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PARLIAMENTARY DEBATES  
(HANSARD)

# HOUSE OF LORDS

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| <b>Abbreviation</b> | <b>Party/Group</b>           |
|---------------------|------------------------------|
| 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

Thursday 19 July 2018

11 am

Prayers—read by the Lord Bishop of Southwark.

### Oaths and Affirmations

11.05 am

*The Earl of Devon took the oath, following the by-election under Standing Order 10, and signed an undertaking to abide by the Code of Conduct.*

### Freedom of Religion or Belief

#### Question

11.05 am

Asked by **Baroness Berridge**

To ask Her Majesty's Government what plans, if any, they have to appoint an Ambassador on Freedom of Religion or Belief.

**Baroness Berridge (Con):** I beg leave to ask the Question standing in my name on the Order Paper. In doing so, I draw attention to my interest as declared in the register.

**The Minister of State, Foreign and Commonwealth Office (Lord Ahmad of Wimbledon) (Con):** My Lords, on 4 July, I was greatly honoured and humbled to be appointed by the Prime Minister as her special envoy on freedom of religion or belief. I assure noble Lords that I will continue to mobilise the diplomatic network to give due attention to this priority and to strengthen bilateral and international engagement as part of its diplomatic engagement with host Governments. I shall also work with parliamentary colleagues to ensure we leverage all expertise and experience, as well as strengthening collaboration with civil society and religious faith groups in pursuit of the common objective of protecting and strengthening freedom of religion or belief.

**Baroness Berridge:** I am sure your Lordships will wish to join me in congratulating my noble friend on his recent appointment, but might also share my concern that this adds to an existing seven areas of ministerial responsibility plus his being the Prime Minister's special representative for preventing sexual violence in conflict. On 18 April, in your Lordships' House, my noble friend Lady Stedman-Scott accepted that having two part-time staff in the Foreign and Commonwealth Office working on freedom of religion or belief was resource-light. Will my noble friend please outline what additional resources he has been allocated to fulfil this additional mandate?

**Lord Ahmad of Wimbledon:** I thank my noble friend for her kind words. I look forward to working with noble Lords across the House, which I know has immense expertise and experience in this respect and to strengthening our work in this area. My noble

friend is right to draw our attention to resources. I assure her that, in taking on this role, my discussions with the Prime Minister and others were important. It is an important priority and, in that regard, I believe that my role as Minister for Human Rights will add strength to it. Having a ministerial office in support of an envoy role will also strengthen access. As for specific support, noble Lords will be pleased to hear that this is a cross-government initiative. I am delighted to announce that we will be getting additional resource through colleagues from the Department for International Development, who will support me in this important work. This is in addition to the existing resource at the Foreign Office. We will also be strengthening our focus on this important priority and post.

I am also delighted that I will be working on the domestic agenda, because it is important we strengthen our work in that area. It is entirely apt, therefore, that I am joined by my noble friend Lord Bourne, who, as many know, is the Minister for Faith and Communities in the Ministry of Housing, Communities and Local Government.

**The Lord Bishop of Southwark:** My Lords, I too extend my congratulations and those of the Lords spiritual to the noble Lord, Lord Ahmad, on this appointment. Does he agree that in several countries of the Middle East, where the Christian faith has existed since the time of the apostles—Iraq, Syria and Egypt among them—the scale of persecution renders the condition of the remaining Christian communities one of great humanitarian priority?

**Lord Ahmad of Wimbledon:** I absolutely agree with the right reverend Prelate. I assure him that one of the primary motivations behind my right honourable friend appointing me to the role is exactly that: the increasing concern about the plight of Christian minorities across north Africa and the Middle East. There are always, however, glimmers of hope in that grey cloud. Recently, I visited Tunisia and Algeria. As the right reverend Prelate may know, because of our diplomatic efforts and those of others, Algeria has announced the reopening of two of the churches it had closed. As I arrived, I was pleased to be informed that a third church that had been closed has now been reopened. Christian minorities in that part of the world and beyond are an important priority and part of my role.

**Lord Alton of Liverpool (CB):** My Lords, the Minister has a long track record of upholding Article 18 of the Universal Declaration of Human Rights—the right to believe, not to believe or to change your belief—and I join others in the House in welcoming his appointment to this important role. Will he explain the difference to us between the idea of having a roving ambassador, which is the subject of the Question, and having an envoy? Given that the call for an ambassador on freedom of religion or belief was in the manifesto of both the Conservative Party and the Labour Party in the past, what is that difference? Where does it clash with ministerial responsibilities—for instance, upholding DfID policies or issues around declarations of genocide? How will the Minister's responsibility as a Minister clash with those of the independence that is required a special envoy?

**Lord Ahmad of Wimbledon:** First, having special envoy status strengthens the role. Many countries around the world have employed ambassadors and they continue to make representations to Governments. Being at the heart of government, I believe that I will be able to influence policy on exactly the kind of points and issues that the noble Lord raises. I assure him that I have represented this particular area in my wider brief as Minister for Human Rights, and the ability to influence the direction of policy and statements that are made is an immense privilege. To do that within government as well as being an envoy to the Prime Minister will, I believe, open further doors.

**Lord Collins of Highbury (Lab):** I completely accept the ability of the noble Lord to wear many hats and I think everyone in this House will admire the way that he has carried out his previous responsibilities. But the key here—he is absolutely right—is that it is a cross-Westminster, cross-departmental responsibility. Can he tell us a little more about how as a Minister for the Foreign and Commonwealth Office he will ensure that there is co-ordination across Westminster and Whitehall departments to ensure the effective implementation of this policy?

**Lord Ahmad of Wimbledon:** That is a very important question and I assure the noble Lord that that will happen both in terms of ministerial engagement and with officials. We are currently setting up the structures on a cross-departmental basis. There is already strong working between DfID and the Foreign Office. But I want to extend that further from a local government perspective in terms of the initiatives domestically and in education. In that regard, I shall be meeting my noble friends Lord Bourne and Lord Bates later today to discuss the framework. That ministerial engagement will happen on a regular basis.

**Lord Wallace of Saltaire (LD):** My Lords, in congratulating the noble Lord, I also recognise the excellent work that his predecessors, including the noble Baronesses, Lady Warsi and Lady Anelay, from this House have done on inter-faith relations. I am glad that he recognises the links between the domestic agenda and the international agenda. Does he see part of his role to explain to significant foreign Governments the extent to which what happens in their countries spills over within Britain, whether it be the actions of fundamentalist Christian groups in the United States or fundamentalist Muslim groups in Pakistan, Saudi Arabia and elsewhere?

**Lord Ahmad of Wimbledon:** The noble Lord speaks from his own wide experience and I pay tribute to his work during the coalition Government in this respect. He is of course right. I join in his acknowledgement of the role that both my predecessors, my noble friends Lady Anelay and Lady Warsi, played in strengthening this role. We should be proud of the fact that we in the UK have incredible diversity of communities, of faith and of those with no faith. That is not something that we hold back from. It is an incredible strength that we have in our incredible nation and we need to protect it.

It is right that we raise these important issues bilaterally with Governments elsewhere. But I also believe, as I said in my original Answer, that working with colleagues across your Lordships' House and in the other place, strengthening the role of civil society and of faith players in what we do domestically and internationally, will be a vital part of how we can strengthen and consolidate our position on standing up for all beliefs and none, not just in the UK but around the world.

## Housing: Short-Term Lets

### Question

11.14 am

Asked by **Baroness Gardner of Parkes**

To ask Her Majesty's Government what steps they are taking to ensure that people offering their properties for short-term or holiday lets have a legal right to do so under their freehold or leasehold agreements or any other legal restrictions on the use of their properties.

**Baroness Gardner of Parkes (Con):** My Lords, I beg leave to ask the Question standing in my name on the Order Paper. In so doing, I should mention my interests as set out in the register.

**The Parliamentary Under-Secretary of State, Ministry of Housing, Communities and Local Government and Wales Office (Lord Bourne of Aberystwyth) (Con):** My Lords, individual leases and tenancy agreements are matters for landlords and tenants. Where permission under the contract is required to sublet but is not obtained, landlords have legal routes to enforce the contract. Yesterday I met again representatives of the Short Term Accommodation Association and strongly encouraged them to continue their progress on driving up standards and promoting industry best practice. I continue to encourage my noble friend to meet the STAA, and I am pleased to hear that it has been in contact with her to discuss her concerns.

I am sure the whole House will want to join me in wishing my noble friend a happy birthday earlier this week, and hope she will enjoy many more.

**Baroness Gardner of Parkes:** I thank the Minister for that Answer. Recently he told the House about a scheme introduced by Westminster City Council which is going quite well. Can he give us an update on that situation and tell us whether any borough can now apply for the right to introduce a similar scheme? If not, when will they be able to do so?

**Lord Bourne of Aberystwyth:** My Lords, my noble friend is correct to say that considerable progress has been made between the Short Term Accommodation Association and Westminster City Council on sharing information. There is a legal issue involving the Data Protection Act, which lawyers are working through, but, as I say, progress has been made. The Short Term Accommodation Association has also issued to residents

in Westminster a “considerate nightly letting charter” to describe best practice, a document many noble Lords may have seen. The Short Term Accommodation Association wants to talk to other London boroughs. I think it has been in touch with the borough of Kensington and Chelsea, which I know is my noble friend’s borough, and yesterday its representatives were due to meet with the London Borough of Tower Hamlets as well to discuss these issues.

**Lord Clark of Windermere (Lab):** My Lords, on holiday lets, does the Minister accept that under the system being used by most local authorities there is the potential for extensive fraud, with the bill being picked up by the ordinary taxpayer? Will the Government look into this and take action to stop the process currently being used?

**Lord Bourne of Aberystwyth:** My Lords, I am due to meet the noble Lord to discuss some of his concerns and I look forward to that. I am not sure, but I think he is probably referring to tax treatment. We are certainly looking at tax issues in this area and related to second homes more widely. My honourable friend Rishi Sunak, the Minister in the other place, is currently looking at this. Again, I look forward to discussing some of the noble Lord’s individual concerns.

**Baroness Greider (LD):** My Lords, can the Minister tell the House when the Rough Sleeping and Homelessness Reduction Taskforce last met? Further, will he ask it to consider the impact of Airbnb on homelessness, given that it has been estimated by Inside Airbnb that in London alone, nearly a quarter of secure tenancies that could be available are now affected by Airbnb?

**Lord Bourne of Aberystwyth:** My Lords, I will have to write to the noble Baroness on the precise date of the last meeting of the Rough Sleeping Advisory Panel. I know that it is active in looking at these issues, but I will give the noble Baroness an update on the position and place a copy of that letter in the Library.

**Lord Beecham (Lab):** My Lords, does not this problem require a rather different approach? Should the planning system not be given the powers and necessary funding to ensure that the abuses which have so often been raised by the indefatigable noble Baroness and others in this Chamber can be dealt with?

**Lord Bourne of Aberystwyth:** My Lords, on planning, the position at the moment throughout the country, except in London, is that it is open to householders to provide short-term accommodation in their homes, so there is no particular planning issue on that point. As regards London, as I have said previously, there is an enforcement power that lies with London boroughs which has been used, probably on many occasions, to prevent issues coming to court. As the noble Lord will appreciate, there is also in leases in appropriate cases, as exemplified by cases such as Nemcova, the opportunity for landlords to enforce the provisions. If there is a wider issue in this regard, I would be very happy to engage with the noble Lord, but I am not convinced that there is.

**Lord Bird (CB):** My Lords, is the noble Lord aware that under the European Commission, Airbnb is in contradiction of consumer rights? Is he prepared to tell us what the Government’s stand on that is?

**Lord Bourne of Aberystwyth:** My Lords, I thank the noble Lord for what he does in this area and more widely on homelessness and housing issues. I am not quite sure what he is getting at when he says that the European Commission has drawn attention to Airbnb being in breach of a particular provision. If it is, I am sure it will face the full rigour of European law in so far as it would apply. I am convinced that Airbnb is acting totally within our laws, as are other short-term accommodation providers. We are trying to ensure that they can share information; as I say, that is an issue relating to the Data Protection Act. If they are unable to do that and if the lawyers cannot crack the problem, we would have to look at the necessity of amending the law. From what I hear, I believe we will not need to do that.

**Lord Campbell-Savours (Lab):** My Lords, the remit of the Law Commission is to ensure that the law is fair. It has just done some excellent work on leasehold reform. Is there not a remit for it here? Could it not intervene in some way to examine the extent to which planning law is working?

**Lord Bourne of Aberystwyth:** My Lords, I absolutely agree that the Law Commission does excellent work, as the noble Lord informed us. Being independent, it comes up with its own programme and the Government react accordingly. If the Law Commission feels that there is a job to be done here, we will await its work in this area.

## Railways: Transport for the North *Question*

11.20 am

*Asked by Lord Scriven*

To ask Her Majesty’s Government whether they have any plans to grant powers to Transport for the North to manage all Northern railway infrastructure.

**Lord Young of Cookham (Con):** My Lords, Transport for the North became the first statutory subnational transport body in England on 1 April, taking on a strengthened role as a statutory partner in advising the Secretary of State on national rail investment and taking over the co-management of the Northern and TransPennine Express rail franchises. TfN can seek approval for additional powers if it can demonstrate, with consent from its members, that they can be exercised more effectively and efficiently.

**Lord Scriven (LD):** I thank the noble Lord for his Answer. Does he agree with many people in the north that with regular cancellations, two-carriage trains, dangerously busy trains at peak times, reductions in service and overall poor management and treatment of customers, the franchise given to Arriva Northern needs to be either split up or taken away altogether?

**Lord Young of Cookham:** Having sat through previous exchanges, I am well aware of the anger in the north at the disruption to services following the introduction of the new timetable. The top priority has to be the stabilisation and restoration of the services to which people are entitled. On the noble Lord's question about the franchise, the Government have instituted a review that will be completed by the end of the month to see to what extent GTR and Northern were in breach of their contracts. A range of sanctions are available if that turns out to be the case. My initial view is that much of the problems in the north was due to Network Rail being late with infrastructure and late in delivering the timetable. We must await the outcome. So far as splitting the franchise is concerned, the franchise is due to run for some time. There is a real risk of further disruption if the franchise were to be taken back on board now and then split. The top priority is to get stability, and then to make further progress with the substantial investment that is now planned by the Government.

**Lord Berkeley (Lab):** My Lords, does the noble Lord agree that although Network Rail was late with its electrification of one route, many other faults have contributed to the present problem? Some very good people in Network Rail are trying to do some enhancements on the east-west route, which should be applauded. My worry, which I put to the noble Lord, is that Transport for the North needs to decide what it wants, and its members need to decide what services they want. I have had many discussions with them and, as chairman of the Rail Freight Group, I am very concerned that they are trying to cut out rail freight going across the Pennines in order to get one or two more passenger trains. They should look at the whole thing in the round and then talk to Network Rail about what is possible and come up with a coherent plan—which they do not have at the moment.

**Lord Young of Cookham:** The noble Lord makes a very good point. We have a national network and it is crucial that we preserve its coherence and integrity. That is one reason why one cannot devolve entirely responsibility for infrastructure to Transport for the North—the very reason given by the noble Lord. On what TfN wants to do, it has been there for only three and a half months. Looking at its business plan, it is now in the process of starting work this financial year on the business case for further devolution. As I said in my initial reply, if it wants more powers, the Government are very happy to look at that, but having given it responsibility under the statutory instrument, it is now up to TfN to come up with a statutory plan, advise the Secretary of State and, if it wants to, bid for more powers.

**Lord Tebbit (Con):** My Lords, will my noble friend not now accept, in the midst of all this muddle of competing authorities between one person and another and one board and another, that what is desperately needed is to put the ownership of the track and of the trains in the same body, whether it is in the public or the private sector?

**Lord Young of Cookham:** My noble friend makes a good point: that it is important to bring responsibility for the trains and responsibility for the track closer together. If he looks at the proposals in, for example, the north, he will see that Network Rail is now setting up a board there to work closely with the train operating companies and the passengers to integrate train and track. However, I am sure that my noble friend is not proposing major primary legislation to undo the privatisation for which I and others bear some responsibility.

**Lord Alton of Liverpool (CB):** My Lords, the Minister referred to east-west links across the Pennines. He might have seen the campaign launched in the north of England in February to reopen the Hellifield link, which I raised with him on a previous occasion. That link would restore passenger services on a line used every day for freight, for the first time since 1962. It would link Lancashire with Yorkshire and open up the possibilities of daily travel services to Skipton, Leeds and further north to Bradford, but also to Carlisle and Lancaster. Is that not something that could be done at relatively low cost that would make a huge difference to the connectivity of the northern areas?

**Lord Young of Cookham:** I am sure that the noble Lord is right, but one of the things TfN has responsibility for doing is to look at the various bids in the north and come up with a list of priorities. If, when it does that, it puts the scheme that the noble Lord referred to right at the top of its priorities, that would carry weight with the Secretary of State.

**Lord Foulkes of Cumnock (Lab):** My Lords, would it not be a better solution to have a coherent system of devolution of powers, including transport, to all the regions of England? Will the Government look at this? If they do not do it soon I can assure them that it will be brought in by a Labour Government. The way things are going, that cannot be far away.

**Lord Young of Cookham:** My Lords, we have not had to wait for a Labour Government to devolve major powers to, for example, Manchester and other parts of the country. We have introduced metro mayors and combined authorities. We will continue to do that. People will not have to wait for this illusory dream that the noble Lord just referred to.

**Lord Dykes (CB):** My Lords, following the surprisingly interesting intervention from the noble Lord, Lord Tebbit, will the Minister agree that privatisation of the railways has been an unmitigated disaster and the worst example of any large country in Europe of a very badly run system? Is it not now time for radical solutions, as we warned as MPs at the time when the noble Lord was one of the Ministers in charge of railway privatisation in the Commons in the early 1990s? What we now need is root-and-branch reform, with public ownership of the railway system itself but with private investors as well.

**Lord Young of Cookham:** I am very glad that my franchise runs out after seven and a half minutes. I fundamentally disagree with the noble Lord. We have seen a doubling of passenger traffic on the railways. Crucially, we have created a railway operating industry, which we never had before. We had a monopoly with British Rail. If it was not any good there was nothing you could do about it. We now have competing train operating companies and we have unlocked private investment in infrastructure. I wholly reject the negative proposition that my former noble friend put forward.

**Lord Rosser (Lab):** My Lords, with rail passengers' satisfaction with their journeys falling, the Commons Public Accounts Committee describing the Department for Transport's management of two major franchises as completely inadequate, the Department for Transport admitting its part in the current new timetable shambles as a sponsor of the Thameslink programme and a member of the Thameslink Industry Readiness Board, and with the Secretary of State's decision that an independent inquiry into the Thameslink 2018 new timetable problems is to be conducted by the Office of Rail and Road and led by the chairman of the Office of Rail and Road, with two out of five members also being members of the board of the Office of Rail and Road, while the role of the ORR is one of the matters to be assessed, does this not show the need to get more local, regional and accountable decision-making over our fragmented railway network to mitigate the damaging effect of the involvement of the current Secretary of State?

**Lord Young of Cookham:** I reject the implication from the noble Lord that somehow the ORR is not the right body to do this. It is an independent body with the detailed knowledge of the railway industry that is needed; it was not directly involved in the timetable; it is supported by a panel of, I think, five independent members; and I think they are the right people to look at the role of all those involved in the recent debacle over the timetable. It will produce an interim report in September and a final report in December and I hope that, when it comes out, the noble Lord will feel that he might review the negative criticisms he has made of the composition of the body.

## Broadband Speed

### Question

11.30 am

Asked by *The Lord Bishop of St Albans*

To ask Her Majesty's Government what assessment they have made of the United Kingdom's place in the annual ranking of global broadband speed and of the impact of low broadband speeds on the United Kingdom's ability to compete globally after Brexit.

**Viscount Younger of Leckie (Con):** My Lords, I believe that the right reverend Prelate refers to the recent cable annual ranking; however, broadband in the UK is far better than suggested in the report. Ofcom recently found that average download speeds in the UK are more than 46 Mbps and, thanks to

£1.7 billion of public investment, superfast broadband is available to more than 95% of premises in the UK, which is one of the best rates in the world.

**The Lord Bishop of St Albans:** I thank the Minister for his reply. Having said that, it is not just about the levels we are at; it is the fact that we have dropped down the league—that is the point about this report. We were 31st in global broadband speeds; we are now, just one year later, 35th. We lag behind countries such as Madagascar, Latvia, Bulgaria and so on. We need access to full fibre if we are to get ahead in the technological revolution post Brexit. Therefore, will the Minister explain to the House why currently just 4% of premises are connected to full fibre and why the Government have failed even to set a date to respond to the National Infrastructure Commission report, which has set out a pathway to achieving nationwide full fibre access by 2033?

**Viscount Younger of Leckie:** The right reverend Prelate is certainly right to highlight full fibre, because it is the way forward. The House will know that in May 2018 the Chancellor announced the Government's full fibre rollout, the plan being for 15 million premises to be connected by 2025 and for a nationwide network by 2033. Full fibre will enable speeds of more than 100 Mbps. DCMS will publish a report shortly in response to the report that the right reverend Prelate raised, setting out how we will reach these targets.

**Lord Stevenson of Balmacara (Lab):** My Lords, is not the problem with this issue the USO, which the Minister has not so far mentioned? It is hopelessly unambitious at 10 Mbps; it settles for fibre to the cabinet, not fibre to the premises; and it uses a hopeless metric of properties connected—the noble Viscount just mentioned that—thereby disadvantaging SMEs, people living in flats and terraced houses and those in rural areas. Can he confirm that he is backing the Chancellor of the Exchequer's other call this week, which is to switch off every copper phone line in the UK so as to force telecom firms to improve their rural broadband speeds?

**Viscount Younger of Leckie:** I had not heard that, but, in relation to the USO, it is very much a safety net, as the noble Lord will know. It is a legal right for those who have not got suitable broadband coverage to have a minimum of 10 Mbps. The statistics show that 3% of premises will be eligible for the USO, which is a lot less than was originally anticipated.

**Viscount Waverley (CB):** My Lords, does the UK's place in the global broadband rankings take account of service inside the Palace of Westminster? Could the powers that be consider encouraging the appropriate House authority to ensure that wireless internet boosters are better placed, in order to provide appropriate service?

**Viscount Younger of Leckie:** I shall certainly take that back and ensure that it is included. The opportunity has been given to me to say that the UK compares well with member states in the EU in terms of overall connectivity. We rank seventh, ahead of large member states such as Germany, France and Italy.

**Lord Haselhurst (Con):** My Lords, does my noble friend acknowledge that an increasing number of innovative businesses, which can contribute greatly in the future to the wealth of our country, are situated in remote rural areas, often in disused farm buildings? It is very important that we speed up the connection of full fibre broadband to rural and isolated communities.

**Viscount Younger of Leckie:** My noble friend is right. An additional £30 million of funding is available through Defra, which has allocated grant funding from the Rural Development Programme for England, targeted at helping the very businesses that my noble friend has raised to be sure that they have proper broadband coverage.

**Baroness Bonham-Carter of Yarnbury (LD):** Picking up on that question, does the Minister not agree that hard-to-reach rural communities will lose out because of the £3,400 cost cap placed on the USO provision arrangements? Are people in such areas to be denied broadband access or do the Government have a cunning plan?

**Viscount Younger of Leckie:** The cunning plan, to reassure the noble Baroness, is perhaps in the marvellously worded “barrier-busting task force”. This is designed to help relax planning laws and to roll out, particularly in rural areas, faster broadband.

**Baroness McIntosh of Pickering (Con):** My Lords, will my noble friend extend the voucher scheme for rural areas which is due to expire on 31 December and be mindful of the rural businesses in North Yorkshire that do not reach even 2 Mbps and are currently taking advantage of the scheme?

**Viscount Younger of Leckie:** I reassure my noble friend that in places that my noble friend has alluded to the minimum megabit per second legal obligation will come into force.

## Business of the House

### *Motion on Standing Orders*

11.36 am

*Moved by Baroness Evans of Bowes Park*

That Standing Order 46 (No two stages of a Bill to be taken on one day) be dispensed with on Tuesday 4 September to allow the Taxation (Cross-border Trade) Bill to be taken through its remaining stages that day.

*Motion agreed.*

## European Union Committee

### Intergenerational Fairness and Provision Committee

#### Procedure Committee

##### *Membership Motions*

11.36 am

*Moved by The Senior Deputy Speaker*

*European Union Committee*

That Lord Soley be appointed a member of the Select Committee, in place of Lord Woolmer of Leeds, resigned.

### *Intergenerational Fairness and Provision Committee*

That Viscount Chandos be appointed a member of the Select Committee, in place of Baroness Bakewell, resigned.

### *Procedure Committee*

That Lord Foulkes of Cumnock be appointed a member of the Select Committee.

*Motions agreed.*

## Employment and Support Allowance

### *Statement*

11.37 am

**The Parliamentary Under-Secretary of State, Department for Work and Pensions (Baroness Buscombe) (Con):** My Lords, by leave of the House, I shall repeat as a Statement an Answer given to an Urgent Question in another place by my honourable friend the Minister for Disabled People, Health and Work. The Statement is as follows:

“Mr Speaker, in 2017 my department identified an error that had resulted in some claimants being underpaid employment and support allowance between 2011 and 2014 while their claim was being converted from incapacity benefit, a legacy disability payment. The department proactively informed the House of this problem in December 2017 through a Written Statement before briefing the media.

On 15 March this year, I tabled a Statement setting out how this work to correct the underpayments was progressing. I explained that the department would supply 400 staff for this exercise to ensure that we identified as quickly as possible any cases where underpayment had occurred.

Yesterday, I tabled a further Statement to confirm that this work is now under way. Staff are reviewing cases, contacting claimants and making payments; so far, we have paid out more than £40 million in arrears.

As outlined in yesterday’s Statement, the department has analysed the relationship between “official error” and Section 27 of the Social Security Act 1998 in regulating how and to what point in time arrears can be paid out. As a result of this analysis, we will now pay arrears to those affected back to their date of conversion to ESA. Where we have already corrected cases by paying backdated arrears up to 21 October 2014, we will review these cases again and pay any additional arrears that are due prior to that date.

As planned, my department will be contacting all those we have identified as potentially affected. Once an individual is contacted and the relevant information gathered, they can expect to receive any backdated payments within 12 weeks. Once contacted, individuals are provided with a dedicated free phone line on which they can contact the department to discuss their claim”.

11.40 am

**Baroness Sherlock (Lab):** My Lords, I thank the Minister for repeating that Answer—another day, another DWP mistake. Back in 2011, 70,000 sick and disabled people were underpaid thousands of pounds after they had been migrated from incapacity benefit to



contributory-based employment support allowance, without the possibility being recognised that they had paid enough stamps to entitle them to non-contributory ESA. The result was to deny them access to additional premia that they might have been able to get had the Government done that correctly.

The error here is that the Government have now accepted their mistake but have decided that people's payments could be backdated only to 2014, because in 2014 a tribunal judgment made it clear that the Government had been doing this the wrong way. Yet again, therefore, it took a small charity to go to court to judicially review the department. And yet again, at the very last minute the DWP caves in and says, "Fair enough, we will now backdate payments to 2011".

This raises a couple of questions. The scale is enormous: the National Audit Office said that the decision not to go back before October 2014 would have resulted in that group of disabled claimants losing out to the tune of between £100 million and £150 million. Individuals might be entitled to up to £10,000 of wrongly underpaid benefits.

There is a pattern to this. Six reviews are in progress to identify disabled people who may be entitled to back-payments, five as a result of legal cases against the Government. I therefore have two questions for the Government. First, why did it yet again take a tiny charity—the CPAG, to which I pay tribute—to use money donated to it to go to court to get Ministers to do the right thing? Secondly, there is the systemic issue: the PAC, in its report on ESA, and the NAO, in its report on universal credit, described a department that was defensive when dealing with outside organisations, and unwilling to listen to warnings about problems that were occurring. What steps, therefore, is the Minister's department taking to make sure that in future it listens to warnings—from inside and outside—and does not wait until someone takes it to court?

**Baroness Buscombe:** I thank the noble Baroness for her response. I turn straightaway to her point about restricting—as it were—the payments. Initially the department believed that we were legally restricted to calculating repayments from 2014 due to a statutory rule—Section 27 of the Social Security Act 1998—which governs the position with regard to payment of arrears when a court of tribunal finds that the department has made an error of law. Following a thorough investigation, however, we realised that this interpretation was incorrect. We have made this very clear in previous Statements to the House and we have made it clear that we have been working extremely hard to do everything we can to correct a mistake that should never have been made in the first place. We believed, however, that the law prevented our paying benefit back to the date of conversion. We now understand that we can do that. We have listened to a range of opinions, including those of the CPAG, undertaken a thorough investigation of the legal position and realised that the law that dictated that we could not do this in the first place was wrong.

We want to be sure, therefore, that we pay back everything that is owed. I would add that the staff have been working extremely hard to put this right

and to help everybody who may have lost out from these payments since the whole process of migrating people from incapacity benefit to ESA began in 2008.

**Lord Kirkwood of Kirkhope (LD):** My Lords, is the Minister satisfied that the reduction in the departmental expenditure limit that the DWP has experienced over the past five to 10 years has not contributed to this error? She has just said that the DWP is now putting 400 staff on the case. I have a serious concern about the extent to which staff shortages are occasioning these massive administrative blunders that cause not just inconvenience but serious financial difficulty to large numbers of the population. Can she confirm that passported benefits will also be paid by way of compensation, because some of the people who have been left out in these underpayments have also lost out on free dentistry, NHS treatment, travel and free school meals, to the extent that it would accumulate to large sums of money each year, in addition to not getting the benefits to which they are entitled?

**Baroness Buscombe:** My Lords, let me make it clear that we do not believe that this is attributable to staff reductions at the Department for Work and Pensions. We still have over 70,000 employees. We have also been working hard to do more since 2010. Since this Government came to power, we have spent £5.4 billion a year more than we were doing in 2010 to support people with disabilities. We continue to do so while upping our game and, yes, demanding more from our employees, who are working extremely hard. That is to ensure that we have the proper resource and the staff to make sure that we can review all these cases at pace. We have already started making payments—over £40 million in arrears so far—so we are doing everything we can to ensure that people get the support they are entitled to and at pace.

Based on my meetings with the Minister of State for Disability and our Permanent Secretary, who made a robust case for delivery by our department in front of the Public Accounts Committee last week, I can say that the department is working hard. Yes, we are doing more, so noble Lords could say we are a little stretched, but we are proud of what we are doing and delivering. We want to get this right. On passporting benefits over to UC, we are making sure that people will not lose out in what they are entitled to.

**Lord Touhig (Lab):** My Lords, in the part of Gwent where I was born, the letters "dwp" form a word. It is pronounced "dup" and means stupid or daft. Could that account for why the accounting officer at the Department for Work and Pensions says that he does not understand all the letters that his office sends to claimants? If the author of the letters does not understand them, how on earth are the claimants supposed to do so?

**Baroness Buscombe:** My Lords, I hear noble Lords laughing but this is no laughing matter. I take great exception to the suggestion that I am working for anything that could be described as a dump. I am the lead Minister for the correspondence that goes out to

[BARONESS BUSCOMBE]

claimants and we work through that correspondence with a fine-toothed comb to make sure it is in clear English, polite, responsive and on time. Since I have been in office, we have been at 100% in terms of our timing. We are doing everything we can to support so many people, particularly those with disabilities and health conditions, to improve and transform their lives. I therefore will not listen to the noble Lord talking about—

**Lord Touhig:** The department admitted it.

**Baroness Buscombe:** My Lords, no, somebody in the department may have said something but, as far as I am concerned, I am proud to work for the Department for Work and Pensions.

**Lord Laming (CB):** My Lords, I am sure that most of the House accepts what the Minister says: the department is working extremely hard and trying very hard to get these things right. I do not think that is in doubt, but is it not also the case that each of these underpayments affects the quality of life of a very vulnerable person? Sometimes that degree of distress undermines their quality of life. Can the Minister continue to do all she can to ensure we all recognise that at the end of this process is somebody who will be much damaged by underpayments of this kind?

**Baroness Buscombe:** My Lords, I thank the noble Lord for his question, which gives me an opportunity to say that my honourable friend in another place, the Minister of State for Disabled People, Health and Work, is working tirelessly not only to do the job but to do so in an exemplary fashion. She absolutely understands that each individual life is affected when we get it wrong—where there is a mistake. As she said in another place only an hour ago, one mistake is one too many. But the reality is that we are working hard and we have wonderful staff who are very proud of what they do.

I am a little afraid of saying this in case it is misunderstood but, on underpayments, I should be clear that no one suffered a cash loss. We did not take any money away. That does not excuse the mistake that was made. The reality is that we needed to ensure that underpayments from the transfer were corrected as quickly as possible, and we continue to do so.

## Higher Education

### *Motion to Take Note*

11.50 am

*Moved by Lord Norton of Louth*

That this House takes note of the value to the United Kingdom of higher education as an export.

**Lord Norton of Louth (Con):** My Lords, it is a pleasure to move this Motion. I declare my interests as professor of government at the University of Hull and chair of the Higher Education Commission, a body

that draws together academics, parliamentarians and figures in business and education. The commission has just concluded a study of this very topic and will be publishing its report in September.

The export of higher education refers to transactions between UK residents and non-residents. In economic terms, it covers the income from overseas students studying in the UK as well as the income from students studying at overseas campuses and centres established by UK institutions of higher education. The economic benefit to the nation is enormous. However, the benefit extends beyond the economic to the educational and the political, and I shall address each in turn. As an export, higher education is a success story, but there are challenges. On the surface we may look in a strong position, but that position is under threat. I wish to identify the problems and what steps may be taken to protect our world status.

Higher education contributes massively to the British economy. It is not just the fees paid by students who come to the UK to study but also the money spent while here. There are different models for estimating the contribution to the UK economy. The recent analysis by the Higher Education Policy Institute and Kaplan International Pathways estimates that the net impact of a cohort of first-year international students over the period of their study is in excess of £20 billion. Given various omissions such as tax and national insurance contributions, the report concedes that this figure is likely an underestimate. In terms of transnational education, TNE—that is, the delivery of programmes in a country outside the UK—there has been a notable increase in the student intake. According to DfE figures, the revenue brought into the UK in 2015 from TNE was £1.7 billion, a substantial sum although a fraction of the income achieved from overseas students in the UK. Our universities need overseas students and so do the towns and cities in which universities are based. Income contributes to local employment. Spending by overseas students may make the difference between success and failure of commercial areas adjacent to university campuses.

Whichever model one takes, it is apparent that higher education is a major exporter, benefiting the UK economy significantly. This is recognised by the Government, who are keen to see the value of international higher education reach £30 billion by 2020. However, as we shall see, they are pursuing policies that militate against achieving that goal rather than facilitating it.

The value of overseas students studying in the UK is not just economic. Overseas students bring a range of experience and perspectives that can add value to courses. That is a good in itself, but their presence is essential to making some courses viable. That is especially the case at postgraduate level. According to HESA data, in 2016-17 more than 40% of postgraduate research students were from overseas. The majority of all postgraduate research students in physical science STEM subjects are non-UK citizens. There is a marked dependence in some of our leading research universities on overseas postgraduate students.

The benefit is also political. Studying in the UK builds up a body of good will towards the United Kingdom. The export of higher education is arguably

the biggest contributor to UK soft power around the globe. The Committee on Soft Power and the UK's Influence, in its report *Persuasion and Power in the Modern World*, observed that students,

“gain exposure to ‘UK norms and cultural values’”,  
and are overwhelmingly,  
“‘positively orientated’ towards the UK”.

Graduates of UK universities are to be found around the globe, occupying leading positions in business and government. They constitute a valuable and, indeed, unmatched resource for the United Kingdom. However, there are problems. One should not be misled by the increase in enrolment in recent years. We are already losing out to our competitors—they are outstripping us in the recruitment market—and the situation is likely to get worse in future years. It depends how you crunch the numbers, but it is possible that Australia has already overtaken the United Kingdom as the number two destination, after the United States, for overseas students. There are clear indicators that we are beginning to lose out to the USA, Australia and Canada, which are aggressively recruiting overseas students.

Between 2011-12 and 2015-16, enrolments in the UK increased, but only by 0.8%. In the same period, global mobility grew by 16.6%. An increase in enrolment by Chinese students has masked a fall in students coming from other nations, not least India. Since 2006-07, there has been a 45% fall in enrolment by Indian students. Dependence on Chinese students is not sustainable, given that the 18 to 22 year-old population in China is set to decline over the next decade. Chinese universities are also developing and may attract students to study at home. In short, unless action is taken, we are going to see our competitors further outstrip us and we are going to jeopardise the benefits that derive from the export of higher education. That is a threat to the economy, our HE system and our global influence.

What, then, are the reasons for failing to keep up with our competitors? The excellent Library briefing for the debate highlights three principal issues. The first is including overseas students in the migration figures. We are told that there is no cap on the number of students who can be recruited, but they are included in the migration figures, which the Government are committed to reducing. Two justifications have been offered by the Home Office for keeping overseas students in the migration figures. One is that it is complying with the UN definition of migration. That is not a compelling argument; it is not the universal practice to adopt that definition and there is no obvious political case for doing so. Survey data show that the public recognise the difference between migrants and overseas students and are not opposed to separating them.

The second reason relates to overseas students as consumers. A few years ago, I was chairing a meeting of the All-Party Parliamentary University Group addressed by the then Immigration Minister, who argued that students should remain in the migration figures because, like others who moved to the UK, they consumed health and other public services. However, as a member of the audience immediately pointed out, the difference is that students pay to be here. Another difference is that they go home after they have graduated.

Again, a few years ago I met some ambassadors from Gulf states who were keen to make the point that 100% of their young people who came to study in the UK returned home after graduating.

The second problem listed in the briefing is arguably just as, if not more, important than including students in the migration figures, and that is in the form of post-study work visas. The 2012 changes have impacted upon recruitment, putting the UK at a notable disadvantage in the international market. The modifications since have caused as many problems as they have solved. Our competitors offer much more attractive opportunities to undertake post-study work. As the report cited in the Library briefing concludes, the changes in the visa arrangements have impacted undergraduate recruitment negatively and significantly.

Then there is the third problem: withdrawal from the European Union. This has created uncertainty as to the position of non-UK EU students who are already in the UK and those who may be contemplating applying. The Government are alert to the problem, but it is not clear how they propose to ensure that we remain attractive to EU students. The Migration Advisory Committee has been commissioned to provide an assessment of EU and international students. The Government White Paper released last week refers to reciprocal arrangements to,

“facilitate mobility for students and young people”,

but it is not clear what the position will be for students from EU member states wishing to start courses at UK universities from 2020 onwards. The Government recognise the challenges, but it is not yet apparent how they intend to meet them. The longer the uncertainty, the greater the difficulties for UK universities in attracting students from 27 nations to study in the UK.

What, then, are some of the steps that can be taken to protect and enhance the export of higher education? There is a case for working cross-departmentally to develop and implement a strategy for enhancing the export of higher education. There need to be improved post-study work options and streamlined visa processes to put us at least on a par with our competitors. We should roll out an improved tier 4 pilot, based on recruiting from target countries. The current pilot has caused significant problems, suggesting that some universities are to be trusted and others not. We should reduce the burdens placed on tier 4 sponsors. There is also a strong case for the UK to set a target for international student intake, as other countries have done, and measure progress against the target.

Essentially, a fundamental culture shift on the part of the Home Office is required. There needs to be a major enhancement of the Britain is GREAT campaign by the Department for International Trade, the British Council and the Department for Education to ensure that the message goes out that the UK not only welcomes international students, but values them and is prepared to match its competitors in generating an attractive environment in which to study. I have also previously suggested that more of DFID's budget should be given over to providing educational vouchers that would enable qualified students from developing countries to study at UK universities. After graduation, the students would go home to help the development of

[LORD NORTON OF LOUTH]

their country. This constitutes an investment in the home country, clearly of benefit to that country, as well as of benefit to UK higher education and the UK's global reputation. Chevening Scholarships provide a valuable example of what we can do. It would also be a plus for DfID in that there would be a clear audit trail.

It will be helpful to have confirmation from my noble friend Lord Younger that the Government are alert to the problems—the serious problems—and to hear from him what concrete plans the Government have to create a strong, attractive environment for those who wish to benefit from higher education in the United Kingdom. How exactly will the Government ensure that we match the United States, Australia and Canada in recruiting overseas students, to the benefit of the British economy, UK higher education, and the United Kingdom's global influence? I beg to move.

12.03 pm

**Baroness Deech (CB):** My Lords, I am pleased to have this opportunity to pay tribute to the noble Lord, Lord Norton, whose experience and reputation in this field are outstanding. I declare an interest in that I was once the Independent Adjudicator for Higher Education. It is an interest only in the sense that I was in a position to deal with the complaints that we received from international students.

Year by year, complaints from international students were higher in number than their proportion of UK students as a whole, so we started to look into why that was, and how our universities might be falling short in serving them. For that reason, I propose to concentrate today on the experience that we offer international students. Much has been and will be said about visa problems—I note that they are acute—but, even if they are resolved, we will not continue to be number one in attracting foreign students, which we are, unless we offer them a teaching and social experience that lives up to our reputation, and makes their stay here worthwhile.

Visas and formalities must be made student-friendly. From the numbers point of view, the experience may be more of an issue than the visas. One-third of our over 440,000 international students are Chinese. Some 42% of our postgraduates are from non-EU countries; our non-EU students outnumber those from the EU by nearly 3:1. Applications from EU students rose by 3.6% in 2018. We have a plentiful pool of students from around the world. The Chinese supply is almost inexhaustible—for now—regardless of Brexit. The clue to our attraction lies in the nature of our universities. British universities are superb in their attention to every single student with all their problems—unlike the failings reported to me by students who went to Europe and found relatively poor support and accommodation.

The USA is the first choice for British students wanting to go abroad, so it is not wholly visas and money that determine the traffic but language, high reputation and experience—albeit that scholarships are attractive, as they need to be here, too. The traffic is many times higher in students coming here. Where

would an able EU student go, if not here? There is not a single non-British EU university in the *Times Higher Education* ranking of universities until you get to about number 34. Even if the fees go up, the choice for a bright EU student will remain the UK or the USA, where the visa problems and expense are most likely even greater. I am not saying we should be complacent—far from it. There is evidence that we are not treating our foreign students as we should, and our reputation could vanish if we do not improve it.

Our universities need to understand that foreign students, however bright, may have been raised in an entirely different teaching culture. We assume that Asian students, for example, must know the norms of English academic writing. Little training is given and they are expected to follow our habits of citation and referencing, to be critical of professors, and to be competitive rather than collaborative, as they may have been in, for example, China. Universities here need to be sensitive to the influence on foreign students of culture, language, identity, knowledge and their peers, and not to be too ready to accuse them of plagiarism. The solution is more mentoring and induction when they arrive, having checked that their command of the English language is good enough, which is sometimes not the case. Universities have to help foreign students settle in, whether that is by means of alcohol-free freshers' weeks—which frankly would be advantageous for all students—buddy schemes, arriving in the same week as home students, which is a good idea, mingling with them in accommodation, and in general doing everything to avoid segregation into national groups, which happens when there are significant numbers arriving from one country and they are not integrated as soon as they arrive. London colleges are particularly problematic, with their scattered campuses, high travel costs and concentration of foreign students in large groups.

Universities need to make honest promises to overseas students and have direct communication with them. Sometimes they are recruited to come here by intermediary agents whose aim is to attract as many as possible, and who may promise undeliverable studies. The Office of the Independent Adjudicator used to get complaints that foreign students would come here to study with a particular professor, only to find, when they arrived, that he or she had gone on sabbatical, or even died. Sometimes they complained that equipment promised and needed for scientific research was broken or not available, or that universities were not helpful with visa and financial issues. Promoting inclusive societies and clubs is very effective in settling international students and making them feel welcome. We must avoid making them think that, once they have paid their fees, they are not of much interest.

What do we do for students who cannot afford to go back to their home countries in the vacation and who know nobody here? I draw attention to the valuable work of an organisation called HOST UK. It is a charity with a UK-wide network of some 1,500 volunteer families who welcome overseas students into their homes for short visits at weekends and over festive seasons. It is the only nationwide organisation providing this much-needed service of integrating overseas students into the community. The benefits of those HOST

visits for the UK, in terms of promoting international friendship and building new relationships for the future, are incalculable. The welcoming of international students will become even more important following our withdrawal from the EU as part of the process of building new international relationships. Will the Government undertake to maintain and increase support for HOST UK through the Foreign and Commonwealth Office?

Sadly, I met a student from Paris recently, who told me that he and several classmates had decided to study in London to escape the anti-Semitism rampant in French universities. For example, earlier this year the Jewish student building at the Panthéon-Sorbonne campus was vandalised. He said that he was upset to find that the atmosphere was as bad, if not worse, at his London college. I have spoken about this before, and your Lordships will know that fears of anti-Semitism, especially associated with universities and the Labour Party, are worldwide news, and will deter some from coming here, albeit a small number. It needs to be tackled.

The UK is one of the world's leading study destinations because of the first-class experience that our universities can and must continue to offer. The International Student Barometer finds the UK number one for overall satisfaction, reputation and quality, employability, making good contacts, quality lectures, laboratories, and a supportive environment. Indeed, one might call it "the highest level of special"—had that phrase not already been commandeered by someone else.

Foreign students are valuable to us not merely as an export, and we must hope they never see themselves in that light alone. They are valuable because they bring their diverse talents to enrich the home student body and because of the research they do. Oxford University spin-outs have an estimated turnover of £600 million annually; 45% of the founders or co-founders are from outside the UK, as are 77% of the founders of start-ups. We need to reach out to our foreign students, graduates and researchers with financial assistance. I need only mention the astonishing success of the Rhodes scholars, who now come from a wider range of countries; the scholarships offered by Oxford, for example, to Indian and Russian students; the Gates scholarships at Cambridge; the Weidenfeld-Hoffmann scholarships offered at Oxford; the joint collaboration between Oxford and Chinese students in biotechnology and health; and the work on tropical diseases with researchers from the Far East. We want them because they take home a good impression of the UK which we hope will last a lifetime.

Will the Government maintain and increase scholarships for international students—such as, the Chevening and Commonwealth Scholarships—as the benefits clearly outweigh the costs? Will the Government also pursue full associate country status with Horizon Europe to keep the research flow going? The foreign students are our friends and collaborators; they have enriched us in the past and we owe them a great deal. We know what it feels like, because I am sure that many of your Lordships, like me, have been foreign students abroad. We appreciated those instances when we were made welcome and made lifelong friends, and came to love the countries where we studied.

12.14 pm

**Lord Holmes of Richmond (Con):** My Lords, it is a pleasure to take part in this debate, and in doing so I declare my interests as set out in the register. I congratulate my noble friend Lord Norton on securing this debate. It is always an important time to talk about these issues. I also congratulate him on having developed one of the greatest government courses at university anywhere on the planet.

I also very much look forward to the maiden speech of the right reverend Prelate the Bishop of Chichester. It is always good to know that more wisdom will be drifting up from the Bishops' Benches to this Back-Bencher.

We have 10 minutes per speaker; in many ways, I could do this in 10 seconds. I say to my noble friend the Minister to take international students out of the net migration figures and, alongside that, end the visa vapidly.

I am fortunate to be chancellor of BPP University. We have hundreds of international students who come and enrich our student community every year. When they graduate, some stay; many go back to their home nations. Whether they stay or go, they make a positive contribution and 96% of them are in employment within six months of graduating from our institution. There are 58 current world leaders—Presidents or Prime Ministers—who studied at British universities. I say to my noble friend the Minister: are they not 58 good reasons why we should seriously consider our approach?

I have drawn previously in debates on the excellent words of Prime Minister Modi of India, who summed up this problem quite clearly: "You want our trade, you do not want our children". The message that we want to send from Parliament, and the one that we should want to send as a Government, is that we want your trade but we also want your children. We want the brightest and the best from all around the Commonwealth, the European Community and the world to come and study and be part of our higher education communities and part of our country.

As my noble friend Lord Norton said, there is an educational case and there is absolutely an economic case. If one were to approach a Government Minister and offer her or him a £20 billion-plus boon for the British economy, that would be a pretty exciting proposition. We have that in international students. Furthermore, over 200,000 jobs are supported through this brilliant business.

Quite rightly, in the current situation we are looking at sector deals in aviation and automotive. Let us consider higher education, yes, for its educational good but also for its economic impact. We need to look no further than this House and this debate to see the benefits. The noble Lord, Lord Bilimoria, came as an international student. Can my noble friend the Minister consider curry without Cobra? If anything demonstrates the educational, economic, social and cultural benefits of international students, it is what the noble Lord, Lord Bilimoria, has brought to this nation.

[LORD HOLMES OF RICHMOND]

From the statistics we learn, which will not come as a surprise to most of us, that we do not have a problem of mass overstaying by international students, draining our public services and pulling our country down. Initially, you could not rely on the statistics because they were not comparing like for like. We all suspected there was not a problem. We now know categorically that there is not. What problem are the Government seeking to solve by continuing to include international students in the net migration statistics? As my noble friend Lord Norton put it, it does not cut it to say that there is no cap on international students if they are included in a statistic which the Government are making all efforts to bring down.

It is a difficult point to make, but I think that we need to face it: there is good immigration and there is less good immigration. However, what you need with any immigration policy is clarity, transparency and consistency, and none of the study data, research or surveys gives any reason for having international students in those net migration statistics. When it comes to visas, we do not need counsels of prevention; we need counsels of prudence.

As a nation and as a Government, we decide and choose—we can plot that path. We should say to all nations, individuals and young people, “Ignore the rhetoric. Ignore what you are hearing. Believe this, because this has to be the truth. As a nation, as higher education institutions, we want you and we need you. Come and be part of our academic communities. Come and be part of our cities. Come and be part of making a better and brighter Britain”.

12.21 pm

**Lord Parekh (Lab):** My Lords, I congratulate my colleague and friend, the noble Lord, Lord Norton, on securing this debate and introducing it with characteristic eloquence and learning. I shall be succeeded in speaking by the right reverend Prelate the Bishop of Chichester. I look forward to his maiden speech and welcome his presence in your Lordships’ House.

Whenever we talk about education, I am always a little worried and my worry has not been assuaged today. When we talk about education as an export and about competitors and markets, it all sounds like a civilised form of the slave trade. We are out there recruiting more and more students, and the question is: how can we make more money out of them? That is one way of looking at the issue. Happily, it is not the only way, but, sadly, it is one way in which to downgrade our higher education, thinking of higher education almost entirely in terms of how many students can be educated and how much money it can bring in.

I want to begin by alerting your Lordships to this danger and point out that the case for the presence of overseas students is not entirely or even exclusively economic; it is a fourfold case. It is based on economic grounds, obviously, but also on educational grounds, on soft power and on cultural grounds. Those are the grounds that the noble Lord, Lord Norton, briefly talked about, and I want to expatiate a little on them.

The economics are fairly simple. In 2016-17, we had 442,000 non-UK-domiciled students, of which 307,540 came from a non-EU background. If you take

just first-year students and not the total number, the figures are even more striking: 235,315 were from overseas, and they made up 23% of all our first-year students. These students come from a variety of countries, but it is striking that China beats them all, with 66,415 students coming from there. The next largest cohort is from the US, with 10,885—noble Lords will see the difference between those figures. India comes third, with only 9,720 students, which is a fall from 12,280 four years earlier. It is also striking that 25% of all postgraduates are from overseas. If you look at certain areas such as business studies, the number goes up, and can be as high as 55%. In computer science, the number is as high as 42%. If one looks at the total on and off-campus contribution of these students, it comes to something like £25.8 billion, which is a massive contribution to our economy. It also creates just over 170,000 jobs. That is the economic case, which is obvious.

I turn now to the educational case. Of our academic staff, 28% were born overseas. In STEM subjects, 31% of our academic staff are from overseas. There are lots of research projects that simply would not continue unless overseas students were involved, and there are several courses that simply would not be taught if overseas people were not involved. That is the educational case, and I could go on.

The third case is soft power. As I have already told your Lordships, I do not like the term “soft power”: if it is too soft, it is not power; if it is power, it cannot be that soft. Nevertheless, using the accepted language, soft power means influencing people such that they think well of us—not in a flattering way, but in the sense of good will. Obviously, higher education achieves this. Students sit at the feet of masters. They learn a great deal and they go away thinking well of us. They establish international contacts and they go away and occupy important, high-up positions in their own country. As a result of that, they are able to oblige us in other areas when we need their help, and, in formulating the policies of their Government—economic, financial, political or other—they are able to think of our interests.

The fourth case for overseas students, and the one I am very keen on, is the cultural case. Each overseas student interacts with at least 20 to 25 local students and, in so doing, sensitises them to a different outlook, broadens their sympathies and helps to create a multicultural society to match the multicultural world in which we live. It also opens the minds of local students to the variety of human experiences and to how human beings can live and think very differently. It leads to new literary, artistic and culinary output: think of curry and Cobra—I must say that curry and Cobra is a good combination, but other traditions may be just as good. Foreign influences come in freely, interact with local factors and generate new fusions and new ways of looking at things. I know from my own experience as a professor of many years that lots of students from abroad come here largely because they think Britain is a multicultural country, where they will be able to interact with students from Africa, Asia and elsewhere. They would not find that sort of thing in many other European countries.

Given all the benefits of overseas students, why do we have reason to worry? Why are we debating the subject today? Here, I think the noble Lord, Lord Norton, put his finger on it. First, compared to other competitors, we are doing very badly. In India, for example, we have failed. I say this as one who was privileged to be vice-chancellor of a very large university in India for three years, and I regret that the great educational benefits we could confer on students from India are not available to them simply because they cannot meet our conditions.

Secondly, as the noble Lord, Lord Norton, said, applications from Chinese students will decline in time. This is partly because China is smart at organising its universities—much better than India and many other countries. I know from my experience that it has built great universities, where a large number of Indian students go. In fact, some Indian doctors did not make it to Indian medical schools or British medical schools, but went to Chinese medical schools, learned in English and then went back to India. In dentistry, accountancy and other areas, Indian students are moving to China in large numbers.

Thirdly, the variety of students is shrinking. We used to get students from a variety of countries, but increasingly we find that, under the impact of our rules, the number of countries from which our overseas students come is in decline. There is also the influence of Empire. Three generations have gone since decolonisation took place and the Empire ended. The halo surrounding British universities has begun to decline and more and more students from India, Nigeria and elsewhere now think of American rather than British universities.

Given the kind of challenges that we face, what should we be doing? We can do a great deal and I want to run through half a dozen ideas. First, the whole business of including students in the immigration figures is ridiculous. Students do not come as immigrants. I came here 59 years ago as a student. I could have gone back but decided to stay on. I did not come as an immigrant and did not see myself as an immigrant.

Secondly, since 2012 the post-study work visa has been abolished. As a result, tier 4 students cannot work for two years after completing their studies and they feel that that is a hardship. A large number of Indian students are deterred precisely by this.

Thirdly, we need to increase the number of grants and scholarships to overseas students so that more of them are able to come. This is not a gift. If noble Lords look at the number of Indian doctors who come here, each one saves us around half a million pounds, because it costs that much to educate a doctor. We are getting these doctors free, fully trained, at the expense of the Indian taxpayer. If we can benefit from that in this way, surely we can increase the number of scholarships and grants to overseas students.

Fourthly, there must be a national strategy of the kind that France has, where they decided to double the number of students from India and China in the next two or three years. There has to be a national strategy.

We should also create a hospitable, not a hostile, environment for immigration—noble Lords know what I mean. A hostile environment discourages people.

If they come here and do not benefit from either the state or our universities, then something has to be done. Our own universities have to be more proactive and put on imaginative courses that attract students from overseas. The experience of overseas students in our country must also improve, so that they can benefit from being here and do not suffer ill-treatment of any kind. I remember that an Indian student in Australia was badly treated and the result was that hundreds did not go. So it is important that students coming from overseas should be well treated.

Finally, there is the Indian diaspora of nearly 2 million people. What use are we making of this diaspora in attracting overseas students? There are ways in which that can be done and it has been done in Canada, such as by welcoming overseas students when they come, celebrating their festivals and enjoying their holidays, and in that way making them feel part of and integrating them into the local community.

12.32 pm

**The Lord Bishop of Chichester (Maiden Speech):** My Lords, I begin by recording my thanks for the welcome and encouragement that I have received both today and on so many occasions since being introduced into your Lordships' House.

I came to the See of Chichester in 2012 after ministry in inner-city parishes in Plymouth and Leicester, as the priest administrator of the Shrine of Our Lady of Walsingham in Norfolk, a canon at St Paul's Cathedral, and all-too-short a time in the diocese of York as Bishop of Whitby, which was always about more than Dracula and goths. In each context, the Church's contribution to learning and the arts has been a significant element of my ministerial experience, perhaps exemplified most strikingly by the centuries-old work of St Paul's Cathedral School, which today offers choristers a free education in music of an international standard. Many choristers have become professional musicians in adult life, sustaining and enriching Britain's cultural life.

I often feel overwhelmed by the scale of this inheritance and by the best accomplishments of my predecessors. Bishop George Bell made Chichester famous for its contribution to learning and the arts, and he was building on solid foundations. In a tenure of just four years, his predecessor, the remarkable Bishop William Otter, established a teacher training college that has joined with another local institution to become the University of Chichester. Otter was inspired by the tradition of learning nurtured by Christian Europe, and from which, even post Brexit, the Church of England will continue to draw. His academic credentials lay in the founding of King's College London in 1829 as an explicit expression of Christian commitment to higher education.

It is no accident that today the arts form a central part of the university's life in Chichester, drawing on rich resources in the cathedral's outstanding musical tradition, the art in Pallant House Gallery and the Chichester Festival Theatre, presently enjoying summer performances of "Me and My Girl". The theatre runs a vibrant youth theatre for more than 800 people of school age. Its workshops for young people and adults with special needs represent a remarkable achievement of social inclusion.

[THE LORD BISHOP OF CHICHESTER]

This inheritance in Chichester demonstrates that in a creative, balanced and economically sound society, the arts, science, engineering and technology need each other. As we consider the value to the UK economy of higher education as an export, the Church of England, a foundational stakeholder in higher education, is also concerned with the quality and scope of the offer we make to overseas students. The Church of England holds fast to the question of what education is for, believing it right to ask how learning gives moral value to economic activity. It is right to pay constant attention to the flourishing of human life and society. Further, particularly with foreign students in mind, the work of our chaplaincies not only addresses their pastoral, emotional and financial needs, but also ensures the dignity of their access to religious worship, which is particularly important to their identity. The Church of England is of course also concerned with the right to nurture the wisdom that will govern well our stewardship of the earth.

The benefits of access to learning and the arts can and must be open to all, especially in areas of deprivation in this country, where they provide unique opportunities to combat some of the symptoms of social dislocation and its consequences, and to build greater levels of racial understanding. I was delighted to learn that it was back in the 1950s that the Glyndebourne Festival took a production of “Fidelio” into HMP Lewes as part of a rehabilitation programme for prisoners, seeking to build the social integration for which we still long.

However, the challenges to sustaining this access and integration through higher education are substantial. Last year saw a 39% drop in the number of A-level music students and a 31% drop at GCSE. The impact of this is catastrophic in higher education as an export and its maintenance of our place as a world-class centre for music and the arts. Moreover, fears that there is growing social segregation in access to the arts are strengthened by the realisation that only one in 10 pupils from a disadvantaged background in Hastings or Eastbourne in my diocese will go to university. In this context, the University of Chichester seeks to make a distinctively positive contribution to the arts and to economic regeneration locally where it is most needed, and as an international export offering an experience that is always more than money can buy. One example of the university’s commitment is the new engineering and digital technology park in its Bognor Regis campus, which aims to serve the Hampshire and West Sussex coastal region—an area seriously disadvantaged by low levels of skills, business growth and earnings. Only one in five people in Bognor Regis and Littlehampton has higher-level qualifications.

Finally, I believe we should demonstrate a duty of care for students, locally from home and international students, that stretches beyond the academy. At present, 40% of Chichester’s graduates leave the region within a week of completing their courses because affordable accommodation is unavailable. This is a crippling outcome for the future economic and cultural life of provincial towns and cities such as Chichester. Similarly, we have a duty to sustain the relationships we are building with overseas students who are our exports to ensure that

the bonds of learning and culture forge a greater sense of international trade and security that will build a peaceful and better future.

I have no sense of being equal to the noble achievements of my worthy predecessors but, encouraged by your Lordships’ welcome, I look forward to playing an active role in the work of your Lordships’ House in the years to come.

12.40 pm

**Lord Bilimoria (CB):** My Lords, when the most reverend Primate the Archbishop of Canterbury, the then Bishop of Durham, made his maiden speech in the House, he spoke in a business debate. I said to someone, “What is he doing speaking in a business debate?” They replied, “Don’t you know that he was a very successful trader in the oil business for many years?” He spoke with great authority.

Today, we welcome to these Benches the right reverend Prelate the Bishop of Chichester, who spoke so eloquently and superbly about higher education. He spoke about some of his career: he is Dr Martin Warner; he studied at St Chad’s College, Durham, then St Stephen’s House, Oxford; he has worked in the Midlands, Norfolk, St Paul’s Cathedral, where he was treasurer, and York; he is a regular contributor to the *Church Times*; he is a cyclist; he enjoys the arts; and, most importantly, he is well known for his hospitality and welcome. He has written five books, one of which is *Between Heaven and Charing Cross*. I think that he was being prescient and talking about the House of Lords.

In a recent interview, he was asked,

“Aren’t you more of a chief executive than a bishop?”

He responded:

“I’d certainly resist the chief executive title—but there are certain systemic and structural issues here which I must address. The word shepherd means someone who takes care of their flock, just like a parent is in charge of a household”.

He was then asked about government cuts. He said:

“For priests, their priority is their work, particularly in areas of deprivation and need. They see first hand what the impact is of government policy ... Often they are there to pick up the pieces”.

He illustrated that clearly in his speech today. In that interview, he also said:

“A priest lives in often tough places where no other professional person would live”.

I hope that he will not find this House such a tough place and will, from the Spiritual Benches, temper us on the temporal Benches with his wisdom in the years to come.

I am the president of UKCISA—the UK Council for International Student Affairs—which is celebrating its 50th anniversary this year. At our conference, I stated that,

“the benefits which international students bring to the UK are both ‘enormous’ and ‘priceless’ ... this is a view which is widely shared not only by an increasing number of leading politicians but also by the British public in general. International students enrich our campuses and communities”,

and the experiences of our domestic students,

“bring talent and new perspectives to our lives, build links for us all around the globe and help us to contribute to a more prosperous and indeed more peaceful world”.

As the noble Lord, Lord Parekh, said, Universities UK estimates that international students bring £26 billion to the UK economy.



As chancellor of the University of Birmingham and chair of the advisory board of the University of Cambridge Judge Business School, I am active in this sector. I am the third generation of my family to be educated in the UK. Generation-long links are built when foreign students come here. My son is at a British university and my daughter is about to enter a British university. Its universities are the jewel in Britain's crown. We are renowned for them. In Birmingham degree ceremonies, I often say to the graduands, "When you graduate, walk out of the door and turn left. In front of the vice-chancellor's office are the pictures of the 11 Nobel Prize winners from Birmingham". That is more than most countries. Trinity College, Cambridge, has more Nobel Prize winners than France. Cambridge has the highest number of Nobel Prize winners in the world.

I thank the noble Lord, Lord Norton, for this debate. I also thank the noble Lord, Lord Holmes, for his kind words about Cobra beer. As mentioned by the noble Lord, Lord Norton, in his opening speech, the soft power of our universities is amazing. The noble Lord, Lord Holmes, spoke about the 58 world leaders. It is not the United States of America that produces more world leaders from international students than any other country; it is the United Kingdom. The noble Lord, Lord Holmes, spoke about Prime Minister Modi saying, "You want our trade and you don't want our children". I was in India when that happened. It was very embarrassing.

Despite our excellence, we do this punching above our weight. We do not invest as much as a percentage of GDP as the United States of America. When it comes to research and development and innovation, we invest 1.7% of GDP compared with Germany and America, which invest 2.8%. Just to match that we would have to spend £20 billion more a year, yet, with less than 1% of the world's population, this country produces 16% of the highest-rated research papers around the world. We do this not sitting in isolation, but in collaboration. This is where Brexit is a huge threat and uncertainty. Our ability to attract international students is linked to our excellence, which is achieved partly through our collaborations in Horizon 2020 and the Erasmus scheme, from which more than 200,000 of our students have benefited. But this excellence is threatened by Brexit. Students will never get a chance to travel in that manner. More than 725,000 benefit annually through Erasmus.

I am currently Bynum Tudor fellow at Kellogg College at the University of Oxford. Some 45% of students and 48% of academics at Oxford are from countries outside the UK. Some 50.7% of Oxford's research publications involve international collaboration. The same exists for Birmingham and for Cambridge. Where Brexit is concerned, the bigger threat is not just losing out on the funding—can the Minister confirm that we will keep getting that funding?—but the loss of collaboration, which we are worried about more than anything else.

Yes, the UK is a large destination for international students, but, as has been pointed out, we have probably slipped from second to third in the world—the United States is always number one. We have 450,000 students,

130,000 of whom are from the EU. UKCISA looks after the interests of all of them. The Brexit uncertainty is a huge problem. The Government have given an assurance for those 130,000 EU students for the next academic year—of course they have to; they have no choice but to do that—but what will happen after that? Will the Minister tell us?

I am also co-chair of the All-Party Group for International Students. Our secretariat is supported by higher education. There is no question about it: the UK puts out a hostile impression regarding international students. The post-graduation work visa was removed. I remember being in this House when we brought in the post-graduation work visa for two years. It came in in 2008 and was removed in 2012. In the meantime, the demand for international students is increasing by 8% a year.

The policies are perceived to be hostile. When the Prime Minister was the Home Secretary, she made the statement that international students should leave the day that they graduate. The headlines in India were: "Take our money and then get out". India feels discriminated against. The noble Lord, Lord Parekh, spoke about India. The fast-track scheme has existed for a long time for student visas for countries such as America and Canada, and 11 new countries were added, including China. India was excluded. Will the Minister tell us why and whether it could be included?

The public are for international students. They do not see international students as immigrants and do not mind them working for a while after they graduate. Why will the Government not introduce physical, visible exit checks at our borders? The Government have lost control of illegal immigration, which we all think should be controlled. If we had those checks, we would have more control. Will the Minister acknowledge that international students do not overstay? Less than 5% of them are now proven to overstay.

The All-Party Group for International Students is conducting an inquiry into international students, with various themes, including the classroom, research, community and policy aspects. It will report in the autumn. We are talking about universities, but that inquiry also covers schools, foreign language institutions, further education institutions, pathway institutions, independent higher education institutions and universities. The spread of our offering to international students is phenomenal. We are one of the best in the world, but Exporting Education UK produced a report in 2016 that suggested that, across all education, the UK has lost £9 billion simply by not keeping up its market share.

Is the Minister aware of the latest UUK report released this morning, *Five Little-known Facts about International Student Mobility to the UK*, which analyses the shifts in international student enrolments? It contains a table that sums it all up, which describes post-study work opportunities and growth in enrolments. If we look at post-study we see that countries such as Australia allow two to four years, Canada allows three years and Ireland allows 24 months. They all have targets for international student recruitment: we should have targets to increase the numbers of international students. We do not have specific targets. Australia has a target of

[LORD BILIMORIA]

720,000 by 2025. Canada has a target of 450,000 by 2022. Look at their growth rates over the past three years: Australia, 18%; Canada, 27%; 43% in the case of Ireland. We are losing out. The global appeal of UK higher education is a national asset, and preserving and building on it should be a national priority.

To conclude, we need to remove international students from the net migration figures. This creates a terrible perception: our competitor countries all exclude them. Does the Minister agree that this should happen? We should have a target to increase the number of international students. We should bring back the two-year post-graduation work visa. We should bring the Indians into the fast-track stream from which they were excluded. Now is a great opportunity: with American policies being hostile, we should jump at that opportunity now. Yesterday I was speaking at the Embassy Education Conference at King's College London on the 100th anniversary of Nelson Mandela's birth. Mandela said:

"Education is the most powerful weapon which you can use to change the world".

We have that most powerful weapon in abundance.

12.51 pm

**The Earl of Dundee (Con):** My Lords, I join others in thanking my noble friend Lord Norton of Louth. His introduction of this debate comes at just the right time, shortly after the Prime Minister's recent specific guidelines for EU withdrawal. For these, in turn, can focus us all the more sharply upon the best means and approach for sustaining and augmenting the value to the United Kingdom of higher education as an export.

I warmly congratulate the right reverend Prelate on his excellent maiden speech. Looking it up this morning, I discovered that he is the 77th Bishop of Chichester. His earliest predecessor, Saint Wilfrid, was already in office in the year 681, thus nearly 700 years before we began to develop our own two Houses of Parliament here in the 14th century.

In my remarks today, I will briefly connect three aspects. First in this context are the key priorities which we must secure within current EU negotiations. Secondly, there are certain internal adjustments of our own that we should make. Thirdly, in exporting UK higher education, and despite Brexit, we must now also aim to give a strong lead in Europe and beyond.

As we know, within Europe the Government have already guaranteed UK participation in Erasmus and Horizon 2020 for the next three years—the noble Baroness, Lady Deech, and the noble Lord, Lord Bilimoria, referred to this. However, the United Kingdom ought to remain within these schemes indefinitely. Since, from this month, our EU negotiations on all matters can be against a much clearer background, that applies not least to our request and endeavour to remain within the Erasmus and Horizon 2020 European schemes indefinitely. Can my noble friend Lord Younger of Leckie therefore affirm that that is what we will now seek to achieve?

Then there are necessary adjustments of our own which we should make. Last year in its excellent report *Exiting the EU: Challenges and Opportunities for Higher Education*, the Education Committee of another place

drew attention to some of these. Its advice is to be heeded if we really want to retain and increase the numbers of international students coming to the United Kingdom from both EU and non-EU states.

Its prescription for visas is backed up by a recent London Economics report. This identifies a 20% decline in international undergraduates: that is the extent to which the change to visa arrangements in April 2012 has undoubtedly put them off coming to the UK to study in the first place. As a result, does my noble friend agree that, as already advocated by a number of noble Lords, there is a compelling case for reintroducing that which previously applied, which is that tier 4 students could stay on and work for two years after their studies?

Another disincentive derives from the inclusion of international students within net migration figures. Such inclusion is paradoxical in three respects. Fewer students apply since, as so classified, they feel unwelcome. At any time, not least post Brexit, a UK Government will obviously find it all the harder to demonstrate a reduction in net migration, at present announced as restricted to 100,000 per year, if international students are included as migrants when they do not have to be at all. Furthermore, the UK economy is thereby denied the well-evidenced and considerable supplements from those disincentivised international students who otherwise might have studied here and then stayed on to find jobs.

So far, the Government profess to be constrained by the United Nations definition, which describes a migrant as someone changing their normal place of residence for more than a year. Nevertheless, does my noble friend the Minister concur that the Government are perfectly at liberty to decouple students from official migration statistics in any event? As pointed out by my noble friends Lord Norton of Louth and Lord Holmes of Richmond, to do so is entirely consistent with the implied objective of this debate, which is to consolidate and build up the value to the United Kingdom of higher education as an export.

For international students, guaranteeing that the same fees and loans will still apply; a regional growth fund to replace and exceed European structural funding; and a forward-looking strategy to link higher education with future trade deals are all further recommendations which could be made quite easily as useful and necessary adjustments. Is my noble friend therefore of the view that they should be?

In 2014-15, it was estimated that international students accounted for roughly £25.8 billion in gross output to our economy. They greatly assist us socially and culturally, too, thus developing the UK's soft power overseas, as already mentioned by the noble Lord, Lord Parekh. However, recently and regrettably, those heartening records have worsened; our market share slipping against that of rival English-speaking countries such as Australia, New Zealand and Canada, as well as against European countries, which now offer more courses in English.

Fortunately, we are still in an enviable position. Time and again, as my noble friend Lord Norton of Louth emphasised, we learn that international students in the UK develop an awareness and respect for our

culture, governance, institutions and history; recent analysis indicating that 95% of UK university international graduates are favourably disposed towards the UK. Consequently, students returning to their home countries stand to become the UK's greatest ambassadors and supporters.

Be that as it may, from abroad we are often perceived as half-hearted and lukewarm hosts. We have to correct that image and prove differently. Certainly, we must negotiate with the EU to remain in the Erasmus and Horizon 2020 schemes. We should also make necessary internal adjustments, as already outlined, to encourage more international students from all states across the world.

Yet the intervention of Brexit and its current timetable need not hold us up, for it is largely irrelevant to whether, when and how we might grasp the nettle. This we should do with conviction and straightaway, so that the value to the United Kingdom of its export of higher education can be continuously sustained through a positive and consistent response from overseas.

12.58 pm

**The Lord Bishop of Winchester:** My Lords, I declare my interests as found in the register, particularly those relating to higher education.

I thank the noble Lord, Lord Norton of Louth, for securing this debate and for outlining some of the key issues, but begin by congratulating the right reverend Prelate the Bishop of Chichester on an excellent maiden speech, with its characteristic blend of deep pastoral concern, learning lightly worn and a keen appreciation of the importance of education. He and I share the pleasure of having a Cathedrals Group university in our dioceses. I am sure that my right reverend friend will contribute greatly to the deliberations of this House.

We know that this is a time of significant and rapid change in our universities, and some might well see it as a tempestuous period. It is therefore important to remind ourselves that our higher education sector is a national asset, attracting almost 450,000 students from outside the UK and consistently figuring in the top 200 institutions across the world—34 of those are British. Oxford University has been in the top position for the past two years in the *Times Higher Education* world rankings.

As the university APPG pointed out in 2017, and as other noble Lords have emphasised, in purely financial terms education is the UK's fifth largest service exporter, with higher education contributing some two-thirds of its value. In addition, the strength of our international reputation generates other benefits: one in 10 world leaders has been educated in the UK; international students are more likely to recommend study here to others; and increased research and commercial links flow from joint activities such as transnational education ventures. We should note, however, that countries such as Australia are overtaking us, as the noble Lord, Lord Norton, confirmed.

At an individual level, some 76% of home students believe that studying alongside their international peers has given them a wider, more rounded world-view. At

an institutional level, it is striking that over half of our research publications—the outward expression of our astonishingly high research standing—are co-authored with international colleagues.

This indicates that there is another dimension to what we export through our work in higher education. It is the underlying conviction that education is a good in and of itself and that aside from any economic or financial benefit—real and important as they are—the disciplined pursuit of truth and wisdom is crucial to forming the people and the society we aspire to be, and to become. That, in turn, implies that higher education also serves a common, a public, good and contributes—or can and should contribute—to the flourishing of local, national and international communities.

Historically, the Church has played a major part in fostering institutes of learning, whether in the person of my distinguished predecessors who founded colleges in Oxford, or the Victorian pioneers of teacher training colleges. The latter became the Cathedrals Group universities, which now educate one in three primary teachers, along with students of social work and nursing, health professionals and members of other vocational professions dedicated to public service.

The local economic impact of higher education is undeniable. To give some concrete illustrations, the diocese of Winchester is home to about 65,000 students across many institutions, including the Bournemouth universities, the University of Southampton, Southampton Solent University and the University of Winchester. The latter, established in 1840 to train teachers who would in turn teach in schools for the poor, employs over 700 staff in the local area. In a recent evaluation, even this smallish university was found to contribute £266 million a year to the local economy. Other noble Lords will be able to give, and have already given, equally striking examples.

This local economic impact, however, points to a wider impact. Today's debate is about the value of higher education as an export. Yet the American economist Robert E. Lipsey—not to be confused with the equally distinguished Member of your Lordships' House—has pointed out that calculating the value of international trade in services, including education, is by no means straightforward even if restricted to purely financial metrics. That perhaps makes it even more important not to ignore the value of the transformative power of higher education and the significance of human flourishing, which I now see reflected in the mission statement of the Office for Students. It says:

“We want every student to have a fulfilling experience of higher education that enriches their lives and careers”.

That is a great export for international students to take home. The invitation and welcome international students receive in the UK is part of what they will take with them. We therefore need to ensure that our higher education is as accessible as possible to international students—as many speakers have already urged—so that higher education can enrich their lives and careers. I too, therefore, urge Her Majesty's Government to introduce more flexible arrangements for international students.

1.04 pm

**Baroness Greenfield (CB):** I add my welcome to the right reverend Prelate the Bishop of Chichester and congratulate him on his insightful speech. I also congratulate the noble Lord, Lord Norton, on initiating this important debate.

My personal experience of the higher education sector has been as a tutor and lecturer in medicine at Oxford University and also—until 2013—as Chancellor of Heriot-Watt University, which has flourishing overseas campuses.

Many universities now have senior posts dedicated to globalisation and their international relationships, and I shall take this activity as defining “the export of higher education”. Initially, this role was largely about ensuring that international students settled in well to the host institution and country, but over time it has expanded to include targeted recruitment abroad, with academics and marketing staff travelling overseas to advertise to and interview prospective students, and the development of courses specifically designed for students from abroad to study in their home country, sometimes led by online provision, but often through the development of satellite campuses.

The value of what the UK has to offer is considerable. The biggest international league table for assessing that is the *Times Higher Education* world university rankings, which lists the top 1,000 universities, representing no more than 5% of the 20,000 higher education institutes internationally. Ranking positions are derived from 13 different performance indicators, and the list is subject to external auditing. Overall, European institutions occupy half of the top 200 places, with the Netherlands, Germany and the UK being the most represented countries. The UK has 12 universities in the top 100 and three in the top 10—Imperial, Oxford and Cambridge—with the latter two in the top two positions.

Comparisons of data from the UK with those from the US, which holds the most places in the top 100, along with Germany and the Netherlands, indicate that the UK differs from its nearest European competitor—Germany, with 10 universities in the top 100—in having significantly fewer full-time students and a significantly lower staff to student ratio. UK universities do not, however, differ from their US counterparts in terms of the number of full-time students, the staff to student ratio, the percentage of international students or the percentage of females.

The UK universities, however, have a significantly greater so-called international outlook than the US universities, and compared with Germany and the Netherlands. International outlook is evaluated by how much a university is concerned with the development of a multicultural community of students and staff, the preparation of its students for global political and social environments, and the development of international alliances in research, education and business. It appears, then, that the UK higher education system is well positioned and well primed to be an international export; it is already world-leading, with a global outlook.

Why should the UK export its higher education? First, data from 2017 show that 30% of all academics in the UK are already international. This situation,

however, is not yet being optimised in terms of developing a global, context-driven and internationalised curriculum. Secondly, in 2015 the Quality Assurance Agency suggested that the large numbers of international students studying at UK universities highlighted a great opportunity for them to be involved in shaping global and intercultural teaching and learning through co-construction of the curriculum.

Thirdly, many developing countries are experiencing a rapid growth in the number of students seeking higher education, and there is a strong appetite for qualifications from English-language, western institutions. American, Australian, British and Canadian universities are often seen as providing more modern and practical educations than those of local institutions, thus improving graduates’ prospects of finding well-paid jobs. Despite this, the cost of studying abroad may be prohibitive for some, while the cost of studying at a satellite campus is manageable. The US, in particular, has found that since 9/11 students from certain Middle Eastern countries have felt less safe in the States but are happy to study at satellite campuses. The same may be true of the UK since 7/7 and in the light of the Brexit referendum.

The fourth reason for exporting UK higher education is the potential collateral benefit to UK home students from international collaborations through, for example, study abroad programmes, where they may be hosted at their own satellite campuses, thus removing any concerns about credit transfer or quality of educational provision. Research has shown that governments and universities hold the view that students who study on internationalised campuses demonstrate greater knowledge of international events, perspectives and methods. It has been further observed that these students are viewed as better prepared to contribute positively to local, regional, national and international progress because they develop the skills deemed necessary for a modern workforce and global conditions, such as second-language acquisition, cultural awareness, international contacts and adaptation skills. Additionally, this is in line with the Europe 2020 priority of inclusive growth and the headline statistic of aiming to achieve 20% of graduates having spent a study or training period abroad by 2020.

Fifthly, a further collateral benefit comes in the form of research collaboration and the provision of a steady supply of students from abroad joining the university as postgraduate students. At present in the UK, international students make up 60% of those studying at postgraduate level. However, if this is their first experience of studying in UK-style institutions or in English, they can face considerable challenges. In contrast, if they have studied at satellite campuses they may be better placed to settle into their UK university campus at postgraduate level.

President Clinton once remarked that the nations of the world had progressed from isolation to interaction—albeit positive or negative—and were finally on track for integration. Higher education is an increasingly globally integrated activity. The UK needs to ensure that it plays a central part in maximising all the opportunities it will indubitably bring for everyone.

1.11 pm

**Lord Smith of Finsbury (Non-Affl):** My Lords, I remind the House of my interest as master of Pembroke College, Cambridge. I congratulate the noble Lord, Lord Norton, on his choice of subject and on an excellent opening contribution to this extremely good debate. I greatly enjoyed the contribution from the right reverend prelate the Bishop of Chichester in his maiden speech. I trust that we will hear much more from him as part of our discourse in the years to come. I was particularly impressed by his reference to some of his distinguished predecessors. I recall, however, that one of my predecessors as master of Pembroke was Bishop Nicholas Ridley, who was burned at the stake by Queen Mary. I have to observe that I trust this practice will not be revived in current times.

The starting point for our discussions on this subject has to be that our best universities are globally significant institutions. Not many things these days that we do as a country are genuinely world-beating. There is the BBC, our best and greatest museums and galleries, our theatre and our artistic endeavour, but I believe that our best universities head that list. Cambridge, Oxford, Imperial and UCL are consistently in the top 10 universities worldwide; many others are in the top 100. This is because of the robustness of the educational and teaching experience provided to students, and the quality of research undertaken.

However, part of this success is down to the opportunities that we offer for international students to come and study here. The numbers, of course, vary from institution to institution. In Pembroke, 20% of our undergraduates and some 60% of our postgraduates come from abroad. Those opportunities bring a whole range of benefits, as many noble Lords have mentioned in this debate. They bring in essential income for our universities. Especially in STEM subjects, home fees simply do not cover the full cost of providing the education that is offered. Overseas students also bring in essential income for the entire national economy but in many ways there are much more important non-economic arguments.

First, attracting the best and brightest students from wherever they come, including from across the world, enhances the sense of aspiration that each cohort of students has; it means that they wish to learn even more strongly than they might otherwise do. Secondly, the social, cultural and educational benefit from mixing with fellow students from a wide variety of backgrounds is enormous. Our students learn about other cultures and other life experiences. They develop a better understanding of the wider world because of the contact that they have with international students. Thirdly, as has been mentioned many times, the soft power impact of the experience gained by international students while here is something that they carry with them for the rest of their lives. They go on to run countries, businesses and organisations. Over the last 40 years, I have met leaders from around the world who had experience here as international students and feel positively about the UK as a result. Fourthly, many of the big issues that we face now are global in nature: climate change; migration; global health; and the effectiveness of development policies. These things

cannot and should not be studied in isolation. They are things where international engagement is essential if we are to understand and resolve some of these problems effectively.

Why, then, are we as a country making it so difficult to sustain this engagement with international students? First, of course, there is the madness of Brexit. Not only do we suffer the diminished standing around the world that we now have as a result of our decision, but EU students in particular are now wondering whether they are really welcome here. The Government have of course guaranteed the fee levels for those undergraduates starting this year and next but there is uncertainty beyond that. We are already finding locally that the numbers of applicants are beginning to fall. Secondly, we have the equal madness of insisting on counting international students within the overall net migration statistics. Almost every contributor to this debate has mentioned this as a serious problem. No one thinks it is sensible, not even the Minister's department. It appears to be only the Prime Minister who is adamant that it should continue. The reality is that students come for three years and then go back home, enhanced by their experience and feeling warm about the UK. There are very low levels of recidivism in terms of overstaying; students study and return. The case for counting students separately from the overall migration totals is overwhelming.

When we turn to postgraduate study and subsequent research, the picture is even clearer. There are real benefits for the quality and content of research, the collaboration and the benefits that can bring, and the advancement of knowledge and understanding. One of the worst things that anyone has said in recent years was, "We've had too much of experts". The need for knowledge, expertise, the analysis of real evidence and attachment to fact rather than theory are the building blocks of future success as a nation. Research and the role of our universities in it is the way that we do that. Again, Brexit is making all this infinitely more difficult. Access to European research funding is likely to be much harder after Brexit, while UK universities have of course especially benefited from European funding in this respect—way beyond what would be a per capita proportion if we were not able to get that research funding in such quantity.

The ease of research collaboration has been mentioned, especially by the noble Lord, Lord Bilimoria. Most ground-breaking research now is not done in isolation by a single academic in a single institution; it requires collaboration across national boundaries. Within the EU at the moment, this is easy; it means regular contact, the sharing of ideas and discoveries, attendance at workshops and conferences—there is ease of collaboration. If we go ahead with Brexit—especially if it is a no-deal Brexit, which I fear looks increasingly like the only option that will be on the table—this will all become infinitely harder.

Then, for those coming here from elsewhere around the world as research students, post-doctoral assistants, research fellows and early-career lecturers, there is a complex struggle to get the appropriate visa and navigate the bureaucracy. I have three particular pleas on this. First, ease the tier 1 route for exceptional talent.

[LORD SMITH OF FINSBURY]

Secondly, expand the tier 4 pilot scheme, which is especially important for master's students. Thirdly, if we end up with a hard and horrible Brexit, make it a priority to ensure swift visa provision for master's students, research students, post-doctoral contributors and academics coming here to teach.

I have one other brief thing to say. Some UK universities have established satellite campuses abroad. This would not be appropriate for Cambridge colleges, where the importance of location and face-to-face contact is so crucial, but for some universities it is a vital part of their sustainability. What is potentially more important, even for the wide spread of universities, is the development of twinning arrangements and partnerships with universities or faculties around the world, not just with the Stanfords, MITs and Harvards but with universities in Africa and Asia and across the rest of Europe. The potential for shared projects and exchanges of academics, students and researchers is huge. Let us try to make this easier rather than more difficult.

In summary, our universities are strong. They have much to offer the world, and as a result they have much to offer the UK's economy and society. Let us remove the obstacles that are currently making all this harder. There is so much to be gained.

1.22 pm

**Baroness Redfern (Con):** My Lords, I thank my noble friend Lord Norton for the opportunity to discuss this important topic today, and I thank noble Lords for the opportunity to speak in the gap for a quick four minutes. I welcome the right reverend Prelate the Bishop of Chichester and congratulate him on his eloquent maiden speech.

As we approach Brexit, there will be a great deal of interest in how the UK can maximise opportunities to trade and engage with a wider range of international partners as well as securing and maintaining strong relationships with our European partners. That is vital if we are to continue to enhance the future prestige and prosperity of UK higher education. Education is already a major service export for the UK but there is substantial capacity left to grow. We need to invest to maintain our current position as the second most popular global destination for international students and as the leading provider of transnational education. In encouraging our international students to study in the UK, much more has to be done to increase the number of UK students who benefit from overseas work or study experiences as part of their university degree. As it is said, globally mobile students can be some of our most rewarding and powerful ambassadors, welcoming people to our outward-looking UK. I am also pleased that the Government recognise the important contribution made by students and academics from EU member states to the UK's world-class universities.

The global UK must be a country that looks to the future. There is much at stake. The challenge now is to emerge from this period of uncertainty with a clear strategy coupled with a bold ambition for the sector's future growth, and of course prosperity. Along with free trade agreements, such a strategy must enhance

opportunities for UK higher education after Brexit but, alongside this, ensure that such agreements do not push back previous strong collaboration and expose UK universities to unnecessary risks. However, a modern university must be globally engaged—recruiting staff and students from across the world; making strong partnerships with international organisations; providing an intercultural education and thereby producing graduates with the experience to work across cultural boundaries; promoting international research; and producing outputs of international significance that have great impact. A bold forward-looking strategy must take advantage of the global reach of modern universities and therefore ensure that higher education plays a strategic role in the much-awaited future trade deals. Data confirms the increasing value of higher education as a major export industry; to lose that would be, at the very least, regrettable.

Importantly, this highlights the immense economic contribution of international students coming to study. It is not just their economic benefit that is so invaluable; international students from the EU and beyond contribute to a diverse student body and a thriving society, culture and economy as well as on campus in local regions and across the whole UK. To achieve a key aim of the industrial strategy to drive up exports, universities have the potential to grow and sustain this market further, but we must streamline the visa process.

Universities have a huge and increasingly significant impact on the UK economy and jobs. Higher education in the UK is a world-class sector. Our universities rank among the best and produce highly regarded research, making them attractive to international students and staff. Their value is there for all to see.

1.27 pm

**Lord Storey (LD):** My Lords, I thank the noble Lord, Lord Norton, for initiating this debate. I agree with his comment that our world leadership in higher education is under threat. I also congratulate the right reverend Prelate the Bishop of Chichester on his maiden speech. When I was training to be a teacher at St Katharine's Church of England College in Liverpool, I went on a field trip to the Anglican college in Chichester and had a wonderful time—so I have happy memories of Chichester.

The noble Lord said we were in danger of losing our world status and that it was under threat. You have only to look at today's BBC news online to see a story entitled "Australia overtaking UK for overseas students". It states:

"Researchers at UCL's Centre for Global Higher Education say the UK is being pushed into third place behind the United States and Australia. Australia has been rapidly expanding its international student numbers".

And how about this for a comment:

"The British Council says it shows the UK needs to 'look again' at its policies towards overseas students"?

Well, there's a thing.

I have listened with great interest to noble Lords' speeches on the economic value to the UK of higher education as an export. Last night I was at the chancellor's dinner at Hope University in Liverpool—a gold-rated university, the Minister will be pleased to know. It is

Europe's only ecumenical university, where Roman Catholics and Anglicans come together. I sat next to the professor who headed up the faculty of science. He was from India and was also a Hindu priest. Hope Voices sang, and in the choir was a Nigerian woman who is going on to do her master's at the college. There were young people from all over the world. I thought, "Isn't this absolutely wonderful?" Forget for a moment the economic importance of overseas students—I shall come to that—is it not wonderful that we are being enriched culturally by people from different backgrounds, different faiths and different countries? I agree with the noble Baroness, Lady Deech, that to make that work we have to look at how we welcome, encourage and support those students. They have come to a different culture, and we have to make our culture welcoming for them, just as we accept and welcome their culture.

This morning we learned about Australia overtaking us in the recruitment of overseas students. An export market worth £25 billion is very significant—and the £3.4 billion that it brings to London each year supports a whole range of employment. For a whole variety of reasons, we are no longer a major manufacturing country but have to concentrate on high-value, low-volume exports. Higher education is one of the highest-value industries—but, of course, lowest in the volume of physical goods that it produces.

We are still among the world leaders in higher education, where our domestic universities are some of the most attractive places to study for students from around the globe. One in seven overseas students at a Russell group university brings in £1 million—but it is not just Russell group universities; it is universities right across the country. It is also about universities going out to other countries to establish campuses. The noble Lord, Lord Smith, seemed to say, "Well, Oxford and Cambridge wouldn't do that, would they?" But actually it is really important that perhaps they should do that. I welcome the fact that Liverpool University has a campus in China and that many other universities have campuses throughout the world, including in China, India and the Middle East. That encourages the opportunity for us to grow that market.

The export market in higher education is important to us. Higher education is labour intensive, of course, but does not require massive capital investment: building a faculty requires much less capital than a new car-manufacturing plant demands. On the question of capital, it is our human capital that is our greatest asset, and we must nurture and encourage it.

I know that this debate is about higher education, but earlier this week we discussed the importance of introducing primary children to the world of work—not, you understand, a return to sending youngsters up chimneys but raising every child's career aspirations. More and more of our young people will be needed to fill the jobs in our higher education sector, whether as academics or support staff. Indeed, it is not just the higher education export market that is growing in size and influence; a number of independent schools are building schools in the Middle East, China and India.

In China, for example, there is a growing demand for English education, and more and more Chinese early-years settings are introducing a curriculum based

on our early-years foundation stage, employing teachers and experts from England to train Chinese early-years professionals. I was speaking to a colleague only this week about his recent visit to southern China, where he was promoting the English education system, which is proving enormously attractive to a growing number of Chinese parents.

Our higher education export market is not, of course, just about balance sheets. As is too often the case with matters educational, we are reduced to talking about numbers and the cash value of education. It was Margaret Thatcher who embedded the idea that getting a better place in a popular school was like buying a popular washing machine. The concept of education as a commodity like any other seems strange to me.

We have heard plenty about the quantifiable economic benefits of a strong HE export market, but I would like to return to the soft—if that is an acceptable word in our Brexit-focused world—benefits of being a world leader in higher education and in education more widely. One potential threat to this market is our exit from the EU, if that ever comes about. However, there is already some anecdotal evidence of what you might call academic planning blight, as we struggle to remain in some pan-European research projects. Alistair Jarvis, chief executive of Universities UK, said:

"The downturn in the UK's participation in Horizon 2020, the EU's programme for research and innovation, is concerning. It highlights the urgent need for clarity on the UK's participation in Horizon 2020 beyond Brexit and, while the UK is still a member of the EU, the need to communicate that the UK's universities and researchers are still eligible to participate and apply for funding through EU research and innovation programmes. The UK benefits enormously from access to the vital networks, funding and talent Horizon 2020 provides. It allows researchers to collaborate with world-leading experts on life-changing research, with knock-on benefits for the economy, society and individuals in the UK".

It will never be possible to quantify, but, in European consortia planning meetings, post-Brexit complications might well mean that it is simpler not to include UK partners. If we do ever leave the EU, we will have to try even harder to maintain our position as a world leader. In terms of our global efforts, we are not, of course, without competitors. As I mentioned at the beginning of my contribution, we are now third, behind Australia, in attracting overseas students, and Canada is rising up the ranks of chief exporters of HE. Going from gold to silver to bronze position will be hard enough to accept, but we must certainly avoid being knocked from the HE export podium altogether. Scandinavian countries are also getting in there.

Apart from the numbers, of course, foreign students still bring a very valuable diversity to our education system and to the communities they live in. We are not yet doing enough to attract students from Africa, South America and Asia, where there are increasing numbers of students seeking to study abroad.

I will quickly raise two other points. As well as attracting students, we have to make sure that our universities have academic integrity, which means that we have to look at all the sorts of issues that might affect that integrity—essay mills, contract cheating, and bogus colleges and private colleges that attract overseas students and provide appalling facilities. If

[LORD STOREY]

we do not get that right, other countries will say, “Don’t go to the UK because this is what happens when you do”.

Finally, we hear a lot about global Britain. If you had a business generating £25.8 billion to the economy and brought in world research and development while culturally enriching our society, you would do everything that you could to nurture and develop it. Yet it seems that, perhaps for political expediency, the Government are hell-bent on allowing our competitors never mind to get a foot in the door but to push it wide open. I hope that the Minister will tell us not just where we are but where we hope to be and how we are going to get there and ensure that this hugely important market grows for this country.

1.38 pm

**Lord Watson of Invergowrie (Lab):** My Lords, it is entirely appropriate, given his distinguished academic reputation, that the noble Lord, Lord Norton, secured this important debate, and it is fair to say that the quality of contributions that it has drawn today more than justifies that initiative.

I congratulate, too, the right reverend Prelate the Bishop of Chichester on a fine maiden speech, in which he highlighted the benefits of learning in general and in higher education in particular. I look forward to hearing more contributions from him in the months and years ahead.

There can be no doubting the value to the country in terms of the wealth generated by the higher education sector. All noble Lords have cited those figures, and I do not intend to repeat them. It is, however, worth while emphasising that, last year, the Department for Education said that, in 2014—the most recent year for which accurate figures are available—the total value of UK higher education sector exports and transnational education activity was in excess of £12.4 billion. The sector brings economic, cultural and academic benefits to these shores and, as my noble friend Lord Parekh said, the presence of overseas students opens the minds of UK students to different cultures, broadens their outlooks and enriches them in general. The benefits are generated by modern as well as ancient universities and, as this debate concerns the UK, it should not be forgotten that they are felt in every country and region, in terms of jobs both on and off campus as well as the wider local economies, particularly small businesses.

Two weeks ago, noble Lords debated part-time and continuing education and the role of the Open University and that is also relevant to today’s debate, because the value of distance learning extends not only around the UK—the Open University works with 27 overseas partners in 20 countries. The bullish comments in the *Times* today by Sir Michael Barber augur well for the much-criticised Office for Students strengthening the sector’s reputation. The figures brook no argument as to the importance of the contribution that higher education makes to the UK economy—all the more reason, then, to ensure that that contribution is not diminished in the years ahead. As the noble Lord, Lord Norton, said, diminution is already happening,

although the impression gained is that the Government do not share the concern and are not aware, or at least not fully aware, of the risks that face the sector.

Of course, as the noble Lord, Lord Smith of Finsbury, emphasised, the main threat stems from the fact that we are leaving the European Union. More than two years on from the referendum, the Government still have no credible or coherent plan for what life after the EU will, or even might, look like. It is not that the Government have not been warned. In April last year, a House of Commons Education Committee report noted the “significant uncertainty” caused in the higher education sector by the UK leaving the EU. The committee highlighted areas for the Government to prioritise, including: improvements to the immigration system to ensure better movement to and from our universities, which would involve the removal of overseas students from net migration figures; continued involvement in research frameworks, such as Horizon 2020, and planning for domestic funding for a scenario where access fails; and continued involvement in Erasmus, or a home-grown replacement, with an ambitious mobility strategy for universities. Fifteen months later, none of these crucial issues has been meaningfully addressed, let alone resolved.

That report also recommended that the Department for Education, in co-operation with the Home Office and the Department for Business, Energy and Industrial Strategy, should publish a contingency plan for higher education to prepare for a no-deal situation. I have to say that, as the shambolic last few days have illustrated, there are a significant number of Tory MPs who are determined to bring about a no-deal situation, irrespective of the terrible costs that that would entail and the jobs and livelihoods that it would destroy. In their response to the report, the Government said:

“we ... encourage the sector to continue to think about what it could do to best prepare for our exit from the EU—whether in mitigating potential risks or in taking advantage of new opportunities”.

I am sure that there were many in the sector who thought that a rather patronising suggestion; it is fairly clear to me that the higher education sector had worked out for itself the necessity of mitigating potential risks or taking advantage of new opportunities. That is what many have been doing since probably the day after the referendum, and many have made considerable progress.

However, the options available to higher education institutions remain restricted by the Government’s intransigence on the issue of international students coming to the UK. In 2014-15, international students paid almost £5 billion in tuition fees to UK universities, which is, I understand, around 15% of their total income. Yet the Government send out the message that international students are seen as part of this country’s perceived “immigration problem”, because they insist that students remain in the Government’s net migration target. The noble Lord, Lord Smith, said that only the Prime Minister seems to continue to believe that this is appropriate. That may date back to her being the Home Secretary who introduced the measure and may now risk losing face if that were to change. But surely we want the UK to be regarded as a welcoming place by young people choosing where to study.



In recent years, the UK higher education sector has suffered a decline in market share, and global competitors—as we have heard—are developing attractive offers to students that this country has not effectively responded to. The risk is surely that the UK will be left behind, which is a situation that, as a country, we simply cannot afford in either academic or financial terms. The noble Lord, Lord Norton, referred to the decline in the numbers of students from India. That should be a worry to the Government, given the size of India, or so we would have thought, but apparently not. Last month, in a Written Question, I sought to ascertain why, when more countries were included in the expanded low-risk tier 4 visa category for overseas students, India was not among them. The response from the noble Baroness, Lady Williams of Trafford, was that the decision was arrived at,

“taking into account objective analysis of a range of factors including the volume of students from a country and their Tier 4 immigration compliance risk”.

That is a not very veiled comment on the trustworthiness of students from India, which I think is a disgraceful slight on that nation.

Can the Minister say what initiatives the Government intend to take to increase the numbers of international students in both short-term and full-time study in the UK and to ensure that the UK is seen as a welcoming country to students globally? Do Ministers and officials from the Department for Education and Home Office meet to discuss the issue of international students and the net migration figures? The Government have commissioned the Migration Advisory Committee to provide an objective assessment of the impact of EU and international students, which is due to report by September. That is two months away and the Government will then presumably require further time to consider the report. The clock is ticking towards our exit from the EU, and it is unlikely that any change in policy on this issue will be able to influence student applications until the 2020-21 academic year at the earliest. Meanwhile, competitor countries will not be standing still; they will be seeking to capitalise on our indecision.

Labour believes that there should be no national target to restrict the numbers of students coming to the UK. As a minimum—as the noble Lord, Lord Holmes, and others have said—the Government should immediately remove overseas students from the net migration target. Many prospective EU students are now inquiring about studying in the UK from 2019, but Ministers have so far failed to clarify their status beyond 2020. What are the Government doing to address the longer-term status of EU students? Any changes to free movement rules for EU nationals, such as applying to them the visa requirements that currently apply to non-EU nationals, would give rise to a substantial barrier to entry on the grounds of immigration status to EU nationals. This would not just affect the top universities. Barriers such as this would reduce the UK's attractiveness as a destination for study, making it more difficult for specialist institutions such as London's Guildhall School of Music and Drama to attract the most talented from important European centres of training.

Postgraduate study and work are also important factors. Will the Government consider suggestions made by Imperial College, 60% of whose students and

40% of whose staff come from outside the UK, that the tier 4 pilot scheme for master's students should be expanded, or that a new post-study work visa for the best STEM graduates—another point made by the noble Lord, Lord Norton—should be introduced?

The ability to collaborate across borders with people from different backgrounds, cultures and nationalities is what drives the world's best universities. As many noble Lords have said, the UK has many of the world's best universities, and the Government's lack of planning stands to threaten not just their status but those of all higher education institutions in the UK. The higher education sector stands exposed, and we are already beyond the point when the Government should have begun taking decisive action. Many in the sector will be following this debate and hoping that the Minister is about to give them some encouragement that the void in government policy is about to be filled. We await his words of wisdom, and of hope, with much interest.

1.48 pm

**Viscount Younger of Leckie (Con):** My Lords, I am very grateful to my noble friend Lord Norton of Louth for tabling this debate to take note of the value to the United Kingdom of higher education as an export. I am reminded of my own undergraduate days spent in a small city on the East Neuk of Fife. Let me start by unashamedly congratulating my old alma mater, St Andrews. Today, that city welcomes students from over 140 countries worldwide. I know that many other university towns and cities do the same. It is a remarkable demonstration of the global reach of our higher education institutions in the UK.

Talking of cities, we have rather done the rounds this afternoon. We heard about Winchester, with its cultural and educational focus, and, from the noble Lord, Lord Smith, about Cambridge and Pembroke—but above all, we heard about Chichester. I was particularly pleased to hear the right reverend Prelate's warm, interesting and informative maiden speech about this remarkable city, a place where I spent every summer as a boy. In the way that he marketed that great city to us, he provided us with an educational insight. Chichester's excellent mix of arts, science and cultural and theological life clearly remains a great asset. Speaking of which, the right reverend Prelate will clearly add considerably to the contributions to this House. I also note the excellent appreciation that the noble Lord, Lord Bilimoria, gave to the right reverend Prelate's speech.

Universities generated a £52.9 billion gross value added contribution to UK GDP in 2014-15. Yes, that is a large figure, representing 2.9% of all UK economic activity, and international students are a very important part of that. As the noble Lord, Lord Smith, said, we attract the brightest and best from around the world, and that has been a theme of today's debate. According to the latest data, in one year alone they contributed an estimated £11.5 billion to the UK economy through only tuition fees and living expenditure. This means that higher education generates more output than many other sectors, including advertising and market research, legal services, computer manufacturing, basic pharmaceuticals and air transport, to name a few.

[VISCOUNT YOUNGER OF LECKIE]

Statistics published by the DfE earlier this year estimated that the total value of UK education exports and transnational education activity was £19.3 billion in 2015. That is an increase of 22% since 2010. Higher education accounted for 67%—£12.9 billion—of this exports value. Let me attempt to define what we mean by value, although my noble friend Lord Norton covered it with his customary experience and was very thorough. There is, of course, a financial aspect—the money that education exports bring to institutions and the UK—but, as he said, there is also value in the cultural diversity that international students and internationalised institutions bring. For example, our world-renowned research base is enriched and better connected. International alumni form a resource to market our higher education offer around the world, as well as becoming ambassadors for the UK. International education collaboration also helps to generate diplomatic good will and soft power for the UK.

The UK is very successful in attracting students from around the world. Indeed, only the US attracts more than we do—although I took note of the points made about Australia. Perhaps this is unsurprising given the UK's excellent higher education reputation around the world. Eighteen UK higher education institutions feature in the top 100 of the QS World University Rankings 2018, and four in the top 10. International and EU students make up an important part of the student body. There were 135,000 EU students and 308,000 non-EU students in the academic year 2016-17. So it is encouraging that the latest data show a 2% rise in the number of UCAS applications from the EU and, separately, a 6% increase in university-sponsored visa applications for non-EU international students. We also recognise that international and EU staff are important for the UK higher education sector. Non-UK nationals made up 30% of academic staff in 2016-17 and 10% of non-academic staff. These numbers have been growing steadily.

I want to address some of the points raised by the noble Baroness, Lady Deech, and the noble Lords, Lord Smith and Lord Storey, about the importance of how international students are welcomed to the UK. This has to include the initial welcome, the introductions that are made, dealing with any language issues that might crop up, support when they first come, and ongoing advice that might be needed. Some noble Lords might say that the same should apply for UK students, but I am obviously talking about international students here. I reinforce the point that we very much welcome international students. We hope that they enjoy their time living and studying in the UK. In a recent report by UUKi, the UK ranked top among its competitor nations in the five key measures of student experience, including overall satisfaction, arrival and orientation, and support services. Some 91% of international students across all levels of study reported that they are satisfied with their experience in the UK.

The noble Lords, Lord Parekh and Lord Bilimoria, asked what action the Government were taking to welcome the Indian diaspora, which is a fair point. I recognise that we have had a period of reduced numbers of Indian students. That is why I welcome

the 30% increase in the number of study-related visas granted to Indian nationals to 15,171 in the year ending March 2018. This follows a targeted programme by the British Council in India to welcome Indian students to the UK, but there is more we can do.

UK universities are also forging ahead with innovative ways of delivering their services overseas. The noble Lord, Lord Storey, mentioned our reach to China. The University of Nottingham was invited to become the first foreign university to establish an independent campus in China. Lancaster University is the first British branch campus in Ghana and the only one of its kind in sub-Saharan Africa. UK universities are often at the forefront of pioneering alternative forms of international provision, including online learning, blended programmes and joint degrees. These opportunities are open to our universities because they offer a high-quality education to students from around the world. Only a couple of days ago, I had the pleasure of hearing directly about the work of the Open University—a pioneer in distance learning and flexible study.

Research in the UK is world class. The noble Baronesses, Lady Deech and Lady Greenfield, and the noble Lord, Lord Smith, alluded to this area. The UK is home to 0.9% of the global population but of 4.1% of the world's researchers, and it accounts for 2.7% of global R&D expenditure. At the same time, we produce 6.3% of articles, 9.9% of downloads—I can give an explanation later about what that means—10.7% of citations, and 15.2% of the world's most highly cited articles. The UK places a high value on international engagement. Over 51% of all UK publications in 2014 were internationally co-authored, with a diverse range of countries. The UK's share of international co-authorship has been increasing annually from 2010.

Continuing to work with international partners is critical. Our research strength and our innovation have been built upon a history of collaboration—a word we have already heard, when the case for collaboration was made strongly by the noble Lords, Lord Bilimoria and Lord Smith. Collaboration has helped the UK to become the centre of excellence that it is today. That is why the Business Secretary, Greg Clark, has launched a prestigious, £900 million UK Research and Innovation future leaders fellowship scheme, which is open to the best researchers from around the world. This investment will fund at least 550 new fellowships for global business talent. Our investment of £65 million makes the UK a major partner in the world-leading deep underground neutrino experiment—the first international “mega-science” project on US soil. Programmes such as the global challenges Research Fund and the Newton Fund help us to foster international collaboration as we work together to address some of the most pressing challenges of our time, such as clean energy and automation.

The noble Baroness, Lady Deech, the noble Lord, Lord Bilimoria, and the noble Earl, Lord Dundee, asked about Horizon Europe and if we will maintain involvement. We wish to explore association with innovation and research programmes, including Horizon Europe and Euratom research and training. We intend

to engage fully and constructively in the design of these programmes, and we welcome the chance to discuss these specific arrangements with the European Commission.

There are other benefits of higher education exports that are perhaps more difficult to measure, yet no less critical. International students in the UK add to the diversity of the student body, contribute to the academic debate and help to create a more global mindset for our own young people. Higher education exports also make an important contribution to the UK's "soft power"—which is probably not the greatest term, but I think that we probably have to live with it.

Students from all walks of life return home having built a positive experience and knowledge of the UK—as my noble friend Lady Redfern said—not to mention important alumni networks and lifelong friendships. Indeed, studies suggest that many world leaders attended higher-level education in the UK. That came out in the speech from my noble friend Lord Holmes. These personal connections with Britain help to build long-term social, political and trade links with other countries—and what value that brings the UK in terms of diplomatic and soft power.

I turn now to what the Government are doing to support education exports. The sector is making great efforts to promote and expand HE exports. The British Council, Universities UK International and individual universities all do this vital work. It is right that the sector itself plays a leading role, but the Government are committed to supporting its ambitions. We believe that we are in a very strong position with our global market share, but know that we cannot rest on our laurels in the face of international competition. I picked up many messages concerning that in the Chamber today. Australia, New Zealand and Canada are now seeing increases in overseas students, as are European countries that are increasingly offering courses in English. That is why we established the Department for International Trade education sector advisory group. Chaired by the Department for International Trade, Ministers from both the DIT and the DfE attend this group, along with organisations representing all areas of the education sector. It ensures that the Government understand what the sector needs and that we work together to boost UK education exports.

The DIT supports UK business by organising trade missions and inward delegations to the UK, and by publishing export opportunities online to inform the UK education sector. My noble friend Lord Norton raised an important point about the marketing of universities. I reassure him that we actively promote study in the UK through the GREAT campaign, which was mentioned, and through the British Council, which promotes the UK in over 100 countries, connecting millions of people.

To answer the point of my noble friend Lord Holmes, not just on India but perhaps all countries: we want you and your children. We can offer curry—I say this from my particular position—as well as a well-known beer brand.

My noble friend Lord Norton of Louth asked what more we can do to boost the GREAT campaign. We are always looking for ways to make it even more

effective. The Department for International Trade and the DfE are working closely with the sector to explore how best to boost exports in education, including through programmes such as the GREAT campaign.

I know that the sector wants to know what EU exit will mean for its students. To help give certainty, we have given guarantees on student finance for EU students starting courses in the 2019-20 academic year or before, and assurances on research funding. The noble Lords, Lord Bilimoria, Lord Smith and Lord Watson, asked what assurances the Government can give about students for the following academic year. We recognise how important it is that students and institutions have information on student support eligibility before course applications open. Applications for courses starting in the academic year 2020-21 do not open until September 2019, but we will ensure that students and institutions have the information they need well in advance of this date.

My noble friend Lord Dundee asked about the reintroduction of post-study work for tier 4 students to stay and work for two years of the study. He will note that the Government closed the post-study work route under tier 1 of the visa system in 2012 to tackle the large numbers of fraudulent applications and graduates remaining unemployed or in low-skilled work. Graduates can stay on to work in the UK by switching into a number of easy routes such as the tier 2 skilled worker visa, which over 5,000 students did in 2016.

The noble Lords, Lord Holmes, Lord Norton, Lord Parekh, Lord Smith, and nearly every Peer who spoke in this debate, raised the important issue of student numbers being kept within the net migration target. What I am about to say will not necessarily be new to noble Lords, and I am certain that we could have a long and full debate about it. However, I have listened to the points raised this afternoon, and they will be passed on. I say again that migration statistics are independently produced by the ONS. Like other migrants, international students who stay for longer than 12 months have an impact on communities, infrastructure and services, so they are included in the net migration statistics to provide necessary data. However, this does not act in any way to their detriment. There is no limit on the number of genuine international students who can come to the UK, or any plans to limit any institution's ability to recruit them.

To help inform decisions on the future migration system, the Government have commissioned the independent Migration Advisory Committee to provide an objective assessment of the impact of EU and non-EU students by September. This has provided an important opportunity for the sector to feed in views, and I am pleased to see that it has actively engaged with the review.

In the meantime, we continue to support the competitiveness of our world-leading HE providers: for example, by rolling out the tier 4 pilot, mentioned by my noble friend Lord Norton, which streamlines the visa process for postgraduate students at 27 universities. Just as importantly, it gives them extended leave of up to six months to find a graduate-level job. I hope that, if the pilot is successful, it can be rolled out further so that more institutions and their international students can benefit.

[VISCOUNT YOUNGER OF LECKIE]

The noble Lord, Lord Storey, asked a question about maintaining academic integrity by stopping contract cheating. I know that he works tirelessly on the subject, and we recently had a short debate in this House on it. We believe that the best approach to tackling this issue is, as he knows, with a sector-led, non-legislative initiative in the first instance, and we are working closely with the OfS and the QAA's new academic integrity advisory group—I believe the noble Lord is a member—to evaluate the effectiveness of the guidance. We remain open to the future possibility of legislation, but certainly there is no guarantee of that.

I begin my concluding remarks by saying a few important words about where we are with higher education. I strongly believe that the UK continues to be an attractive destination for students globally, which is reflected in the continuing high numbers of overseas students who choose to study here. We are highly competitive in the global mobile student market, second only to the US in the number of international, EU and non-EU students that we attract, but we are not resting on our laurels.

On the back of the Higher Education and Research Act that we took through last year there will be the provision for a faster and simpler route for high-quality new providers to enter the sector and gain degree-awarding powers. We want to ensure that those with new and innovative ideas for setting up institutions can do so and make as much of these opportunities as possible, which of course encourages students from all over the world.

**Lord Bilimoria:** I appreciate, as I think do all noble Lords, the thorough way in which the Minister has answered so many of the questions we have raised, and we appreciate the British Council and the GREAT campaign. But I asked an important question about India being excluded from the 11 countries that were added for the fast-track scheme for student visas. In fact, yesterday the attaché from the Indian High Commission was very upset about that. A clear answer to that question was not given.

**Viscount Younger of Leckie:** I recall that the noble Lord raised that point. I do not have a definitive answer, but I will write to the noble Lord to give him a full answer as to why that has happened and what the Government are doing about it.

In the spirit of new providers starting up, I mention once again the Dyson Institute of Engineering and Technology. It exemplifies the diversity and innovation of the offer we believe we have in the UK, which we must support the sector in showcasing to the rest of the world. We are rightly proud of what our universities contribute to research, academia, the economy, and the enrichment of lives across the globe, and we are committed to promoting the UK's offer of excellence in higher education around the world.

2.08 pm

**Lord Norton of Louth:** My Lords, I am extremely grateful to everyone who has spoken in this debate. There have been some excellent contributions, including the splendid maiden speech of the right reverend Prelate the Bishop of Chichester.

There has been a clear message throughout this debate. I recall how a few years back I initiated a debate on the need for an evidence-based drugs policy, and in replying, the Minister said that opinions on the subject were divided. Afterwards someone pointed out that in fact there had been no division of opinion in that debate—everybody was agreed—and that the only person who had taken issue was the Minister.

It is quite clear that the export of higher education is a vital resource for the United Kingdom. It is a public good at any time but it is especially important today when we need to strengthen our economy, bolster research in our universities and enhance our influence internationally. As various noble Lords have stressed, overseas students enrich our universities. I benefit enormously from my own postgraduate students who now span the globe—one went on to be his country's Minister for Finance. Higher education adds to our global reputation—we benefit enormously and our students benefit enormously from the interaction with those students.

I thank my noble friend Lord Younger for replying to the debate. I suspect with my noble friend you are actually preaching to the converted. The problem is not with the Department for Education, the Foreign Office or the Department for International Trade, it is essentially with the Home Office and I appreciate that my noble friend may have been limited in what he could say. The key point, which has clearly come over, is that unless action is taken, we are going to find ourselves at an increasing disadvantage, not only in recruiting non-EU students but also ones from EU states.

I reiterate that there has to be a culture shift on the part of the Government and especially the Home Office. I hope my noble friend will deliver on what he said and convey the message he has heard in this debate to his colleagues in government and ensure that what we have said is heard clearly and loudly. If he does, he will find that he has very strong support.

*Motion agreed.*

## Referendums: Parliamentary Democracy

*Motion to Take Note*

2.11 pm

*Moved by Lord Higgins*

That this House takes note of the impact on parliamentary democracy in the United Kingdom of the use of referendums.

**Lord Higgins (Con):** My Lords, our debates on Brexit have made frequent reference to referendums, but it seemed to me that the time had come to take a rather wider view of this issue. I am glad to see that a number of noble Lords who have added their names to the speakers list today take a similar view. I look forward with great interest to their comments, particularly the maiden speech from my noble friend Lord Pickles. He will give us a more up-to-date perspective on the view of those in the House of Commons on these issues than some of us who moved from the House of Commons to your Lordships' House a long while ago.

There is certainly no lack of background briefing on this issue. The House of Lords Library has produced a splendid note, and only this month a massive tome, a report of the Independent Commission on Referendums, was published. In addition, there have been reports by your Lordships' Constitution Committee and the Public Administration and Constitutional Affairs Committee of the House of Commons. The latter makes a particular study of the results and the effect of the Brexit referendum.

They all draw a certain amount of attention to the history of referendums in this country since 1975. Referendums were used very successfully by Hitler. Both Churchill and Attlee criticised the idea of them and, notably, Mrs Thatcher described referendums as, "a splendid weapon for demagogues and dictators".

While that reflected the immediate context of the time, I think there are still considerable concerns about the way in which referendums affect our democratic system. They are certainly popular with the electorate—perhaps to some extent reflecting the unpopularity of politicians—with the idea that they somehow get a direct feed in, even though in this country I believe we have politicians who are less out of touch with the electorate than in almost any other country in the world because of constituency meetings and so on.

I am concerned that the idea of referendums is constantly referred to as democratic. One can see the arguments in favour of that view but, in fact, it is not what we normally mean by democracy in this country. What we fundamentally believe in, I think, is the idea of representative parliamentary democracy where we elect Members of Parliament and, as Burke pointed out, they then take into account the views of their constituents together with their own judgment on any particular issue. One of the problems with referendums is the extent to which a Member of Parliament or a Member of your Lordships' House can take into account the views which were expressed. This is somewhat inhibited if a major part of a decision—almost a central part of it—is taken by a referendum. It is noticeable that very few Members of Parliament have stood up and simply said that they reject the decision of this or that referendum.

The crucial issue here is whether the referendum is regarded as binding. I took part at great length in the debates in your Lordships' House on the referendum Bill. What was clear at that time was that it proposed an advisory referendum, not a binding one. It is clear since then that the Government have regarded it as binding. The effect of that on the extent to which Members of Parliament can express an independent view is obviously very important.

The Prime Minister, soon after the result of the referendum, said very clearly we must "respect" it. Respect is a very interesting word. As far as the last referendum is concerned, there are lots of reasons for not respecting it. It was not a representative democracy, passed by an overwhelming majority of the population. It was a majority of those voting but quite clearly a lot of people did not vote because they realised that they did not fully understand the issues. Therefore, the argument that we must respect it also has to be seen against the background of a campaign that was riddled with lies from beginning to end—not least on the

question of the Brexit premium. In addition, there is the recent discovery of the extent to which the finances of the leave campaign might have affected the result. To conclude that we must respect the result is very doubtful.

As far as that is concerned, we have to take into account whether it is binding or not. As I say, it is in danger of undermining rather than helping our democratic system. The report that I referred to from the House of Commons points out that critics of referendums warn that they may undermine parliamentary democracy, particularly so when there is a clear difference of view, "between ... a majority of the public and the majority of parliamentarians".

It points out that this is probably the situation with the Brexit decision. So this, again, must give us some concern that referendums do not really help the operation of our democratic system—in fact, quite the contrary. I conclude from that that there are some serious problems that we have to face if we are to continue with the use of referendums, and there is a very strong case for the committees of both Houses to look at the issue in great detail.

One thing I am absolutely clear about is that I do not think there is a case for a second referendum on Brexit. We can do without another one, as it would again produce a very confused result. The right course of action at this stage is for Parliament to assert how the pieces of the chaos that have resulted from the referendum, not least in the last few days, can be put right. Parliament really must assert its influence more strongly over the way in which things develop in the present situation. Therefore, the case for referendums becomes increasingly doubtful. At all events, I think that we need to tighten up the rules.

I was surprised to discover in the briefing the existence of the Political Parties, Elections and Referendums Act, which I had not previously come across—I may not be alone in that. That could perhaps be amended to cover certain issues. I will always regret that during the passage of the referendum Bill through your Lordships' House, I did not put down an amendment to cover thresholds for both the turnout and the majority. We might have been in a very different situation today had I done so, but I thought that if I did, it would inevitably make the result of the referendum mandatory rather than advisory. None the less, I think that there is a case to be made, perhaps by the relevant committees, for saying that we should not have any referendum in future without thresholds for the turnout and the majority.

I conclude by saying that we certainly need further study by the committees to sort out the present problems that I have referred to. However, I am also influenced by the fact that I spend a considerable amount of my time in the Netherlands, which has had a rather bad experience with a referendum relating to Ukraine. It has been a real problem for the country, so the political coalition in the Netherlands has decided to introduce a measure to ban, flat out, the use of referendums, including advisory referendums. As I said, the difference between advisory and mandatory referendums is very blurred. As I understand it, this had already gone through the lower House of the Parliament in the

[LORD HIGGINS]

Netherlands, but there was then a move to have a referendum against having a ban on referendums. This was obviously rather controversial. The result is that there have been further disputes and the matter has gone to the Supreme Court, which has come to the conclusion that you cannot have a referendum banning the use of referendums. That, as I understand it, is the present situation and we will have to wait to see what any appeal against the Supreme Court decision brings.

That brings out the important point that we should consider to what extent the use of referendums in our country undermines the normal representative parliamentary system, in which we have such faith and which I think is unequalled in the world, not least in protecting minorities. One of the great problems with referendums is that they take no account whatever of minorities. They have been described as the dictatorship of the majority, and I think that that is indeed the position, not least as far as the latest referendum is concerned.

I believe that we should consider all these issues very carefully and I hope that the debate will seek to clarify them further. Given the amount of interest in this issue by way of background papers and so on, this is clearly an appropriate moment for us to consider to what extent we should continue to use referendums and, if we do, in what form. I beg to move.

**Baroness Stedman-Scott (Con):** My Lords, time is very tight in this debate, and I respectfully ask all noble Lords to comply with their speaking times.

2.25 pm

**Lord Parekh (Lab):** My Lords, I thank the noble Lord, Lord Higgins, for securing this debate. We have had three national referendums so far and quite a few regional ones, but none of them has led to the kind of controversy that has arisen from the last referendum. There are two factors to that: first, it dealt with one of the most important events in our history, which is unscrambling the arrangements that we have had in place for the last 42 years; and, secondly, the result was totally unexpected—at least, unexpected by those who called it. Therefore, there is a danger that our debate on the place of referendums in a democracy could be clouded by our views on that referendum. In order to avoid that, I want to decontextualise the debate and talk almost entirely about the place of referendums in a democracy, irrespective of what happened with the referendum on the EU.

Our political system is parliamentary democracy, not parliamentary sovereignty, but I think that the two are often confused. First, it is a parliamentary democracy in the sense that the power lies with the people, and it is articulated not directly by the people but through the representative institution—namely, Parliament. Therefore, it is a democracy first and it is parliamentary second. It is a parliamentary democracy because it is democracy as articulated through the instrumentality of Parliament. Therefore, as a parliamentary democracy, people remain sovereign. Popular sovereignty, as in any independent state, is a basic principle of a political system, and that is true of our system as well.

Secondly, to talk of parliamentary sovereignty implies that the monarch has no role, but you cannot call a Parliament unless the monarch calls it, and the monarch is not a part of Parliament.

Thirdly, Parliament is subject to certain conventions and procedures. Unless those procedures are met, it is not properly constituted and its deliberations and decisions do not count as laws. Therefore, Parliament is not sovereign, and it is misleading to say that it is. Given that we have a representative democracy, the question is: what is the role of a referendum?

Here, I take a slightly different view from that of the noble Lord, Lord Higgins, because I am a keen supporter of referendums, provided that they meet certain conditions and are conducted in a certain way. Nearly 95% of parliamentary or representative democracies in the world practise referendums, and the fact that Hitler used them does not necessarily make them a weapon of dictatorship. For example, in a parliamentary democracy people might feel that Parliament does not represent them or that the political class, made up of different political parties, is already thinking in a certain way and acting on assumptions that people do not share, as I think happened in this case. What do people do in that situation? How do we elicit their views?

In that context, I think that people have a right to speak if they feel that the Parliament does not fully represent them. If they have a right to protest or demonstrate, they also have a right to express their views, and the only way they can do so is through a referendum. If people feel that they want to disown the political class, or if, on an issue of fundamental national importance, they feel that Parliament does not represent their views, how do people speak? They speak through protests and so on, or else through referendums. A referendum, with all its limitations, is a valuable constitutional device. It gives voice to people's feelings and gives them a chance to express their views. It forces them to think, because a clear-cut issue is presented to them. It centres on a specific issue and is not won or lost by which political party is in power, as general elections are. More importantly, everyone feels engaged by it, and people feel committed to the decision that is taken because they have all thought about it individually and participated in it.

That referendums have a place in a parliamentary democracy is beyond doubt—as I said, we have already had three referendums so far. The important thing is to be clear about what the place of a referendum is: to constitutionalise it. It cannot just be an ad hoc convention by which a referendum takes place. It must be regularised and constitutionalised to give it a definite place in our constitutional system. This would mean laying down the conditions under which a referendum can be held and the manner in which it should be conducted so that information is provided to the people. It would indicate where a referendum is politically binding and where it is not, and where it should have a threshold or a supermajority provision. Once referendums are constitutionalised in this way, they would become an important part of our constitutional system and could be easily reconciled with any kind of parliamentary democracy that we happen to have.

2.31 pm

**Lord Wallace of Saltaire (LD):** My Lords, in discussing referendums we have very much to put our discussions in the context of declining popular support, in this country and elsewhere, for parliamentary democracy. It is a real problem we all face, and we see it as it stretches across the rest of the democratic world. In Britain, we have a situation in which the people—and newspapers—who campaigned very hard for the restoration of British parliamentary sovereignty have, for the past two years, insisted that the “will of the people” as expressed in one referendum must override parliamentary scrutiny and further debate. We have disillusion with elites and with the establishment—with representatives, as such—and the rise of “authentic” charismatic figures who are seen to represent the people, even though they usually do not come from the people. We see that not just in Britain but elsewhere. When I see the *Daily Mail* giving large coverage to Jacob Rees-Mogg attacking the establishment as a man of the people, I feel that we are almost in a surreal world. But that is where we are, and the public school-educated journalists of the *Daily Mail* and the *Daily Telegraph* busily attack the metropolitan elite, even though they are all members of it; meaning, of course, that what they are attacking is those who think that evidence, debate and discussion are important to democratic politics and not simply emotion and gut feelings. That is the problem that faces us and into which context we have to put the future of referendums.

Membership of political parties has declined. In 1970, 5% of our voters belonged to political parties, the largest of which was the Conservative Party. In 2010, it was 1%. It has recovered a little since then, although in some unpublished figures, the Conservative Party is now the fourth largest political party in Britain after the Liberal Democrats and the SNP. It certainly ought to worry us that the governing party has become a central political machine funded by large donors without the roots it used to have among the population.

**Lord Lea of Crondall (Lab):** What about the Labour Party?

**Lord Wallace of Saltaire:** That is a matter for the noble Lord.

We have a broken two-party system. In many other countries, the old parties have begun to break up and new parties are emerging, but ours are held in place by a voting system and by their privileged access to funding. We have a situation in which political education in this country is extremely poor—almost absent. The noble Lord, Lord Higgins, said that we believe in parliamentary democracy. However, my experience of the referendum campaign is that many people expressed deep confusion about the quality of democracy and the issues at stake because we have not tackled the question of how to educate our masters, as Disraeli said we needed to do, so many years ago. One reason I have been converted to the idea of the voting age being 16 is that it would encourage schools to get into political education in a much more active way. We all know how delicate and difficult that is, but we need enormously to prioritise citizenship, an understanding

of the rights and obligations of citizenship, what we mean by the rule of law and what we mean by representative democracy.

It does not help that local democracy has been undermined and its funding cut back, and that we now have fewer elected representatives in England than in any other democratic country. We have seen the professionalisation of political campaigning, the rise of what the Russians call political technology, and the very slick way in which the anti-AV campaign and the Brexit campaign—both led by Matthew Elliott—used the peripheral, almost irrelevant, question of funding for the National Health Service to discredit other matters. That was very well done and very clever, given that it was not central to the issues. The influence of big funders—often offshore and occasionally foreign funders, and occasionally also dark money—is clearly something that we need to look at.

Where does that take us? Like the noble Lord, Lord Higgins, I have read the various reports. I was very impressed by the Independent Commission on Referendums and I strongly agree with many of its recommendations, including that referendums are best to ratify a decision which government has taken rather than to start a debate about what we might do if the population expressed a preference for X rather than Y. The last thing one should do, of course, is have a referendum to avoid the governing party having to take a decision first. That is what happened two years ago and is, after all, what happened in 1975.

I also agree with the commitment that referendums need to be embedded in a longer process of debate and negotiation, as far as they can be. Citizens’ assemblies and other things are mentioned, and in Britain we face the problem that we have a more highly educated electorate but they are less interested in politics. They want to listen to us on the radio or television only for 30 seconds at a time, rather than the two to three minutes we used to get 20 or 30 years ago. There is a real problem in getting complex politics across. I also agree that referendums need to be restricted to major constitutional questions. I further agree that referendums need to be tightly regulated. The report says rather optimistically that they need to be fair, but what we have seen in the context of the last two referendums—most recently in 2016—is that regulation needs to be not only clear but quickly imposed. Here we are, two years after the referendum, and the questions of where some of the money came from and whether the limits were exceeded still hang in the air.

Where are we as a result of all this? Referendums have become a part of the British constitution—we cannot take them away again—but they should be used rarely. Our democratic system is much shakier than it used to be, and politicians across all parties need to co-operate to repair and strengthen it. To paraphrase Winston Churchill: parliamentary democracy is the worst of all systems of government, except for all the others. And I am not at all sure that plebiscitary democracy is any better than parliamentary government.

2.38 pm

**Lord Wilson of Dinton (CB):** My Lords, I worry that we are all going to say the same thing. I am very glad to follow the noble Lord, Lord Wallace. What

[LORD WILSON OF DINTON]

worries me is that there are strong forces at work, putting pressure on our unwritten constitution, and we do not have answers as to how to meet them. I congratulate the noble Lord, Lord Higgins, on this timely debate. I am very pleased that we shall hear two maiden speeches, one from the noble Lord, Lord Pickles, who has relevant local government experience, and one from the noble Lord, Lord Anderson, who brings to these Benches his wealth of constitutional knowledge.

We are proud—are we not?—that our constitution is not written down. Everyone else has to write it down, but we can get through without that. Indeed, one of my predecessors as Cabinet Secretary once said in evidence to a Select Committee, “Oh we make it up as we go along”, and there is a sense in which that is true. I remember on one occasion I asserted as Cabinet Secretary a principle—it does not matter what it was—as a long-standing convention and got away with it. My staff pointed out to me later that there was no reference to it in any textbook or other document anywhere. I had invented a long-standing convention on the spot. That plastic quality of our constitution is in some ways a huge advantage. Although we talk about our constitution over the centuries, the reality is that it changes the whole time.

If we look at the last 40 years, we have had entry to the Common Market, which was a huge constitutional change. Local government used to be an independent tier of democracy, but over the last 30 or 40 years it has become an agent of central government in many areas. When Secretary of State, Mr Charles Clarke actually asserted that it was an agent of central Government. Nicholas Ridley predicted it before the poll tax came in. That is a big change. “Where are the riots in defence of local democracy?”, I asked local government when that was happening, and there was no answer.

Similarly, Mr Blair’s years were a period of extraordinary change. There was devolution to Scotland, Wales and Northern Ireland. They were all different in concept and in content, but no one remarked on the inconsistency. We had reform of your Lordships’ House, freedom of information, the Human Rights Act and a whole raft of big change and yet nobody really noticed it. That is the truth: in this country no one is interested in the constitution and we tend to do big change as if we were under anaesthetic. We wake up decades later and wonder whether we meant to do what we did. It is happening with Europe at the moment, but devolution is another area. We tend to think about it only after it has happened and we should have thought about it beforehand.

Referendums have slipped in in this way because social pressures lead to big change in the constitution. Successive Governments, from time to time, have found it convenient to have referendums—not necessarily for the right reasons. We have similarly found—as Brexit illustrates—that we have had the referendum without paying much attention to the legislation for it and then we woke up and wondered what we meant by it. We must first look at the pressures that led to this demand for referendums. When I first entered the Civil Service, most informed policy debate took place within—though

I have no evidence for this—5,000 to 10,000 informed MPs, civil servants, professionals and so forth in a small social space. But the social space is now tens of millions of people who have discovered that it is much more satisfying if they express themselves on social media rather than wait every five years to vote. That pressure is much bigger than the answer that referendums will provide.

We have to accept that referendums have come, but we should have a clear understanding that they should be the final step in a long process of democratic debate so that everyone is familiar with what comes forward and has had a chance to discuss it. It should be the final blessing on what has been done but no great shock, and everyone should be clear, with all the options, what will happen if they vote for them. We cannot have options put forward in a referendum where no one knows what they mean at the beginning of the process. The process is the wrong way round on Brexit. We should have the referendum only when we know what we are voting for. That is the fundamental point.

It is also nonsense to say that Parliament cannot overturn the democratic will of the people. Parliament is sovereign. We are a monarchy, not a republic. The Queen in Parliament is where sovereign power lies. I will not develop that because I am at the end of my speech, but the fundamental importance of accepting that Parliament is sovereign and that referendums can only be advisory is important, however difficult that is.

We are at the beginning of a process. Let us now look at the constitutional change that is coming and get it right before we implement it ever again. Governments should never offer an option in a referendum that they think would be damaging. How can you possibly defend, in the national interest, offering the public an option that you think will do them damage? But that is what happened with Brexit.

2.45 pm

**Lord Pickles (Con) (Maiden Speech):** My Lords, I stand to address your Lordships’ Chamber for the first time. It is some 26 years since I made my maiden speech in another place and, even more dauntingly, it is 40 years since I made my maiden speech in Bradford City Hall. I was born in Keighley in a two-up, two-down in terraced housing close to the River Worth—and I can say that it is more than distance between the River Worth and this gilded Chamber. Somebody of my background was extremely unlikely to find themselves in this Chamber. However, my grandfather told me at the age of 15 that I would become a Member of this House.

Let me explain the background. On both sides of the family we were Labour voters. My great-grandfather helped form the Independent Labour Party at the beginning of the 20th century and my maternal grandfather was a Christian Socialist of the old school. He was a railwayman and it was his proudest day when the Labour Party under Clement Attlee nationalised the railways. I cannot help but feel that my grandfather would be very pleased with the present Government on the east coast line.



My grandfather was a keen supporter of Harold Wilson and George Brown and I continually argued with him—not, as you might think, as a prototype Selsdon man, but because Labour was not good enough. I was a Communist. My room was festooned with posters of Marx and Engels. I had *Das Kapital* and I read the Communist manifesto. For my 14th birthday my parents bought me Trotsky's *History of the Russian Revolution*, which I read from cover to cover. I must tell noble Lords, with some distress, that a few years ago I tried to read it again and felt a little like Bertie Wooster being given the task by the most formidable of all his fiancées, Florence Craye, of reading Nietzsche. Bertie concluded that it was an excellent remedy for insomnia. Noble Lords will recall that Jeeves thought that Nietzsche was “fundamentally unsound”. Much the same could be said of Mr Trotsky.

But before I realised that, I was arguing that the Labour Party had betrayed the working classes by what the Wilson Government were doing and my grandfather said, “The trouble with you, young Eric, is you're gullible: I wouldn't be at all surprised if you didn't end up as a ruddy Tory”. Then he went on—it pained me at the time and I am sure that it will pain noble Lords—“I wouldn't be at all surprised if you didn't end up with those half-wits in the House of Lords”. So here I am—the black sheep of the Pickles family, albeit with an ermine collar. My grandfather was a great man and I still treasure the Bible he gave me over half a century ago. Along with my parents, he was responsible for a very firm moral compass.

Besides my interest in the Conservative Party, which I am delighted to inform noble Lords has recently seen a massive increase in its membership, I have always been interested in social cohesion and the groups that make up the United Kingdom. At an early age, in the mid-1980s, I was co-chairman of the Joint Committee Against Racism with the late Labour MP Jo Richardson, whom I remember with great affection. Goodness knows what she would make of the current situation—but I will leave that for another time.

Whether it was in the Joint Committee Against Racism, or as leader of Bradford Council, chairman of the Conservative Party, Secretary of State or in my current job, I was always bolstered by some good advice given to me by my noble friend Lord Lawson of Blaby when I was a very young Conservative. I was at an event at which he explained what it was like to be a Secretary of State. Somebody asked, “How do you keep that up? How do you keep that rhythm going?” He said, “Because one day I know it will end”. Admittedly, ending in this place has a certain finality about it, but I have always felt that if you are given an opportunity to speak out, you must say what you think is right and make a difference.

I will briefly make a couple of remarks to my noble friend Lord Higgins, who taught me an awful lot when I was a very young MP. I cannot help but feel that Richard Nixon, who perhaps was not the greatest parliamentarian, had it about right: once you squeeze the toothpaste out of the tube, it is just about impossible to get it back in. All the very fine distinctions that have been made make not a jot of difference to the public. They have voted and the distinction is different. Even

Charles de Gaulle, somebody I admire perhaps more than anybody, came unstuck on a referendum because the French public answered an entirely different question.

In conclusion, were my grandfather to look on the fine bunch of men and women that I see before me, I think he would regard his judgment on your Lordships' House as a bit harsh. I think he would feel that I was in very good company.

2.52 pm

**Lord Sherbourne of Didsbury (Con):** My Lords, it is a real and genuine pleasure to follow my noble friend Lord Pickles. I have heard many maiden speeches in this House but I have never heard one quite like that. I learned a lot about his early years. Of course, he has had a most distinguished career in local government as leader of Bradford Council, a Member of Parliament—you could not wish for a more assiduous constituency MP than him—and a Cabinet Minister. Whatever job he has had, he is always refreshingly down to earth and direct, as we have heard. He has a clear and analytical mind. He is prepared to grasp nettles and bring about change when change is needed. He does all this with a twinkle in his eye. His great talent is his capacity to diffuse any political situation through his sheer presence. He brings great experience and expertise to this House and we warmly welcome him.

As others have said, today's timely debate is thanks to my noble friend Lord Higgins. The Motion before the House tactfully talks about the impact of referendums on parliamentary democracy. “Tension” might be a more accurate word, because that is what we experience today. We know how it happened: after the 2015 general election, Members of Parliament exercised their judgment—as they should in a representative democracy—and voted to call a referendum. In a general election, voters delegate to politicians the responsibility for making complicated decisions; in many ways, the politicians delegate that responsibility to the voters in a referendum, at least up to a point. The question on the ballot paper was very simple: “Do you want to remain in the EU or do you want to leave?” The complicated question of how we leave the EU was not on the ballot paper, so it was left to the politicians to answer it.

The problem is that politicians cannot decide among themselves, which has resulted in Members of both Houses claiming that they have somehow been able to divine what people voted for: to take control, leave the customs union, not leave the customs union, not be worse off or whatever. Frankly, we do not know what they voted for, because people vote the way they do for hundreds and thousands of different reasons, many of them absolutely bizarre. The idea that everybody reads every line of every manifesto or piece of political literature is fanciful. Politicians are now grappling with what form Brexit should take and are beginning to call for a second referendum. “Let the people decide”, they say. “Do they want the form of Brexit that would be on offer or would they prefer, on second thoughts, to remain in the EU after all?” I am totally opposed to a second referendum. Let me explain why.

One of the great things about this country is that, every four or five years, millions of people go to their local village hall, library or school, take a pencil stub,

[LORD SHERBOURNE OF DIDSBURY]

put a cross on a scrap of paper and put it in a tin box. The next day, the most powerful and ruthlessly ambitious people in the land walk out of Downing Street and government without a drop of blood being shed. It is one of the glories of our democracy. It works by consent: people who do not like the result accept it, which is the foundation of our democracy. But if politicians say, “I know you voted to leave in the referendum, but don’t you think you might have made a mistake? Would you like to reconsider your decision?” then the political class undermines that referendum’s validity and the very foundation of our democracy.

2.58 pm

**The Lord Bishop of Southwark:** My Lords, I, too, congratulate the noble Lord, Lord Higgins, on securing the debate, which, as others have observed, is timely. A man who secured a silver medal in the 440 yards relay in the Commonwealth Games in 1950 knows how to pace himself. I also congratulate the noble Lord, Lord Pickles, on his maiden speech with all its fascinating revelations. I look forward to the maiden speech of the noble Lord, Lord Anderson of Ipswich, shortly.

Of course, I acknowledge that the United Kingdom cherishes a parliamentary democracy. That key point, and all that flows from it, has been powerfully argued by the noble Lord, Lord Higgins. It is the genius of this country that over time we have made use of ancient yet enduring institutions and constantly evolving constitutional practices to serve a thoroughly modern society. The Church was present in the counsels that predated Parliament and the estates that first gathered here. It has witnessed both the supremacy of the other place and the extension of the franchise. We are being looked down upon in stone effigy by those who witnessed Magna Carta, including two archbishops.

Parliamentarians have, at certain key moments, embodied the sense of the nation and articulated what needed to be said on local and national issues—as, indeed, on matters of global importance. We have sought and seek to legislate for the better welfare of our fellow citizens and we do so with our time, expertise and wisdom. We do so in this House upon our honour. Our role is to scrutinise, challenge, debate, consider and legislate. At the end, we offer our labours as a contribution to the parliamentary process and to Her Majesty for her consent.

Referenda are historically alien to the British constitution. However, the introduction of plebiscites into the British system is now a development, albeit regrettable, that we have to live with. We have legislation specifically on national referenda in the 2000 Act, such are their permanence.

It is worth considering why this has occurred. I identify at least two reasons. One is to determine intractable issues that people will not otherwise allow a Parliament to determine. In 1975 and 2016 it was, at least in part, to manage party divisions over our relationship with the key European bloc and bring certainty to a long-running issue. It came into play in the referendums on Scottish independence in 2014 and on Scottish and Welsh devolution in 1978 and 1997. As in some other countries, we now allow for key

constitutional issues to be determined in referenda. The voting system referendum of 2011 was another example.

The second reason is not unrelated to the first. It is an understanding that, since democracy is the participation of the citizen in the politics of the community, referenda offer the widest and most direct form of such participation. They carry with them the sense of final arbitration of block votes on binary questions. The problem with binary question voting in a national ballot is that it invites the voting population to do what parliamentarians undertake in the context of debate and continuing process—mastering a complex topic. For referenda to continue—there is no sign of them going away—there needs to be on each occasion a mechanism, such as a Joint Committee or commission, responsible for public preparation on the issues. While there was extensive prior coverage lasting years and high-quality debate before the 1975 referendum, neither was evident in 2016.

Binary questions do not resolve complex matters of public policy, as the most reverend Primate the Archbishop of Canterbury made clear in this House on 7 March last year, during the Report stage of the European Union (Notification of Withdrawal) Bill. A referendum acts like a surgeon’s knife in amputation at a static point in time. By contrast, parliamentary deliberation evolves after each general election, facing each matter before it in scrutiny, argument and debate. A simple question determined by a slim majority leaves virtually half our nation permanently without a voice in the matter, in a way that a Parliament never does. As is said in Proverbs, chapter 21, verse 5:

“The plans of the diligent lead surely to abundance, but everyone who is hasty comes only to want”.

For both Houses of Parliament, the continued option of referenda poses a challenge. We need urgently to recover a sense with the public that we address the really important matters and do not shy from or endlessly postpone them. If we can find the means to communicate the importance of public policy and something of its texture in the media, the appetite for this innovation in the British constitution may wane. I sincerely hope that it does.

We are contending with matters that are the most momentous that this country has faced, certainly since 1940. There are those who, at the very time we need the sort of deliberation I have expounded, have sought to close down debate in this place in a plea that all is decided in a referendum and that the rest is for the Executive to determine. Such an approach is injurious to parliamentary democracy as evolved in this nation and I hope that we in this Chamber and in the other place will resist this misguided attempt.

3.04 pm

**Lord Anderson of Ipswich (CB) (Maiden Speech):** My Lords, I am grateful for this opportunity to make my maiden speech in such an interesting and topical debate. I thank everybody who made my introduction to your Lordships’ House so enjoyable, including my supporters, the noble Baroness, Lady Warsi, and the noble Lord, Lord Pannick, and those—in particular, Black Rod and her staff—who have started to explain to a rather slow student both the geography and the procedures of this astonishing and remarkable place.

I am proud to associate myself with the town where my wife and daughters were born and where I have lived for most of my adult life. Since Anglo-Saxon times, Ipswich has prospered from trade with Europe, frictionless or otherwise. It stands also for global Britain, having manufactured the first railway locomotives used in China. Another distinction was lost without too many regrets just last week: the record of Ipswich Town Football Club in providing the England team with each of the managers to have taken it to a World Cup semi-final.

But my origins lie far from East Anglia, in non-conformist Yorkshire and in Scotland: in a small business in Skipton run by my Yorkshire grandfather, William Mason, a motorcycle champion, who later filled the sermons he gave as a Methodist lay preacher with the geology, physics and astronomy he loved and knew so well; and in the Kinloch Anderson company, best known as a kilt maker in Edinburgh and now in Leith, which this year celebrates its 150th anniversary in its sixth generation of family management.

My mother and father forsook their own family businesses for a new one—schoolteaching and, later, headmastering. Among their pupils at different schools in Scotland and England were the heir to the Throne and future Labour and Conservative Prime Ministers. I hope that that is a cause for congratulation, but in any event, with no prospects of equalling that achievement, I turned instead to the law. Since then I have scratched a living in a range of courts, as advocate and part-time judge, but I am most familiar with the courts of the European Union.

Opinions of course differ on whether the EU has contributed to the unprecedented peace and prosperity enjoyed in our continent over the past 70 years or merely coincided with it. But on almost any view, the European project constitutes the most advanced expression the world has yet seen of the international rule of law—a state of affairs to which British judges and lawyers have contributed with distinction, including my own mentors, the late Lord Slynn of Hadley, Sir David Edward and Mr David Vaughan QC, who sadly died earlier this year.

Change came for me in 2010, when I was invited to succeed the noble Lord, Lord Carlile, in his remarkable work as Independent Reviewer of Terrorism Legislation. Since then, in that capacity and others, I have spent most of my time in the invigorating if sometimes treacherous waters of counterterrorism, counterextremism and investigatory powers. This has left me with a deep appreciation for those who work in intelligence and law enforcement to keep us safe, both in Great Britain and Northern Ireland and indeed abroad. We think of the three police officers whose great and exemplary bravery was recognised only today. I have appreciation for others as well, not least the British Muslims who have impressed me on so many occasions with their energy, generosity and desire to contribute fully to the life of this country, and finally for your Lordships' House, whose real and beneficial influence on the law in these areas inspired me to fill out the application form to join your number.

That leads me to this debate. In translating the result of the recent referendum into a position that commands assent in Parliament, we seem to be in

some difficulties. No doubt those difficulties have many causes, but our current predicament highlights for me two linked issues relating to the use of referendums in a parliamentary democracy. The first is the problems that are bound to arise when opinion in Parliament opposes major constitutional change and the majority of the people demands it. It was instructive to learn from the University College report, at paragraph 2.47, that the usual practice in other countries is for constitutional change to need the endorsement of Parliament before it is put to the people.

Secondly, it is surely at the least highly desirable that irreversible constitutional changes should be made not just on the say so of a bare majority of those who voted on a particular day but by the settled will of a clear majority of the electorate. That is all the more important when, in contrast to the usual practice in other countries, a referendum is the sole decision point for such a change.

To this end, mechanisms such as voter turnout thresholds and supermajorities—a familiar feature of corporate governance—are available. The Constitution Committee of this House recommended in 2010 that such safeguards should not be ruled out. I was delighted to hear the noble Lord, Lord Higgins, make a similar point and was disappointed that the otherwise excellent University College report stopped short of endorsing these mechanisms, even in exceptional cases.

I am exhausting my ability to be uncontroversial and I have just exhausted my time as well. I thank noble Lords for their welcome and their indulgence.

3.11 pm

**Lord Brown of Eaton-under-Heywood (CB):** My Lords, we are indeed fortunate to have listened in a single debate to two such distinguished maiden speeches, each delivered with great style, wit and charm. I am particularly pleased to follow my noble friend Lord Anderson and thus be the first to congratulate him. I confess to no surprise at the excellence of his speech: periodically during my years as a judge he used to come before us and make dazzling appearances; not invariably with success, but that was probably our fault and not his. He is described in the main reference book appraising members of the Bar as the—the, not a—leading EU public law expert, with,

“an incredible level of analysis and mastery of presentation ... charismatic and charming”,

and,

“a spectacular advocate”.

His huge contribution to public life, as the Government's Independent Reviewer of Terrorism Legislation for some years, until February last year, needs no emphasis from me. It is well summarised, surely, in the citation for his knighthood, awarded just a month ago in Her Majesty's Birthday Honours List:

“For services for national security and civil liberties”.

To advance both those twin imperatives, wrongly thought by some to be in conflict, is surely a singular achievement. This House is going to benefit immensely, I suggest, from the expertise and wise judgments of my noble friend Lord Anderson, and we greatly look forward to his future contributions to our debates.

[LORD BROWN OF EATON-UNDER-HEYWOOD]

Turning to the issue of the debate, referendums, I first join with others in congratulating the noble Lord, Lord Higgins, on securing and so skilfully opening this debate. I should begin by confessing to having written a “Thunderer” article in the *Times* on this question in April, headed, “Britain needs one last referendum before we ban them”. A few days later I was confronted in a corridor by the noble Lord, Lord Lawson, to whom the noble Lord, Lord Pickles, has already referred. He asked me if it really was me who had written this piece, and when I acknowledged that it was he said he hoped I realised how stupid it was. Did I recognise, for example, that 20 years ago the referendum held on both sides of the border in Ireland had been integral to the success of the Good Friday agreement? I was, I confess, rather shaken by that encounter and I have become rather less clear in my view that once, by a further referendum, we have, as I suggest we should, obtained the public’s view on whether, after all, we should Brexit, we should, as I said in the article,

“legislate to ensure that never again will our parliamentary representatives feel bound by a referendum to sacrifice their own mature judgment on the altar of public opinion”.

My more up-to-date views are these. First, referendums are, I suggest, by their very nature a risky and dangerous way of determining important political issues. I will not quote again the famous quotation from Margaret Thatcher, but they are a populist device, all too often ill-informed and dangerously repressive, and they ride roughshod over minority interests. Of course, all that was notoriously true in Nazi Germany, as has been observed. Nevertheless, with appropriate safeguards there may be occasions when, perhaps as a prelude to major constitutional change, a referendum is indeed appropriate. The Good Friday agreement is, I am inclined to accept, a good example of that. So too, I think, was the vote on Scottish independence and possibly—although here I put a particular emphasis on safeguards—the vote on membership of the EU.

By safeguards I am really talking about the various ways of protecting representative democracy from the obvious deficiencies that we can now see to have afflicted the 2016 EU referendum. That gave the public a deceptively binary choice, to be made by a bare majority and in circumstances where, although in strict legal theory the result was advisory only, politically it was really compelling, as has been acknowledged, at least to the extent of requiring an Article 50 notification to begin the Brexit process, although not, I would argue, to the extent of pre-empting any further, final referendum once the available terms become clear.

Possible future safeguards, obviously interrelated, for any future referendum would, I suggest, include the following. First, we should require more than a bare majority of those voting before giving effect to a vote for change. Secondly, we should spell out as precisely and truthfully as possible the actual likely consequences of a choice either way. As my noble friend Lord Wilson put it, any referendum should follow, not precede, a full public debate on the questions at issue. Thirdly, we should make it plain that the result of the referendum will be treated as advisory only. The weight of such advice, the respect in which it is held, would depend always on the clarity of the choice

offered to the electorate, the extent of the majority, in both absolute and proportionate terms, and indeed the relevance of subsequent events.

Taking the present situation, surely there are here highly relevant subsequent events. They include, do they not, the increasing likelihood that leaving the EU will prove altogether more difficult, and possibly damaging, than many of those who voted for Brexit can possibly have supposed; the discovery of substantial breaches in electoral law by those campaigning for leaving; and of course the mere passage of the two years, which of itself has enfranchised many of the younger generation, who plainly wish to remain.

Three suggestions have been made. The suggestion of the noble Lord, Lord Sherbourne, is that we simply slavishly follow the referendum, however imprecise may have been the decision then taken: it was to leave and we should do no more than follow that. Secondly, the noble Lord, Lord Higgins, suggested that parliamentarians could properly now ignore the referendum utterly. I suggest that there is a real risk of forfeiting public trust in the political process if that course was taken. Thirdly, it is suggested that we should ask the public and respect their view on the deal now available by a further referendum, and that is the course that I support.

3.20 pm

**Lord Norton of Louth (Con):** My Lords, I too congratulate my noble friend Lord Higgins on initiating this debate. Although we have variously discussed and legislated for referendums, we have little experience of debating the merits of referendums qua referendums. There is a tendency to advocate a referendum as a means of achieving an outcome that may not be achieved through other processes.

Referendums are offered as tools of democratic expression. They are, however, in conflict with responsible government. Government can be held accountable to electors for the decisions that they take and the outcomes, but how can the electorate hold themselves accountable for the outcome of a referendum decision? Decision-making through referendum is, strictly speaking, irresponsible.

The form of a referendum is also problematic. As the right reverend Prelate mentioned, voters are faced usually with a binary choice. The stark choice between A and B leaves out a choice between A-plus and A-minus and between B-plus and B-minus and option C. That relates to another fundamental problem—my noble friend Lord Sherbourne has touched on this. We know how people vote, but not why. Did those voting for A prefer A-plus or A-minus? The 2016 EU referendum appears to have generated a remarkable body of mind readers. We keep hearing from some that the 17.4 million who voted to leave voted for a hard Brexit. We hear from others that, in fact, electors voted for a soft Brexit. We know definitively that a majority voted leave. We do not know definitively why they voted leave. Survey data may suggest the reason or reasons, but polls are a form of political intelligence and are often given a weight that they cannot bear. There is no way authoritatively to resolve that dilemma. Even if one holds a second referendum, it will not reveal why people voted the way they did in the first.

The EU referendum reveals other problems. Referendums are advocated on the basis that they generate debate and a more informed electorate and that they produce a decisive result, perhaps for a generation. I contend that the 2016 referendum debate was not notable for a high level of intellectual discourse. It was a confused debate and indeed an exercise, on both sides, in how not to conduct a referendum debate. It did not clearly resolve the issue. As with other referendums, no sooner does one have a result than those on the losing side start finding reasons why there should be another referendum.

There are thus powerful arguments to be made against referendums. The problem, as several noble Lords have said, is that it is now too late to close the lid on this Pandora's box. Referendums are part of our constitutional architecture. In my view, they are a rather ugly feature, but we have them. Given that we have them, the challenge is managing them effectively with a clear set of rules that are applied consistently.

To listen to some Members of your Lordships' House, one would think that this House was not involved in passing the EU referendum Bill. Objections are expressed to implementing Brexit on the basis that the majority for leave was small and that therefore it should not be implemented. That is to apply retrospectively rules that we did not embody in the referendum Bill. The time to argue over supermajorities or turnout thresholds was when we were discussing the details of the Bill. It is now rather too late to discover that one provided for the outcome to be determined by a simple majority.

We could have made the referendum binding, as we did with the 2011 AV referendum. I presume that the Government set their face against doing so because that would be to concede that the leave side might win. We are thus in a position where some argue that we should not implement the result of the referendum as it was advisory. I have always made the point that it would be perverse for Parliament to legislate for a referendum and then ignore the result.

Dicey provided the classic definition of parliamentary sovereignty. What is often overlooked is that he made the point that legal sovereignty rested with Parliament but that political sovereignty rested with the people. He wrote:

"The electors can in the long run always enforce their will".

Arguing that Parliament can set aside the outcome of the referendum is politically naive and potentially dangerous. If we do not intend to abide by a referendum outcome, we should not legislate for one.

The position that we are in shows the problems with referendums. But we are in the situation we are in. If we are to have referendums, let us anticipate and determine clear and agreed rules. The report of the Independent Commission on Referendums, set up by the UCL Constitution Unit, to which reference has already been made, has just been published. It identifies clear criteria for holding referendums and its proposals merit serious consideration. I hope that the Government will take the proposals seriously so that, in future, we can argue over the merits of a case and not muddle debate with arguments that cannot be resolved over process and motivation.

3.26 pm

**Lord Judd (Lab):** My Lords, whenever I listen to the noble Lord, Lord Norton, I always think how immensely fortunate we are in this House to have somebody who approaches matters of this kind with so much clarity and convincing analysis.

I thank most warmly my old personal friend, the noble Lord, Lord Higgins, for having given us the opportunity to discuss this matter today. I have always been persuaded that the constitution in the broadest sense belongs to the people and that we are the practitioners. But of course it is not as simple as that, because what has evolved with our constitution—and it is just as well to have been reminded by a former Cabinet Secretary that it is changing every day—is that we have representative democracy, and we have very firmly as the pillar of our democracy the concept that communities send representatives, not delegates, to Parliament. Of course, they are morally and intellectually party to the manifesto to which they subscribe, but in Parliament they are expected to use their judgment and wisdom in the interest of the people. That is very precious if democracy is going to work.

Going with that is the concept of consensus. Within whatever constraints come out of a general election, there is a certain limit on absolutism. Other views have to be taken into account; no Parliament can be binding on its successor. Others may come and change the situation. This leads to give-and-take and modification, a process of self-education in Parliament about the issues faced and the solutions advocated.

After quite a long time in Parliament, I feel more strongly than ever that parliamentary democracy will work successfully only with strong, clear political leadership. It is essential for leadership to spell out to people what the issues really are, their implications and what is needed to put them right. We cannot abandon that process to the media and the ill-prepared public.

I must recognise, however, that the people were given the opportunity to express their views in a referendum. I cannot for the life of me see how—in the light of all that has emerged since, all the discussions and all the realities that have been revealed—we can possibly seal such a significant change in our constitution without the people having had an opportunity to endorse again whether they accept what is being put forward. I am not sure that I favour another referendum. However, if not a referendum there must be a general election before the situation is sealed, because the people must have had an opportunity to hear the arguments and to listen to contrary points of view on what should be done, before making their decision.

I do not think that it was right to go down the road of a referendum, and I am uneasy and a bit disturbed by the rationalisation that is now going on. With great respect to my noble friend Lord Parekh, I question how you constitutionalise that process: I do not believe that referenda and parliamentary representative democracy can work alongside each other. One is about intelligent and critical debate and outcome, cut and thrust and building consensus and so on, and the other, when it comes down to brass tacks, is about oversimplified, emotional decisions.

[LORD JUDD]

Forgive me for coming back to this theme pretty well every time I am on my feet, but one of the saddest things about the whole referendum process is that anyone who thinks and experiences life in this country knows that we are totally interdependent with the rest of the world: defence, the economy, security and migration all require an international approach—working out what is the best way forward in the interests of our people by working together. That is why I believe that we must seek the endorsement of the people through a general election in which these issues can be fully debated.

3.32 pm

**Lord Bruce of Bennachie (LD):** My Lords, decades ago my noble friend Lord Steel of Aikwood said that the British constitution was not worth the paper it was not written on. Now we have a more dysfunctional constitution than many of us have ever seen. I do not concur with some of the sentiments expressed to the effect that this wonderful unwritten constitution kind of dynamically works. It is in danger of failing to work and letting us down very badly. If our Parliament does not understand that and start to think about it, we may find that centuries of evolution can be crushed in a very short time.

I want to refer to two different referendums that we had on constitutional issues. In the Scottish referendum on independence there was at least a semblance of a framework. I will claim some credit: it was during a period of coalition, with a Liberal Democrat Secretary of State for Scotland who recognised that there needed to be a shape to that referendum. The shape took the form of the Edinburgh agreement, where all the parties agreed on the principles and the outcome, and that it would be accepted as a once-in-a-generation decision. That was not enforceable but was nevertheless part of the agreement.

It also forced those calling for the referendum—the nationalists—to at least set out, in a very long White Paper, the basis of what kind of independence they were asking the people to vote for. Much of the detail of that White Paper was challenged—and was very challengeable—but it was at least a framework. It forced them to say things such as, “We would operate with the pound sterling”, which exposed the fact that, as we had no central bank and required the authority of the remaining part of the United Kingdom, that was a basis on which independence would not fly, and almost certainly determined the outcome of the referendum, which was to remain part of the United Kingdom. If a process even vaguely approaching that had taken place with the Brexit referendum, there might have been a difference in the context of the debate and the outcome.

History will treat David Cameron very harshly, because to put a question to the people that involved an answer which you had no idea how you could deliver was the most appallingly irresponsible and cavalier, short-term political approach to the destiny of our nation. History will not forgive him for that. We now face a situation in which the majority of people in Parliament and in Government believe that we are embarked on a decision that will deeply

damage our country for many years—if not generations—to come. I do not mean just economically: I mean politically, in terms of our standing and influence in the world.

It is essential, therefore, that we look at how we are abusing our constitution, and if we use instruments such as referendums we find ways of putting them into proper contexts. They should probably be reserved mostly for constitutional issues, and a two-stage process may be the only way you can make them work where there is a binary decision. That involves asking people in broad terms which way they want to go, but with a clear undertaking that, having set out the course, the mechanism will then be developed before they are again asked, “Is that still something we should follow through?” I find it ironic that of all the parties in the country at the moment, the one that is most enthusiastic about campaigning to give people a referendum on the outcome is my own party, the Liberal Democrats when we are the party that least needs the referendum. We were completely united from start to finish that it was the wrong thing to do and we should not do it. It is the other parties which are split and may have to go back to the people to get a resolution of their own difficulties, because they are not capable of resolving them themselves. There just seems to be an irony about that.

The position that we need to develop is: if we are routinely to use referendums in future as a means of determining a position, the first thing we have to be clear on in law is whether it is a consultative, advisory referendum or a binding referendum. If it is the latter, before the question is put you have to be able to tell people what the implications or consequences of either of the answers are in detail. The argument we are now faced with is that having had a referendum, anybody who suggests that we should do anything other than implement that referendum—even though we have no idea in what way to do it—is frustrating the will of the people and despising the democratic process. I think it is offensive to suggest that. I do not blame people who voted leave in the context. They were told lies and left to make all kinds of judgments. They were voting for all kinds of reasons, as has been said. It is not my view that they got it wrong, or anything else. Some of them might be absolutely certain that they know what they want and would vote for it again.

However, I believe categorically that when we know that the nation is facing a serious potential mistake, the very least we have to say to people is, “First, we have to be able to agree a course of action, so if we do not have one we cannot have a referendum”. But we are all faced with a situation where literally none of us has the slightest idea what will happen to our country next week, next month or by next March. Yet we turn around and claim that we represent the people and can somehow or other deliver for them, and that we are bound to implement their decision, even though we do not know what it means, because we did not think about that when we asked them the question.

The noble Lord, Lord Higgins, is absolutely right to have initiated this debate. It is essential that the country thinks hard about how we work our constitution and use instruments such as referendums in ways that do not take our country from disaster to catastrophe.

3.39 pm

**Lord Eames (CB):** My Lords, I, too, thank the noble Lord, Lord Higgins, for making this debate possible. A week ago the report of the independent commission on referendums, which has already been referred to, was published. When I was invited to be a member of the panel that produced that report, I went into those sessions with two human emotions. The first was that I came from a part of the United Kingdom where the people had spoken with such force in the Good Friday agreement referendum—and I also came from a part of the United Kingdom which had voted contrary, by a majority, to the rest of the United Kingdom on the Brexit issue. There I had two contrasting human pictures of the power, purpose and result of a referendum.

What did I find? I found that in all our discussions in that panel, which comprised politicians, the media, academics and people who had experience of referendums, and which resulted in 70—I say again: 70—recommendations in the report, what came through time and time again was that there is a human side to the dilemma of the referendum issue. Let me explain briefly what I mean. Having been Anglican Primate in Ireland through all those years, and being absolutely involved in the events that led up to the Good Friday agreement, to feel the people speak with the volume that they did when the possibilities and results of all the discussions were made known was not only an emotional endorsement but a constitutional endorsement of the way forward. You could not be in the position that I was in and not be totally overcome by the power of what was possible by having a referendum and giving the people the choice.

The difference between the two referendums was that the people knew what we were proposing as the way forward. There had been preparation, education, discussion and dialogue, and when the first referendum was held and the Good Friday agreement, or Belfast agreement as it is sometimes referred to, was put before the public, they were in a position to say, “This is what we want. This is the way we are prepared to go”—and there was no disillusionment as to the possible outcome. Moving on to the second referendum, there is a part of the United Kingdom that by a majority decides one way and finds that, when the whole picture becomes plain, it is in a minority. The democracy that we all believe in said, “Fair enough. Northern Ireland has expressed its view but the referendum says, ‘This is the view of the United Kingdom, so we go this way’”.

I cannot overemphasise the degree of confusion that exists in Northern Ireland today, not only about the border, and not only about the fact that so many of the consequences of Brexit will be felt by us first in the United Kingdom, but about the fact that we have learned two lessons about referendums from the examples that I have given. It was therefore no surprise to me that there were three consequential suggestions from the independent commission’s report:

“First, we should seek to ensure that referendums fit as well as possible into the rest of the process of democratic policy-making, so that there is effective preparation for any referendum and the choices available to voters are as clear as possible”.

The last speaker reminded us of the significance of that in the Scottish situation.

Secondly, we suggest that,

“referendum campaigns should be conducted in a way that is fair to both sides and enables voters to access the information that they want before deciding how to vote”.

The noble Lord, Lord Norton of Louth, reminded us of the significance of that point. The third suggestion is that,

“the rules around referendums should be updated for the digital age, so that transparency is maximized and it is harder for the system to be abused”.

In making a plea from my own experience of the two contrasting consequences of the process of referendums, I suggest to the House that not only should this independent report be seriously considered but that the House should understand that there are different facets of how the population of the UK approach a referendum situation.

3.46 pm

**Lord Bilimoria (CB):** My Lords, I thank the noble Lord, Lord Higgins, for initiating this debate. He talked about things being riddled with lies. The finances of the Leave campaign have just come to light, and there are people calling out for the whole thing to be rerun because of that. I congratulate my noble friend, whom I have known for many years, the noble Lord, Lord Pickles, on his excellent maiden speech; it was fantastic to hear his story. I also welcome the expertise of the noble Lord, Lord Anderson, my noble friend on the Cross Benches. I am sure that both noble Lords will make a phenomenal contribution.

The whole idea of referenda is that they are simple yes/no questions. The interpretation by the Prime Minister and the Government is that the people voted to take back control of our laws, our borders and our money and that therefore we will leave the single market and the customs union and there will be no more ECJ—simple, cut-and-dried red lines. We have had only three UK-wide referenda in our history, including the one in 2016. The 1975 referendum on the European Community was not a vote to join; we had already joined in 1973. The referendum was on whether or not we should stay in. Similarly, the AV referendum in 2011 was for no change, based on the idea that, “You know what you have with our current system; this is what you’ll get if you go for AV”. Then of course there have been eight referenda on devolution in Scotland, Wales and Northern Ireland.

We have to remember the results of those other two UK-wide referenda: in 1975 it was 67.2%, a two-thirds majority, while in the 2011 AV referendum the result was 67.9%, another two-thirds majority. What were we doing—were we asleep when we passed the referendum Act and did not insist on a two-thirds majority threshold? I am not advocating a written constitution but in every country that has one, if you want to change that constitution there is invariably a two-thirds hurdle, and Brexit means changing the constitution in a huge way. Referenda should be used only in very rare circumstances. The Constitution Committee has given some examples, which I shall come to.

In 1945, the Labour leader Clement Attlee responded to Winston Churchill’s wanting to hold a referendum to extend the wartime coalition by saying:

“I could not consent to the introduction into our national life of a device so alien to all our traditions as the referendum which has only too often been the instrument of Nazism and fascism”.

[LORD BILIMORIA]

As we have heard from the noble Lord, Lord Higgins, Margaret Thatcher said they are,

“a splendid weapon for demagogues and dictators”.

Then Margaret Thatcher spoke about this whole concept of representative government, where elected representatives—not delegates of their constituents but representatives—make decisions in the interests of their constituents and the country as a whole. We keep hearing about the 17.4 million but what about the 16.1 million people who voted to remain? That is a huge minority. That is the other point about the representative system of democracy: it protects minorities and ensures that their interests are taken into account. Here you have the tyranny of the majority on a one-off vote with a permanent effect.

Look at the effect that that has on MPs. If you look at the list of what the *Daily Mail* calls “mutineers”—the rebel MPs, the brave Nicky Morgans and Jonathan Djanogly—you can see that many of them have constituencies that voted to leave, but they believe that it is in the best interests of the country to remain. So this has really challenged the whole concept of parliamentary democracy. To top it all, people were given four months to decide on an issue of such complexity—from February to June 2016. Then there is the asymmetric reversibility of referendums. There is a big difference between the consequences of voting for the status quo and a vote for independence or withdrawal. A leave vote is irreversible, whereas with a remain vote you can always come back again and have a vote to leave.

Here is the crux of it all: I am told that it is undemocratic to challenge the will of the people. No, no—it is very democratic. In a normal electoral cycle, every four or five years you make a decision and, if someone wins by 50.1%, they have won. Five years later, as Keynes said—and even David Davis says that a democracy cannot be a democracy unless you can change your mind—you can change your mind and you can vote them out and have something else, after the facts have changed. That is real democracy, not holding people to something permanent. On top of that, you have the youngsters who were not allowed to vote. The demographics have changed in these two years; there are two years’ worth of 16 and 17 year-olds who are now eligible to vote—and there will be more by the time we come to next year.

Things have changed, the facts have changed and our economy has changed. It was the fastest-growing economy in the western world two years ago; now Europe is growing faster than we are. The timing of the referendum was absolutely wrong; the migration crisis was at its peak and it frightened people. And then there is the reason for the referendum. Why did David Cameron do it? It was for the right wing of his party and for UKIP. Things have changed. Where is UKIP today?

My conclusion to this is that, in having a referendum, we should have had a threshold. Now we have the consequence where there are three options. The first is that we may have a hard Brexit, which will be unacceptable to this Parliament and the people of this country. Secondly, we could have a soft Brexit, with the EEA option, which is where we might end up—the least-worst option.

That might be acceptable. The third option is that we might end up remaining. In my view, there is no option, and we are headed for something—call it a second referendum, call it referendum part 2 or the people’s vote. That is most likely to happen and is probably the most democratic solution to the conundrum that we have brought upon ourselves.

3.52 pm

**Lord Cormack (Con):** My Lords, I have considerable sympathy with many of the points made by the noble Lord, Lord Bilimoria. There has been a subtext to every speech in this very remarkable debate, introduced so splendidly by my noble friend Lord Higgins. The subtext has been, “I wouldn’t have started from here”. I have to say to myself as well as to everybody else that we are indeed where we are.

We have had two very fine maiden speeches in this debate. My noble friend Lord Pickles made a gently but wonderfully idiosyncratic speech that we will all remember. It was a potted autobiography, and all the better for that. The noble Lord, Lord Anderson, made a very fine speech. I am just sorry that he was not appropriately dressed for it, in view of the fact that he comes from a family of kilt makers.

This is an incredibly serious matter. I was very taken by the reference to the Netherlands by my noble friend Lord Higgins. I would love to have a Bill before your Lordships’ House stating that there will not be any more referendums. But, again, they are now part of our system. We could of course have one that would have one question: do you wish to continue to live in a parliamentary democracy? I believe that a parliamentary representative democracy is really inimical to the concept of a referendum, but we have to accept that there will probably be other ones.

Let us remember that it is our duty to learn from our mistakes. We made mistakes when we passed that Act without inserting requirements for a specific majority, as the noble Lord, Lord Anderson, suggested we might have done—but we did not. The lesson that has come out of this debate more clearly than any other is that a referendum should be to ratify what Parliament has decided. That is in fact what the referendum of 1975 did. I took part in it; it was an intelligent debate. I had Labour Members of Parliament, colleagues, staying in my own home and taking part with me in meetings in my own constituency. Everybody knew what it was about. We had entered what was then the European Economic Community and were deciding whether to endorse that particular decision. As the noble Lord, Lord Bilimoria, has just reminded us, we endorsed it with more than a two-thirds majority. The noble and right reverend Lord, Lord Eames, also talked about Northern Ireland but, again, that was endorsing—ratifying—something that had in effect already been decided.

Any referendum Act—and there is a need for one—should have two principal objectives. First, the referendum should be to ratify what Parliament has decided and, secondly, as with those countries that have a written constitution—to which the noble Lord, Lord Bilimoria, and others referred—there should be a threshold, as we had in 1979, and a percentage. No referendum should ever be judged as an instruction from the



people unless there is a very large majority indeed. The majority of 2016 was something of a generational majority; my grandchildren were in tears because of what my generation had done to them. We cannot rerun it. I am not one of those who will advocate a second referendum, but I really do recommend that we heed the lessons of our recent past.

I have always been a great student of the English Civil War. I have known the facts for a very long time, since I taught them as a schoolmaster. In the last few months, I have come to understand the emotions. Parties have been torn apart and friends have said things to friends that a friend should never say. I really do believe that that is because the result was so close. We have to learn these lessons. I suspect that Mr Cameron, who chose the wrong time for the referendum, when people were confusing migration and immigration—remember that dreadful Nigel Farage poster of the Syrian refugees—made a promise not thinking that he would have to deliver. I think he still felt that he would be to some degree dependent upon Liberal Democrat votes, which was not something that would lead to a referendum.

As I said, we are where we are. We have got to make sure that such a division never occurs in our country again. In the next few months, we have to try to heal the wounds—which are quite deep—that have already been caused.

3.58 pm

**Lord Dykes (CB):** My Lords, we have had a debate of enormously high quality from all speakers today—a very special occasion. I hope, therefore, that I shall not be the exception, because I share the joint feelings of remorse and dismay about what has happened in this country, and the way that we have lost our way as a result of it. I am not decrying the result of many millions of votes—far from it. I am a great believer in collective democracy of that kind, but we have lost our way as a result of what really was a mistake made by people who have now been described as all having voted for the same reasons, but who did so for all sorts of different reasons. This is a national tragedy of unrivalled proportions that fills me with great gloom as well as a determination to try to help, in a modest way, to rectify the huge mistake that this country made in 2016.

In the meantime, however, this House has gained two excellent new stars in the firmament. We thank the noble Lord, Lord Pickles—whom I have always admired and whose career I followed as much as I could from a distance when he was in the House of Commons as a distinguished Member and, finally, a Cabinet Minister—and the noble Lord, Lord Anderson. We thank them very much for their history, their remarks, and their commitment to this new place, which I hope they will not find too eccentric. I was particularly grateful for the remarks of the noble Lord, Lord Anderson, and the breadth of his vision, and that important explanation about the European Court of Justice. I have always been an enthusiast for the European Union. I make no apology for that now and I have never reduced that view. In fact, it is now even more important to the health and welfare of all the member states than it ever was in the past.

We are lumbered in this country with the tragic misfortune of having five or six extreme, right-wing newspapers, owned by owners who, by the way, conveniently do not pay UK personal taxes and live as tax exiles, and who inflict on us long, boring editorials about the need for patriotism in Britain. For some reason, they have focused on anti-Europe as a main theme for their papers, which become comics and magazines rather than newspapers; they become propaganda sheets rather than genuine purveyors of news. It is the only European member state that has this tragedy and I regret it. I blame and feel bitter about the Murdoch experiment in this country, which did so much damage, and overlapped with other newspapers in the way that they dealt with things—we have to contend with that as well.

It is invidious in such an array of high-quality speeches to single any one out, but I particularly thank the noble Lord, Lord Norton, for his words of great constitutional wisdom. I also thank the noble Lord, Lord Bruce, for what he said; I am tempted more and more to agree with him that the lack of a written constitution is a disadvantage rather than a plus point. We have always been proud of being different from the others in saying, “No, we don’t need a written constitution”. However, as the former Cabinet Secretary pointed out very clearly earlier in the debate, that has now become a mistake and a liability, and somehow we have to get through this.

As others have said, this is the first time that a referendum has been inflicted on the country without any particular rationalisation of why the country should vote either one way or another—except the emotional thing about staying in or leaving the European Union. It is totally different from the 1975 referendum. I agree with the noble Lord, Lord Cormack. When we worked reluctantly with the Conservative Party on that, we disapproved of the referendum idea, but we all worked for a good result—there was one and the country settled down.

Why has this country remained the bad member of the European club? It is a club of friendly, sovereign countries working together, using majority voting sometimes and unanimity at other times, building up the European Union by treaty, and increasing the collective sovereignty of the whole body—as well as the individual sovereignty of the member states—whenever they make a collective decision. Most member states regard that as a good thing. Why has Britain been the unique exception to this and had this strange attitude that, somehow, it is them against us and they are doing us down? There is this hostility to the European Commission as well. It is one of the smallest civil services in world history, running on the instructions and requests of the European Parliament—which is democratically elected on an increasing turnout, and has more influence in the 50:50 system of legislation—the Council of Ministers and sovereign member states.

That is what we need to emphasise as we approach, I hope, the resolution of this ghastly crisis. The Government is in disarray and I am afraid the Prime Minister has made mistakes in handling this matter since the referendum result. I still wish her well in coping with it but, none the less, we have to deal with

[LORD DYKES]

it and solve it, and restore the feelings and confidence of the people in our political system by restoring the sovereignty and strength of our parliamentary democracy.

4.05 pm

**Lord Tyler (LD):** My Lords, we have been treated to two most memorable maiden speeches, and I think we will all enjoy in future the contributions from the noble Lords, Lord Anderson of Ipswich and Lord Pickles. We are also hugely indebted to the noble Lord, Lord Higgins, for introducing what must be one of the most topical debates ever to have come before your Lordships' House. In that connection, we are also extremely grateful to the noble and right reverend Lord, Lord Eames, and his colleagues, who produced this great work. I went to the launch last week and listened with interest to his contribution today, and I shall make some more references to that report in a moment.

The quick answer to the question posed by the noble Lord, Lord Higgins, is that if representative democracy was as effective and democratic as we are entitled to expect in a mature country such as ours, we probably would not need referendums. We need them because it is not, I am afraid, as perfect as we should like. That point was made eloquently and thoroughly by my noble friend Lord Wallace of Saltaire.

The *Report of the Independent Commission on Referendums* is remarkable for a number of reasons, but its membership deserves some mention. It was high-powered and cross-party, and included important leavers and remainers. I think that Parliament—and government—will have to look carefully at its recommendations. There are 70 of them; I have been through them and ticked the great majority of them enthusiastically. The Minister, having recognised on Tuesday that the present legislation was frankly not fit for purpose—I think I am quoting him fairly from our exchanges—will acknowledge that we will all have to look at this work very carefully. It picks up the point made by the noble Lord, Lord Cormack, just now: we must learn from mistakes. The commission's report goes through those mistakes with admirable clarity.

The comparisons made by my noble friend Lord Bruce with our previous referendums—in Northern Ireland, which the noble and right reverend Lord, Lord Eames, referred to, and in Scotland—were absolutely critical. That, too, was picked up by the independent commission. I could give many examples from its recommendations, but clearly time is not on our side. However, I will pick one or two, because they are relevant to all the discussions that have taken place in your Lordships' House this afternoon.

First:

“Referendums are best suited to resolving major constitutional issues, such as those relating to sovereignty. They work best when they are held at the end of a decision-making process to choose between developed alternatives”.

That point was made eloquently by the noble Lord, Lord Wilson. Secondly:

“Any legislation enabling a pre-legislative referendum should set out a process to be followed in the event of a vote for change. If a government does not produce a detailed White Paper on the

proposals for change, a second referendum would be triggered when the legislation or treaty implementing the result of the first referendum has passed through the relevant parliament or assembly”.

I know that the noble Lord, Lord Higgins, and other noble Lords are perhaps sceptical of the value of a second referendum, but the independent commission makes a solid point there.

Thirdly—a detailed point, but very relevant at the moment:

“Imprint laws that apply to printed campaign materials should also be extended to apply to online campaign materials. This would allow voters to identify the source and legitimacy of political advertisements”.

And finally:

“The Commission has made various recommendations that require amendment to the legislative framework for referendums called by the UK parliament. It hence recommends new legislation to amend the Political Parties, Elections and Referendums Act ... 2000 and bring these changes into effect”.

I could quote many other recommendations, many of which have been echoed on all sides of your Lordships' House this afternoon. However, I will now concentrate for just a few minutes on what happens next.

In contrast to his colleague in the Commons on Tuesday, the noble Lord, Lord Young, clearly accepts that the current legislation is not fit for purpose. The repeated advice of the Electoral Commission and the Information Commissioner, with the continuing inquiries of the DCMS Select Committee in the other place, make this all too evident.

Occasionally it is alleged that the margin of the outcome of the 2016 referendum could not be due to the improper use of online campaigning; the Minister himself has drifted somewhat in that direction on previous occasions. The jury is out on that point: the margin was less than 4%, a 2% swing would have taken it to remain, and for every 17 people who voted for Brexit, 16 voted to stay in the EU.

I am sure that the Minister—who is always extremely well informed and briefed—has studied very carefully the authoritative report published recently by the Constitution Society, *Data and Democracy in the Digital Age*. He is nodding. The figures quoted there are very persuasive. Between the elections of 2015 and 2017, the Conservatives increased their expenditure on online platforms, data agencies and consultants from £2.2 million to £3.9 million; and Labour from £368,000 to £1.7 million. In the 2016 referendum the remain campaigns spent nearly £4 million and the leave campaigns some £4.5 million. Of course, those are only the returns that were recorded. They can give us only a hint of what others may have spent illegally—including, of course, the Russians, the so-called “dark money”, to which reference was made earlier in the debate.

This week's report of the very thorough investigation by the Electoral Commission adds to the urgency for greater transparency and more effective penalties for breaking the law. If those big sums are being spent in that way—legally or illegally—either those who provided them have been fooled into investing in something that is a complete waste of money or a lot of very clever people have got the wrong end of the stick. I do not believe that and believe therefore that those very considerable sums were spent with the intent to have real influence.

In the last few days we have had the report of the investigation of the Electoral Commission which adds to the urgent demand for greater transparency and for more effective penalties for breaking the law. The two main leaver gangs stand accused—officially—of both lying and now cheating, and the modest fine is laughable. Knowingly spending an illegal £500,000 and more and being fined £61,000 cannot be accepted as appropriate.

If this vast expenditure has insignificant impact then, of course, it may be that it does not really matter—but clearly it does. Parliament will have to legislate for the digital age and, in particular, we need to improve the defence mechanism to prevent foreign interference. The source and legitimacy of all forms of support—in kind as well as in cash—must be reviewed, and here the role of American billionaires may be as influential as that of Russian state-sponsored bots.

There is unanimity among our statutory advisers and other interest organisations that the law needs updating urgently. The Minister himself referred again on Tuesday to his party's 2017 statement, recognising the, "broad consensus that election law is fragmented, confused and unclear".—[*Official Report*, 17/7/18; col. 1140.]

He also reminded your Lordships that we cannot just take down the previous Act from the shelf—there is an Act for each referendum—because, despite the recommendation of the independent commission that there should be generic law covering all referendums for consistency, we have not got it.

It surely is necessary now to start the process to find a consensus on what needs to be done. The work of the independent commission gives us a very good start. We could start now to draft the main amendments and new clauses that would be likely to command that consensus—inside and outside Parliament—so that we can be ready for whatever may be needed in a few months' time.

I do not think that we are in a process at the moment that can end up simply with a political fix—an agreement to do whatever in a few months' time within the political system. As the noble Lord, Lord Norton, reminded us earlier, political sovereignty rests with the people. If you once ask them a question and then decide you may need to change that a bit in future, it will not be sufficient just to bring it back to Parliament. However much we revere and respect the sovereignty of Parliament, we will have to think about how the people feel as well. After all, yesterday even the normally cautious and sceptical *Times* reported increased support for, and an increased likelihood of, a further poll. I believe that it would be simply irresponsible for the Government not to start work now on updating the referendum legislation.

4.14 pm

**Baroness Smith of Basildon (Lab):** My Lords, the great danger in speaking late in a debate with so many thoughtful contributions and such experienced noble Lords is that the old adage rings true: perhaps everything has been said but not yet by everybody. Therefore, being one of the last speakers, I feel somewhat apprehensive.

I genuinely and warmly congratulate the noble Lord, Lord Higgins, on securing such an interesting and valuable debate. I also thank the House of Lords

Library for providing an excellent briefing. It is a pleasure to speak in a debate in which I have heard two first-rate maiden speeches. The noble Lord, Lord Pickles, and I have form on debating, in that we had neighbouring constituencies when we were both in the other place. I rather like the sound of his grandfather, but I expect that it will be a vain hope to tempt the noble Lord back to his political roots. The noble Lord, Lord Anderson, is known to many noble Lords through his former work as the Independent Reviewer of Terrorism Legislation, at which he distinguished himself. With his speech today, he distinguished himself in your Lordships' House as well. We are very grateful to have two such impressive additions to this House and we welcome them both.

Despite the general title of this debate, it was inevitable that it would focus on the 2016 referendum on our EU membership. There are several issues to address in talking about the general subject of referendums and parliamentary democracy: why do we have referendums in the first place; what is their interaction and relationship with the democratic process; and can we do better in future? Quite often a high moral objective is attributed to referendums. Proponents assert that they are an opportunity to break away from decision-making by the so-called elite so that the people can have their say, but the reality is that they are rarely used because the Government want to seek public opinion; they are more likely to be used for reasons of political management, and it is interesting to look at the three UK-wide referendums that we have had.

In 1975, a referendum was held on whether to stay in the Common Market. Harold Wilson inherited a divisive policy after Ted Heath took the UK into the European Community. All the indications were that people wanted to remain in the Common Market, so there was little risk in having a referendum, but by having a public vote and allowing his Ministers the freedom to support whichever option they chose, although the debate was quite heated and difficult at times, Harold Wilson avoided a damaging split in his Government and his party, and he reinforced his own political position.

The 2011 vote on the voting system under the coalition Government sought to manage the relationship between the Conservatives and their Liberal Democrat coalition partners.

In 2016, we had the EU referendum, which has since proved to be very controversial and divisive, and it is on that that today's debate has focused. In 2011, the coalition Government introduced legislation which had first been proposed by Gordon Brown as Prime Minister. It was rejected by the two other parties, which then provided for a referendum should a new treaty transfer additional powers to the EU. However, there was no political will to maintain that position. I was interested to hear from noble Lords on the Liberal Democrat Benches, as it was Nick Clegg as the Lib Dem leader who campaigned for an in/out referendum on membership, and then 81 Conservative Peers defied the Whip to support such a poll. With that growing dissent in his own party and an electoral threat from UKIP, David Cameron made it a manifesto commitment. Therefore, again, it was for political management.

[BARONESS SMITH OF BASILDON]

Similar to 1975, it was a straightforward yes/no vote about remaining in the EU or leaving. I think that that referendum has brought much of the theoretical discussion about the advantages and disadvantages of referendums to life, particularly given the closeness of the result.

A number of questions have been raised today. Do referendums undermine or enhance parliamentary democracy? Do they provide a tool or a tactical device for Governments, especially authoritarian ones, or can they be a check on Governments' powers? Are they a genuine means of engaging the public or are they dominated by the elite and by well-funded groups? Does the legitimacy of a yes/no question do justice to complex issues? Also, in the same way as it is often difficult to disaggregate why voters vote in a particular way in elections, can we be confident that a single referendum question is really the issue on which people make a judgment?

The most challenging of all the issues is the interaction and relationship with the democratic process. The noble Lord, Lord Higgins, opened the debate with the wise question: can any referendum result be binding on a Parliament? The dilemma here is that, for any referendum to have any legitimacy with the electorate and to get them to take part, the public have to be given some authority. But can that legitimacy or authority extend to overriding parliamentary democracy and representative government and, if so, how can that be judged? Would it be by the national result or, if the voting was counted in that way, by constituency?

Let us be honest: few people call for or support a referendum unless they think they will win it. The decision whether or not to proceed with a referendum lies with the Government and Parliament, so they are likely to take place only when the Government of the day decide that it is in their interests and that they will win.

Throughout my political life, I have argued that democracy is about more than voting: it is about participation, engagement and education, and, as your Lordships' House is only too aware, it is about scrutiny and compromise. That becomes almost impossible if it is a binary choice in a referendum. Democracy is not a finite act that is exercised with one stroke of a pen. When votes are cast in a referendum, in order for them to be respected by the elected representatives, it should be done in a way that unites rather than divides. Elected representatives have to act in the context of their wider responsibility to the country and to their constituents. They have to, as the noble Lord, Lord Anderson, said, translate that decision into legislation.

We all understand the inevitable tensions both before and since the 2016 referendum. But there can be no excuse for the way in which some newspapers and journalists expressed their view that those who did not agree with them were not acting in the national interest. Comments as extreme as calling people "traitors", and worse, deny the very foundations on which our democracy is founded.

That was not all about the referendum. There was of course something else going on, symptomatic perhaps of wider changes in the world, as mentioned by the noble Lords, Lord Wallace and Lord Wilson, that fed

into much harsher personal attacks on social media. Often, this was in the form of tweets from those hiding behind a pseudonym, but occasionally it was done in person. The worst of all examples is the murder of our parliamentary colleague Jo Cox.

What is the way forward? When the Independent Commission on Referendums reported earlier this month, it was able to reflect not just on the last referendum but on others that have taken place. Two paragraphs of the report have been raised in this debate, and I think they are key. In one, the report says:

"In some circumstances, referendums can exist alongside the structure of representative democracy without difficulty. Where a referendum takes place on a precise proposal for change that has already been worked through the representative process, it can make and legitimise a final decision",

and,

"strengthen representative institutions by enhancing the connection between representatives and voters".

That is because the voters know exactly what they are voting for. The report adds:

"By contrast, where a referendum takes place on an imprecise proposal, difficulties can be created. As a consequence, parliament can find itself left with an instruction from voters, but with wide disagreement on what that instruction means. That is particularly so if those who called for the change are not among those responsible for its implementation".

Essential for the legitimacy of any referendum is clarity of choice, an understanding of the implications of that choice, and confidence in the quality of information and the integrity of those providing such information. That is even more pertinent now, following the finding on the Vote Leave campaign's actions. In 2010, having examined the issues, our constitutional committee was clear that a national referendum was appropriate only in a limited range of constitutional issues. However, I think that much greater caution will be exercised in future, not because of the outcome of the 2016 referendum but because, as a number of noble Lords have said, of the lack of clarity around what was voted on. Because of that, everyone can claim that they know why people voted. That has led to a weak and divided Government, and we are probably in a position where there is no majority for any option currently on the table in the House of Commons. The noble Lord, Lord Wallace, talked about a lack of public confidence; this referendum has decreased our confidence and trust in politicians rather than increased it. With the referendum, the public expected politicians to sort it out but they are failing to do so.

There is probably just one issue that Baroness Thatcher and Clem Attlee agreed on many years ago which was that they feared that it was not democratic if the loudest and richest had the greatest say. They made the point that government is not just about the will of the majority but about protecting minorities.

I hope the Minister can respond on this. It is clear that in future we need greater rules and criteria that are fit for purpose, including on how social media and modern technology can be used and abused in these proposals. It is clear that the legislation needs to be updated but it has to bring clarity to what is being asked for and honesty and integrity to the arguments, which do not denigrate experts.

4.25 pm

**Lord Young of Cookham (Con):** My Lords, I congratulate my noble friend Lord Higgins on his choice of subject, which is even more topical today than when he chose it, and on the speech he made introducing it. I also thank all noble Lords who took part. As the noble Lord, Lord Dykes, said, it has been a very high-quality debate. In the time available, which has been curtailed somewhat—I make no complaint about that—I may not be able to deal with all the points.

I congratulate my noble friend Lord Pickles. This is the second time I have admired his maiden speech; on 5 June 1992, the newly elected Member for Brentwood and Ongar addressed the other place for the first time on housing and the importance of owner-occupation. He may recall one sentence from a moving egalitarian speech:

“what is good enough for the toffs is good enough for the workers”.—[*Official Report*, Commons, 5/6/1992; col. 1058.]

Then he may have identified himself with the workers, but today? Who can say? He is well known to many of the cognoscenti of electoral matters for his report *Securing the Ballot*, which has informed many of our debates. We are delighted that we will now have his direct, earthy input.

I also congratulate the noble Lord, Lord Anderson, on his maiden speech; like my noble friend he has a distinguished career in public service and his contributions have already informed many of our debates. Again, as European and security issues move towards the top of the political agenda, we are delighted to have him and look forward to his future speeches.

Looking at the list of speakers yesterday evening, I noted that half are former Members of the other place, as were all three Front-Bench spokesmen. Speaking for myself, I was always worried about what my noble friend Lord Sherbourne referred to as the tension between parliamentary democracy on the one hand and government by referendums on the other—an issue that ran through our debate. It was mentioned by, among others, my noble friends Lord Higgins and Lord Cormack, the noble Lord, Lord Judd, and the noble Lord, Lord Wallace, who mentioned plebiscitary democracy. For example, a majority of MPs could make it clear in their election addresses that they opposed capital punishment, but then be faced by a referendum that went the other way. But the only way that the law could be changed was if MPs voted to change it, setting Parliament against the people. In a sense, that is what has happened in the EU referendum, as we know that the majority of MPs voted remain but were confronted with a different verdict from their electorate—a point made by my noble friend Lord Higgins to which I will return in a moment.

Having said that, I do see a case for referendums on whether people want to remain under this Parliament’s jurisdiction, as with the referendum on whether Northern Ireland should stay in the UK or the referendum on Scottish independence, mentioned by the noble and learned Lord, Lord Brown, and others. I believe those are in a category of their own and a valid case can be made for them under the principle of self-determination. Since 1973, 11 referendums have been held in the UK,

and the majority of them have been related to the issue of devolution. As the noble Lord, Lord Parekh, said, most of those were not controversial. I also make an exception for what I call direct local democracy—local referendums on issues such as council tax increases and neighbourhood plans.

Following the series of mainly non-controversial referendums on devolution in the late 1990s, we passed the Political Parties, Elections and Referendums Act—PPERA—in 2000. That enshrined in law a broad framework of rules to regulate for consistency and fairness in the conduct of any referendum held as a result of an Act of Parliament, whether taking place nationwide in one or more of the UK’s constituent nations or in any region of England. Again, I shall say a little more about that in a moment.

I turn now to the EU referendum, which has been at the heart of today’s debate. There was a referendum which decided that we should stay in the EU, so arguably a referendum was needed if that was to be overridden and we were to leave. Many noble Lords have opposed the EU referendum, arguing that it undermined parliamentary democracy by asking people a binary question on a highly complex matter instead of relying on people who had the time and capacity to master the issues. The argument against referendums was well put by the right reverend Prelate the Bishop of Southwark who brought the good book into play to reinforce his argument. The noble and learned Lord, Lord Brown, referred to referendums as “risky and ill-informed”, while my noble friend Lord Norton used the word “irresponsible”, and the noble Lord, Lord Judd, made it clear that he was opposed to them. Some of the arguments risk patronising the electorate. The high turnout at the referendum did indicate a high degree of engagement and there was certainly no dearth of information for those who wanted it.

Two themes have emerged in the debate, one of which was repeated by the noble Baroness, Lady Smith: that there was a lack of clarity as to why people voted as they did. The noble Lord, Lord Wallace of Saltaire, mentioned that. All sorts of reasons have been prayed in aid; it was a cry for help for people who felt left behind by globalisation, or it was a protest in parts of the country where people felt that their public infrastructure was under threat from immigration. A whole range of reasons was given, but there was no lack of clarity as to why people voted as they did.

The other major theme running through our debate is that if you have a referendum, you should know what you are voting for, a point made with force by the report of the UCL commission about which the noble and right reverend Lord, Lord Eames, spoke—that if you have a referendum, you should know in advance exactly what the outcome will be. As I think the noble Lord, Lord Tyler, said, in the case of UCL commission, it recommended that if that was not the case, you should have another one downstream when the result would be clear.

A number of noble Lords have argued that we should never have held the referendum. The problem with that argument is that membership of the EU has been a major political issue for 40 years and it has split our two largest parties. Prior to the 2015 general

[LORD YOUNG OF COOKHAM]

election, the only way a voter could indicate a very strong preference for leaving was by voting for the UK Independence Party—never likely to form a Government—and the only way a voter could indicate a strong preference for remaining was by voting Lib Dem. With respect to those who have spoken for that party and with whom I enjoyed working in coalition, it was never going to form a Government either. The former Prime Minister, David Cameron, took the view that the only way to resolve this long-running, contentious issue at the heart of our democracy was to grasp the nettle and hold a referendum. The noble Lord, Lord Bruce, made it clear that he thought that was a mistake and explained why. However, a general election could never give a clear verdict on this single issue, whereas a referendum does provide a clear expression of preference. The noble Lord, Lord Judd, said that we should resolve this by having another general election, but with great respect, I am not sure that another general election would resolve this particular issue.

Before the EU referendum, the Government were clear that they would respect the outcome and defer to the will of the people. The present Government have respected that view and are now committed to the UK leaving the EU. Like most noble Lords, I campaigned for remain and I was disappointed by the result. It might have been different if the EU had shown more flexibility on freedom of movement before the referendum was called, if remain had fought a better campaign, and if some politicians had not spent quite so much time and energy over the years making disobliging remarks about the EU. The result also might have been different—dare I say it?—if the Labour Party had been led by another leader.

Although I voted to remain, I respect the result of the referendum and I agree with my noble friend Lord Higgins: it is now for Parliament to proceed and deliver the results in the way it thinks best. To that extent, Parliament remains supreme. As a number of noble Lords have pointed out, referendums are not legally binding, so to that extent they cannot undermine parliamentary sovereignty. However, as my noble friend Lord Norton and others have said, while referendums may not be legally binding, they are politically binding with a cost involved in ignoring the outcome.

Confidence in the EU referendum outcome has recently been affected by allegations of electoral malpractice and foreign influence, and charges of criminal activities due to campaign overspends—a point made by the noble and learned Lord, Lord Brown, and the noble Lord, Lord Tyler. That rules have been breached is rightly a cause for concern but that does not mean that the rules were flawed. Of course, we should look again at the penalties, as said by the noble Lord, Lord Tyler. It is also my view that neither the breaches nor the alleged interference on social media could account for the majority of 1.3 million; I notice that the noble Lord, Lord Tyler, disagrees but I cannot substantiate my view by science. Although he quoted yesterday's *Times*, it also came to the conclusion that the outcome would have been the same.

Where do we go from here? Previous Governments have chosen to bring forward stand-alone legislation for each referendum, which provides this House and

the other place with the opportunity to amend legislation to include some of the suggestions that we have heard during the debate, such as thresholds for turnout and majorities if so desired. At the moment, the Government have no plans to depart from this approach, which has been the approach of previous Governments.

Many noble Lords put the debate in the broader context of how we engage with the public. The noble Lord, Lord Wallace, and the noble Baroness, Lady Smith, mentioned other means of communicating the growth of social media. He also drew attention to what I call the changes in the terms of the trade of politics—declining party membership, the rise in populism and the growth of social media—which form the background to any review that we might undertake of the legislation. On that point, a number of noble Lords suggested that we needed to revisit the legislation in the light of the experience of recent referendums, the growth of social media and some of the evidence referred to by noble Lords. I have a lot of sympathy for that view but, at the risk of repeating what I said earlier this week, we need a bit of time to absorb the important report of the Independent Commission on Referendums, launched on 11 July, to which a number of noble Lords referred. I was very impressed by the point made by the noble and right reverend Lord, Lord Eames, on how two referendums in the same part of the United Kingdom can have different outcomes depending on the context in which they take place.

We need to have a good look at the commission's recommendations, many of which are aimed at the Government. We should await the DCMS report on fake news to understand the impact of social media on elections; it has taken evidence from some of the key players in the referendum. We need the Intelligence and Security Committee's report on the influence of Russia on the recent referendum and general election. We need the result of the Information Commissioner's inquiry into breaches of data protection laws by Cambridge Analytica and Facebook, together with any outstanding Electoral Commission reports. When we have those important documents, it will make sense to stand back and take on board all their points—and those made in today's debate—to see how the legislation can be strengthened and updated. Many helpful suggestions have been made today.

In the meantime, the Government will continue to work with the Electoral Commission and other stakeholders to protect the integrity, security and effectiveness of referendums and elections. In response to the point made by the noble Lord, Lord Tyler, the Government will do what they can to build a consensus on any changes to the legislation that are needed. I thank all noble Lords for their collective eloquence and wisdom.

4.39 pm

**Lord Higgins:** My Lords, I was delighted and surprised to be fortunate in the Motions ballot. I am glad that my choice of subject produced a debate of such exceptional quality, even by your Lordships' high standards, particularly with two outstanding maiden speeches from my noble friend Lord Pickles and the noble Lord, Lord Anderson of Ipswich.

The Minister's reply is very important. What has come out very clearly is that our experience of referendums, since they started and more recently, shows that there are a great many lessons to be learned and mistakes to be avoided. As my noble friend on the Front Bench just said, it is worth considering all the points made today and then seek to codify them to some extent, so when we next come to consider whether we should have a referendum and how it should be carried though it will be precisely on that rule book.

In that sense, I hope that this will be a memorable debate. I am most grateful for all the kind remarks that colleagues have made about me. I am very glad that this has been a debate that should have value in future, as well as reflecting what has happened in the past.

*Motion agreed.*

## **Relationships and Sex Education**

### *Statement*

4.15 pm

**The Parliamentary Under-Secretary of State, Department for Education (Lord Agnew of Oulton) (Con):** My Lords, with the leave of the House, I will repeat a Statement made in the other place earlier today by my right honourable friend the Secretary of State for Education. The Statement is as follows:

“With permission, Madam Deputy Speaker, I would like to make a Statement on the consultation on the Government's proposals for relationships education, relationships and sex education—commonly known as RSE—and health education, copies of which will be made available on the GOV.UK website.

Children and young people today are growing up in an increasingly complex world and living their lives seamlessly online and off. This presents many positive and exciting opportunities, of course, but also challenges and risks. In this environment, children and young people need to know how to be safe and healthy, and how to manage their lives in a positive way. Ensuring that they have this knowledge also helps to tackle problems such as sexual harassment and sexual violence.

That was why, during the passage of the Children and Social Work Act 2017, the Government acted on the compelling case to make relationships education and RSE compulsory through regulations, and to consider doing the same for elements of PSHE. There was strong cross-party support then, and I am confident that we can continue to work together on these important reforms in that way.

Since the passage of the Act, we have engaged thoroughly with a wide range of organisations. Supporting the department has been Mr Ian Bauckham CBE. With 33 years as a teacher and 13 years as a head teacher, Mr Bauckham has considerable experience in the education system. I put on record that I thank Ian for the invaluable support and advice he has provided to me. Between November 2017 and March 2018, Ian led wide-ranging stakeholder engagement with groups representing teachers, subject specialists, parents, religious bodies, MPs and others. In addition, the department launched a call for evidence to seek public

views from adults and young people. More than 23,000 people responded and the level of consensus has been encouraging.

I am pleased today to be able to announce the key decisions and to launch a consultation on the detail of the regulations and guidance. For relationships education and RSE, the aim is to put in place the building blocks needed for positive and safe relationships of all kinds, starting with family and friends and moving out to other kinds of relationships, including online. It is essential that we ensure that young people can keep themselves safe online—from the basics of who and what to trust, through to how personal information is used and can be used, and how to ensure that online relationships are healthy and safe. A guiding principle here is that teaching will start from the basis that children and young people, at age-appropriate points, need to know the laws relating to relationships and sex that govern our society to ensure they act appropriately and can be safe. This includes LGBT relationships, which are a strong feature of the new subjects at age-appropriate points.

The draft guidance sets out core required content, but leaves flexibility for schools to design a curriculum that builds on it and is right for their pupils, bearing in mind their age and religious backgrounds. It enables schools with a religious character to deliver and expand on the core content by reflecting the teachings of their faith.

I am also proposing to introduce compulsory content on health education. This supports the findings from the call for evidence and engagement process, where giving children and young people the information they need to make good decisions about their own health and well-being, particularly their mental well-being, was a clear priority for many who responded. This directly supports the Green Paper on children and young people's mental health, as well as our manifesto commitment to ensure all young people are taught about mental well-being. The focus on physical health also supports work on childhood obesity.

Financial education is already on the curriculum in maths and citizenship, and careers education is an important part of our careers strategy. For these reasons, I do not consider that further economic education needs be made compulsory. I am committed, however, to improving provision of financial and careers education, and will continue to work with stakeholders to do so. I know that many schools successfully cover the content we have been talking about in a broader PSHE programme. They should continue to do so, adapting their programme to the new requirements rather than starting from scratch. Schools are also free to develop alternative, innovative ways to ensure that pupils receive this education, and we want good practice to be shared so that all schools can benefit.

We have previously committed to parents having a right to withdraw their children from the sex education part of RSE, but not from relationships education in primary or secondary schools. A right for parents to withdraw their child up to 18 years of age is no longer compatible with English case law, nor with the European Convention on Human Rights. It is also clear that allowing parents to withdraw their child up to age 16

[LORD AGNEW OF OULTON]

would not allow the child to opt in to sex education before the legal age of consent. I therefore propose to give parents the right to request that their child be withdrawn from sex education delivered as part of RSE. The draft guidance sets out that, unless there are exceptional circumstances, the parents' request should be granted until three terms before the pupil reaches 16. At that point, if the child wishes to have sex education, the head teacher should ensure they receive it in one of those three terms. This preserves the parental right in most cases, but balances it with the child's right to opt in to sex education once they are competent to do so.

We are keen to hear as many views as possible through the consultation and I encourage Members and their constituents to respond. The consultation will be open until early November and the final regulations will be laid in both Houses, allowing for a full and considered debate. This very important change to the curriculum has to be delivered well, and while many schools will be able to adapt their existing teaching quickly, it is essential that schools that need more time to plan and prepare their staff get that time. It is our intention that as many schools as possible will start teaching the subjects from September 2019. We will be working with those schools, as well as with multi-academy trusts, dioceses and education unions, to help them to do so.

All schools will be required to teach the new subjects from September 2020. This is in line with the department's approach that any significant changes to the curriculum have a year's lead-in time, and will enable us to learn lessons from the early adopter schools and share good practice further across the sector. We will be seeking views through the consultation to test the right focus for a school support package, as we know that it is crucial for schools and teachers to be confident and well prepared. I believe that our proposals are an historic step in education that will help equip children and young people with the knowledge and support they need to form healthy relationships, lead healthy lives and be safe and happy in modern Britain. I commend the Statement to the House".

My Lords, that concludes the Statement.

4.49 pm

**Lord Watson of Invergowrie (Lab):** My Lords, I thank the Minister for repeating the Statement and for arranging a briefing with his colleague the Schools Minister, Mr Gibb, yesterday for myself and other noble Lords.

The guidance has a 15-week consultation period, which I presume starts today. Six of those 15 weeks will be taken up by the school holidays, when parents, children and teachers tend to be doing other things, so it is not really much more than a nine-week consultation period, which is pretty short. Will the Minister consider starting the 15-week consultation when schools return in the first week of September?

That said, we welcome the guidance and the fact that the Government listened to, and have acted on, the amendments tabled by noble Lords and MPs during the passage of what became the Children and

Social Work Act. The guidance required for young people going through school today is quite different from what was required even 10 years ago. As the parent of a seven-year-old, I am pleased that some of these issues are to be addressed at both primary and secondary school level.

It is vital that young people understand that certain what might be termed "difficult" subjects can be discussed openly, from grooming and the use of the internet to the meaning of relationships and what is appropriate or inappropriate sexual activity, to sexual orientation, bigotry—and perhaps the bullying that emanates from that—and transphobia. It is vital also that mental health, healthy eating, the need for exercise and issues involving alcohol and drugs will all be covered in schools via this guidance—again, that is a most positive development.

I have some questions for the Minister, most associated with the mandatory nature of the guidance. The right for parents to withdraw will surely become an issue and will, I imagine, be exercised by a significant number of parents, although I hope not too many. Can the Minister clarify how the issue will be dealt with after the "three terms before the pupil turns 16" cut-off? That is not clear in the Statement, which says:

"The draft guidance sets out that, unless there are exceptional circumstances, the parents' request should be granted until three terms before the pupil reaches 16".

Just before that, the Secretary of State says:

"I therefore propose to give parents the right to request their child be withdrawn from sex education delivered as part of RSE".

So my question is: after the three terms before the child turns 16, will parents have no right to withdraw their child from sex education? What if the school is a faith school that does not recognise 16 as the age of consent for sexual activity? What will happen if a child of 16 opts to ask for information on sex education, which the guidance says all of them can do? Will the faith school then be legally obliged to provide that sex education even if it does not wish to do so? In that situation, how will a child seeking sex education be expected to proceed? Also, will schools be required to inform all children and parents as to what information they are entitled to? Clearly, nobody can access their rights if they are unaware of what they are.

Further, can the Minister confirm that the guidance will apply to all schools—maintained schools, grammar schools, academies, free schools, faith schools and independent schools? It is my understanding that it will, but only the first two of these types of school follow the national curriculum. How will the Department for Education know that children are receiving relationships and sex education in line with the guidance? Ofsted does not check independent schools, so who will, and how does the DfE intend to monitor all schools and ensure that the guidance is being complied with?

Finally, what resources will be made available to schools in addition to those that they already have? Many schools are facing huge budget pressures and cannot be expected simply to assume other responsibilities and the costs of training or teaching materials simply on the basis of what they have at the moment. Clarification on that point would be most welcome.



Parents want their children to be fully educated with the facts about all aspects of their own safety. What plans does the DfE have to ensure that teachers receive the necessary training to enable them to deliver guidance effectively? Already, teachers have heavy workloads. It is important that they are resourced to do this job properly, so what do the Minister and his department envisage as necessary by way of additional resources for teachers?

I hope that the Minister can answer those questions, but I should be clear that we offer our support for this guidance and its important aim of ensuring that young people are properly equipped for the challenges that they will face in keeping safe and healthy as they grow up.

**Lord Storey (LD):** My Lords, we on these Benches very much welcome this Statement and congratulate the Government on bringing it forward. It is a very welcome first—perhaps not historic—positive step forward in equipping our children and young people to cope with life in a modern society.

I think it was David Cameron who, referring to Europe, said that we should “stop banging on” about it. I am, however, glad that on this issue so many Peers, MPs and organisations outside Parliament did bang on for some considerable time. That banging on has meant, in the end, that the Government have taken note. It is right to congratulate not just the present Government but the former Secretary of State, Justine Greening, who did a lot of work to get to this stage. I particularly remember meeting Edward Timpson, the then Children’s Minister, who was very clear in his view about this topic.

The importance that not only our party but young people, parents and teachers attach to this subject is clear from the 23,000 responses to the call for evidence. While there is no definitive tally of similar calls for evidence, I am confident that this number would be near the top of that particular league table. I have looked through the consultation, and I am glad that, as most school terms finish tomorrow, sufficient time has been allowed for schools to respond in the autumn.

It is quite interesting how the world, and government policy, have moved on in the last five years, but it is disappointing that what the noble Lord, Lord Nash, the Minister’s predecessor, said in this House five years ago—

“The Government believe that PSHE is a vital part of a broad and balanced curriculum and that excellent PSHE provision is part of the life-blood of all good schools”—[*Official Report*, 24/4/13; col. GC 426.]

—has not led to a commitment to go one step further and make PSHE a statutory part of the curriculum. I certainly do not accept that economic education is covered by the current provision in careers, maths and citizenship, as the Statement claims. It is welcome that students can decide, from the age of 15, to opt in to sex education even if their parents do not want them to. However, there is still a discussion to be had about whether one term of sex education in the year before the age of consent is sufficient.

Liberal Democrats believe there should be an independent standards authority to pilot, phase in and resource policy changes. Such an authority would

be better able to monitor the introduction of RSE than either civil servants or Ofsted. A broad and balanced curriculum for life, as the Liberal Democrats would like to see, would also include mental health education, first aid and emergency life-saving skills and financial literacy, in addition to relationships and sex education. The Welsh Assembly has already introduced a new RSE curriculum on the basis of extensive research and consultation. What discussions have the Government had with the Welsh Minister?

In 2013, the noble Lord, Lord Nash, informed us:

“I agree that we need to improve the focus on this area through teaching, schools and ITT providers”.—[*Official Report*, 18/6/13; col. 136.]

I cannot, however, find any mention in the Statement about who will provide the resources to train teachers. Initial teacher training had been totally fragmented, and I am sure that head teachers will be trying to work out how to provide the high-quality CPD to bring their staff up to speed with yet another new demand on finite and shrinking resources.

I have three questions that I hope the Minister will be able to clarify. First, the Statement says that RSE will be prescribed core content for all schools. The phrase that I am unsure of—perhaps the Minister will explain how it would work—is that it,

“leaves flexibility for schools ... with a religious character to deliver and expand”,

on that content. I am not sure how that will work in practice and what it means.

My second question has, I think, been asked by the noble Lord, Lord Watson. It is important not just to introduce this measure in 2019-20 but to make sure that it is of good quality, with qualified teachers and good resources. What funding has the Minister set aside to invest in high-quality training and continuous professional development?

Finally, the Minister says that financial education should not be made compulsory, as it is already covered in the national curriculum in maths and the careers strategy. The national curriculum, however, is not compulsory in academies and free schools. Are we planning to make it compulsory for those schools, so that this subject will be taught?

**Lord Agnew of Oulton:** My Lords, I thank the noble Lords for their questions on this subject and for their broad support. I thank the noble Lord, Lord Watson, for joining us yesterday and for the contributions that he made in that meeting. I hope that I will be able to answer most of their questions.

On the consultation period, the reason that we decided to issue the Statement today, ahead of the school holidays, is that most multi-academy trusts are open over these holidays. They cover half of secondary school pupils, so we felt that it was better to get the information out there sooner rather than later to enable them to get focused on the subject.

**Lord Watson of Invergowrie:** I am sorry, but that answer is not particularly helpful. Half of them may be open during the holidays, but that means half of them are not. Why should the maintained schools sector be treated less favourably? I am really surprised at that answer.

**Lord Agnew of Oulton:** My Lords, the point is that the subject is already being considered by the sector. That is why we have given it a 15-week period, which takes us to the next half-term. I was trying to answer the noble Lord's question about why we issued it today rather than, say, on 1 September. Another thing we expect to see is a lot of schools introducing this from September 2019, which will be a year ahead of the statutory requirement. We expect that a lot of those early introducers will be the bigger chains, which are already further developed in this area.

The noble Lord also asked whether schools will be required to tell pupils and parents about the policy. It is clear that schools will be required to publish policies on their RSE and RE curriculum, and the guidance sets out what should be included in that notification.

On the right to withdraw, a parent may still request the withdrawal of their child in the three terms before they reach the 16 year-old age group, but if the child wishes to receive education, the school will be required to provide it. That is the case for all schools. To put that in perspective, 99.5% of children currently participate in the sex education that is going on in schools, so we do not feel that it will be a sensitive issue. Again, however, in the consultation we are asking for views from all respondents. If they feel that we need to improve the guidance, we are open-minded about doing that.

Regarding the materials and resources for schools, we are certainly committed to ensuring that schools are supported and ready to teach these new subjects to a high quality. Many schools are already doing that, so they will be able to adapt quickly to teaching the new subjects. But many schools will require some support, and we are asking questions in the consultation about where the help will be most needed. To support schools, we will ensure that there is a repository for quality teaching materials covering these new subjects. We intend to work closely with the unions, the MATs, the dioceses and subject associations to ensure that the right support is available for schools.

The noble Lord, Lord Watson, also asked whether the guidance will apply to all schools, including independent schools, and how we will know that the subject is being delivered in those schools. The guidance for relationships education and RSE will apply to all schools, including independent schools. PSHE is already a compulsory subject in independent schools and we will work with the Independent Schools Inspectorate, which already addresses these areas, to ensure that it covers the area adequately when it inspects.

I turn to the noble Lord, Lord Storey, who asked about the level of training that we will give to support teachers in these new areas. We will certainly amend the initial teacher training. In fact, perhaps I might give the noble Lord a list of the specific subjects that will be covered in the new areas. I think this gives a bit of context to the areas that teachers will address. The noble Lord will see from the list that much of this is already going on and this is just a way of codifying it. The subjects are: mental well-being; healthy friendships; LGBT; respectful relationships, including addressing inappropriate behaviour, harassment and exploitation; online safety; consent in all types of relationships,

including sexual relationships where appropriate; tolerance and respect for others; the impact of viewing harmful content or sexually explicit material; and the law in relation to abuse, exploitation and harassment. That gives a flavour of the subjects, and I think they will be intuitive for the majority of the profession.

Schools will be encouraged to teach PSHE and may cover content that they feel their pupils need. The PSHE Association has today strongly welcomed our approach. I have a quote from the association that may provide some reassurance:

"The government's commitment to mandatory health and relationships education is welcome and a major step forward. Damian Hinds has shown outstanding leadership in guaranteeing young people an education that supports their physical and mental health, wellbeing and relationships",

and it goes on. We have made the association a key stakeholder in our discussions.

I think I addressed the topic of support to schools in replying to the noble Lord, Lord Watson, but I reiterate that we want to use the consultation to finalise our plans for the support that we provide to schools. It would be a bit premature to commit to a particular budget on school support before we get to the detail of the support that they feel they would like.

**Lord Storey:** Before the Minister sits down—perhaps he could write to me on this, because it is quite difficult to give a verbal answer—I get that the core RSE content will be prescribed for all schools, but then there will be flexibility for schools with a religious character to expand on that content. Could he write to me about how he sees that working in practice?

**Lord Agnew of Oulton:** I will write, but, to give the noble Lord some reassurance, two of the bodies that have been most effective in handling sex education have been the Catholic Education Service and the Church of England education service. Both have model ways of dealing with this, and part of that is early engagement with parents so that they do not feel that they are being railroaded into it and it is done in an inclusive way. I shall write with more details.

5.07 pm

**Lord Addington (LD):** My Lords, I thank the Minister for repeating the Statement and for the meeting that he held beforehand, which I managed to get to even if my noble friend did not.

Whenever we go through this, we may find that the three-terms exemption to parents being able to remove their children is where the potential conflict is going to occur, and where it is going to be difficult to manage the balance between the right of parents' controls and the rights of the child. I am quite in sympathy with what the Government are doing and probably agree with it; I am someone who more or less likes everything that is there. A little more might have been more to my taste, but we support what the Government are doing. However, the people who are going to have to implement this are the teaching staff. Have the Government given any guidance as to whether a parent has to be informed if a student opts into this process having been previously excluded? If there is an objection, what sort of support

are we giving to the teachers and headmasters when they encounter some form of conflict? This may well be a tiny minority of people, but it will be a very vocal one because—let us face facts—it always has been. Have the Government given any thought to how we support teachers through that process, ensure that what they are doing is the law of the land and not something the teacher has decided upon, and make that clear to the parents of students who are in conflict over this? That is a point that will ultimately affect what happens on the ground.

**Lord Agnew of Oulton:** My Lords, I thank the noble Lord, Lord Addington, for his comments and indeed for his contribution yesterday. He asks a very practical question. This is something that needs to be handled sensitively, and we will be looking in the consultation response for any sense that we need to strengthen the guidance to schools. Broadly speaking, head teachers are experienced at engaging with parents, particularly on difficult topics, so we trust them to put the right processes in place for their schools. We will see if there is a sense in the consultation that they do not feel well enough supported, and if that is the case then we will address this point further.

**Lord Lexden (Con):** Will the end of the consultation period be followed swiftly by final government decisions? Clearly, it is important that things proceed quickly, since new arrangements take effect in September 2019. I thank the Minister for clarifying, too, in response to the question asked by the noble Lord, Lord Watson, that independent schools will be covered by these new arrangements. It seems to me extremely important that all elements of our school system participate in what is now going to be established.

**Lord Agnew of Oulton:** Yes, we are keen to get on and do this, and the plans at the moment are that the results of the consultation response will be published on GOV.UK within 12 weeks of the consultation closing. We will make an announcement on the draft regulations and draft statutory guidance at the start of next year. At that point, we will, if appropriate, make clear any changes to the draft statutory guidance and regulations prior to parliamentary debates, during the passing of the associated regulations.

**Baroness Donaghy (Lab):** My Lords, I am extremely grateful that the Government are going to make progress in this important area. I thank the Minister for spelling out the content of the teacher education aspect, which has partially answered the question that I wanted to ask. Some of us have raised on a number of occasions the issue of the increase in violence and harassment against young girls in schools. In particular, there is the fact that a lot of young boys get their sex education from pornography online. They are getting sex education, but it may not be the appropriate sex education. This issue of violence is becoming endemic, and I wonder whether we are a little bit mealy-mouthed in all this in talking about internet safety and harms. In the content that the Minister quoted, he talked about illicit internet information, or something. Should not we call a spade a shovel? Perhaps I am influenced by listening to the maiden speech of the noble Lord,

Lord Pickles. We are talking about a serious increase in pornography available at school level. I hope that people recognise how difficult it will be to tackle. If we do not make it clear that these sorts of issues are included, I wonder whether some people may miss it as an important aspect.

**Lord Agnew of Oulton:** The noble Baroness makes a very important point. The key point that I would like to make is that this is the first change to this part of education for 18 years, which is extraordinary when you think that 18 years ago very few children owned a mobile phone, and Facebook did not even exist—so this is a major step forward to bring us into the 21st century. The Secretary of State said today that this would be kept under review every three years or so, to make sure that we were keeping on top of any further developments that occur in the online world. I gave the noble Lord, Lord Storey, a taste of some of the things that we are including, although I did not give the whole list. To give the noble Baroness some reassurance, it includes strengthened content around areas such as relationship focus and bullying, including cyberbullying. We are very alert to this—it is so important.

I can tell you a terrible story in my own life as an academy sponsor. Last year, in one of our schools a young girl of 16 went on a date with a boy. They ended up in bed together, and the next day the boy boasted on Facebook, and the girl was so mortified that she hanged herself—dead. That is the reality. That boy will have to carry that for the rest of his life, and a young girl lost her life. So there is no one more passionate about this than me.

**Baroness Barker:** My Lords, I declare my interest as the chair of the All-Party Group on Sexual and Reproductive Health. I thank the Minister for repeating the Statement, and I too think that Justine Greening deserves great commendation for having started this, and that Nick Gibb deserves credit for taking it through. This is clearly a very carefully worded document and I very much welcome its main intention.

There are just two things that I take the opportunity to pick up. The first is about pupils with special educational needs and disabilities. There are very few people who are expert in the field of developing materials and delivering training for talking to people with disabilities, including learning disabilities or disabilities such as deafness. Can the Minister say whether the Government will make sure that, during this consultation, young people with disabilities and the people who work with them are included? They are often very isolated; it is difficult enough to talk about some of these matters if you are in full command of your communication, and sometimes teachers find it intensely difficult to speak to people with disabilities about these matters. There is a lot of evidence that these young people end up relying on the internet and coming away with really strange ideas, because they have been looking at the wrong sort of stuff. It is an area that has to be handled with great sensitivity and care.

Secondly, I welcome paragraph 33 of the draft guidance, which is about the inclusion of LGBT, and I note the way in which it has been drafted. It is my

[BARONESS BARKER]

understanding—and I ask the Minister to correct me if I am wrong—that there is no general guidance for schools about transgender issues, including what happens when you have trans teachers or trans pupils. There are bits and pieces of guidance that individual schools and authorities have developed—most notably Cornwall County Council—but I do not think that there is any general guidance for schools. Am I right that this is the first time that any kind of guidance on trans will be in schools? Will the Minister consider that in a bit more depth?

**Lord Agnew of Oulton:** The noble Baroness raises two important questions. First, on SEND, just to reassure the House, the whole thrust of these changes is for the teaching of all pupils, including those with special needs. In the debate in the other place today, my right honourable friend the Secretary of State made particular reference to reaching out in the consultation to special schools, SENCOs and others on how we can support the needs of pupils with SEND to ensure that we have the correct materials available for them. Likewise, on the LGBT question, I do not know what the existing materials are, but one reason for not bringing this in sooner, as some people would like, is to give us the time to start developing best practice, particularly across these sensitive areas. As I mentioned to the noble Lord, Lord Watson, earlier, we expect quite a few schools to be starting this in September 2019, which will give us time to develop good practice and make it available across the whole system.

**Lord Watson of Invergowrie:** My Lords, with the permission of the House, I would like to return to a point that I asked the Minister about when I spoke earlier, which is the issue of faith schools. The noble Lord, Lord Storey, raised a similar point. If there is any difficulty in making this guidance effective, that is most likely where it would occur. The point I specifically asked was: what happens where the school itself effectively does not recognise that sex education should be delivered at, say, the age of 16 and puts pressure on the parents to ask that their children opt out, and yet one or more of these children decide that they want that? The school, as I understand it, would be legally obliged to provide that sex education but would be very uncomfortable about doing so. Can the Minister say a bit more about how faith schools will be expected to act in those circumstances to make sure that they comply with the guidance?

**Lord Agnew of Oulton:** Yes, of course this is a very sensitive area, but I think we have to be clear that there is a requirement for faith schools to enter this mandatory process. However, schools with a religious character can teach these subjects according to the tenets of their faith. In schools with a religious character, the distinctive faith perspective on relationships may be taught, and balanced debate may take place about the issues that are seen as contentious. For example, a school may wish to reflect faith teachings about certain topics, as well as how their faith institutions may support people in matters of relationships and sex. As I mentioned as part of my answer to the noble Lord,

Lord Storey, we find that two of the most effective organisations in dealing with these areas tend to be the Catholic Education Service and the Church of England. However, we do invite responses in the consultation if there is still a sense of ambiguity.

## Warm Home Discount (Miscellaneous Amendments) Regulations 2018

*Motion to Approve*

5.20 pm

*Moved by Lord Henley*

That the draft Regulations laid before the House on 14 June be approved.

### **The Parliamentary Under-Secretary of State, Department for Business, Energy and Industrial Strategy (Lord Henley)**

**(Con):** My Lords, these regulations extend the warm home discount scheme until 2020-21, ensuring over 2 million low-income and vulnerable customers receive a £140 rebate on their energy bills in winter, when they need it most. This is vital support and a key policy for tackling fuel poverty.

The best long-term solution to alleviating fuel poverty is to improve the energy efficiency of a home, bringing down the cost of heating it. The Government are committed to tackling fuel poverty and improving energy efficiency. We have launched a number of interventions to help us achieve this. In the *Clean Growth Strategy*, we stated the aim to upgrade all fuel-poor homes to band C by 2030. In March, we consulted on focusing all of the energy company obligation funding—£640 million per year—on low-income and vulnerable households. We have committed to the continuation of funding for domestic energy efficiency until 2028, at least at current levels—an investment of £6 billion over the next 10 years—and we have consulted on proposals to strengthen the existing minimum standard regulations in England and Wales so that private landlords make improvements to F and G-rated homes before letting them. This is part of our wider, long-term aspiration to improve as many homes as possible to band C by 2035.

The energy efficiency improvement of homes takes time, however, and some properties, especially those that are harder to treat, may be left behind. Energy bill rebates through the warm home discount, therefore, continue to play an important role. Through the Domestic Gas and Electricity (Tariff Cap) Bill, which I hope will receive Royal Assent in due course, we are taking action to protect 11 million households currently on the highest energy tariffs. Under the warm home discount, around 1.2 million low-income pensioners in receipt of pension credit guarantee credit receive £140 as an automatic rebate on their energy bills. Over 1 million low-income and vulnerable households receive the rebate following an application to a participating energy supplier. In recognition of the success of the scheme, the 2015 spending review committed £320 million per year to the scheme—rising with inflation—until 2020-21. The current regulations underpinning this scheme expired in April and the regulations in front of us today

extend the scheme until 2020-21. This extension to the regulations will not inhibit the reform of the scheme in future. We intend to consult later this year on a number of changes from 2019-20, including expanding the successful data-matching process and so removing the need for consumers to apply. We will want to look at ways in which we can achieve the most effective targeting of the scheme by making the best possible use of the data available to us. To do this, we needed primary legislation, and I am delighted that the data-sharing powers we needed under the Digital Economy Act 2017 are expected to come into force before Summer Recess.

Meanwhile, the regulations we are debating today introduce a key change to the scheme. More energy suppliers will be required to offer the warm home discount to their customers. We will give smaller suppliers enough time to put the right processes in place, while giving a clear signal to the market. So, the threshold will reduce gradually, from 250,000 down to 150,000 customer accounts between 2019 and 2021. The impact of the threshold will be reviewed and, should the scheme continue beyond 2021, we expect it to be reduced further.

It is important to note that these regulations do not make significant changes to the scheme eligibility for this coming winter. This winter we want to prioritise the safe and timely delivery of the rebates. That will mean that all eligible pensioners on pension credit guarantee credit will continue to receive £140 off their bills. These regulations make only small changes to eligibility for the broader group—the part of the scheme for which customers have to apply—by including universal credit recipients who are in work with low earnings, and to reflect welfare changes.

We believe there is more room for more innovative, industry-led projects to identify fuel-poor households and to provide the most suitable package of advice and measures. Recognising this potential, we are increasing the spending cap on industry initiatives from £30 million to £40 million. We are also expanding the list of activities allowed under industry initiatives to include the provision of financial assistance with energy bills for households not eligible under the core group or broader group. This could be households not on the benefits system but particularly at risk of fuel poverty, including those where someone has a long-term illness or disability. This will be limited to up to £5 million overall and up to £140 per household—equivalent to the value of the rebate.

We want to ensure that industry initiatives funding focuses on support to reduce bills for the long term, such as through energy advice and energy debt assistance. These regulations will continue to reduce the cap on the spending allowed on debt write-off from £12 million to £10 million—or 25% of the increased cap—and to continue to reduce it in future years, to £8 million in 2019-20 and £6 million in 2020-21.

In conclusion, the regulations extend the warm home discount until 2020-21. These affirmative regulations provide vital support for low-income and vulnerable customers to keep warm for the next three winters. The changes that we propose to make will mean that more suppliers will be required to provide assistance to their eligible low-income customers, and that suppliers

can spend more on industry initiatives to provide innovative and long-term energy bill support to households in need. I commend these regulations to the House and beg to move.

**Baroness Featherstone (LD):** My Lords, obviously, we welcome the extension of the warm home discount, which has been successful. It has been in operation for seven years, and it benefits those in fuel poverty, so a further three years is welcome.

I noticed what the Minister said about energy efficiency. We on this side could not agree more that energy efficiency is massively important, and we welcome all and any measures the Government might take. However, we also encourage the Government to reintroduce the zero-carbon homes standards. When you have the opportunity to build new homes, it seems a pity not to reduce the need for heating and expense in that way. Two million low-income and vulnerable households have benefited, and the main elements remain in place and intact. I do not know how widely this consultation is marketed, as there were only nine individuals out of a total of 60 respondents. While the changes are not earth-shattering, that is a very small number for an issue that affects every household in the country.

I was pleased to see that the Government took notice of the concerns, and although they have agreed to reduce the threshold for suppliers, in the end all suppliers should be able to offer it or should offer it. At the moment, people are having to choose between keeping the warm home discount and saving by switching, and it seems that people would rather keep the warm home discount, even though savings might be larger than £140 by not doing so. However, we welcome these regulations.

5.30 pm

**Lord Grantchester (Lab):** I thank the Minister for his extensive introduction. I am happy to approve the regulations. The warm home discount, which comes through ECO, is one of the instruments used to support households in fuel poverty. The regulations extend the WHD scheme after its seventh year through years eight, nine and 10 until 2021.

The scheme also comes as a subset of the renewable heat incentive, which the House approved in May this year. This is also set to expire, in many regards, in 2021. Therefore, I repeat what we said on that occasion: that plans must be made and signalled for a long-term solution for heat decarbonisation, to provide certainty and clarity beyond this looming cliff edge.

Meanwhile, it is to be welcomed that these regulations provide continuity for the next three years until 2021. I agree that the best long-term solution for reducing household fuel poverty and bringing down the cost of heating a home is through improving energy efficiency. In this regard, I recognise the ambition to upgrade as many homes as possible to band C by 2035—but that is quite some distance away.

The interlinking of these measures was referred to by the Minister in his opening remarks. Will he provide any update specifically on the supposedly major push towards decarbonisation following the end of these schemes in 2021 as part of the clean growth plan?

[LORD GRANTCHESTER]

Turning to the regulations, there are a few adjustments and amendments to the scheme that we would like to understand better. The WHD scheme has suffered in recent years from applying only to obligated energy companies which have more than 250,000 customers. While competition can be encouraged through more entrants into the market, can the Minister confirm with any figures whether there has been a noticeable cluster of suppliers just below this threshold? In that regard, I welcome the amendment to reduce the threshold progressively. Has the Minister's department looked into the impact of thresholds on companies to determine whether ameliorating measures could be introduced?

These arbitrary boundaries have produced other anomalies, which the noble Baroness, Lady Featherstone, drew attention to in her remarks. While encouraging switching as a way to increase competition and reduce customer bills, many households have fallen foul of the eligibility criteria of the WHD scheme when changing suppliers that are on either one side or the other side of the threshold. Sometimes households have become victims of companies gaming the threshold by being moved compulsorily from obligated to unobligated companies. Reducing the threshold is helpful but does not directly help households caught by this bureaucracy.

I suggest to the Minister that measures could be looked at to alleviate the problem. At least, will he look to commit price comparison websites and switching advisers to adding the calculations necessary for WHD to apply when displaying or promoting alternative tariffs? The loss of the right to WHD on switching could negate any benefit and would further undermine the public's confidence that the energy market works for them. With these comments, I am happy to approve the regulations.

**Lord Henley:** My Lords, I thank both noble Lords for their general welcome for these regulations, and their recognition that they allow us to continue with what we have been doing over this winter for a further three winters, but also to consult on the changes I announced earlier.

The noble Baroness asked how the consultation was marketed and whether we had enough responses to it. We worked very closely with consumer organisations, including Citizens Advice, but I will look at what she had to say and see whether we can improve in future and reach out to more people.

I noted the comments that both noble Lords made about energy efficiency. I also noted their general welcome for our progress in this area and the fact that we want to push along. It is obviously the right thing to do to make all homes as energy efficient as possible, and we will continue to do that.

As regards their comments about the thresholds, I remind both noble Lords that under the scheme other suppliers below the threshold will continue to be able to volunteer. I gather that there were three voluntary smaller suppliers. As I said in introducing the regulations, we will continue to reduce the threshold and will review it again after 2020-21. If the scheme were to continue, there would be a view to potentially setting the threshold to a minimum level of zero if the evidence supported that approach.

I particularly noted the point that the noble Lord, Lord Grantchester, made about some companies gaming the system. Therefore, it might be right to reduce it to zero in the future. However, for the moment, if we continue with the gradualist approach that I announced in introducing the regulations and review it in the future, I suspect that that will be the better way of proceeding so as to give new suppliers time to prepare in terms of both processes and pricing. I hope that that deals with most of the questions that noble Lords asked.

*Motion agreed.*

### **Oil and Gas Authority (Offshore Petroleum) (Disclosure of Protected Material after Specified Period) Regulations 2018**

*Motion to Approve*

5.36 pm

*Moved by Lord Henley*

That the draft Regulations laid before the House on 13 June be approved.

**The Parliamentary Under-Secretary of State, Department for Business, Energy and Industrial Strategy (Lord Henley) (Con):** My Lords, the UK's offshore oil and gas industry is one of the country's great industrial successes, but it has faced numerous challenges, including ageing infrastructure and growing international competition. In this context, in 2013 the Government asked Sir Ian Wood to conduct a review of the sector, specifically looking at how the economic recovery of offshore petroleum could be maximised. One of the key recommendations from the Wood review was the need to ensure that industry has timely and transparent access to petroleum-related information and samples. These can include, for example, data about infrastructure or reservoirs, or pieces of strata acquired in the course of drilling a well.

The Government committed to implementing the Wood review and included various powers in the Energy Act 2016 covering information and samples related to the offshore exploration and production of petroleum. These included a requirement for relevant persons within industry to retain certain information and samples for a specified period, as set out in the Oil and Gas Authority (Offshore Petroleum) (Retention of Information and Samples) Regulations 2018. Information and samples plans were also introduced to safeguard information where licence events, such as termination, occur.

The Oil and Gas Authority was given powers to require relevant persons to provide it with petroleum-related information or samples which they hold and which the OGA might need to discharge its regulatory role and to deliver the objective of maximising the economic recovery of offshore petroleum. The regulations we are considering today form the final piece of the picture: once information or samples have been acquired by the OGA, the regulations enable it or a subsequent holder to make such material available after a specified period.

The Energy Act 2016 places a general prohibition on disclosure of protected material, subject to certain exemptions. One of those exemptions permits the OGA or a subsequent holder to make protected material available at such time as may be specified in regulations. The protected material to which these regulations apply includes information about geological surveys, wells drilled, petroleum production and other reports and computerised models of the subsurface or a reservoir. It also includes samples of petroleum, fluids or strata acquired or created when drilling or producing from a well. Other relevant categories include information about installations, infrastructure and pipelines associated with offshore petroleum development.

Following a recommendation of the Delegated Powers Committee, the Energy Act 2016 included a list of factors to which the Secretary of State must have regard when determining the appropriate period after which protected material may be made available under the regulations. In summary, the requirement is to consider: first, whether companies have had sufficient time to satisfy the main purpose for which they created or acquired the information or samples; secondly, the potential chilling effect of requiring disclosure on discouraging future activity; and, finally, the benefit to industry and the economy in making such information and samples more widely available.

Each of these factors has been taken into account when setting the period after which different types of information and samples can be disclosed. The periods vary from immediate disclosure of very basic information which is not deemed to be sensitive, such as the fact that a survey has been carried out of a particular area, to 15 years for raw information from such seismic surveys, reflecting the fact that they are carried out at significant cost for commercial purposes. While care has been taken to ensure that the specified time is set appropriately, there is no absolute requirement to publish the material, and the OGA could consider representations where there are particular justifications for keeping information confidential for a longer period. However, in doing so, the OGA would need to weigh up the impact on delivering the statutory objective of maximising economic recovery of the UK's offshore petroleum.

These are very technical regulations and the proposals they are based upon were subject to consultation with industry and other interested parties by the Oil and Gas Authority. The OGA has published a consultation response detailing how feedback received had been reflected through making appropriate adjustments to certain proposals; for example, excluding more subjective information from immediate release. The OGA will provide guidance on its application of these regulations before they come into force.

As petroleum licence conditions permit publication of certain information and samples after set periods, the additional impact of disclosure under these regulations is expected to be marginal. As such, a full impact assessment is not required. Other costs on industry will be due to familiarisation with the new regulations.

In conclusion, the Oil and Gas Authority considers that improvements to information retention, reporting and disclosure processes, including through these regulations, are critical to achieving the statutory objective

of maximising economic recovery of the UK's offshore petroleum reserves. The changes are expected to make an important contribution to the OGA's vision for the industry, which indicates that maximising economic recovery can create £140 billion of additional gross value for the UK. In addition, they could potentially facilitate the reuse of reservoirs and infrastructure for other purposes, including carbon capture, utilisation and storage. I commend the draft regulations to the House.

**Baroness Featherstone (LD):** My Lords, the legal obligation to retain specified classes of information and samples and specifying when such obligation ends is important, and these regulations will deliver that obligation clearly. What it also indicates, I hope, is that it is important to make the samples and analysis public, as opposed to keeping them hidden. That means that the exemptions such as commercial sensitivity should be very few and should be monitored to check that they are not used inappropriately.

The principal objective for timely and transparent access to petroleum-related information and samples was, as the Minister said, one of the recommendations in the 2014 Wood review. Making access to information a better process—I have a very similar speech to the Minister's—can only help the industry. It is estimated that a potential £140 million in additional revenue may result from the more timely management of samples and analysis. Is it million?

**Lord Henley:** Billion.

**Baroness Featherstone:** I was not sure; I have written “billion”, but I thought that was an awful lot.

**Lord Henley:** Someone said, “A billion here, a billion there, and pretty soon we will be talking about real money”.

**Baroness Featherstone:** It is an industry that probably works in billions—way above my pay grade. We have no particular comments on the regulations per se. They seem fit for purpose and the consultation responses appear to have been taken note of.

5.45 pm

**Lord Grantchester (Lab):** I am grateful to the Minister for his explanation of the statutory instrument before the House today. I understand that it is among the last necessary to commence the provisions of the Energy Act 2016, and I am happy to approve it. As the Minister said, the Act set up the Oil and Gas Authority following the 2014 Wood review into the future of the UK's offshore petroleum industry with the objective of maximising economic recovery—MER—of offshore petroleum reserves. With powers to offer necessary information, the OGA, through these regulations will now be able to make this information public after a specified period.

I am grateful that, through this MER, the Minister can confirm—with the noble Baroness—that the petroleum industry could create £140 billion of gross value added for the UK and create many thousands of jobs. Most notably, information disclosure could facilitate the reuse of reservoirs and infrastructure most necessary for the development of carbon capture and storage,

[LORD GRANTCHESTER]

previously damaged through the Government's cancellation of CCS projects. Remarks from the Minister in his reply confirming the Government's commitment to help economically viable ways to develop CCS would be most welcome.

The success of these regulations is very much dependent on the OGA's ability to assess the commercial sustainability and confidentiality of any pertinent information that it proposes to disclose. The memorandum gives confidence that the Government and the regulator have worked extensively together through consultations and reviews to reach a satisfactory point whereby companies can share and the OGA can publish information sensitively, in a balance between the objective of maximising economic activities and the company's economic interests. I understand that the appeal mechanisms are included in further provisions of the Energy Act and, if the OGA and the industry can develop a *modus operandi* to the satisfaction of both parties, that is to be applauded. Will the Minister commit to reviewing and making a statement on this in due course as the success of MER is transparently demonstrated?

One aspect of this was not highlighted by the memorandum. Some information revealed—for example, in relation to seismic survey results—could be sensitive and relate to national security. Are provisions in place for the Government to instruct and advise against the disclosure of certain information by the OGA? In its objective to maximise economic recovery, the OGA will certainly make information available that is of much use and interest to academics, researchers and companies generally in the sector. How does the OGA propose to make this information available? Will it have one preferred method? Will the Government work with the OGA not only to ensure that the information is made easily accessible and well publicised, but that it is effective? Will this be on an international basis? I would be grateful if the Minister could outline how Parliament will be kept updated on the progress of MER.

With that, I am happy to endorse the remarks of my honourable friend and shadow Minister in the other place, Alan Whitehead, that,

“this is a well-crafted set of regulations that should greatly enhance the ability of the industry and the general public to understand what is happening in the North sea, and, where appropriate, to be supplied with that material in a reasonably timely fashion”.—[*Official Report*, Commons, Eighth Delegated Legislation Committee, 17/7/18; col. 6.]

**Lord Henley:** I thank the noble Baroness, Lady Featherstone, and the noble Lord, Lord Grantchester, for their comments, and in particular the noble Lord, Lord Grantchester, for repeating what his colleague said in another place. He made it clear that these are, as he put it, well-crafted regulations. It is always gratifying to those of us who move these instruments in either House to hear that, but it is equally gratifying for our officials, draftsmen and others. I will make sure that those remarks are brought to the attention of those who are responsible for producing these regulations.

I am also grateful to the noble Lord for stressing that the aim behind these regulations is to reinforce the aim of the 2016 Act of maximising economic recovery. I shall therefore repeat the figure: we think that there is

the chance of creating some £140 billion of additional gross value for the UK, which is very important to us all. It is also important for the oil industry in the north-east of Scotland, as we discussed only the other day when a noble Lord on the Liberal Democrat Benches asked a Question about the oil industry in Scotland. Maximising economic recovery is important.

I shall deal with the points made about carbon capture and storage. The noble Lord will understand that this has great potential in terms of helping to decarbonise the economy and maximising economic opportunities for the UK. Obviously we want the UK to become a global technology leader in this area by working with global partners to reduce costs and accelerate deployment. We set out in the clean growth strategy a range of actions in both the domestic and the international arenas to unlock the potential for CCS. Again, we are investing quite large figures—£100 million; I stress that it is £100 million, not billion—in innovation in this area. We should do what we can in this area.

The noble Lord also asked about a review. I should remind him that the Energy Act put an obligation on the Government to review the performance of the OGA every three years, and obviously that will include the disclosure provisions. On whether the Government can stop the publication of certain things, the OGA can advise against disclosure using powers under the Energy Act if national security requirements come into play. On how information and samples will be made available when published, the OGA is progressing plans to set up a national data repository for digital data in 2019, which will enable this type of data to be stored securely and sustainably. It will allow access and disclosure to be controlled by the OGA with information becoming accessible to the public once published. Other summary information and production information will be made available on the OGA's open data pages on its website. Again, that will be available to academics at the proper time.

I think that those comments deal with all the questions that were put to me. I can confirm that, as I made clear in my opening remarks, this is the last piece of the jigsaw in relation to these matters following the Energy Act. I think that this is also the last occasion before the Summer Recess on which those of us who either speak for BEIS or respond to energy or BEIS questions from the Opposition Benches will be likely to perform. I therefore wish the noble Baroness and the noble Lord a happy holiday, and beg to move.

*Motion agreed.*

## Royal Assent

5.54 pm

*The following Acts were given Royal Assent:*

Supply and Appropriation (Main Estimates) Act,  
Automated and Electric Vehicles Act,  
Haulage Permits and Trailer Registration Act,  
Northern Ireland Budget Act,  
Domestic Gas and Electricity (Tariff Cap) Act.

*House adjourned at 5.54 pm.*





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