectives are. In doing so I declare my interests as a

member of RICS and the IRRV and the RSA—the very bodies that the Minister referred to. I also declare a one-time interest as a former employee of the Inland Revenue Valuation Office; I stand before noble Lords guilty as charged. I am also a vice-president of the LGA and a recipient of a small business exemption on one small hereditament down in the West Country.

I thank the Minister for meeting me and a couple of other professionals a few weeks ago to discuss the wider issues of business rates. I was tempted to follow what was said by the noble Baroness, Lady Pinnock, but she has covered most of what I needed to say on that issue, so I will follow the noble Lord, Lord Patten, in not dwelling on it. There is a bigger issue that perhaps needs to be addressed, but this may not be the right place to do so.

The intentions behind the Bill are worthy and its logic, while in some aspects questionable, is clear. The only thing I would say is that getting the implementation correct may be a great deal less straightforward. To put it another way, there is more in this can than is apparent from what is written on the label.

What has become known rather rudely as the staircase tax, otherwise the case known as *Woolway v Mazars*, has been one of the recent diversions for someone brought up in the traditions of what amounted to the extent of the rateable hereditament. I had that drummed into me by a very eminent rating academic called Roger Emeny, alas now deceased. I was always clear about that and I was also pretty clear that the decision was an aberration that went against the practices that had been created before. It was one of those things that became a really quite unnecessary additional piece of grit in the oyster, because we were dealing with an awful lot of uncertainty and churn as well as a whole new system of handling things as they came on stream. It is right to put that right. The *Mazars* case was in September 2015 and it has taken us until now to deal with it, while in the meantime the new list came into force in 2017. The system we now have is not well attuned to the rate of churn, change and alteration that is taking place not only on our high streets and the balance between various different categories of business premises but also in our regulatory environment. I do not think that the system is sufficiently fleet of foot, and that is where we need to take a further look.

The right of the ratepayer to ask for the split assessment to be looked at again is welcome and I do not think that anyone would disagree with the principle. However, it does mean that there is the selective reopening of parts of the 2010 rating list which would otherwise effectively be closed. More to the point, as I understand it—the Minister will doubtless correct me if I am wrong—the Government have declined to fund any losses that would be borne by billing authorities as a result of appeals coming through on the old list. This seems a trifle unreasonable, especially in the light of the financial constraints imposed on the billing authorities. I detect a sense that the billing authorities have somehow garaged the winnings of the windfall that came out of *Woolway v Mazars*, and have them sitting in a shed at the end of the garden for the rainy day when the thing is reversed. Forgive me, but I do not think that local government finance operates in that way, and nor do I

think that it is possible for shedloads of money to be stashed away for that purpose. Perhaps the noble Lord, Lord Kennedy, will be able to enlighten me because I am not close to finance at billing authority level. I hope that I will be corrected if I have got that wrong.

A criticism that I have heard on more than one occasion is that billing authority requests for alterations of assessments are often denied or not dealt with quickly enough, so that needs to be looked at. If there is a resource implication, that must be considered quite critically because billing authorities are probably the first port of call, other than the aggrieved ratepayer themselves, for getting assessments put right. If their requests are not being dealt with, there is a risk of unfairness and of loss to local authority coffers.

For ratepayers, the situation is scarcely better in that a successful application under the 2010 list, as proposed in the Bill, does not automatically get translated into the 2017 list, as I understand it. Although the Government say that they will prioritise those 2010 list applications, they clearly do not propose to do so for the 2017 list, for which a *de novo* registration and an application under the check, challenge and appeal system—I have raised this in the House before—will be necessary, along with all its complexity, systemic drag and uncertainties for billing authorities and ratepayers alike. We should not allow that to happen. Mercifully, even if the Minister is correct, the numbers involved are relatively few, but I am not sure that an audit has been done to identify what is involved in both the 2010 and 2017 lists. That is why the problems with the CCA system are mission critical and why they produce such tremendous negative comment from business sources.

I am sure that the Minister has seen the press reports following the statistics released last week on the numbers of appeals. The Government are extolling the virtues of a 90% reduction in the number of cases under check, challenge and appeal, while rating experts say that that is not surprising because the system is so labyrinthine, complex and liable to error that it is an impediment and effectively a denial of service—a denial of reasonable and fair rights to challenge an assessment. Something needs to be done.

One of the things we were promised is that the new check, challenge and appeal system would squeeze out cowboy rating firms. Last week I received some information and I will be writing to the Minister in response to his very kind letter to me following our meeting. I believe that, unfortunately, the cowboys are still alive and kicking, particularly in the north-west. Why do these people prosper? It is because many businesses cannot get their head round the CCA system. They look for advice and either go to one of the big specialist practices or someone comes along and says, “We can do this for you”. They submit their bill and expect to be paid long before the case gets to the appeal stage, so these people are still creating just as much of a problem as before and getting away with it. I am afraid that they have not been squeezed out of the system; it is a complex factor that ultimately boils down to the resources available to carry out management of the tax base and to deal with appeals.

[THE EARL OF LYTTON]

On council tax, I have no complaint about the theory, especially if owners are gaming the system by maintaining vacancy or through sheer inertia. Housing should not be considered the same as a white-goods product that can be hoarded. The Institute of Revenues, Rating and Valuation and others encapsulated the issue in pointing out that the Bill is yet another attempt to fix a much deeper problem. The causes of long-term vacancy have not been looked into. There does not appear to me to be a robust evidence base behind this, but I am very happy to be told I am wrong if that is the case.

I have in mind cases where property is held for renovation or as part of a redevelopment, vested in trustees in bankruptcy or executors of a deceased's estate, or the subject of a legal dispute. As the noble Lord, Lord Patten, was speaking, I made a mental calculation. I believe that there about 25 million residential properties in council tax assessment across England and Wales. Given the number of things that can cause churn, 250,000 represents about 1%. From what I generally know of property markets—I have dealt with them on and off all my life—that percentage does not seem very high at all. It is a bit like people who are between jobs: technically, they are jobless, but it is part of the churn and part of the process where things are vacant. We need to be careful about this. The noble Lord, Lord Patten, was trying to say that we need better information and we should be judged by the evidence base. I agree with that; perhaps the evidence base is lacking here.

Those very prosaic cases are probably much more common than people with a certain type of investment approach, who want to keep properties vacant just for the heck of it, out of sheer caprice and fancy. There is no obvious match between the empty homes and where homeless people or people on housing lists want, or need, to live, nor between the revenues raised by the provisions in the Bill and the necessary relief for those who need to benefit from this. There is a disconnect, both geographically and financially. I would like that to be explained.

I think it was the noble Baroness, Lady Pinnock, who expressed the point about what “substantially furnished” means. I had a mental image of a vanload of stuff going up and down the country, doing a bit of temporary furnishing all the while. Years ago, I attended an event, held by a local authority, where the subject of additional charges for people with second homes came up. I asked a question, naive as I was at the time—I probably still am—as to why this differential was necessary. At that stage, people were getting a discount for having a second home. I was told that it was one of the few ways a local authority had of identifying whether it had second homes on its territory and how many there were. I wonder whether one of the perverse effects of this measure will be to cause a rapid evaporation of the number of empty homes as far as the statistical evidence is concerned. That said, I follow the noble Lord, Lord Patten, in saying that the Bill is welcome, in its broad terms. Yes, there are difficulties with the fine-tuning of implementation, but in general terms I hope that we can see it through to a successful conclusion.

3.48 pm

Baroness Thornhill (LD): My Lords, I declare an interest as a vice-president of the LGA. Given that Clause 2 is to increase councils' ability to charge more council tax on empty homes in the light of the housing crisis, I could simply say, “What's not to like?”, and sit down. I totally appreciate and acknowledge that the Government have made some headway in this area, so I rise instead to urge the Government to be bolder in tackling the problem of empty homes. Does the Minister really believe that this Bill will make more than a marginal difference, since councils can already increase council tax on empty homes by 50%—and most do, including my own?

I appreciate the Minister's intention to give councils more autonomy in this matter, which is particularly welcome. Although this is a national issue—the figures leave us in no doubt of that—we are not looking at the problem enough, which is different in different parts of the country. Largely, in the north of England, whole communities are blighted by row upon row of empty, boarded-up terraced housing, with a few residents living in between, giving rise to the label of “rotten teeth roads”. These have become areas where people no longer want to live, largely due to the loss of jobs nearby. The sad thing is that they have become a symbol of the decline and dereliction of once-thriving communities.

In rural areas, as has been mentioned, the large number of second homes is a cause for concern, though perhaps different in nature and with differing consequences. The problem in prosperous parts of the country, in particular the capital and the south-east, is that of buy-to-leave, of which we are all aware. Then, of course, there are the sporadic properties present in every council area and ward. These add up to a significant number, but they are small in number, particularly for most district councils, which I suspect is why they are not always a top priority. It is inconceivable that a small rise in council tax will affect the oligarchs and multimillionaire investors, so please let us not claim that it will make a difference to the buy-to-leave empty homes. The problems of rotten teeth roads will not be solved either, as it requires considerable political will from councils and successive national Governments to reverse this serious decline in some parts of our country.

In my view, the rhetoric surrounding the Bill will not live up to the reality, although we do clearly support it. The onus for bringing empty homes back into use lies with councils, and some are undoubtedly doing an excellent job, particularly in the north, where the problem is far more acute. From my experience of running a council, I know that while it is easy to say that we must tackle the problems of empty homes, in practice doing so is massively resource-intensive and time-consuming, with no certainty that time, effort and money will lead to a positive outcome. All too often in the two-year battle with the home owner, councils have gone to court and come back disappointed. I will never forget a case we had, where the lady in question, who lived in a rather lovely farmhouse in Surrey, used to come back to her property in Watford and sleep there with no heating, electricity or water for

a couple of nights a week a year. She made sure she knocked on her neighbours' doors so they all knew that she was still coming back. We lost that one. I would like the Government to commit to exploring ways to secure better outcomes and look at why the empty dwelling management orders, or EDMOs—the intention of the Labour Government was correct: they were meant to be easier to administer and better than compulsory purchase orders—are not working.

The Bill proposes a fiscal measure regarding council tax, so what else could have been done fiscally? I believe the premium needs to be steeper to have any significant impact at all, increasing with the length of time that the property has been vacant. I hope it is not too late to consider that. Also, lowering the rate of VAT on refurbishment and renovations would incentivise owners to get on with bringing their property back into use. Would the Government consider ending the loophole in the compulsory purchase order process, where the owners of empty properties get a bonus of up to £75,000 if councils exercise compulsory purchase orders?

Would it be possible to rationalise the law to give councils simple, consistent rules that provide an unqualified right to recover taxpayers' money spent on enforcement and the up-front costs associated with things such as EDMOs? Current rules for cost recovery vary from one piece of legislation to another. Surely the community interest in the property should take precedence over all others, so that any debt to the local authority arising from its intervention would have the first call on any equity should the home be sold. With an EDMO, local authorities turn an unproductive asset into one that earns money for the owners, yet council tax payers are unable to recover the up-front costs.

I also have doubts about whether the data on empty homes is actually correct. As has been mentioned, since the introduction of the premium rate in 2013, there is absolutely no incentive for a home owner to declare that a property is empty. Why would you if it meant you had to pay more council tax? Your Lordships may be surprised to hear that the current fine for not declaring your property empty is a hefty £75. Surely that needs a considerable hike. Is it not a form of tax evasion? In addition, the valuations office has the power to remove many homes from council lists altogether—thus taking them out of the figure—if they are deemed derelict and uninhabitable and therefore no longer eligible for council tax. So the figure is probably much higher, and some of the worst properties could lie empty for years, having been moved off the books. Whether these properties are counted in or out could account for the discrepancies in the figures we all look at when we are doing our homework, collected either by the ONS or through FoI requests. Perhaps it is time for this loophole to be closed. The danger here is that, the worse the property gets, the less pressure there is on the owners to do anything; in fact, they can be exempt indefinitely. There is no incentive at all to improve the property.

It is still the case that homes can remain exempt from council tax following the death of an owner until probate is granted. In my experience, some of the worst eyesore properties are in this category, as a

result of deliberate inaction by whoever was responsible for securing probate. Coincidentally, I was door knocking in my patch on Friday night and a gentleman on Kingsfield Road said to me, "Don't knock next door, the old lady's died". I said, "When was that?". "Six years ago". I inquired further, knowing that this is an interest, and it is a family dispute. They are not settling and they are not prepared to move things on. Is it time for a time limit for such situations, rather than allowing them to continue indefinitely?

Finally, does there not have to be an acceptance that housing is an essential part of the nation's infrastructure and that maintaining it and improving it to an adequate standard in some cases requires central government investment—perhaps, in some parts of the country, significant investment? Otherwise, councils, particularly smaller district councils, at a time of severe budgetary pressures, will inevitably feel that tackling empty homes is a high-cost activity with low and uncertain rewards.

3.57 pm

The Earl of Listowel (CB): I declare my interest in the register as a property owner—commercial and residential—and a vice-chair of the Local Government Association. I thank the Minister for introducing the Bill and speaking about the several measures the Government are taking to address the housing crisis.

Baroness Farrington used to speak—on at least a couple of occasions, to my memory—about the impact on families of living in temporary accommodation, particularly on children, having to move from place to place and from school to school, suffering disruption to their vital education. I have spoken a number of times to mothers who live in temporary accommodation and heard about the misery of that experience, the uncertainty about where they will be living next and when they will next have to move, and the pressure on their families. I was speaking to a grandmother living with her teenage daughter and her infant granddaughter in one room; they were moved every two or three months in one year. Thankfully, she is settled now. Then there is the isolation that these parents—although I have spoken particularly to mothers—often experience, whereby they may be separated from their friends, family and community because of the shortage of housing.

Given the measures the Government are taking, I get the sense that they recognise the gravity of the problem and are trying to tackle it aggressively, which I warmly welcome. I noted that in the briefings, the Local Government Association highlighted the need to look again at whether councils might be allowed to borrow to build. I hope that the Minister is keeping that under consideration.

I want to say a little about local authority funding, which comes under the Bill. I welcome the fact that some additional funding may arise from Clause 2. I am not sure how significant that will be but any contribution is welcome. We will want to ensure that under Clause 1, we do not impose additional burdens on councils. As your Lordships are well aware, there has been a 30% to 40% cut in local authority funding in recent years. I know that has taken place in a difficult world economic context.

[THE EARL OF LISTOWEL]

However, speaking as treasurer of the All-Party Parliamentary Group for Children, I point out that we have been taking evidence over the last two years about the impact on access to child protection services—the access to early and later intervention for children in vulnerable families. They are a small proportion of the whole local authority population, at 1% or 2%, but they demand huge inputs of investment from local authorities. Huge amounts of local taxpayers' money are going to those children and families. The evidence we have heard over the last two years is that the non-statutory services—the ones which local authorities are not required to provide, such as early intervention—have inevitably been reduced. What have been maintained to a significant degree are the statutory services, which come in when the family is in deep trouble and the child may be seriously at risk and even be removed. Of course, that is exactly the opposite direction from where we really want investment to go. We want it to go into early intervention so that we never have to get to that later stage of a child needing intensive support or being taken into care. This is just one aspect of why it is so important to ensure that we keep looking at the funding of local authorities and why I welcome the opportunity in the Bill to increase to a degree that funding.

One example of the strain that local authorities are under is how often directors of children's services are changing. On average, in that immensely challenging job, they change every three years. It is not all about money but a part of it is about trying to do the best for these families in a restrictive financial environment. I know that the Minister for Children is listening carefully to these concerns. The All-Party Parliamentary Group for Children will produce a report later this month, which I know he will look at carefully. I expect that the members and officers of the parliamentary group will wish to speak to the Minister, so I give him notice that we will contact him so that we can discuss these concerns.

I welcome the Bill and the work the Government are doing to increase the housing supply for all families and individuals in this country. I look forward to the Minister's response.

4.03 pm

Lord Campbell-Savours (Lab): My Lords, in the gap I want to embroider a comment made by the noble Earl, Lord Lytton. As I understand it, since 2013 local authorities in England have had the power to charge a council tax premium of up to 50% on long-term empty dwellings—that is, homes which have been unoccupied and substantially unfurnished for two years or more. This premium is in addition to the usual council tax charges applied to such a property.

I want to go to the mathematics of this. If the council tax is £1,500, at the moment the charge would be £2,250 if the local authority took the option up. If the charge was at 100%, it would be £3,000 and if it was at 200% it would be £4,500, so we would be talking about the tripling of council tax on a property—from £1,500 to £4,500. I wonder whether the Government have thought through the consequences of that.

Many home owners, or people who own property, will think, "I'm not going to pay £4,500 whereas at the moment I'm paying £2,250"—if it has been declared, because obviously, local authorities will be quite diligent in gathering this revenue—"I'll turn my property into a second home. All I have to do is meet the term 'substantially unfurnished'", which two Members of this House have asked to be qualified. Is there not a danger that a very large number of people owning property that is empty will say, "My property is no longer unoccupied; it is a second home property"? They have a real incentive because the full council tax payment at the moment is going to be tripled. I see the Minister is shaking his head. I asked one of my colleagues on this side of the House, and he agreed with me that it would be tripled. That is how the mathematics work out because of the word "premium". It is a premium over and above the existing council tax rate, so 200% takes us from £1,500 to £4,500. I am perfectly prepared to be corrected.

Lord Bourne of Aberystwyth: The noble Lord is right that it is a premium but it is a 100% premium, not 200%.

Lord Campbell-Savours: I think that should be clarified because that is the way it is going to be read outside the House. Anyone listening to the debate, given the reference to 200%, would think that it was going to be tripled. If the consequence is property being turned over to second homes, does that not mean that local authorities need clarification as to what "substantially unfurnished" means in law? Otherwise, there may well be a major shift of property from unoccupied to second homes.

4.06 pm

Lord Shipley (LD): My Lords, I remind the House that I am a vice-president of the Local Government Association. Like colleagues on these Benches, I welcome the Bill and the steps it takes, both the business rates element and the increased powers proposed for local authorities on the amount of council tax that they can levy on an empty dwelling. I agree with the noble Lord, Lord Patten, who reminded us that the House of Commons did not propose any amendments to the Bill and that there was all-party agreement. Indeed, the Bill has benefited from the pre-legislative scrutiny that took place at that stage. It raised a number of issues, for example the potential financial loss for local billing authorities and whether rarely occupied second homes should be treated in the same way as empty homes. Given the role of this House as the scrutiny Chamber, I hope that it may be possible in Committee to look at a number of these issues. My noble friend Lady Thornhill talked about whether two years should be the limit or whether another figure might be appropriate, and whether the figure of 200%—that is, 100% plus 100%—is the maximum that a local authority could apply. There is a case for looking at whether the total might well be 300%. I look forward to that discussion in Committee. The noble Lord, Lord Campbell-Savours, made a very interesting point about the legal definition of a second home, should someone

seek to transfer their primary home to become a second home. That is something that I would like to think about further.

As the Minister has explained, the basic aim of the Bill is to discourage home owners from leaving properties empty for long periods without penalising those who are unable to sell as a result of market conditions or who face genuine delays in probate. For that reason, it is welcome. As several noble Lords, including my noble friend Lady Pinnock and the noble Earls, Lord Lytton and Lord Listowel, have pointed out, the context is the state of local government finance, the future organisation of business rates, and funding local services. There are now clear difficulties in the retail sector over business rates. There is a fair funding review, and inevitably the Government are now reviewing the future of business rates. However, the noble Earl, Lord Lytton, pointed out that the system is not fleet of foot, and indeed it is not.

Clause 1 relates to the rating of property in common occupation. It rightly corrects the problems caused by the 2015 judgment, which has cost some businesses not only a backdated increase in their bills but, in some cases, the loss of their small business rate relief. The Bill is the correct response to that judgment. Put simply, contiguous hereditaments should be counted as a single hereditament.

I join the noble Earl, Lord Lytton, in saying that it is a trifle unreasonable—I think those were his words—for the Government to assume that building authorities have put away shedloads of money, given the 2015 judgment. He is right; I am sure they have not been putting away shedloads of money. However, there is a discussion to have about this issue, and it was raised several times during the passage of the Bill in the other place, not least at Third Reading. I hope very much that the Government will be able to come forward, perhaps in Committee, with a greater clarification that local building authorities are not going to suffer from the Bill becoming law.

I have four very brief points towards the conclusion on the council tax issue. First, I think it is right to raise the maximum premium on council tax that can be levied by a local authority to 100%, making 200% in total, where a property has been empty for two years or more. I want to associate myself at least with the definition of “long-term” as two years or more. If we get agreed definitions like that, it makes our discussions much easier.

My noble friends Lady Pinnock and Lady Thornhill both said the Bill would probably not make a great deal of difference in terms of council tax. I want to agree with them but I also want to agree with the noble Lord, Lord Patten, who was right when he said that this is a big incremental step. The sense of direction is the right one and a clear message is being sent. In future, therefore, there may need to be further fine-tuning of the law. However, the principle that the Government are trying to get across is important. It is not just that empty properties need services—they do; they need policing and they may need fire services if they are empty—but they can also cause a nuisance to neighbouring properties, so the steps taken since 2013, in the days of the coalition Government and after, to

introduce both the 100% charge and the principle of a premium on properties that are unoccupied and substantially unfurnished, have been the correct ones.

The Minister reminded us about the total number of homes empty for over six months, which is not long-term. Six months is a comparatively short period in reality. I associate myself again with the comments of the noble Earl, Lord Lytton, when he said that we need to be a bit clearer about what the problem is that we are trying to solve with regard to empty properties. The figure of 205,000 is a comparatively low percentage, at around 1% of the 20 million-odd properties in the country. It is the case that since 2010 the total number of homes—

Lord Patten: I am so sorry to interrupt, particularly as the noble Lord has just been so charming about me. It may be a very small percentage of houses that are vacant but the number of 205,000 or so is what we are struggling to build in England in any one year, so it is a year's worth of new homes.

Lord Shipley: My Lords, I would like to agree with the noble Lord: it is. However, that is still only 1% and the figure is for six months, not two years. In my view, the real problem is not the six months, which can often be the consequence of genuine delays of probate. The important thing is that the sense of direction is right. We need to end the scandal of empty homes deliberately left empty when they could be occupied by someone. Often, that relates to the buy-to-leave-empty market.

Does the Minister have figures—if not now, perhaps later in writing—for the breakdown of the reduction by 90,000 or so empty homes from 300,000 in 2010 to 205,000 in 2017? How many of those are in social housing, where empty homes are often referred to as voids; how many of them are owner occupied; how many are in the private rented sector; and how many are in the buy-to-leave-empty sector? That is important because when we consider whether there should be a rate of 300%, not just 200%, I would be thinking of those who have bought to leave empty as an investment to attract a higher level of taxation. I hope that we can discuss that in Committee.

Finally, I hope that we shall have a discussion on second homes in Committee. We have been reminded of the difficulty of identifying what is an empty home and what is a second home. If people do not tell you which they are, it is hard to find out. We need to explore in greater detail how the Government might manage to do that. As the noble Baroness, Lady Thornhill, pointed out, this is a resource-intensive exercise and we need to know better why the empty dwelling management orders do not work as well as we thought they would when they were introduced.

Despite these caveats, which I hope that we can discuss in Committee, the Bill should command the support of your Lordships' House, and I hope that it gets a fair wind, and quickly.

4.16 pm

Lord Kennedy of Southwark (Lab Co-op): My Lords, first, I draw the House's attention to my registered interest as a vice-president of the Local Government

[LORD KENNEDY OF SOUTHWARK]

Association. Generally, the Opposition support the changes proposed in this three-clause Bill. That is not to say that we do not have questions, and we will be moving amendments both in Committee and on Report as we consider it in your Lordships' House.

As outlined by the Minister, Clause 1 addresses the Supreme Court decision on the staircase tax relating to how unconnected units occupied by the same business are treated. The measure will put businesses in no worse a position than they would have been in before the court ruling, by retrospectively reinstating the business rate valuation practice that applied prior to the Supreme Court judgment.

As we have heard, the practice of the Valuation Office Agency since the judgment has been that separate units of property in a shared building should be treated as separate rating units. In the autumn 2017 Budget, the Chancellor of the Exchequer announced the reversal of this position and the return to previous practice, and Clause 1 implements that.

Business would further be allowed to ask the Valuation Office Agency to recalculate valuations so that business rate demands would be based on previous practice and backdated to April 2010. The Budget papers confirm that local government will be fully compensated for this loss of income, but the Government have since changed their mind and view the extra income that local government may have received as an unexpected windfall, with no associated liability for compensation for councils.

Can the Minister set out how he will ensure that local government will be, at least, no worse off as a result of the Bill? What sort of assessment are the Government undertaking or have they undertaken of the impact on local authorities piloting the 100% business rate retention scheme in 2018-19? Can he confirm that those authorities will not have to refund money that they never gained as a result of the judgment? Can he also state clearly whether the Government are making any additional funding available to local government as a result of the consequences of this ruling? The Federation of Small Businesses has illustrated the problem facing smaller firms that necessarily operate in larger premises but do not qualify for business rate relief. Perhaps the Minister can comment on that in response to the debate.

Far more needs to be done to protect the high street in our town and city centres. Business rates are a significant cost and can be the difference between a business surviving or failing today. This is a matter we have discussed many times in your Lordships' House. The noble Lord, Lord Naseby, who is not in his place, has raised it many times, particularly at Question Time, and I have supported him in his endeavours. The noble Baroness, Lady Pinnock, also referred to the issue in her remarks this afternoon.

We have seen some of the largest companies get away without paying their fair share of tax across a whole range of taxes, while high street-based businesses, which are central to our communities thriving, are taxed through business rates before they earn a single penny. That imbalance between companies is unfair and needs to be addressed.

The noble Earl, Lord Lytton, is very experienced in these matters, and his contribution to these debates will be invaluable. He raised a number of very important technical issues that need to be explored further as we consider the Bill. I certainly welcome his contribution at further stages.

Clause 2 will give local authorities the power to double the council tax premium on homes deemed long-term empty by increasing it from 50% to 100%, in addition to the usual council tax charge that applies to that property. That is a welcome move, and I hope it will prove an incentive to the owners of long-term empty properties to bring them back into use. I can see a case for increasing this further when properties have been left empty for two, five or maybe even 10 years. I shall move amendments to enable the House to debate that in Committee and on Report. Some of those concerns were outlined by the noble Baroness, Lady Pinnock, and raised by my noble friend Lord Campbell-Savours. It is an important area that we need to get right.

The noble Baroness, Lady Thornhill, referred to local government's powers to charge additional council tax for empty properties. I very much agree with her comments about the difference between the north and south. There are issues in London and the south-east that may not apply in the north, and we need to explore those fully.

In this House, we regularly discuss housing, the shortage of housing, the failings of the Government and their continued resistance to local authorities to playing their full part in building homes. The Government will not meet their targets unless they get local government fully engaged in building. We have over 200,000 empty properties in England; I very much agree with the noble Lord, Lord Patten, that we should get it down to a much lower figure. I think he mentioned a figure of just over 100,000, and we need to get government working together to achieve that.

We also have 120,000 children not living in permanent accommodation. The noble Earl, Lord Listowel, made the important point about not placing additional burdens on councils, because of the importance of early intervention when dealing with children. Councils' funding is now so stretched, and we know that many are already struggling to do all the things they need to do.

We are one of the richest countries in the world, and homelessness is at truly shameful levels. The Government have to do more to get a grip on the situation. While not part of the Bill, the Government should consider what they can do to allow councils to keep 100% of the capital receipts from the homes sold under right to buy to help to alleviate the problem by reinvesting that in new housing.

Housing is one of the most pressing issues facing this country—I think we all agree on that—and eight in 10 people think the Government ought to do more to address the housing crisis. Those calls are led by the Local Government Association, led by the Minister's noble friend, the noble Lord, Lord Porter of Spalding, who agrees that more should be done. It would like the Government to go further and give councils greater power to borrow, build and deliver the homes that we

need, not on a case-by-case basis, but by trusting local authorities to understand their areas and get homes built quickly. I agree with the Local Government Association's comments on these matters.

This is a small, three-clause Bill, but it is important none the less. As I said at the start of my contribution, I am very happy to support it. We have some concerns and suggestions and will propose them in Committee and on Report, but we wish the Bill well at this stage.

4.24 pm

Lord Bourne of Aberystwyth: My Lords, I thank noble Lords who have participated in the Second Reading debate on this important, though short and focused, Bill. It seems to me, hearing the productive and helpful speeches from noble Lords around the House, that it has strong support. In so far as there was criticism—there was a little bit—this focused on the things that the Bill does not do. There are an awful lot of things that it does not do, because it is a very short, focused Bill. As the noble Lord, Lord Kennedy, rightly said, it is essentially a three-clause Bill.

I will deal with contributions from noble Lords in the order in which they were made. I will follow up the debate with a letter on points which I have missed—I am sure that there will be some—and where there are things where I do not have the answer to hand. There are some things which we will probably want to develop in Committee and thereafter.

I thank the noble Baroness, Lady Pinnock, for her contribution. I agree that there are some council areas where this will not make any difference to current practice. I bow to her superior knowledge of Kirklees which, based on what she said, is one of those areas. In general terms, there will be many councils in the north of England, though not all of them by any means, that will not see any difference from this and will not want to proceed from a 50% premium to a 100% one. That is a matter for them; this gives discretion. Similarly, there will be many councils in the south of England that do want to use it, but by no means all. This is patchy; there will be parts of southern England where this will not be helpful, just as there will be parts of northern England where it is.

The noble Baroness and other noble Lords referred to the issue of the high street and online businesses. She and others will know, from previous contributions, that the Government are looking at this. Had we sought to bring it into this legislation, it would have made the Bill much later arriving because we would have had to do consultation and so on. This Bill is focused and we want an immediate change. So far as I can gauge, the House is very supportive of that, for which I am grateful.

To clarify a point on which there was some confusion, we are talking about an increase in a premium of 50% to 100%, based on a 100% charge already—it takes it to 200%, not 300%.

Lord Campbell-Savours: I got my maths wrong—it was based on an amendment, which I thought had been carried in the Commons but was not. However, the principle still stands on the switch to second homes.

Lord Bourne of Aberystwyth: I thank the noble Lord for his disarming contribution. I fully accept that various figures have been bandied about.

The noble Baroness and other noble Lords asked for information on the definition of “empty home” and “substantially unfurnished”. I will ensure that that is covered in the write-round letter, but the Bill does not alter that—it leaves it as it was. There will be substantial case law on those issues which will have an impact in this area, but it is not changed by this legislation.

I thank my noble friend Lord Patten for his contribution. He is absolutely right that this legislation did command all-party support in the Commons, where no amendment was moved, let alone made to it. He is absolutely right that this is a work in progress. We have got the figure down over six months from 300,000-plus empty dwellings to about 210,000. There is much work to be done. If we can squeeze it further and get more out of that, it would mean additional homes for people: this is the pot of gold. I am not suggesting that this is a silver bullet, but it makes a significant contribution. We can do much better than a 200,000 target. I think we are looking at something like 100,000, but I will cover that in the write-round letter.

My noble friend referred to the possibility of an escalator, depending on how long a property was vacant. Other noble Lords, including the noble Lord, Lord Kennedy, also touched on that, and I have no doubt that we will be coming back to it. I am also grateful to my noble friend for his general encouragement.

I thank the noble Earl, Lord Lytton, for his kind comments about our meetings on broader issues to do with valuation and the valuation office. I reassure him that I also have a meeting coming up with my honourable friend Rishi Sunak to talk to the valuation office about some of those broader issues. He is absolutely right when he referred to the decision in *Woolway v Mazars* as an aberration—that is how everybody has regarded it. All political parties and all the relevant bodies and practitioners in this area have regarded the decision as an aberration. Against that background, we would say that we have indicated that we will reverse this decision.

On shedloads of money, I do not think that anybody has referred to that. I have been very much at pains to say that a small number are affected, and again, in the write-round letter I will try to address how we can look at the numbers affected. However, we are not looking at shedloads of money, and it will be fairly evenly spread around the country. The noble Baroness, Lady Pinnock, suggested that they might all be in the same constituency. I would be a little surprised if that were the case, but in any case, we will look at that to provide some reassurance on the issue.

On the point the noble Earl made about cowboys, I very much look forward to joining a posse with him to see how we can deal with that issue, and I am sure that that will be subject to discussion. I come back to the point that this is not a silver bullet but that it will make a difference, which is what we are seeking to do here.

[LORD BOURNE OF ABERYSTWYTH]

I turn to the noble Baroness, Lady Thornhill, with her experience of Watford and of leading that council. I take seriously what she says, and she was generally supportive of what we are trying to do. She suggested a suite of fiscal measures which, again, I will try to deal with in the write-round. Again, as she will know, that would involve much more engagement with the Treasury and much more consultation. It is therefore well beyond this piece of legislation, as I have no doubt she appreciates, but nevertheless, based on her experience, I take very seriously what she said. In particular, when we all go canvassing, we always come across an example that is very much live in one's mind. I note what she said about the six years' probate issue—the Jarndyce v Jarndyce of Watford. We will see whether we can say something in the write-round about how that probate operation works.

I thank the noble Earl, Lord Listowel, very much for his support and his kind words. He reminded us of the late-lamented Lady Farrington and all the work she did in this area. It was indeed considerable and we miss her contributions, as we miss her. I thank him very much for what he said about the importance of noting the impact this will have on families and children, the wider issue of local authority funding of children's services, and the difference between statutory and non-statutory—which again, I take seriously, and which I will take back.

As always, the noble Lord, Lord Campbell-Savours, comes forward with something incisive about the issue of second homes and the definitions of “substantially furnished” and “empty” properties. As I say, I will seek to cover those in the letter; although it is unaffected by the legislation, it is nevertheless an important issue. On that issue of interaction with second homes, we are not seeking to deal with second homes here. This is somewhat different; indeed, this could be about a building owned by an institution, and essentially, it might not be anybody's home at all, although empty. In the Commons, my honourable friend Rishi Sunak said that we would make a Statement on the second homes situation, because there is an issue with people using empty homes as something of a tax loophole, so we will want to say something about our future intentions. I hope to say something about that no later than Committee, but it will not affect this legislation. It is the subject of a much broader issue about second homes and how we deal with that issue.

As always, I thank the noble Lord, Lord Shipley, very much for his helpful comments and his indication that this is—to use his words—the right sense of direction. He referred to the question of judgment here about what is the right level of premium. Some people suggested a 300% premium, or I think they did, which would make a 400% charge, as it were, which would be significant. The noble Lord was much more modest in his contribution with regard to what we are looking at here. Again, I am sure that that is something that we will engage in as we go forward to Committee and beyond.

The noble Lord asked for a breakdown of the reduction of approximately 90,000 empty homes in the six-month figure. He will not be surprised to hear

that I do not have the figures to hand, but I will seek to provide further information to noble Lords on those issues ahead of Committee.

There was also a question about empty dwelling management orders, which I have no doubt we will also be discussing in Committee.

I thank the noble Lord, Lord Kennedy, very much for his supportive comments and for raising the important question of how these measures will operate. He also talked about what the Bill does not do and about the need to get the level of premium absolutely right—I understand that—as well as the effect of Mazars. As I said, I am sure we will want to come back to those matters in Committee.

Lord Campbell-Savours: Perhaps I may raise with the Minister a concern that I have. We are entering a very difficult market in some parts of the country. What will happen when a property has not been sold after two years? If the owner of the property is driven into selling it, they may well end up in negative equity. It might be better for them to retain the property and avoid a substantial loss. Has that sort of problem been thought through in deciding on all this?

Lord Bourne of Aberystwyth: I thank the noble Lord for a very helpful intervention. One exemption which currently applies with regard to the 50% premium and will apply similarly with the 100% premium is that a local council does not need to apply the premium to people who are seeking to sell their property. There is considerable discretion as to how local councils can apply the premium, and obviously circumstances will differ from area to area. Therefore, I think that the noble Lord will find that that has been taken account of.

With that, I am very grateful to noble Lords for their contributions.

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

Personal Independence Payment Statement

4.37 pm

The Parliamentary Under-Secretary of State, Department for Work and Pensions (Baroness Buscombe) (Con): My Lords, by the leave of the House I shall repeat as a Statement an Answer given to an Urgent Question in another place by my right honourable friend the Secretary of State for Work and Pensions on the withdrawal of her appeal—Secretary of State for Work and Pensions v AN & JM CPIP/1882/2015 CPIP/1159/2016—in relation to personal independent payments:

“I am absolutely committed to ensuring that disabled people and people with health conditions get the right support they need. PIP is a modern, personalised benefit that assesses claimants on needs, not conditions. It continues to be a better benefit than its predecessor, DLA, for claimants with chronic conditions. Under DLA, only 16% of claimants with diabetes received the top rate, whereas under PIP 29% receive the top rate.

I carefully considered these historic cases and decided to no longer continue with these appeals in order to provide certainty to the claimants. Since withdrawing the appeals, I have provided instructions to operational colleagues to put these claims in payment urgently. These claimants will receive any backdated moneys owed and should receive their first payment within the coming days.

These cases were decided prior to the March 2017 amending regulations, where the Government clarified their policy for managing therapy under PIP daily living activity 3. These regulations are not affected by our decision to withdraw these appeals”.

4.39 pm

Baroness Sherlock (Lab): My Lords, I thank the Minister for repeating that Answer. This refers to the fact that the First-tier Tribunal ruled that two claimants with chronic conditions were entitled to PIP. The Secretary of State appealed but withdrew the appeals shortly before the Upper Tribunal was due to hear them on 21 May. The appeals concerned the meaning of daily living activity 3. One claimant needed watching at night in case urgent treatment were needed to prevent him falling into a fatal diabetic coma. The tribunal decided that he should qualify for PIP. According to the lawyers representing him, the Government argued in the appeal that he should be awarded only one of the minimum eight points needed to qualify for PIP.

This is the second time in a year that we are debating a serious error of judgment by the DWP in lawfully implementing the benefit it created. Noble Lords will remember that the High Court previously ruled against the Government on mobility payments, and in January the Government said that they were no longer appealing that judgment, either.

Normally when we ask questions on the meaning of judgments—and in the past when I have raised questions—Ministers stand up and say, “We are really generous to disabled people”, and the same thing has happened in another place. That is not a conversation. So I urge the Minister today to listen carefully to the questions and to try to answer them as best she can, and to write to us if she cannot. I have two. First, will she tell the House how many other cases are potentially affected by this ruling, and over what period and by what means her department will identify these people and notify them? Secondly, have Ministers taken legal advice on whether the regulations rushed through in March 2017 are definitely lawful?

Baroness Buscombe: My Lords, it gives me pleasure to respond to the noble Baroness. First, let me make it clear that, in our amendments to the regulations in March 2017, we were responding not to an error in the policy or in the PIP system but to a lack of clarity. The March 2017 amendments clarify the department’s position going forward, and further litigation is therefore unnecessary. The Secretary of State made it clear when she first arrived at the department that she wanted to withdraw these appeals on the basis that she wanted to provide these claimants with certainty. I want to be clear that this Urgent Question relates to the withdrawal of two appeals on 18 May and is about

two specific cases. Therefore, there is no question about how many other cases it is concerned with and over what period.

On legal advice, we always confer and consult with lawyers to ensure that we are, to the best of our ability, making the right decisions on the regulations. We are clear in our minds that the regulations as they stand are lawful.

Baroness Thomas of Winchester (LD): My Lords, presumably the department had advice before it brought in the descriptors that have been found not to be right, so I am not sure whether the legal advice is worth the paper it is written on. Can the Minister tell us whether there was any consultation on the amended regulations? After all, there are many rare and ultra-rare conditions. The people who needed watching over at night may be just two people from a cohort of many who need that kind of support when they are taking therapy. Will the Minister tell me about the consultation?

Baroness Buscombe: My Lords, I can confirm that the PIP assessment criteria were extensively consulted on prior to their introduction and were developed in collaboration with disabled people and independent specialists. The 2017 amending regulations did not represent a policy change. They were introduced to restore the original policy intent and to clarify the distinction between the needs of claimants who require assistance to manage therapy and those who require assistance for medication or in monitoring a health condition under daily living activity 3.

For the benefit of all noble Lords, let me explain that what we are talking about is, unlike DLA, a very personalised system of support. It is not based on condition; it is based on need. The important point is that it focuses on managing the condition at one end of the scale and actually requiring extensive therapy at the other end of the scale within the particular 3b criteria that have to be followed. Each case has to be considered on its individual merits. That is one of the flexible and important aspects of PIP. Of course, the outcome of that is that many more people are receiving the highest rate of award under PIP than under DLA.

Baroness Primarolo (Lab): My Lords, in the interests of clarity for the Government and certainty for the claimants, can I return the Minister to the question raised by my noble friend Lady Sherlock? Will the Minister explain to the House how the Government intend to move forward in ensuring that they have identified other cases that are potentially affected by this judgment and the lack of clarity—some might call it error—in the regulations originally drafted by the Government?

Baroness Buscombe: My Lords, it is important to re-emphasise the fact that this Urgent Question is about two specific cases that occurred before the regulations were amended in March 2017. It is about a five-month period. We are focusing on support for those two particular claimants and will ensure that any loss will be recovered and paid to them, literally within the coming days.

[BARONESS BUSCOMBE]

I sense that the House is perhaps referring to a judicial review decision that was made in the sense that the Secretary of State decided not to appeal a judgment towards the end of 2017 in relation to mobility activity 1, which is different from today's Question. However, in relation to that, we will be carrying out an administrative exercise to identify claimants who may be eligible for more support under PIP and we need to screen the whole PIP caseload of 1.6 million to identify those people as a result of that JR judgment. The actual number of people whose award will be affected is much smaller. The judgment relates to people who suffer from overwhelming psychological distress that affects their ability to plan and follow a journey. Anyone who is identified as affected will be contacted by DWP and their payments will be backdated to the effective date in each claim.

Baroness Browning (Con): My Lords, I declare a personal family interest. While I appreciate the constraints of this particular Question and judgment, my noble friend referred to the judicial review that was debated in this House. There have been many changes since the initial legislation came in. Can she tell the House how many existing people remain on DLA and are still waiting for their PIP assessment from DLA to PIP?

Baroness Buscombe: My Lords, I apologise. I hope that my noble friend will appreciate that this was given to me as an Urgent Question. I know that since PIP was introduced, 3.1 million decisions have been made, which will include some who were on DLA as well as new applicants for PIP, 9% of which have been appealed and 4% overturned. I am struggling to give the exact figure of the number of people who have moved from DLA to PIP. In that case, I am happy to write to my noble friend.

US Imposition of Steel and Aluminium Import Tariffs

Statement

4.49 pm

Baroness Manzoor (Con): My Lords, with the leave of the House, I shall now repeat a Statement made today by my right honourable friend the Secretary of State for International Trade and President of the Board of Trade. The Statement is as follows:

“Mr Speaker, on Thursday, 31 May President Trump announced that the United States would impose tariffs of 25% on steel imports and a 10% tariff on aluminium imports from the EU. Canada and Mexico, with whom the United States is renegotiating the North American Free Trade Agreement, will also be subject to the same tariffs. Although Argentina, Brazil and South Korea have avoided tariffs, those countries agreed to lower exports to the US. Indications are that they will be restrictive, in some instances involving quarterly quotas. For the products within the scope of these tariffs, in 2017 the US accounted for 7% of UK steel exports and 3% of UK aluminium exports, while the UK accounted for 1% of US steel imports and 0.1% of US aluminium imports, in tonnage, at a value of £360 million and £29 million respectively.

We are deeply disappointed that the US has taken this unjustified decision, particularly on grounds of national security. We share a strong defence and security co-operation relationship. As close allies in NATO, permanent members of the UN Security Council and nuclear powers, close co-operation between the UK and the US is vital to international peace and security, and other EU states are also key players in transatlantic security co-operation. As I said the last time I addressed the House on this issue, these unilateral trade measures have weak foundations in international law and they are not consistent with the US Department of Defense's own judgment in an investigation that was conducted on the basis of national security. We believe the EU should have been permanently and fully exempted from the unjustified measures on steel and aluminium. We will continue to make this case at the highest level, in concert with the EU. Our priorities are now to defend the rules-based international trading system which supports growth, consumers and industry; to ensure that this does not escalate and risk further undermining world trade; and, most importantly, to protect the interests of British industry.

The use of national defence as the rationale for this action threatens to create a worrying precedent. We are clear that these unjustified additional tariffs could harm consumers, hold back growth and ultimately damage industry by driving up the price of inputs and production and diminishing global competitiveness. We remain of the view that issues of global overcapacity in the steel market are best solved through international collaboration, not unilateral action. The UK has worked hard to address the issue of overcapacity. The Prime Minister called for a forum of G20 members to tackle this issue and the UK will continue to work within the rules-based international trade system to tackle this problem through the G20 steel forum. However, as the US has decided to impose these tariffs which will damage the steel and aluminium industries in Europe, we must respond. As a member of the European Union, we will continue to work with the European Commission and member states on the EU response.

The EU response is focused on three areas. First, the European Commission is preparing to introduce immediate duties on the US, ahead of a WTO dispute. Following a unanimous decision by member states, the EU notified the WTO of its potential list of product lines on 18 May and could trigger tariffs on this list of products from 20 June. The Commission is required to seek member states' approval a second time for any of these countermeasures to come into effect. Specific times are yet to be determined by the Commission.

Secondly, the EU can apply safeguard measures to protect the steel and aluminium industries from being damaged by an influx of imports to the EU caused by the displacing effect of US tariffs. The EU is finalising an ongoing investigation, launched on 26 March, into potential EU-level safeguard measures to protect its own steel market from trade diversion resulting from US measures. Provisional measures could be adopted as early as mid-July. The EU has also introduced surveillance of aluminium imports to determine whether

an aluminium safeguard investigation is justified. We will support any safeguard measures required to deal with steel diversion as a result of these tariffs.

Thirdly, the EU can pursue a dispute at the WTO, and it filed such a dispute challenging US steel and aluminium tariffs on Friday.

It is right to seek to defend our domestic industries from the direct and indirect impacts of these US tariffs. The response must be measured and proportionate. It is important that the UK and the EU work within the boundaries of the rules-based international trading system.

Since the President asked the Commerce Department to launch the investigations into the national security impact of steel and aluminium imports last April, the Government have made it clear to the Administration, on repeated occasions, the potentially damaging impact of tariffs on the UK and EU steel and aluminium industries.

The Prime Minister has also raised her concerns with President Trump. I myself have spoken on multiple occasions to the Commerce Secretary and US Trade Representative about the investigation, the director-general of the WTO, Roberto Azevêdo, and the EU Trade Commissioner, Cecilia Malmström, as well as my colleagues in member states.

The Government have worked closely with the EU as part of our unified response. In addition, I can assure the House that we have been in regular contact with the UK steel and aluminium industry throughout, and the Business Secretary has convened a steel council, which will take place shortly.

We remain committed to robustly defending and protecting the UK steel and aluminium industries and their employees. The Government will continue to press the US for an EU-wide exemption from these unjustified tariffs. In parallel, UK suppliers will want to encourage their US customers to seek product exemptions via the process being overseen by the US Commerce Department.

The Department of Business, Energy and Industrial Strategy will be hosting a meeting with the industry tomorrow morning to share information and advice on the product exemptions process being run by the US Department of Commerce.

UK firms without a presence in the US cannot apply directly for a product exemption. This means that UK firms will need to work with the end users of their products in the US to apply for a product exemption and to gather the relevant data and justification.

The Government will support applications made on behalf of UK industry with representations to the Commerce Department to process applications for product exemptions as promptly as possible. My department published an information note on the procedure on GOV.UK on Friday.

The Government are committed to free and fair trade and the international rules that underpin both. We will seek to promote and protect those rules alongside the interests of British industry.

I commend this Statement to the House”.

4.59 pm

Lord Stevenson of Balmacara (Lab): My Lords, I am grateful to the Minister for repeating the Statement and I welcome her to the Front Bench—I think it is the first time we have had a chance to speak directly across the Dispatch Box. That was three pages’ worth and quite long on description but there was not very much on achievement. I wonder whether the balance was entirely right, given that it was mostly about the difficulties that firms and others will experience in the new situation and very little about what will happen to our own British firms and employees. I have to say that if the Government have been spending the last month seeking to change minds in the United States Government, it has been a spectacular failure, apart from making it very clear that they can do little themselves and that much has to be done in co-operation with the world’s larger trading blocs, including the EU.

The House of Commons Library briefing paper on the industry shows that the steel sector accounted for £1.6 billion of the UK’s economic output. Some 330,000 tonnes of steel are exported annually by British producers, roughly 15% of which are to the United States, so we are talking about a very substantial hit on the industry. The industry has about 600 businesses and 32,000 people are currently employed there. On this side, we make it very clear from the beginning that our concern and support is there for the employees of British steel firms, and their communities, which must be very worried about this questionable and ill-judged unilateral decision by the USA. What assessment have the Government made of the impact of this decision on jobs in the steel sector and the aluminium sector and the economic hit that will be felt, particularly on communities outside London? What representations had the Government made to the White House prior to this announcement, and what assurances were sought that these tariffs would not apply to the UK? Will the Minister put any documents relevant to that in the Library for us to look at?

Secondly, what other sectors of the economy are the Government concerned about? The President has mentioned in passing additional protection for intellectual property. Given the strength of our creativity industries, have the Government taken up that issue in particular? If so, will the Minister give us some detail? The Secretary of State announced the establishment of a US-UK trade and investment working group in July last year. What discussions have been had about steel and the other new tariffs at these meetings? Has it been convened to discuss this issue?

Turning to the Statement itself, I note that half way down page 2 it says that before the EU can take any direct action on countermeasures to come into effect, it has to consult member states. Will the Minister confirm that Parliament will have a chance to discuss these when this second round of discussions is requested? Secondly, although the Minister made it clear to the House that the department had been in regular contact with the UK steel and aluminium industries throughout all this and the Business Secretary had convened a steel council, will she give us details on who actually

[LORD STEVENSON OF BALMACARA] attends that council and what exactly are its programmes? What concrete steps, in short, will it take to help our industries?

Lord Fox (LD): My Lords, I too welcome the repeating of the Statement in your Lordships' House. I would not normally be speaking across the Dispatch Box and normal service will be resumed when my noble friend Lord Purvis is available. The noble Lord, Lord Stevenson, makes a good point in that this is very long on adjectives and very short on hope. He set out a very good analysis of the UK steel market. My understanding is that a large proportion of these exports are at the high-technology end of steel, so in a sense the bulk numbers we use for the amount of the total industry affected by this blind us to the fact that the high-technology end of our industry is disproportionately affected. I would like to understand the Government's analysis of how this will hit that particularly important part of the UK steel offering, because this is an area in which we have excellent businesses and a recovering economy and this could be a very serious blow going forward.

The Statement says in robust terms that the tariffs have weak foundations in law. Elsewhere, Secretary of State Liam Fox is on the record as saying that they are illegal. Do the Government stand by the view that they are illegal, or are we going to continue to tiptoe around this issue?

The noble Lord, Lord Stevenson, also mentioned the US-UK trade working group. If it has not been discussing this issue, what is this group for? While the Minister is on her feet, can she tell us under what mandate this group operates? I am not aware that there has been extensive discussion in Parliament about the basis for future trade with the United States, so what is this group's mandate and what has come back on steel?

It is clear from the Statement that if the EU decides to trigger its punitive measures, the Government will be part of that because we are part of the EU. If the WTO is brought in on a legal basis, it will be a drawn-out affair, going well past March next year. Assuming that the Government get their way and we exit the customs union, HMT will have a decision to make: will it continue to maintain the robust measures that we have talked about and sit in solidarity alongside our largest trading partner, or will the Government decide to side with the United States? Perhaps the Minister can talk us through that process.

Finally, Prime Minister Trudeau of Canada has been the most articulate in setting out how Trump's use of the national security justification has been most hurtful and corrosive to the closest military allies of the United States. To some extent, that is alluded to, in a softer way, in the Statement. Can the Minister tell us if and when the UK will raise this in NATO and with NATO allies? If it has already been discussed, what was the result of those discussions?

Baroness Manzoor: I thank the noble Lords, Lord Stevenson and Lord Fox, for their questions. I particularly thank the noble Lord, Lord Stevenson, for his warm

welcome. He may not continue with it when I answer his questions but I will do my best to answer the questions of both noble Lords.

As I have said, we are deeply disappointed in the action that the US has taken. We want a multilateral action. We need to look at the capacity of steel from China and work together to resolve that issue, instead of the action taken by the US. As part of the EU, we will work very closely with our stakeholders in other EU countries to ensure that we have a collective response. We are still part of the EU; we have not left yet.

Like both noble Lords, I am concerned about the impact that these tariffs will have on our steel and aluminium industry here in the UK, as well as the effect on employees. The Secretary of State and other Ministers, both within business, will meet CEOs, trade unions and other bodies connected to the industry to look at what impact the tariffs will have on our industry and how we can move forward with the industry to find solutions. It is too early to say what the impact will be but I have indicated the amount of money involved in terms of turnover.

One of the other questions posed by the noble Lord, Lord Stevenson, was on intellectual property and whether these tariffs are likely to spread. Indeed, some people have asked whether the auto industry will be affected. Once again, we are working closely with the EU and the US. We must not forget that the US is a very important and key ally of the UK. We want to ensure that we, with the EU, discuss very clearly the impact that the steel and aluminium tariffs will have. I know that Germany is looking at the issues around the car industry and the tariffs that may happen in that arena.

I was also asked by the noble Lords, Lord Stevenson and Lord Fox, how often the trade and investment group meets. I know that it is about to meet soon, and it will look clearly at the impact these tariffs will have. However, I do not know what the group's terms of reference are. I will certainly write to noble Lords and place a copy in the Library so that they know exactly who sits on the group and what its terms of reference are.

I was also asked whether Parliament will have a chance to vote before the EU goes back, in relation to the WTO rules. We are firmly of the view that we want to see a rules-based solution, not a unilateral situation. We are disappointed, and I personally say that it is to be regretted that the US has taken the decision it has. Nevertheless, I am not clear whether Parliament will have a chance to vote. Again, I will write to the noble Lord. On balance, from the briefings I have seen, the EU will make a decision at a later stage on the list it has identified.

The noble Lord, Lord Fox, mentioned the Canadian Prime Minister's strong and vocal opposition to the tariffs. We are very disappointed, as I said, and it is clearly to be regretted that these tariffs are to take place, but it is a question not of how vocal one is but of what the outcome will be. We want an outcome where we have free trade with the US. We will work very closely to see what we can do regarding these tariffs, which we think are unhelpful to the UK aluminium and steel industry. We will endeavour to work very

closely with employers and businesses in the UK, and employees, but just as importantly with the US, because it is an important ally and we need to ensure we can work in this collaborative method to try to get some exemptions not only for the UK, but for the EU.

If there is anything I have missed I hope noble Lords will forgive me. I will write to them to respond.

5.12 pm

Baroness Neville-Rolfe (Con): My Lords, I also warmly welcome my noble friend to the Dispatch Box and what she has already said. Are UK Ministers involved, and will they continue to be involved, in all the discussions in Brussels on the day-to-day response to these US tariff measures? As my noble friend rightly said, we have not left the EU yet. We need to ensure that any trade ping-pong does not discriminate against UK industries. As she mentioned, lists will be doing the rounds, whether on intellectual property, cars or even whisky and gin. It is very important that we not only promote free and fair trade, of which I am the biggest fan and supporter, but look after our interests in any EU list.

Baroness Manzoor: My Lords, I totally agree with my noble friend that we need to promote free and fair trade. Of course, my friends in the other place are having regular meetings with their counterparts in Europe and the US to look at not only the impact of these actions, but how we can work closely together, particularly with the EU, to alleviate their consequences. The Secretary of State told me about an hour ago that he has met French, German, Irish and other counterparts in the EU to talk about how we will move together collectively and multilaterally.

Lord Davies of Stamford (Lab): My Lords, we should all try to learn lessons from the mistakes of the past. Between the two world wars the human race suffered greatly from protectionism and the escalation of tariffs—actually instigated by the United States with the Smoot-Hawley Tariff Act—and a large amount of output and employment was lost directly as a result. Since the Second World War, the Americans have taken a very different and much more positive attitude towards the growth of international trade but Trump has reversed the initiative started by President Kennedy, continued through the Uruguay and Doha rounds, which has led to such great prosperity throughout the world. In these circumstances, a tone of some robustness and decisiveness is called for. Of course we hope the United States will not proceed with these threats but does the Minister agree that if they do implement them, there is only one possible response: we must retaliate in a rapid, commensurate and effective way? Under no circumstances can we adopt a policy of unilateral disarmament in this area.

Baroness Manzoor: The noble Lord is absolutely right that protectionism in any area is not something that we think we should be working towards. We have developed a very robust tone and it is right that we have. I have said this is regrettable and disappointing, and we have made our views known. In fact, the Prime

Minister also made her views known through the G20. We will continue to ensure that British interests are at the fore of our discussions so that we get the best possible deal for our businesses. It would be easy to retaliate but I do not think that in the long run tit for tat would work for our industry or our companies. We must work robustly but fairly and try to promote the free trade that we all seek. That is the best way forward. I reassure the noble Lord that the fact that we are very close to the US does not mean that we are not having the difficult discussions that we need to have.

Lord Cormack (Con): My Lords, I am sure everyone will admire the way in which my noble friend is making disappointment sound robust, but it really is important that we do. Does she accept that while it is encouraging and comforting to know that we are working so closely with our friends, allies and partners within the European Union, it is utterly crucial for the survival of our continent that we continue to work with those European friends and partners, whatever the relationship?

Baroness Manzoor: My Lords, I agree with my noble friend. We are part of the EU and even when we leave the EU we will not leave our European partners. We will continue to work very closely with colleagues in the EU. That will not change.

Lord Hannay of Chiswick (CB): My Lords, first, will the Minister answer the question she was asked earlier about the Government's view on the legality of the United States pleading national security grounds for the action it has taken? Is it the Government's view that the United States has acted illegally in this respect? It is rather hard to believe that the Government are associating themselves with the EU position of going to the WTO claiming illegality if they do not think it is illegal. Perhaps she can be clear on that point. Secondly, can she say what action the Government are taking with regard to the inquiry which the US Administration have undertaken into whether the motor industry also qualifies for the national security categorisation, which would lead to the possibility of unilateral measures against imports of cars into the United States, which would of course be far bigger in its impact than what has been done on steel and aluminium? What are the Government doing about it? Are they making representations to that inquiry? Are they making it clear that if action were taken on the spurious ground of national security, there would be retaliation?

Baroness Manzoor: On the issue of legality, on 1 June the EU launched a dispute at the WTO challenging the US tariffs. That is all I can say at the moment, because I do not have information on whether we have had legal advice. We are working as a member of the EU, so we are not going out unilaterally. As part of the EU, we have launched a dispute at the WTO about the US tariffs and we will see what emerges from that. On the motor industry, the noble Lord is absolutely right that an investigation has been commenced, but, once again, it is too early to say how that will go.

[BARONESS MANZOOR]

However, I hope he will feel reassured that the Government are working very closely with our EU allies and partners to make representations at every level.

Lord West of Spithead (Lab): My Lords, further to the point made by the noble Lord, Lord Hannay, it seems completely specious that this decision should be based on national security or defence grounds. You are clearly allowed to use materials to build, for example, warships or aircraft in your own country where you can say, “We need to have this capability within the country”, but you would not apply sanctions against other people’s products to do that; you would say, “We will buy this steel or aluminium from within our country”. I am not aware of, for example, any British steel or aluminium being used in any of the huge shipbuilding programmes for the Americans at the moment. Therefore, this must surely be illegal, must it not?

Baroness Manzoor: The noble Lord is pressing me on this issue but I cannot give an answer that goes much further than the one I have already given. He is absolutely right that, as far as the UK is concerned, we think that this is not only disappointing but very regrettable. The EU is taking action by going to the WTO; there is an internal dispute mechanism. We are a rules-based country and we want to follow those rules. We will not unilaterally make a decision that is not based with our partners and allies in the EU.

Lord Campbell-Savours (Lab): My Lords, surely there are circumstances—perhaps not on this occasion—where a Government should have the right to protect their key industrial supply base, particularly in steel, coal products, aluminium and perhaps some chemicals, if only to protect in the longer term against strategic manufacturing and raw-material supply problems in times, or potential times, of conflict. This might include terrorism at sea and transport through conflict zones. That was an argument that my party used in the 1980s when Mr Ian MacGregor was running down the steel industry.

Baroness Manzoor: My Lords, that is interesting but I am not sure what the question was. All I can say is that the US has unilaterally made this decision on tariffs. It is unfair, unreasonable and very regrettable, and the EU is taking the appropriate action available to it by referring it to the WTO. We will see where that leads us.

Lord Campbell of Pittenweem (LD): My Lords, is this the same President Trump with whom Messrs Johnson, Davis and Fox believe we can enter into an agreement giving frictionless trade between the United Kingdom and the United States?

Baroness Manzoor: But of course. One can have a dispute at one end but at the same time still work collaboratively on other trade deals. One has to look at relationships across the board. Although we have a major issue here around tariffs, which we agree needs

to be dealt with, we can nevertheless still have a very constructive relationship with one of our most important allies. One must not forget that, outside the EU, America is our biggest trade partner.

Lord Haskel (Lab): My Lords, in practice, what may well happen is that, in the short term, businesses will find a way to sell through third-party countries, especially as the origin rules are now becoming less and less clear. What is the Government’s attitude towards that?

Baroness Manzoor: How the US polices its tariffs will be a matter for it. We have to safeguard the way in which perhaps steel and aluminium come to the EU and the UK and ensure that our businesses and our employees are safeguarded. The EU is looking at safeguarding issues very closely. That discussion has now started to take place.

Rail Timetabling Statement

5.26 pm

The Parliamentary Under-Secretary of State, Department for Transport (Baroness Sugg) (Con): My Lords, with the leave of the House, I shall now repeat a Statement made today in the other place by my right honourable friend the Secretary of State for Transport. The Statement is as follows:

“I would like to update the House on the recent timetable changes, in particular on some GTR and Northern routes. Let me be absolutely clear: passengers on these franchises are facing totally unsatisfactory levels of service, and it is the department’s number one priority to make sure the industry restores reliability for passengers to an acceptable level as soon as possible. I want to assure the passengers affected that I share their frustration about what has happened and that I am sorry that it has taken place.

This timetable change was intended to deliver the benefits to passengers of major investment in the rail network. This means new trains, including all trains on the Northern and TransPennine Express networks, either new or refurbished; Great North Rail Project infrastructure upgrades worth well over £1 billion, such as in the Ordsall Chord and at Liverpool Lime Street; and, through the £7 billion Thameslink programme, new trains and improved stations, including London Bridge and Blackfriars.

The huge growth in passenger numbers that we have seen in recent years demanded expanded routes and services and extra seats, but this timetable change has instead resulted in unacceptable disruption for passengers who rely on these services. The most important thing right now is to get back to a position of stability for passengers, but it is also vital to understand what has happened and why we are in the situation we are in today.

The circumstances of the failures are quite different on the Northern and GTR networks. The investigations being carried out right now are giving more information about what has gone wrong, but it is also worth being

clear that the industry remained of the view until the last moment that it would be able to deliver these changes. That is the bit that everyone will find hard to understand and why there will have to be a proper investigation into what has taken place.

On Northern, which is co-managed through the Rail North Partnership by Transport for the North and the Department for Transport, early analysis shows that the key issue was that Network Rail did not deliver infrastructure upgrades in time, in particular the Bolton electrification scheme, with damaging consequences. This forced plans to be changed at a very late stage, requiring a complete overhaul of logistics and crew planning.

The early analysis also shows that on GTR's Thameslink and Great Northern routes the industry timetable developed by Network Rail was very late being finalised. This meant that train operators did not have enough time to plan train crew schedules or complete crew training, affecting a whole range of other complex issues that impact the running of what is an already congested service.

It is also clear to me that both Northern and GTR were not sufficiently prepared to manage a timetable change of this scale, either. GTR did not have enough drivers with the route knowledge required to operate the new timetable, and neither Northern nor GTR had a clear fallback plan. In GTR's case, the process of introducing the new timetable was overseen by an industry readiness board made up of Network Rail, ORR and the train operating companies, and an independent assurance panel. Both these groups have told me that they had been given no information to suggest that the new timetable should not be implemented as planned, albeit with some likely early issues as the timetable bedded down. These bodies were set up specifically to ensure that all parts of the rail network—Network Rail, GTR and other train operators—were ready to implement these major timetable changes. It should have been clear to them that some key parties were not ready, but they did not raise this risk.

The department received advice from the Thameslink industry readiness board that while there were challenges delivering the May 2018 timetable—namely, the logistics of moving fleet and staff—the three-week transition would allow minimal disruption. My officials were assured that other mitigations in place were sufficient and reasonable. Indeed, as recently as three weeks before the timetable was to be implemented, GTR itself assured me that it was ready to implement the changes. Clearly, this was wrong, and it is wholly unacceptable.

The rail industry has collectively failed to deliver for the passengers it serves. It is right that the industry has apologised for the situation we are currently in, and that we learn the lessons for the future. Right now, though, the focus should be on restoring the reliability of its service to passengers. This morning I met the chief executives of Network Rail, GTR and Northern, the latest in a series of meetings that my department and I have been holding with these organisations, and the Rail Minister has visited Network Rail's rail control centre in its Milton Keynes headquarters. We have made it clear to them all that current services are still

not good enough. I also demanded that Network Rail and the train operator work more collaboratively across the industry to resolve the situation, where possible using resources from other train operators to support the recovery effort. Officials in my department are working around the clock to oversee this process. We have strengthened resources in both the department and the Rail North Partnership, which oversees the Northern franchise, to hold the industry to account in improving services.

Mr Speaker, I would like to be able to tell the House that there was an easy solution or that the department could simply step in and make the problems that passengers are facing go away. Ultimately, the solution needs to be delivered by the rail industry. These problems can be fixed only by Network Rail and train operators methodically working through the timetable and replanning train paths and driver resourcing to deliver a more reliable service. It is for reasons like this that I am committed to unifying the operations of track and train where appropriate to ensure that we do not encounter problems like this in future.

Northern has agreed an action plan with the Rail North Partnership. It has focused on improving driver rostering to get more trains running as quickly as possible, rapidly increasing driver training on new routes, additional contingency drivers and management presence at key locations in Manchester, and putting extra peak services on the timetable along the Bolton corridor. Work on this action plan is under way. It has also published temporary timetables that will be more deliverable and give passengers much more confidence in the reliability of their service. This will mean removing certain services from the new timetable while ensuring that there is still an improvement in the total number of services being run by Northern, compared to before the timetable change. Alternative arrangements will be made for passengers negatively impacted by the changes. I believe this temporary measure is necessary to stabilise the service, enabling improvements to be introduced gradually.

Today, there are more services running on GTR on a day-to-day basis than before the timetable change, and Southern and Gatwick Express services are performing well for passengers. However, GTR is not currently able to deliver all planned services on Thameslink and Great Northern routes. In order to give passengers more confidence, GTR is removing services from its timetable in advance, rather than on the day, and reducing weekend services to pre-May levels. This will be in place until a full replanning of driver resourcing can take place.

I would like to be clear: while I expect to see stable timetables restored on both networks in the coming days, I expect the full May timetable and all the extra trains to be introduced in stages over the coming months in order to ensure that it can be delivered properly. Once the full service is operating on GTR, 24 Thameslink trains will run through central London every hour and 80 more stations will have direct services to London stations such as Farringdon, City Thameslink and Blackfriars by next year. There will be 115 new

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trains and 1,140 new carriages providing faster, more frequent and more reliable journeys for thousands of passengers.

On Northern, the Great North Rail Project, an investment of well over £1 billion in the region's rail network, will, by 2020, enable faster and more comfortable journeys, as well as new direct services across the north and beyond. By 2020, it will see the train operators, Northern and TransPennine Express, deliver room for 40,000 extra passengers and more than 2,000 extra services a week.

However, I completely understand that passengers are angry at the levels of disruption that this timetable change has caused in recent weeks. That is why I am announcing that a special compensation scheme for passengers on affected routes on both GTR and Northern—subject to agreement with the board of Transport for the North—will be introduced and funded by industry, to ensure that regular rail customers receive appropriate redress for the disruption they have experienced. The industry will set out more detail on the eligibility requirements and how season ticket holders can claim. However, I believe that the scheme should offer passengers—particularly in the North, where disruption has been protracted—similar entitlements to last year's Southern passenger compensation scheme.

It is also clear to me that, aside from Network Rail's late finalisation of the timetable, GTR and Northern were not sufficiently prepared to manage a timetable change of this scale. Today, I am also announcing that work has started to set up an inquiry by the independent Office of Rail and Road, chaired by Stephen Glaister, into the May timetable implementation. The inquiry will consider why the system as a whole failed to produce and implement an effective timetable.

The findings will be shared at as early a stage as possible with me and the rail industry so that lessons can be learned in advance of future major timetable changes. The final report will be published by ORR by the end of the year. In parallel to the inquiry, my department will assess whether GTR and Northern met their contractual obligations in the planning and delivery of this timetable change. The department will be assessing whether these issues could have been reasonably foreseen and different action taken to prevent the high levels of disruption that passengers are experiencing.

In GTR's case, the assessment will cover whether the operator had sufficient resources and skills to deliver the new timetable, if drivers could have been trained in a faster and more effective way, and examine the contingency and risk-management arrangements in place. If it is found that GTR is materially in breach of its contractual obligations, I will take the appropriate enforcement action against it. This includes using the full force of the franchise agreement and my powers under the Railways Act, and I will include how such a failure impacts on its eligibility to hold a franchise bidding passport.

In the case of Northern, my department will assess the operator's planning, risk assessment and resilience in preparing for the May timetable change. Bearing in mind Network Rail's failure to deliver infrastructure

on time, we will hold the operator to the terms of its contractual obligations. I will not hold back from taking appropriate action if the review finds that there has been negligent behaviour.

Finally, as I know that colleagues across the House are receiving correspondence from constituents impacted by the timetable changes, I have arranged for both Northern and GTR to meet colleagues across the House this week to discuss any specific issues that they wish to raise with the operators.

I am incredibly frustrated that what should have been an improvement in services for passengers has turned into significant disruption. I am sorry for the level of disruption that passengers are experiencing. There have clearly been major failures that have led to the situation we are in today. I am clear that the industry must and will be held to account for that, but my immediate priority is to ensure that the industry improves train services to an acceptable level as quickly as possible".

My Lords, I commend the Statement to the House.

5.38 pm

Lord Tunnicliffe (Lab): My Lords, the national railway is a public service for two reasons. First, most passengers have no choice and, secondly, a vast amount of its expenses are paid for by the taxpayer. One has to ask: who is responsible for this public service? It is very clear: it is just one person, the Secretary of State. He owns Network Rail, he hires and fires the directors, he determines their pay, he can give them directions, he decides what funding they get. He commissions the train operating companies and the various, appropriately complex, conditions on their contracts. He is personally responsible for the mess.

My colleague in the House of Commons said that the Secretary of State should resign. I would not be nearly so presumptuous, but an apology would be a step in the right direction. There is not a word of apology in the Statement. I share his sorrow, and I wish that he would take personal responsibility for the sorrow that he has caused. He failed fully to understand the operation; he did not assure himself that he had sufficient skilled resources to understand the risk. Furthermore, he carries on trying to make the present structure work. The present franchise system does not work. You need much more skill than the Secretary of State has so far displayed to get a profit-maximising organisation with virtually no real competition to maximise the concept of public service. His favoured solution for getting the railway right is a partnership, as he set out in his east coast Statement, but Northern was managed by a partnership and it failed; GTR had a partnership and it failed. Why did it fail? It failed because a publicly owned Network Rail and a profit-maximising train operator do not make natural partners.

The Secretary of State fails to understand the basic financial pressures on the train operating companies. They go on about increases in passenger numbers, but this is much more dependent on external forces such as the economy than anything that the train operating company can do. Revenue is largely outside their control; the road to shareholder value is by cutting costs.

Finally, the Secretary of State's plan to get us out of this mess, a programme of incremental introduction, is likely to go as wrong as the current mess. I have run a railway in the public sector. It is a complex system, and any change to any part has an effect on the whole system. Change needs to be modelled and tested by high-quality research staff, which takes time and effort and long lead times to recruit and train staff, particularly drivers. Does the Secretary of State have access to such staff? If he has, are they recommending incremental introduction?

To summarise, does the Secretary of State accept personal responsibility for this mess? Will he apologise, and has he got sufficient skilled resources to manage the situation? Is he still convinced that a partnership really can work? Given the continuous failure of the present franchise structure, does he not agree that the train operating companies should be taken into public ownership?

Baroness Randerson (LD): My Lords, like the noble Lord I am horrified by the tone of this Statement. The passengers, who bear the brunt of all this, have absolutely had enough, and the lack of any shadow of an apology in that Statement from the Secretary of State is going to anger them even further. The Secretary of State lurches from catastrophe to chaos, and I believe that he thinks that he is Teflon man.

I differ from the noble Lord in that I do not believe that nationalisation is the answer. Indeed, when you look at the ability of the Department for Transport to manage things effectively, one shudders to think of what it would do if it was in charge of the whole lot. I do not subscribe to the kneejerk approach to politics that heaps all blame on Ministers; I realise that government is difficult and that Ministers cannot be expected to micromanage. But I have been a Minister in two Governments and I recognise the point where a Minister has to take direct responsibility when something goes wrong. The Secretary of State has reached that point, and he needs to take that responsibility for his part in this debacle. You cannot claim the credit for something if you are not prepared to shoulder the blame when things go wrong. The latter part of this Statement trumpets the wonderful things that are still going to happen in future; the Secretary of State has trumpeted all this in the past and therefore takes responsibility for it.

Why were basic precautions not taken to ensure that a big change like this ran smoothly? It is the coward's way to blame the staff and managers involved. Transport Focus warned of potential problems with the new timetables last autumn. Why were its warnings not heeded? What meetings took place with Transport Focus, and between it and the train operating companies, to deal with the concerns which it voiced? For how long has this change been planned? Was there any element of speeding it up to get it done by a particular time, which might have been a factor in why it went wrong? Has Network Rail, or the train operating companies involved, ever raised any concerns about either the scale of change or the timescale for it? The Statement says that there were meetings recently and no concerns were raised then. Were they raising concerns some months back? Why were these changes introduced

on such a grand scale, involving several train lines? Would a pilot project not have been a good idea? Given the delays to the Bolton electrification project, why go ahead at all with changes on Northern at this time?

The Statement refers to compensation, but it is not precise. Can we please have exact details about compensation to long-suffering passengers? Finally, the Statement referred to the ORR undertaking an inquiry. Will this be entirely independent? Will it analyse the roles and responsibility of Government, as well as of Network Rail and the train operating companies, so that Government can learn the lessons from this and ensure that it never happens again?

Baroness Sugg: My Lords, first I reiterate what was said in the Statement: passengers on these franchises are facing totally unacceptable disruption and we apologise for that. It is our top priority to make sure that the industry restores reliability to acceptable levels as soon as possible, and the department is working around the clock to deliver that. The doubling of passenger numbers that we have seen means that we have needed these expanded routes, extra services and extra seats. That is what the timetable change was supposed to deliver but, instead, it has led to a totally unsatisfactory level of services for passengers who rely on them. We are working closely with Network Rail, Northern and GTR to keep passengers moving and ensure that disruption is minimised. Work has already begun to set up an independently chaired inquiry into the May timetable implementation and deliverability of future timetable changes. This will be fully independent and look at all the issues. In parallel to that, the Department for Transport is looking separately at GTR and Northern.

The first priority is to improve services for passengers as quickly as possible. That is what the Secretary of State, the Rail Minister and officials are prioritising. Although this is not about blame at this stage, it is important to recognise what happened. The industry timetable developed by Network Rail for both GTR's Thameslink and Great Northern routes was very late to be finalised. On Northern, which is managed jointly by the Department for Transport and Transport for the North, Network Rail did not deliver the key infrastructure changes and upgrades in time, leading plans to be changed at a very late stage. It is also now clear that GTR and Northern were not sufficiently prepared to manage a timetable change of this scale either. The Secretary of State has, indeed, apologised and did so in his Statement. His number one priority is working to resolve this issue.

Privatisation has succeeded in doubling passenger journeys since 1995 and has delivered one of the most improved and safest major railways in Europe. However, of course the system is not perfect, and the changes we announced in the rail strategy last year will ensure that we get the best of both the public and private sector worlds. The new model will keep the benefits of privatisation while, rightly, maintaining vital infrastructure in public hands.

On notice around these issues, the department was aware that agreement on the timetable was running late, and this was industry-wide knowledge. At the

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beginning of May, GTR informed the department that the delays to the industry timetable process meant that the final timetable would require additional driver diagrams, and therefore more drivers than was expected. GTR put forward a proposal on 10 May, which the department accepted, to amend some late-night, low-patronage services to free up additional drivers, which resulted in 17 services being removed from the timetable until there were enough drivers. However, despite the late timetable, the department was assured that implementation of the new timetable on 20 May could still take place. It was not until two days before the timetable change that GTR informed the department that, following the conclusion of the rostering process, it had identified a significant shortfall in the number of drivers with the required route knowledge. By that point, I am afraid that it was just too late not to progress with the timetable change.

The new timetable had to be implemented as a whole because it was an integral part of the UK-wide rail plan, dovetailing with other train operators' timetables, as well as future engineering schedules. Across the country, outside the GTR and Northern areas, the timetable is working well.

The special compensation scheme will offer a month's compensation for Northern season ticket holders who use the services most affected by the disruption. The compensation by the industry will be confirmed shortly for Thameslink and Great Northern season ticket holders. These schemes will reflect the fact that Northern services have been affected since the end of March, and Thameslink and Great Northern services since 20 May. The exact details are being worked out, and the industry will set out more detail of the eligibility requirements and how the season ticket holders can claim.

I reiterate the Secretary of State's apology for this and reassure noble Lords that, as I said, the number one priority is to resolve this issue.

5.52 pm

Lord Jopling (Con): My Lords, it is one thing to talk about disrupted or affected services. However, as I understand from the radio this morning, in the Lake District there is no service at all. This is absolutely intolerable. Is what has been reported true and, if it is, should what the Minister said about compensation not also be extended to people other than passengers who have been affected by there being no service in the Lake District? There is no good reason why operators of hotels, boarding houses and cafes should not be compensated too. Does the Minister agree that we are seeing such an example of the dead hand of incompetence as we have not seen since British Rail?

Baroness Sugg: My Lords, Northern has announced that until the end of July it will run fewer services, but more than it did prior to the May timetable change, to give passengers greater certainty and to increase driver training.

Lord Foulkes of Cumnock (Lab): What about the Lake District?

Baroness Sugg: I am coming to the Lake District. Northern will then get back to the full-service timetable, but the interim timetable will see it reduce the number of train services it runs each day by 6%. For the Lakes Line in particular, the noble Lord is correct; for an initial period of two weeks, Northern is removing all services on the Lakes Line to and from Preston, Lancaster and Oxenholme, and it will instead operate a replacement bus service. At the moment the compensation package is designed purely for rail passengers, but I will certainly feed back my noble friend's point about hoteliers.

Lord Clark of Windermere (Lab): My Lords, does the Minister believe that it was right for Northern to announce at 5 pm on Friday that it was suspending every single train running on the Lakes Line—in an area with world heritage status—causing great difficulties for students doing their A-levels and GCSEs? Northern made the announcement with just two days' notice. Will the Minister confirm that the suspension will last for only two weeks, contrary to the claim of bus companies that they have an eight-week contract with Northern to provide cover for services? Is that correct?

Baroness Sugg: My Lords, passengers must feel many frustrations around these services and obviously notice of cancellations is incredibly important. They need to understand what services there will be and to know that they will be reliable and function. Both operators are trying to give as much information as possible about these services as early as possible, and they have introduced the new temporary timetable of reduced services so that people are aware of what will happen. As I said, the services on the Lakes Line will be replaced by a bus service for two weeks initially, and I am afraid that that is as much information as I have at the moment.

Lord Bradshaw (LD): My Lords, I have run two successful railways and have also managed the all-systems timetable. Before we denigrate what British Rail did, we should remember that when I managed operations on the London Midland Region 91% of the express trains arrived on time, not 10 minutes late as happens now. Therefore, it is rather bad to talk down what British Rail did.

Railways are run by two groups of people—operators and engineers. There are lots of lawyers and accountants but they do not run the trains. Politicians and generalists in the department do not run the railways either, and I wonder what effect the constant interference in the running of the railway by the Secretary of State and his officials is having. Constantly calling in the people who should be running the railway to answer fatuous questions is likely to damage the whole system. The whole architecture of managing the railways under the Railways Act 1993 needs to be overhauled with the aim of letting railway professionals manage a functioning railway, and there needs to be a heavy dose of realism. I have two small points to make. First, the chair of the ORR is not a railwayman, so what skills is he bringing? Secondly, raising concerns with Ministers often leads to people being bullied by those Ministers and not being honest about the developing situation.

Baroness Sugg: My Lords, on the constant interference of politicians in the railway system, it is absolutely the department's responsibility to ensure that the railway is run well. When it is not run well, as in this case, then of course politicians will get involved. I entirely agree that the railways should be run by professionals. With the long-term franchises which the franchising system has brought in, there are five-year or seven-year periods in which to run the railways, and of course Network Rail is run separately. We think the head of the ORR is the right person to carry out the independent inquiry, and I am sure he will consult experts. He will be working very closely with the franchises, the department and Network Rail to try to understand exactly what went wrong.

Lord Young of Cookham (Con): My Lords, there is a keen appetite to ask questions of the Minister and we will make more progress if the questions are short.

Lord Naseby (Con): My Lords, I declare an interest as a commuter on Great Northern and Thameslink. I am afraid I have to inform my noble friend that the service has not improved one iota. Is she aware that none of the people who commute from that area—from Sandy, Biggleswade, Hitchin, Stevenage and so on—is the least bit interested in 2020? What they want is action now. May I make a suggestion? I handled the three-day week publicity in conjunction with the departments involved. Every night, there was communication with industry and commerce and so on. I suggest that there should be a daily meeting involving a senior Minister so that we can get a grip on what the situation needs.

Baroness Sugg: My Lords, I apologise to my noble friend for the disruption to services he has faced on the Northern route. I absolutely reassure him that the Secretary of State and the Rail Minister have more than daily meetings on this. I agree it is important that we communicate to passengers as quickly as possible the new timetable and the incremental upgrades that are coming.

Lord Davies of Stamford (Lab): My Lords, is not the most extraordinary aspect of this Statement that the priority of the Secretary of State appears to be to argue that everybody else was at fault and that absolutely no responsibility or blame attaches to him? Does the noble Baroness agree that that attitude is not only unedifying but completely non-credible? The Secretary of State was clearly incompetent if he did not know what was going on—he was not asking the right questions. He knew, as the noble Baroness has just said, that the new timetable arrangements were running into considerable delays. As she said, that was a matter of public knowledge. He was equally incompetent if he did know that things were going wrong and did absolutely nothing about it until the car crash.

Baroness Sugg: My Lords, as I said, we were aware that there were issues with the infrastructure upgrades and the new timetable but we received reassurance and were not aware that there would be disruption of this level. As I said, on other rail lines the new timetable has been delivered, but GTR and Northern have suffered

unacceptable delays and disruption. I repeat that the Secretary of State has apologised, and I do not think it is right to apportion blame today. The priority is to make sure that passengers get a better service as soon as possible. We are also running the inquiry so that we can fully understand exactly what went wrong, learn from those lessons and make sure we do not have the same situation in the future.

Lord Bradley (Lab): My Lords, as a resident of Manchester, I am fully aware of the chaos that has ensued from the so-called timetabling changes in the last couple of weeks. But there has been cancellation after cancellation on routes throughout Manchester, into the north-west and across to the north-east for months. Time and again, the excuse given has been a lack of drivers and other staff available on those lines. When this inquiry is undertaken, will it look not only at the consequences of the timetabling and the link to the lack of drivers but at the lack of recruitment and investment in the service over the last 12 months, which has led to the current chaos?

Baroness Sugg: My Lords, the noble Lord is quite right to point out that many of these issues have been caused by not having enough trained drivers to run the routes. Manchester, the north-west and the north-east have been particularly affected because of the recently completed infrastructure upgrades such as the Ordsall Chord, at Liverpool Lime Street and the tracks between Manchester and Liverpool and Manchester, Preston and Blackpool. There is an issue around rest-day working for drivers on Northern, which has exacerbated the situation and means that it has been unable to train the drivers as quickly as it had hoped. However, I assure the noble Lord that driver training will be closely looked at by the review.

Baroness McIntosh of Pickering (Con): My Lords, does my noble friend agree that one of the problems with driver training is that small companies such as Northern trains and the TransPennine Express train the drivers and then the larger companies—such as the one that will now be called “London whatever”—poach them? A particular problem has emerged this week because not all the trains are now stopping at Northallerton and many passengers are being abandoned at York on their return journey from London because of the shortage of drivers. Will my noble friend agree to look into that to see how passengers can safely reach their ultimate destination?

Baroness Sugg: My Lords, I will certainly look into the point that my noble friend raises. She is quite right to point out that, because of these changes and the reduced timetable that has been brought in, trains are not stopping at every station. It is important that we deal with the train operating companies and do all that we can to communicate with them. However, I will certainly look at the provision available to transport passengers if they are not able to get off at the stop that they wish to.

My noble friend raised an interesting point about driver training. The necessary driver training was not completed in time and my noble friend is quite right to

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point out that sometimes train drivers move to other franchises. We are hoping to benefit from that in this situation. We are working across all train operating companies to see whether we can use other drivers on these lines to deliver better services. But the point about the transfer of drivers to different franchises is certainly something that I can take back.

Lord Liddle (Lab): My Lords, does the Minister accept that in Cumbria there has been appalling chaos with cancellations, and what we have seen is a complete failure of co-ordination on the part of the disparate interests involved in running the modern railway? Does she not accept at least in principle that the answer to a failure of co-ordination is stronger public control? If she accepts that principle in the north—she may not want to see a renationalisation of the railways and the creation of British Rail—at least will the department consider giving real powers and money to the newly set up Transport for the North, a public body, to give it a much stronger role in co-ordinating services in the region? If she is not prepared to do that, what meaning does the northern powerhouse now have?

Baroness Sugg: My Lords, this Government have devolved more power to Transport for the North to manage railway systems. As I said, it co-manages the franchise with the Department for Transport. John Cridland, the head of Transport for the North, is satisfied with the powers that he currently has. I acknowledge that this has been a problem of co-ordination with many different train operating companies and Network Rail. That is something that we need to improve. But we think that the solution is evolving the way that we run the railway to rely on the track and train operators across the network with closer joint working between the train operating companies and Network Rail in different parts of the country. That is being supported by Network Rail's own devolution into a series of regional businesses. As I said, the rail strategy, which we set out last year, aims to move more towards that alignment of track and train, which we think will help.

Lord Scriven (LD): My Lords, the Minister talked about a compensation scheme similar to the one down south. Does that scheme relate purely to season tickets? If it does, what percentage of Northern Rail travellers actually have and use a season ticket?

Baroness Sugg: My Lords, the exact details of the compensation scheme are still being worked out. It will be industry led. We have confirmed that it is for season ticket holders, as those are the people who have paid for their services already. But the exact details have not been worked out. I do not have the percentage details of how many people own season tickets. I will endeavour to find out and write to the noble Lord.

Lord Desai (Lab): My Lords, can the Minister ensure that, with the buses that are being provided temporarily, there will be enough of them to carry passengers to where they want to go, that they will be regular and will get people to their destinations on time?

Baroness Sugg: My Lords, the train operating companies are providing the bus replacement systems. I very much hope that they will be sufficient for those passengers who wish to travel. It is something that we are keeping a close eye on. The performance of those buses will form part of our regular updates from train operating companies.

Lord Judd (Lab): My Lords, I am another resident of Cumbria. Does the Minister accept that it is not simply this crisis with which the public has been confronted, but the appalling record of industrial relations in Northern? Pain upon pain has been ladled out to the long-suffering traveller. Can she give an assurance that any comprehensive inquiry that takes place will look at the issue of industrial relations within its remit? Perhaps I may also ask the noble Baroness whether the Government are honestly taking full account of the outstanding success of the east coast line under public ownership. Why on earth can it not be recognised that there are areas of public service in the United Kingdom where what we need is an overriding culture throughout the organisation of service to the public, not simply profit-making?

Baroness Sugg: My Lords, I agree entirely that the railways need to provide a service for the public and not be focused purely on profit-making. On the east coast line, a subject raised by the noble Lord, under public ownership the line contributed less to the taxpayer than it does currently. It is still a successful railway, with 92% customer satisfaction. Recently we set out a way forward through an operator of last resort ahead of the East Coast Partnership, and we think that that will be a success.

On industrial relations, I mentioned earlier the issue around working on rest days which has been a problem as regards training new drivers, which is part of the problem. The inquiry will look at what went wrong, why this has happened and what lessons we need to learn for the future. It will not look directly at industrial relations, but if it turns out that they were one of the causes, the inquiry will highlight that.

Lord Campbell-Savours (Lab): My Lords, Ministers who mess up normally do the honourable thing and resign. Have there been any conversations at all within Mr Grayling's ministerial team about the possibility of him going?

Baroness Sugg: My Lords, I can certainly confirm that there have not been any conversations around that.

The Earl of Erroll (CB): My Lords, my train was cancelled and the next one was delayed, which is why I have arrived here so late. I understand that part of the problem is drivers being assigned to sections of track, such as Peterborough to the London terminals. Apparently, it takes two and a half weeks to train up a driver. However, the drivers who can drive that section and then through to Horsham are busy driving the trains and therefore not available to train new drivers who could alleviate the problem. Are we looking at a month or two months with 75% of trains being cancelled in order to clear this training backlog?

Baroness Sugg: The noble Earl is right to point out the problem. The new drivers need to be instructed by trained drivers, and that is why we have had to implement a reduced level of service, in particular at weekends, so that new drivers can be trained. I am afraid that it will not be a short-term solution, and I am not able today to confirm when we will get back up to the initial May timetables. As I have said, as and when drivers are trained, it will be incrementally added to in order to reach the service level that we were expecting on 20 May.

First World War: Empire and Commonwealth Troops

Question for Short Debate

6.12 pm

Asked by Lord Lexden

To ask Her Majesty's Government whether they are planning to commemorate the contribution made by Empire and Commonwealth troops during the First World War.

Lord Lexden (Con): My Lords, 2018 is the centenary of the final year of the First World War, in western Europe at least; fighting continued for some time elsewhere. Since 2013, commemorative debates have been held in your Lordships' House on various aspects of that terrible conflict. Subjects have included the origins of the war; the long, blood-soaked battles of the Somme and Passchendaele; and, by way of contrast, the rich cultural legacy in literature and art that the war bequeathed to posterity. I hope that later this year we will have a full debate to mark the centenary of the Armistice on the Western Front. However, before that point is reached, I thought that it might be appropriate to consider the immense contribution made by troops from the countries of the British Empire and the Commonwealth, the latter name coming into widespread use during this period. I am grateful to noble Lords across the House who will be contributing to this debate.

The deeds of conspicuous valour performed by Empire and Commonwealth troops were followed with close interest by the retired military commanders, colonial governors and administrators who were prominent in this House at that time. Looking back after the fighting was finished, David Lloyd George, whose great statesmanship emerged so clearly during the second part of the war, concluded that without these brave men from beyond our shores, victory might well have eluded us.

"Had they stayed at home",

he wrote,

"the issue of the war would have been different and the history of the world would have taken a different course".

None of this was foreseen. Lloyd George and his fellow Liberal Ministers in Herbert Asquith's Cabinet would have been astonished if they had been told in August 1914 that the Empire and Commonwealth would play a central part in the conflict. No preparations were made for their involvement; no provision for them was included in the plans for warfare. Even the five

self-governing dominions, which thought of themselves as Britain's partners in a free commonwealth, were completely ignored.

At the outset, the British Government were concerned solely with the threat that German aggression had created in Europe. Not an inch of new territory was to be acquired, the Cabinet decreed. Some 440 million people, the subjects of George V, the King Emperor, found themselves at war by his decree. The 10% who lived in the United Kingdom were expected to determine its outcome.

Everything changed when it became clear that Britain and her allies stood no chance of securing the swift and decisive victory they had confidently anticipated. The moment of truth arrived quickly in the autumn of 1914. It was then that Britain became fully conscious of the immense asset that its Empire and Commonwealth represented. With the unexpected prospect of a long war before them, the British Government recognised in particular the potential benefits of two great strokes of good fortune that they enjoyed. The first was the existence of a large army on the other side of the world. India had over 150,000 men under arms and the capacity to recruit many more. A contingent was rushed to the Western Front to help stem the crisis which had arisen there. Lloyd George paid them a tribute that they deserved for the way they,

"helped us to defend the water-logged trenches of Flanders through the miserable winter of 1914-15",

when Lord Kitchener, the war supremo who had had experience in India, had only limited success in his efforts to supply them with suitable food.

Although struggling to maintain its morale in wretched conditions, the Indian Corps contributed notably to averting disaster during battles around Ypres in 1915, which were close-run things. Thereafter, the Middle East became the principal arena for Indian arms. The huge new imperial domain, wholly unforeseen in 1914, that Britain acquired from the Ottoman Empire, Germany's unexpected ally, owed more to the soldiers of India than to any others. The conquests of Mesopotamia and Palestine were achieved mainly by Indian units fighting alongside troops from many other places, from Belize to Fiji and Hong Kong, under British command. Their victories helped redeem the disaster of Gallipoli and the humiliating surrender of 13,000 men at Kut, in the arid, inhospitable land of what is now Iraq, in April 1916. A British soldier wrote:

"Is this the land of dear old Adam?

And beautiful Mother Eve?

If so, dear reader, small blame to them

For sinning and having to leave".

Indian soldiers bore the brunt of these grim conditions. Altogether, nearly 1.3 million of them fought, representing a 10th of the Empire's war effort.

Britain's second stroke of good fortune was the remarkable, spontaneous enthusiasm exhibited at the recruiting offices of the Empire, which were deluged with volunteers. The Australian Prime Minister said:

"Our duty is quite clear: to gird up our loins and remember that we are Britons".

Within 10 days, New Zealand dispatched an expeditionary force of 8,000 men. Within two months, 31,000 Canadians had been recruited, drilled and sent to Europe. They were

[LORD LEXDEN]

the vanguards of the mighty dominion contingents, whose enormous sacrifices on the Western Front won them lasting respect and gratitude. By the summer of 1918, Canada and Australia had each established its own army corps under outstanding national commanders. Their rigorously trained men—better, said many, than the English—were at the forefront in the Battle of Amiens and other great breakthroughs in the last months of the war. They were lauded as some of the best shock troops in the allied armies.

There was a tendency at the time to give the contribution of the dominions undue prominence. Lloyd George provided a just assessment. He wrote:

“It is not too much to say that without the 1,400,000 fine men who rallied to the flag from the Dominions and the 1,300,000 who came to our aid from India the Allies would not have been able to bear the strain of this gigantic struggle”.

There were others to whom the allied cause was also deeply indebted. As well as serving in their own continent, soldiers from Africa joined men from the West Indies in the Middle East; on the Western Front they undertook back-breaking duties. Lloyd George wrote:

“We recruited numbers of labour battalions for the work of transport, supply and construction. Their toil alone enabled us to throw up with much speed new defences and fresh roads and railways”.

What he did not record is that many endured racial insult and abuse. Today, we look back on their vital role with the greatest admiration and thanks.

The Government’s impressive programme of First World War commemoration has been commended, and rightly so, for promoting a fuller recognition of the contributions made by Empire and Commonwealth troops, and for encouraging pride in their achievements among men and women of all races today. Can my noble friend provide details of how these admirable aims are being pursued in this final year of commemoration? Does he agree that there is ample scope for more work in a number of areas—for example, to secure a fuller understanding of the campaigns in the Middle East, which had such fateful consequences for the region and the world?

Traces of the First World War abide in far-flung places, large and small.

“In memory of the brave sons of Smith’s Parish”, proclaims a plaque in the little country church of St Mark’s, Bermuda,

“who risked their lives in defence of the Empire against the unscrupulous German foe”.

Their Empire proved transient. Germans have long ceased to be foes. But the memory of bravery, and the honour that is due to it, must endure for ever.

6.22 pm

Lord Goodlad (Con): My Lords, I congratulate my noble friend Lord Lexden on introducing this debate and share his hope that the Government will arrange to commemorate the contribution of Empire and Commonwealth troops during the First World War. It is estimated that about one-third of the troops raised by Britain were from what was then the Empire: Australia, New Zealand, Canada, South Africa, India, the Caribbean, Africa, Fiji, Hong Kong and so on. In the short time available I shall say a very few words

about the Australian contribution, which was enormous and, in the final weeks on the Western Front, some would say decisive.

Australia supported this country from the start. When warning of impending war arrived by cable in July 1914, the leaders of both political parties, then engaged in an election campaign, pledged to support, help and defend the mother country, in Andrew Fisher’s words,

“to our last man and our last shilling”.

The first Allied shot of the war was fired on 5 August by Australian artillery from Fort Nepean, Port Phillip, when the German ship “Pfalz” tried to leave Melbourne. The first Australian casualties were in September when the Australian expeditionary force to New Britain, in what is now Papua New Guinea, captured the German wireless station prior to capturing Rabaul and taking the surrender of German New Guinea.

On 1 November the first convoy of Australian and New Zealand forces, accompanied, it is said, by the largest embarkation of horses in the history of the world, left Albany in Western Australia for Egypt, where the Australian and New Zealand Army Corps was formed.

On 25 April, the ANZAC forces landed in Gallipoli and fought heroically with British, French and Indian forces in an eight-month campaign that was intended to shorten the war but ended in withdrawal. Some 7,600 Australians and 2,500 New Zealanders—a very high proportion of those engaged—were killed or wounded. Out of a total of 265,000 Allied casualties, 46,000 perished. During the next few years, Australia, with a population of less than 4.9 million, raised over 416,000 military personnel, all of them volunteers. Over 59,000 of them were killed or died of wounds and over 152,000 were wounded. The war enhanced Australia’s sense of nationhood, with the Commonwealth of Australia having come into existence in 1901. At the same time, it caused deep rifts in society.

In January 1918, the Australian Corps came into being in France under the command of Sir William Birdwood, who had commanded the ANZAC forces since Gallipoli. He was succeeded in May by General John Monash, an Australian of German descent. The corps consisted of 166,000 troops, equivalent to 9% of the British and dominion combat forces in France. An engineer by profession, Monash developed methods of combining the deployment of artillery, aircraft, tanks and infantry, which won important victories at Hamel and Mont St Quentin. With his troops, Monash had acquired a formidable reputation—a ferocious reputation to the Germans—and was knighted in the field by King George V in August, before spearheading the final assault on the Hindenburg Line, which led to the Armistice.

In a letter to a relative in 1914, Monash referred to Australia’s duty,

“to help the Empire to crush a peril which may mean the end of Australia as a free country”.

He and his countrymen did that, together with troops from many other nations. Their valour is commemorated annually on Anzac Day and Remembrance Sunday. The British Government have done much work, as have others, since 2014 to commemorate the centenary

of the war. As we approach the centenary of the end of the war, it would be fitting, as this country occupies the chair of the Commonwealth, for there to be a special commemoration of the contribution and sacrifice of the Empire and Commonwealth troops.

6.27 pm

Lord Desai (Lab): My Lords, I join the noble Lord, Lord Goodlad, in congratulating the noble Lord, Lord Lexden, on securing the debate and introducing it in a fine manner.

I will confine myself to India, as mentioned by the noble Lord, Lord Lexden. As he said, the army originally had about 115,000 people. Eventually, 2 million Indian soldiers fought in the First World War. To begin with, the recruitment that took place in Punjab and the North-West Frontier Province was very successful. Later on, things got harsher and the bitterness in Punjab, which resulted in the firing into the Jallianwala Bagh on 13 April 1919, was very much due to the pains of false recruitment in Punjab.

On a more normal note, India gave £100 million to Britain as part of its contribution to the war. That money was 30% of its debt, which was added to the burden. Of course, the Indian army was always maintained from Indian taxpayers' contributions; every year, it cost between £20 million and £30 million to maintain the Indian army at war in Europe and elsewhere. In addition, £75 million was raised through private contributions alone in India to provide food for the Indian army and all the combatants from India. Silver coins were cast to pay the farmers, and that silver came from the US Treasury. India made a lot of effort to ensure that, whatever else it did, it came to the help of the Empire in its time of trouble.

Of course, in 1917, for the first time an Imperial War Cabinet was formed, by Lloyd George, in which India had its place. It was Lord Sinha, the first and only hereditary Peer of the British Empire, who became the Minister of State in the India Office. He also accompanied the Maharajah of Bikaner to the Versailles Peace Conference.

Apart from the Indian army, a lot of native kings joined the war on their own: Bikaner, Jodhpur, Patiala and Kishangarh all contributed their own armies—and themselves—to fight the war. It was a willing, total effort, and it needs to be remembered. Of course, we have the gates that the noble Baroness, Lady Flather, had constructed on Constitution Hill, but we need a proper remembrance of the First World War. Gallipoli, for example, is remembered for Australians and New Zealanders but a lot of Indians died there as well. As I said when we had a debate on the Commonwealth, if, in the post-Brexit era, we need friends and we look to the Commonwealth for friends, we ought to be friendlier towards the Commonwealth.

6.31 pm

Baroness Benjamin (LD): My Lords, I too thank the noble Lord, Lord Lexden, for securing this important debate, especially in the light of the recent unfortunate events surrounding the Windrush generation. I declare an interest as a patron of the Windrush Foundation.

In the 1950s, when I was a child in school in Trinidad, each day we would line up in the playground, dressed in our neat school uniform and sing “God Save the Queen”. We were proud to do this as we had been educated to believe that we were British. We had learned all about British history, British heroes, poets and writers. We were never told anything about our African roots and how we came to be in the Caribbean. For centuries this was a similar experience for millions of people across the Commonwealth, who felt British, swore allegiance to the motherland and bravely fought for her security, safety and prosperity. Britain was confident it could call on fighters and protectors from what was then called the Empire.

World War I is often depicted as a war bravely fought by white soldiers, but a bit of determined research shows us that there were thousands of black and Asian soldiers in World War I. As the West India Committee archives show, the British Army has for centuries recruited soldiers from all corners of the Empire and transported them to far-flung corners of the globe to fight under the British flag. My family were part of that recruitment, and my two uncles fought and died for Britain in the Second World War.

When World War I began, many West Indians, from almost every British Caribbean island, patriotically volunteered to fight for Britain, joining the British West Indies Regiment. They were generally used as construction troops and field attendants. In doing so, they sustained heavy losses. In Palestine and Jordan the British West Indies Regiment saw front-line service against the Turkish army. In France, Egypt and Italy the men served in auxiliary roles. Although at first they had to face racial abuse, they soon became admired for their courage, physical strength and tenacity. Many received medals for bravery or were mentioned in dispatches.

By the end of World War I more than 15,500 West Indians had joined up and served with the allied forces. They experienced military service in Italy, Egypt, India, France, Belgium, Palestine and Iraq, as well as east Africa. Records show the British West Indies Regiment fought during the Somme offensive in September 1916. Although many died and many more were wounded or spent years as prisoners of war, their sacrifice was largely ignored. Most history books do little to acknowledge the contribution of Commonwealth soldiers in World War I.

Many injured soldiers were cared for by the heroic Jamaican nurse Mary Seacole, whose long overdue statue I unveiled in 2016. It stands across the river from here, looking at Parliament from the grounds of St Thomas' Hospital. Some of the wounded Commonwealth troops she cared for were brought back to Britain to convalesce and many of them continued to live and work here decades before the “Empire Windrush” arrived in 1948 with Caribbean passengers, including ex-service men and women.

The contribution of Commonwealth soldiers is unquestioned and should be commemorated. In 2002 I produced a television programme about the construction of the Commonwealth Memorial Gates, which stand at the top of Constitution Hill. The noble Baroness, Lady Flather, was instrumental in their creation. The gates

[BARONESS BENJAMIN]

are a beautiful memorial—a true legacy—and I suggest that it might be fitting to hold a commemorative service there this year, with the Prime Minister and other government Ministers attending. Will the Minister tell the House whether this is something the Government might consider?

Furthermore, it might be appropriate to use the 70th anniversary year of the arrival of the “Empire Windrush” as a focal point to recognise the dedication, bravery and sacrifice Caribbean and Commonwealth people have made and continue to make to Britain, by establishing 22 June as an annual “Windrush Day”. I look forward to hearing the Minister’s reply.

6.36 pm

Lord Cope of Berkeley (Con): My Lords, my noble friend Lord Lexden’s excellent Question mentions the First World War. My father—who fought in that terrible conflict—and his generation did not often talk about it, but when they did, they always called it the Great War. Of course, it was a world war. He volunteered in 1915 and, like more than 1 million others from all over the Empire, he served in the Royal Artillery.

In France and Belgium he was with a 9.2 inch Howitzer battery. You can see a 9.2 Howitzer in the Imperial War Museum and another carved full size in stone on the top of the Royal Artillery Memorial at Hyde Park Corner. It was a heavy gun and the shells weighed 290 pounds—a four-man lift, particularly if you were going to do it all day and all night. My father particularly valued the work of the West Indian soldiers who worked with him in the essential service of supplying ammunition to the guns—imagine the difficulties and dangers of bringing those shells right up to the front in the huge quantities required. More than 3 million 9.2 inch shells were fired during the war by British, Australian, Canadian and other—Indian, I think—artillery.

My father was wounded during the Third Battle of Ypres and after hospital in France—happily, in the casino at Le Touquet—he was sent to Palestine to join General Allenby’s successful army against the Turks. There again he served alongside many from Australia, New Zealand and India, as well as Arabs. Many of them had already served at Gallipoli and in Mesopotamia, at the cost of a huge number of lives.

In talking of the Indian troops who fought alongside us on the Western Front and elsewhere, I mention only Hodson’s Horse—now an armoured regiment in the Indian army—which, rightly, still celebrates annually its part in the important Battle of Cambrai in 1917. In total, 74,000 Indian soldiers died in that war and 11 won the Victoria Cross.

We should also recall the almost forgotten fighting in east and west Africa, particularly around the German colonies. I think the only media mention of any prominence was the excellent film “The African Queen”, which was set in Africa during the First World War. But there was much serious fighting of a more conventional kind involving the King’s African Rifles—over 30,000 strong—the Royal West African Frontier Force and others from South Africa and, again, India.

The Great War is rightly called a world war and Empire troops—Commonwealth troops, as we would now call them—played a large and vital role. We will remember them.

6.40 pm

Lord Watson of Invergowrie (Lab): My Lords, I pay tribute to the noble Lord, Lord Lexden, for securing this debate and for his typically erudite introduction to it. He has enabled noble Lords to focus on an aspect of the conflict a century ago that has since received much too little scrutiny.

In 1914, 350 million people were citizens of the British Empire, only 46 million of them from the UK. It is often held that without the intervention in 1917 by the USA, Britain and its allies would not have won the war. I would contend that without the contribution of troops and support in many forms from the colonies and dominions of the Empire, the war would have been lost before 1917 arrived. When I studied the war at school there was not a mention of the involvement of non-white troops, far less the importance of their endeavours, so it is gratifying that in the centenary commemorations their service is being recognised, particularly in the Government’s imaginative programme of events for schools.

Australia, Canada, Newfoundland, New Zealand and South Africa together contributed 1.3 million men. The sacrifices and bravery of those troops, particularly on the Western Front, is rightly highlighted when some of the war’s most punishing battles are recounted and their dead remembered. My noble friend Lord Desai detailed India’s huge contribution with the largest number of men from the Empire—almost 1.5 million. Yet of their sacrifices and bravery, we have traditionally heard little. Why is it that only relatively recently have we learned, as the noble Lord, Lord Lexden, said, that it was Indian troops who stopped the German advance at Ypres in the autumn of 1914 while the British Army was still recruiting and training its own forces? Hundreds of Indians died then, as was also the case the following year at Neuve Chappelle. More than a thousand of them perished at Gallipoli on the altar of Churchill’s intransigence, while in Mesopotamia Indian soldiers formed a majority of allied manpower throughout the war.

Those colonial subjects and their feats remain marginal in popular histories of the war for the same reason that their very presence as combatants, at least in Europe, was controversial—the racism on which imperialism was built and sustained, and whose consequences, in some forms, endure to this day. This connects with the contribution of African and Caribbean soldiers to the allied cause, as the noble Baroness, Lady Benjamin, mentioned. A year ago, the first memorial in the UK specifically to these men was unveiled at Windrush Square in Brixton. It remembers their service in both world wars but racism at the time of the First World War was of such depth and strength that even senior army officers were uncomfortable about their deployment. *The Times History of the War* described it thus in 1914:

“The instinct which made us such sticklers for propriety in all our dealings made us more reluctant than other nations would feel to employ coloured troops against a white enemy”.

As mentioned, Indian troops were in action in France in the earliest days of the war, but although the British West Indies Regiment was enacted by Army order in 1916, black soldiers from the Empire were not deployed in European theatres. That was seen as unacceptable, after a scandal erupted in May 1915 when the *Daily Mail*—plus *ca* change, some may say—printed a photograph of a British nurse standing behind a wounded Indian soldier. Army officials tried to withdraw white nurses from hospitals treating Indians and disbarred them from leaving the hospital premises without a white male companion. That did not prevent the continued deployment of Indian troops in France and Italy, but black soldiers saw action only in the Middle East and in Africa. In total, 55,000 Africans and around 15,000 from the Caribbean fought, with many receiving awards for bravery, as the noble Baroness, Lady Benjamin, said.

Although attitudes have certainly progressed, as the 70th anniversary of the arrival of MV “Empire Windrush” approaches—and given recent revelations of the appalling treatment of some of the Windrush generation—it is self-evident that the need for greater progress remains. The long-overdue exposure of the involvement of non-white members of the British Empire in the First World War has contributed to the process of re-examining what kind of people we are, and how our multicultural heritage has developed over the century that has followed.

6.45 pm

Lord Dholakia (LD): My Lords, I thank the noble Lord, Lord Lexden, for this debate. I hope to highlight three or four examples of why we should commemorate the contribution of those who gave their lives to sustain our democracy all these years since the First World War.

I have visited many countries to see at first hand the work undertaken by the Commonwealth War Graves Commission. It is an intergovernmental organisation of a number of member states whose principal function is to mark, record and maintain Commonwealth war graves. We can all take pride that this is done uniformly and equally, irrespective of military or civilian rank, race or creed. The commission is responsible for the continued commemoration of 1.7 million deceased military service members in 153 countries. We are grateful to the commission for undertaking this mammoth task and for the most beautiful way these sites are cared for, but I have another reason to thank the commission. Each grave is marked with a headstone. Each headstone contains a national emblem or regimental badge and the rank, name, unit, and date of death are inscribed above an appropriate religious symbol. The inscription on the headstone has helped to identify thousands of Commonwealth citizens.

Let me remind your Lordships about another important event which can easily be forgotten: the Battle of Haifa. On 23 September 1918, in what is believed to be one of the last cavalry charges in modern military history, Indian soldiers carried out an attack that allowed British forces to capture Haifa from the Ottoman Empire. As they did so, they also ensured the safety of Abdu'l-Bahá who was the son of Bahá'u'lláh, the founder of the Baha'i faith. At the

time, Major Wellesley Tudor Pole, one of the officers serving with General Allenby and an early British Baha'i, feared for the safety of Abdu'l-Bahá and his family and made a case to General Allenby that they should be protected.

It was under these circumstances that the dramatic Battle of Haifa unfolded, during which two regiments of Indian cavalry soldiers played a critical role in capturing the city from the well-entrenched Turkish and German soldiers. Though the Indian soldiers—the Jodhpur Lancers and the Mysore Lancers—were armed only with lances and spears and faced machine gun fire as they charged forward, their victory was unexpectedly swift, and Haifa was captured with relatively few casualties. The Baha'i communities of the UK and India are seeking to commemorate the Battle of Haifa 100 years on.

After the victory, large numbers of soldiers and government officials of all ranks sought interviews with Abdu'l-Bahá, delighting in his illuminating talks, his breadth of view and depth of insight, his dignified courtesy and his genial hospitality. So impressed were the government representatives by his noble character and his great work in the interests of peace and the true prosperity of the people that a knighthood of the British Empire was conferred on Abdu'l-Bahá. Baha'is now strive to cultivate hope for the future of humanity and to celebrate the endeavours of all those in the world who work to promote unity and alleviate human suffering.

I conclude with my third example. I came to Britain as a student in 1956. I had been admitted to Brighton Technical College. My regular walk to the college took me through the grounds of the Royal Pavilion. I was fascinated by its architecture, which resembled a temple in the heart of Brighton. I often stood by the gates to read the inscription. It was quite a revelation. In all, around 12,000 men were treated in the town from 1914 to 1916. In 1921, India presented Brighton with a new gateway for the southern entrance to the Royal Pavilion Gardens as a token of appreciation of the town's care of its men when the Royal Pavilion had been converted into a hospital. There is a blue plaque near the Indian gateway honouring Subedar Mir Dast, who was awarded the Victoria Cross by George V. A further reminder is the Chattri on the South Downs where Hindu and Sikh soldiers were cremated. It is estimated that almost 75,000 Indian soldiers lost their lives in the First World War.

Let us not forget that this is only the opening chapter in the contribution of Commonwealth soldiers during the First World War, and let us remember the contribution they made.

6.49 pm

Baroness Flather (CB): My Lords, I am very grateful to the noble Lord, Lord Lexden, for tabling this debate. I am also grateful to him for mentioning the word “Empire”. Mostly, we hear the word “Commonwealth” but not “Empire”. Those of us who were part of the Empire would like to be remembered as being part of it. I think that at that time the Commonwealth was only the dominions, and maybe not even all of them. It is extremely important not to start using the term “Commonwealth” all the time; a very large number of

[BARONESS FLATHER]

people who fought with Britain during the First World War were not from the Commonwealth because it did not exist.

I also need to tell your Lordships that my own father, who was a student here, volunteered in the Great War. Mahatma Gandhi had said that Indian students could help the war effort but they should not kill, so my father was a stretcher bearer and you can imagine where he was; he was of course in Mesopotamia. He would not talk about his war experiences. I think other people have experienced the same thing—the noble Lord, Lord Cope, mentioned his father—when parents had had experiences so unpleasant that they did not like to talk about them with their friends and families. My father told us only that he lived on bully beef from tins because that was all they got. Being a good Hindu, that must have been a bit difficult for him, but you have to eat something to live.

As has been said, the Indian standing army came as soon as the British Expeditionary Force failed in France. They were put on ships, not always with adequate clothing. They had left India in hot weather and arrived when the winter was setting in. We have to remember these things. Imagine how difficult it must have been for them to come from India on ships without knowing where they were going and without proper clothing. They played an important part and continued to do so.

What hurts me most is that we have not been able to get this into the school curriculum. Children still do not know why many Indians, Africans and West Indians came to this country. The arrival of many of us is rooted in the war service of our people. I believe that the time has come for the schoolbooks to contain a clear note about what the people of the Empire did during the war so that children start to understand why we are all here. Otherwise, they never will.

I thank the noble Baroness and the noble Lord who mentioned the memorial. I think it is important because it is the first memorial to Indians, Africans and West Indians, and I hope all noble Lords will go to see it. All the names of those who were given George Crosses and Victoria Crosses are in the roof of the chattri, the pavilion at the side of Green Park. I think that is extremely important. I did not do it by myself, let me tell you, but I was the catalyst. If I had not kept on and on, it would not have been there. You need one person who is difficult—otherwise, things do not happen. The idea that there might be a service at the memorial is a wonderful one, and I hope that one is taken.

Gallipoli has been mentioned. A huge number of Sikhs died at Gallipoli, but they have not been mentioned as a separate group. When the Jamaicans offered to join the armed services, it took them six months to be allowed to do so because of their colour. There was a huge amount of anxiety about people of different colours. Food was important and they found many things very difficult, particularly the climate. All of us had come from hot countries and we endured a great deal when we came to Europe. Really, there has not been enough done to remember us.

6.54 pm

Lord McInnes of Kilwinning (Con): My Lords, I, too, begin by thanking my noble friend Lord Lexden for his excellent introduction and formidable speech on such an important discussion for this House. It is of great regret that, for so long, the contribution of Empire and Commonwealth forces has, with a few exceptions, been forgotten by many in the United Kingdom.

We approach the end of four years of commemoration—four years of events, speeches and religious ceremonies, all of which were important. However, I should like us now to focus on what ongoing commemoration should look like. Undoubtedly, a symptom of our retreat from empire and an understandable wish by some in the Commonwealth to move focus away from the colonial past, has been an understatement and lack of awareness of the sacrifice and bravery of imperial and Commonwealth troops. This has been especially true of the contribution of the non-ANZAC forces in the First World War.

I focus my remarks this evening on how we can create living memorials in commemoration of the millions of imperial and Commonwealth troops who served in the First World War, especially those whose contribution has been allowed to disappear from UK public consciousness. First, there is education. Like the noble Lord, Lord Watson, in my Scottish history curriculum, I studied the First World War every year at secondary school. I cannot remember any significant—if any—reference to the sacrifice of the wider Empire and Commonwealth.

I hope my noble friend can reassure your Lordships that a strong focus on the contribution of all imperial troops will continue in the curriculum from this year and that he will make this point not only to the Department for Education but, importantly, to the devolved Governments in Cardiff and Edinburgh, as well as the Secretary of State for Northern Ireland. Young people throughout the United Kingdom must be aware of not only our part in the First World War but that of those across the world who contributed to our war effort.

Secondly, I ask that we continue to ensure that the Commonwealth War Graves Commission receives as much support as possible. It does a tremendous job in maintaining and caring for Commonwealth graves, irrespective of where the dead soldiers came from. In April, I had the privilege of being the guest of the Iraqi Government in Baghdad. Unfortunately, for security reasons, we were unable to visit the Indian army war graves, which, as we have heard, predominantly date from the World War I Mesopotamian campaign. It is incumbent on the Government to do all they can to ensure that the commission is given every support to continue its mission in some of the most difficult parts of the world.

Finally, I encourage the Minister to ask the Government to consider how they can use education programmes through the British Council network to reach out to the descendants of those who served in the First World War, to consider their sacrifice, the conditions in which they fought and the importance of remembering that sacrifice. It is inevitable that any

reflection on the First World War, now that there are no living human memories, tends to focus on our immediate vicinity. That is correct; relevance is always important. However, I believe that through education here in the UK, investment in continuing memorials across the world, especially in less visited sides, and the opportunity proactively to promote the sacrifices made in individual Commonwealth countries, we will be able to achieve far more than we can through a number of events in a four-year period. I very much hope that the commemoration continues for the next century, and does not end on 11 November.

6.58 pm

Baroness Crawley (Lab): My Lords, as a young child, I lived on Plymouth Hoe and played with my brothers around the magnificent war memorial that stands there. I had no idea then of the significance of the foreign names that threaded through the British sailors' names. Indeed, today we are grateful to the noble Lord, Lord Lexden, for once again reminding us of the great significance of all those foreign names, be they of sailors, soldiers, airmen or non-combatants, who served so well throughout the First World War. We can never thank them enough, those young people who travelled thousands of miles from their homelands to fight a distant war.

My good friend, Shrabani Basu, in her fascinating book, *For King and Another Country*, reminds us of the huge contribution made by those who came from India—Hindu, Muslim and Sikh—already mentioned many times tonight. It was then, of course, an undivided India. In her research for the book, she came across a memorial near the village of Neuve-Chapelle in northern France, mentioned by the noble Lord, Lord Watson of Invergowrie. It has inscribed on it “India 1914-18” in English, Urdu, Hindi and Gurmukhi. In that place, for three days in March 1915, Indian soldiers fought as a single unit and broke through the German defence for the first time. Carved on the same memorial are the over 4,742 Indian soldiers and non-combatants who died on the western front and have no known grave. They fought at Ypres, Givenchy, Loos, Festubert and the Somme. They went on to win 11 Victoria Crosses, as the noble Lord, Lord Cope, has said, and many other gallantry awards.

As well as the Indian contribution, they came from right across the Empire and beyond, from Canada—Newfoundland—Australia, New Zealand and South Africa. From Africa also came the east African carrier corps, who were mostly porters. Some 95,000 died, most from exhaustion from carrying heavy loads of equipment and ammunition vast distances and from the utterly inadequate medical supplies. The Reverend Nigel Cave, a respected war historian, told me recently that it took until the 1930s for the British Treasury to release the very modest amount of compensation due to the dependants of the African carrier corps.

They came from the West Indies, as noble Lords have said—all volunteers. A total of 11 battalions were raised. There was the Zion Mule Corps, plus several battalions of Royal Fusiliers who were Jewish. There was the Chinese Labour Corps, probably numbering 100,000, who served with the British Expeditionary Force. Nearer to home they came from all parts of

Ireland—another underwritten contribution. My own great-uncles, from the west of Ireland, were just a few of the 200,000 Irish who fought alongside allied troops. Modern Ireland commemorates those men and women—those who fought and those 49,000 who never returned to their farms and market towns.

I say a big thank you to the Commonwealth War Graves Commission for keeping our memories alive, and make special mention of the Government's First World War centenary programme, which has been fitting, challenging and respectful, with its many events since 2014, especially its involvement of young people.

There are many past discussions and many future discussions to be had about the war itself—the terrible slaughter and the manner in which it was conducted. I am reminded of Siegfried Sassoon's poem “The General”, which says:

“‘He's a cheery old card,’ grunted Harry to Jack
As they slogged up to Arras with rifle and pack.
But he did for them both by his plan of attack”.

These people are part of our past and should be part of our future.

7.04 pm

Lord Black of Brentwood (Con): My Lords, we are all indebted to my noble friend Lord Lexden for initiating this debate. I have known him for more than 30 years, yet the enormous historical knowledge and insight which he brings to bear on the work of this House never ceases to amaze me. I declare an interest as a trustee of the Imperial War Museum Foundation.

Because of a family connection, I want to speak about the colossal contribution to the war of the Canadian people. In 1914, Canada was still a young country—just 47 years old—but it answered the call to arms with vigour. At the onset of war, its permanent armed forces numbered fewer than 4,000 people. By war's end, 630,000 Canadians, an extraordinary figure in a population of just 8 million, had served as members of the Canadian Expeditionary Force. Some 172,000 were gassed or wounded and another 57,000 were killed in action or died of their wounds. Of particular note was the role played by the indigenous peoples of Canada. Almost one-third of First Nations people in Canada aged between 18 and 45 enlisted: a hugely impressive contribution, given the way in which so many had been treated in the past.

It is, of course, the Battle of Vimy Ridge in April 1917 which has come to characterise the heroism of Canadian troops during the Great War: the moment said by many to mark Canada's coming of age. It was indeed a stunning Canadian victory, with all four fighting divisions of the CEF fighting together for the first time, at a place where more experienced British and French troops had suffered nothing but defeat. It was one of the most formidable positions on the front and the bravery of the soldiers secured the Canadians' reputation as the shock troops of the British Empire. The troops took the seemingly impregnable ridge in just four days of fierce fighting and, with 10,000 dead, it was held until the end of the war, forcing the Germans into a retreat in the Arras sector from which they did not recover. Quite justly, Canadian Prime Minister Mackenzie King later said here in Parliament:

[LORD BLACK OF BRENTWOOD]

“History will look upon the battlegrounds of the Great War as the place of sacrifice. Among the number, no altar will be more conspicuous through the years than Vimy Ridge”.

Yet Vimy was just one of the tales of sacrifice and heroism by Canadian forces that punctuated the four years of the war. Let us also remember their role in the second Battle of Ypres in 1915, when they faced chlorine gas for the first time yet succeeded in stopping overwhelming German forces; the part they played at Passchendaele, when the 1st and 2nd Canadian Divisions succeeded in capturing the fateful village in a final action after months of brutal fighting. During the Battle of Hill 70, under the leadership of Lieutenant General Sir Arthur Currie, artillery was used to huge effect to destroy wave after wave of German attacks—a vital tactical achievement in support of the massive Fifth Army offensive in Flanders. Finally, there is the Canadians’ profoundly important role in the Hundred Days Offensive between August and November 1918 when, as my noble friend mentioned, 100,000 Canadian troops engaged elements of some 47 German divisions, one-quarter of their fighting strength.

Canada played its role in the war in the air and at sea as well. Hundreds of young Canadian men trained to become pilots in the British flying services, and by war’s end a quarter of all the pilots in the RAF were from Canada.

As my noble friend said, the intensely special position of the artists, musicians and poets who died in the War has been highlighted in a number of commemorative debates. It was, of course, a Canadian officer, Lieutenant Colonel John McCrae, who wrote one of the most famous and moving poems of the war, “In Flanders Fields”, in memory of a friend who died at the second Battle of Ypres. It concludes:

“Take up our quarrel with the foe:
To you from failing hands we throw
The torch; be yours to hold it high
If ye break faith with us who die
We shall not sleep, though poppies grow
In Flanders fields”.

The hundreds of thousands of Canadians, alongside countless others from across the Empire and Commonwealth, whose stories we have been privileged to hear today, did indeed hold the torch high, and through their sacrifice and courage helped us secure victory in November 1918. This House does well to remember them all today.

7.09 pm

The Earl of Shrewsbury (Con): My Lords, I congratulate my noble friend on securing his debate this evening.

I spent some time living in the West Indies on the island of Saint Vincent, and I have known the Windward and Leeward Islands, and indeed the Grenadines, for most of my life. Recently, that part of the world has been brought to our attention through Windrush, and it was this that persuaded me to contribute to this important debate, as we remember the 100th anniversary of the end of the Great War. We tend to forget the substantial contribution made by the West Indies to support the allied cause in the Great War. The British West Indies Regiment raised 15,000 men, volunteers every one. On the cenotaph in Kingstown, the capital

of Saint Vincent, are inscribed 61 names—a massive casualty rate from such a small island. The overseas dominions raised in total 1.3 million men.

The heroics of the Australians and New Zealanders at Gallipoli are well documented. On the Western Front, over 23 days in 1916, the Australians attacked Pozières Ridge and during the course of 19 attacks suffered 23,000 casualties. From a population of less than 5 million, 417,000 enlisted, 60,000 were killed and 156,000 were wounded or taken prisoner. For Australia, this war was the costliest in terms of deaths and casualties.

In a recent debate in your Lordships’ House, I referred to the Newfoundlanders and the battle of Beaumont-Hamel on the first day of the Battle of the Somme. They were the only non-British unit to engage the enemy on that first day. Of 810 men in the battalion, 310 were killed and more than 350 wounded, I believe in the first hour. Every officer was killed or wounded.

The South Africans suffered 12,000 dead—and this was only 12 years after the end of the Boer War. On the Somme, the South African brigade is remembered for the battle of Delville Wood in 1916. Although the assault achieved its success, it was at great human cost. Out of 121 officers and 3,032 men, only 29 officers and 751 men returned, and only 200 were fit enough to fight again.

India contributed the largest number of men to the war effort: approximately 1.5 million. They served in most sectors, earning 13,000 medals for gallantry and an astonishing 12 Victoria Crosses. Their suffering was most considerable. The harsh conditions on the Western Front took a great toll on both their health and morale.

The Canadians produced the Royal Flying Corps ace, Billy Bishop. Over a number of months in 1917, he was responsible for shooting down 46 aircraft. He won the Victoria Cross, the Distinguished Flying Cross, and many more medals. What a contribution to the war effort.

There are so very many facts and figures that one should discuss when talking about the Commonwealth’s achievements in the Great War, but there is nowhere near enough time to recount all the tales of bravery, sacrifice and tragedy by the countries of the Commonwealth. I strongly agree with earlier speakers that we ought to have a major debate on this before 2018 is out.

Finally, I pay tribute to the Commonwealth War Graves Commission, which does such magnificent work to keep alive the dignity and memory of all those who died for this country during those terrible years of both the First World War and the Second World War.

7.12 pm

Baroness Kingsmill (Lab): My Lords, perhaps the House will indulge me by allowing me to speak in the gap. I had not intended to make a contribution, but I was much moved by the speech made by the noble Lord, Lord Lexden, who opened this debate, and I wanted to say just a few words to illustrate my personal engagement with this.

I am a New Zealander and my grandfather, who was a volunteer, was injured at Gallipoli. We knew very much about that, because the losses at Gallipoli were commemorated on Anzac Day, 25 April, which is the day after my birthday. As a child, I thought that the day we had off school was because I was a special child. In some ways, I was. My grandfather, whom I never knew, died of his wounds, and his son, my father, went on to fight in the Second World War, navigating aircraft above the North Sea, defending the convoys from submarines. He too has now died.

However, when I was 19, I was denied British citizenship. I was not a patrilineal, because neither my father nor my grandfather was born in the United Kingdom. That law subsequently changed, but at the time, when I was 19, in my first year at Cambridge and wanting to go on holiday with my friends, it was shocking and frightening, especially given the sacrifices that both my grandfather and father had made.

I wanted to pay tribute, because of the nature of the debate, to my grandfather in particular, and to the many other New Zealanders who fought, thinking that they were fighting for the good of the United Kingdom.

7.14 pm

Lord Elton (Con): My Lords, I too will trespass on your Lordships' patience. I had not expected to be here and I have not written a speech but, like the fathers of my noble friend Lord Cope and the noble Baroness, Lady Flather, my father would not speak to me about the First World War. He too was in Mesopotamia. I asked him why he would not talk and he said that it was a very unpleasant experience and he did not wish to repeat it. However, my mother told me that he had his last nightmare about the war when he was 81 years old—six months before he died.

That is relevant to this debate because his service was in Mesopotamia, where the vast majority of the troops were Indian, and very gallant they were. They had a very rough time. The noble Baroness, Lady Flather, told us that they did not know where they were going when they got into the ships. The captains and the War Office did not know either because Delhi and Westminster had not agreed the eventual objective or purpose of the expedition. It is the most extraordinary story. It is well worth reading about it and I hope that we will come back to it on another occasion.

The other thing about my father is that he told my sister, to whom he did speak, that he was the only survivor of his sixth-form year at Rugby College. All the others died. That was the scale of it. The Grim Reaper had a barrowful of bodies every day. We are talking about a tragedy. Of course, there was glory and victory but it was a desperate total tragedy, and I add my plea for a commemoration of it year on year for the next century so that we do not fall into that awful pit again. We tremble on the edge of it as I speak because people think that things can be solved with slaughter, when in fact they can be solved only with patience and love.

That is not the speech that I meant to make but I have made it as a tribute to all those gallant people. Many of them were ignorant of the purposes for

which they fought and many others had courageous patriotism and heroic aspirations for the future. The sacrifice of all those people meant that we are here in a place where it is possible to influence the future history of the world and ensure that such a thing never happens again.

7.17 pm

Lord Addington (LD): My Lords, when you have listened to the stories in a debate like this and you are this far down the list of speakers, two things will have happened. The first is that anything original you had to say will have been referred to at least once, and the second is that you wonder how long you can spend agreeing with everyone else who has spoken. I will resist that temptation, other than to say to the noble Lord, Lord Lexden, that once again he has done us proud by making us remember these events and making the rest of the Chamber put on the record the suffering and the historic change that took place in the name of the Commonwealth and, mainly in this case, the British Empire, and how far it touched something outside us.

When we first had a debate on this subject, I commented to the noble Lord that we tend to look at what happened to us and to our people—a little prism of the fashion of a few years ago. Tonight we have certainly broken out of that habit because we have addressed the fact that it was not just us who were affected. Decisions made by our predecessors in this place affected the entire globe and we brought in many people who would never have considered it worth fighting in that conflict.

The one statistic that I was expecting to give but which the noble Baroness, Lady Crawley, beat me to concerned the east African campaign. I had heard the anecdote of the Colonial Office saying, "About 90,000 bearers"—the noble Baroness described them as porters—"have died, but there again we don't worry about bearers, do we?" That probably says it all. It was a group of people who were important to us in a campaign that we do not know much about. Why were there so many deaths? It was because we were consistently outfought by a much smaller German force.

We always like to forget our disasters, do we not, unless we build them up to be something dramatic and heroic? The east African campaign was not that. That we would dismiss the unit that kept those troops in the field, and the fact of them dying, says a lot about the nation we were. I hope it is one that we will never be again. When we are discussing this issue, and the vast commitments that were made, for instance, by the Indian army plugging gaps in our resources, we must remember that we were an empire. Empires traditionally use bits of their empire for their own ends. Possibly, this was what you would expect us to do with a large army from India. If you look at the way we acted towards those troops, you will see the ingrained racism of the time, which is something we should also remember because we do not want to go back to it.

The noble Lord, Lord Elton, said that sacrifice and slaughter do not solve anything. The attitude that we could use other people in that way is something we should remember, along with the huge sacrifices made by other nations. I believe that New Zealand has the

[LORD ADDINGTON]

rather sad trophy of the highest proportion of casualties to volunteers. I think the ANZAC cause managed to get to 60%, with New Zealand doing slightly worse—or better, depending on which way you call it—than Australia. We must try to remember these statistics and facts and to put them into the whole, because if we just have a list of facts, we will forget that there were people behind every statistic.

7.21 pm

Lord Griffiths of Burry Port (Lab): My Lords, when we ask Ministers whether they are planning to commemorate the contribution made by Empire and Commonwealth troops during the First World War, we already know the answer. They will give a resounding yes to that question and point to their record thus far—to all the events and memorials both here and across the world, on which lots of money is spent. All we can do is simply endorse any tendency to self-congratulation that they offer, since the worthy recipient of the attention and the resource has been well testified to in various speeches this evening.

The fields from which troops were drawn have been mentioned by noble Lords one after another. When she spoke in such a debate not long ago, the noble Baroness, Lady Warsi, reminded us that it was not just Tommies but Tariqs and Tajinders too. She was echoing Mahomet Kemal Ataturk, who reminded us after Gallipoli that it was Mehmetts as well as Johnnies who made the ultimate sacrifice, and that their bodies would be well looked after in the fields where they had fallen.

Incidentally, and perhaps this is a bit of a sales pitch, I was at the Sheldonian Theatre in Oxford on Saturday to hear our Parliament Choir and the Dunedin choir from the University of Otago give voice, for the first time north of the equator, to an oratorio called “Gallipoli to the Somme”. It was one of the most moving pieces of music that I have ever heard, and the presence of Indian troops, as well as New Zealanders and Australians was well mentioned in it. It will be repeated at the Queen Elizabeth Hall in the next couple of weeks, and I hope that my mentioning it at the Dispatch Box and the record in *Hansard* will persuade many noble Lords to attend. It is well worth it.

As we commend the Government, we must admit the distinct note of irony that occurs to some of us. These days, in our approach to the question of immigration, we have shown again and again a cold indifference to the efforts of people from what was then the British Empire—the same countries whose war efforts we want to commemorate. Crude criteria have evolved: as we heard from my noble friend Lady Kingsmill, other criteria now replace those that affected her. People cannot even attend family events or strengthen twinning relationships or other informal relationships because of the way our immigration system works against such things happening. One only has to give voice, as many have, to the word “Windrush” to capture the sense of frustration and injustice that reigns in these matters. It is disturbing that Ministers do not appear to see the connection between these actions.

Thanks are due to the people from the United Kingdom’s former dominions and colonies for the suffering that they underwent and the courage that they displayed, but surely that should not be separated from some kind of obligation to treat present-day citizens from those same lands in a fairer, more transparent and more generous manner. I do not much believe in making apologies for historic injustice or in giving thanks for the sacrificial acts of a century ago unless those apologies and that gratitude have cash value. Another way of putting that would be that we might rediscover some commitment to honour Commonwealth citizens in our day.

Once the First World War was declared, the opening and final shots were fired in different parts of Africa. I am glad that there has been ample mention of the East Africa campaign, especially the role of the porters and bearers. Some 646 died in the sinking of the SS “Mendi” in the English Channel just bringing porters from Africa. The supply lines as well as the front lines need to be remembered. The narrative of the Great War affects the acts of bravery on the front. We should not forget those who contributed their land and harvests, which were commandeered. Recruitment became commandeering as time went on, so we should try to remember the little people behind the scenes as well as all the others.

In a few weeks, I shall be going to Kenya in my ecclesiastical role. I will be asking to see a church that is named Kariokor. It is not karaoke: I do not expect to sing. Kariokor is a way of spelling “Carrier Corps”, because there are regions in Kenya and east Africa that continue to carry the name and are—not as official monuments but in their own humble way—real, lived-in monuments to a thus-far rather anonymous bunch of people without whom our front-line troops could not have operated. Let us commemorate and let us give thanks, but let us not drop our gaze from the unfashionable and unnoticed contributors to that war whose centenary currently impinges so insistently on our minds.

7.27 pm

The Parliamentary Under-Secretary of State, Department for Digital, Culture, Media and Sport (Lord Ashton of Hyde) (Con): My Lords, I thank my noble friend for proposing this excellent debate. As we have heard, troops from the Empire and Commonwealth played a critical part in the First World War, in many theatres and many roles—a crucial contribution that the Government have consistently recognised throughout the commemorations. The Government led the commemorations of the outbreak of the war, the Battle of Neuve-Chapelle, the Gallipoli campaign, and the Battles of Jutland, the Somme and Passchendaele. In August this year, we will mark the Battle of Amiens, a joint event that we are delivering with our partners from Australia and Canada as well as France and the United States, before turning our focus to the centenary of the Armistice in November.

Throughout these commemorations, we have highlighted and acknowledged the unwavering support of our then Empire and now Commonwealth partners. Their contribution, as so many noble Lords have said, tipped the scales in favour of the allies. They travelled many thousands of miles to answer the call, serving in

all theatres of the war, and distinguished themselves time and again in the face of the most terrible conditions and fiercest resistance. Often, their contribution was critical to success, but at considerable cost. Of some 2.5 million men and women from the Commonwealth and Empire, some 200,000 made the ultimate sacrifice in defence of freedom. As my noble friend Lord Lexden has mentioned, in looking at any of these battles in which troops from the Empire and the Commonwealth fought, it is hard to disagree with David Lloyd George: without them, victory might well have eluded us.

It has been right and proper to highlight their significant contributions and to hear their stories and their accents throughout the events. We have been reminded in particular of individual countries' contributions by my noble friend Lord Goodlad in respect of the Australians, the noble Lord, Lord Desai, in respect of India, the noble Baroness, Lady Benjamin, and my noble friend Lord Shrewsbury on the West Indies, and my noble friend Lord Black on Canada. We also heard about the personal connections of the noble Baroness, Lady Kingsmill, and my noble friend Lord Elton when they spoke in the gap. Their stories are indeed humbling.

We should also not forget that the Commonwealth countries have and will continue to deliver their own range of activities and events telling their own stories of the impact of this truly global conflict. I cite, for example, the opening this April of the new Australian Sir John Monash Centre in France and Canadian events in France to be held in August, as well as in Mons in Belgium on 10 and 11 November. In that month there will also be a New Zealand event to commemorate the capture of Le Quesnoy by the New Zealand Division.

Much of the Government's wider programme reflects the contribution made by the former Empire and Commonwealth. "The Unremembered", delivered by the Ministry of Housing, Communities and Local Government, tells some of the lesser-known stories of those who volunteered, such as the Indian Labour Corps and the New Zealand Pioneer Corps. They served in extremely arduous and hazardous conditions, with little recognition at the time. Again, the South African Native Labour Corps, in which 25,000 men enlisted, was remembered at the SS "Mendi" commemorations in 2017, as the noble Lord, Lord Griffiths, mentioned. In 2016, 14-18 NOW, which is our cultural delivery partner, produced "Dr Blighty" in Brighton. This was a spectacular light projection exploring the experience of Indian troops recuperating at the Royal Pavilion military hospital. I hope that the noble Lord, Lord Dholakia, was able to see it and thus be reminded of his youth—obviously his youth as a schoolboy, not in the First World War. I was pleased to attend the "Stories of Sacrifice" exhibition in Manchester marking the contribution of Muslim soldiers in the First World War and delivered by the British Muslim Heritage Centre.

Throughout 2018, the role played by people from the Empire and the Commonwealth will continue to be recognised by 14-18 NOW. "Xenos", a dance piece combining archive sources with film and artistic reflections, explores the experience of an Indian soldier during the

war. In September, John Akomfrah's new multimedia installation remembers the millions of Africans who served during the First World War. The Government's programme aims to enable people to commemorate those elements of the greatest significance to them. The Heritage Lottery Fund has supported a range of projects, including £94 million of funding for more than 1,400 community projects. "Empire, Faith and War: The Sikhs in World War One" was delivered by the United Kingdom Punjab Heritage Association with £480,000 of funding from the HLF. Others include "The Caribbean's Great War", exploring the role of the West India Committee, and the "Black on Both Sides" project, on the British black and colonial contribution to World War One, which has helped young people from British-African and Caribbean backgrounds to explore the role of black people who served during the war.

I am pleased to say to the noble Baroness, Lady Benjamin, and the noble Lord, Lord Watson, that government funding has also helped to support the Nubian Jak Community Trust to install Britain's first dedicated African and Caribbean war memorial to service men and women from Africa and the Caribbean who served during World War One and World War Two in Windrush Square in Brixton. It was dedicated on Windrush Day 2017 and is a permanent reminder of the contribution made by men from Africa and the Caribbean during the war.

In speaking of the contribution of the Empire and the Commonwealth, it is appropriate to mention, as many noble Lords did, the marvellous work of the Commonwealth War Graves Commission in maintaining the graves of those who did make the ultimate sacrifice. Many thousands of casualties from the British Empire are buried in some 23,000 Commonwealth War Graves Commission sites in more than 150 countries around the world, and indeed in the UK. These sites are a permanent reminder of their sacrifice, and I will certainly take back from my noble friend Lord McInnes his views, and indeed those of the whole House, on our duty as a Government to support the commission's work.

I want to answer some of the points that were made in the debate. I agree absolutely with the suggestion made by my noble friend Lord Lexden that it might be appropriate to have a full-scale debate before the end of the centenary commemorations. In fact, I have already asked the Chief Whip whether that would be possible and have received a positive answer—at least, as much as it is possible for him to give one. That would enable us to think about the whole four years and possibly about the legacy of these commemorations, which would be a great thing to do. I also agree with my noble friend that the Middle East campaign should receive more study, not least because of the strategic significance of that part of the world today.

The noble Baroness, Lady Benjamin, spoke of the service at the Commonwealth Memorial Gates attended by the Prime Minister and the Home Secretary. We are very clear that the main commemoration for the First World War and, indeed, other conflicts, is Remembrance Sunday on 11 November. It has a particular resonance, especially as this year, happily, Remembrance Sunday

[LORD ASHTON OF HYDE]

falls on 11 November. Along with our partners, we will make sure that this day is used to highlight the significant contribution from across the Commonwealth.

On commemorations of campaigns in the Middle East and elsewhere, Foreign and Commonwealth Office posts have managed local events, particularly in the Middle East, supported by the Commonwealth War Graves Commission.

With regard to the curriculum, I agree with the noble Baroness, Lady Flather, and my noble friend Lord McInnes, that it is important that pupils are taught about key events such as the First World War and all its ramifications. The current reformed national curriculum, which has been statutory since September 2014, states that pupils at key stage 3 should learn about,

“challenges for Britain, Europe and the wider world from 1901 to the present day”.

The First World War plays an important part in that, of course. However, we have not specified how individual schools should do that—the only exception so far is for the Holocaust.

Baroness Flather: I did not say that they should learn about the First World War—I think they do anyway—but that they need to know that Britain was not alone. The key thing is that it is very important for the growing generations to know that we have come here because we contributed to Britain’s well-being.

Lord Ashton of Hyde: That is a good point well made. What I have tried to explain today is that a lot of the events throughout the community, not just the

relatively few central government-organised events, have addressed exactly that point: that we were not alone and that our partners, the members of the Empire and the Commonwealth, were actively involved. The Imperial War Museum’s schools programme is a good example of what has been done during these commemorations. There are lots of opportunities to go around and talk to young people—for example, the young people who have been helping in the commemoration of the third Battle of Ypres at the Commonwealth War Graves Commission. There has been a tremendous advance in the understanding and the interest shown in the First World War during these commemorations.

Throughout the war many thousands of men and women from around the Empire answered the call to arms. The war had a huge impact on these countries and their relationships with Britain. These relationships would be tested again in the Second World War, and the steadfastness of their support was not found wanting. Although the days of Empire are over, this shared history has undoubtedly influenced a continued friendship and co-operation in the Commonwealth as we know it today. I am sure that some of the issues raised by the noble Lord, Lord Griffiths, are rightly discussed there. As I have outlined, this contribution has been rightly reflected throughout the commemorations and we are very grateful for that commemoration. As the baton of remembrance is passed to future generations, I am confident that the role of the Empire and Commonwealth and the sacrifices made by so many young men and women will not be forgotten.

House adjourned at 7.40 pm.

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