

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

ADVANCED RESEARCH AND INVENTION AGENCY BILL

Sixth Sitting

Thursday 22 April 2021

(Afternoon)

CONTENTS

SCHEDULE 3 agreed to.
CLAUSES 10 TO 15 agreed to.
New clauses considered.
Bill to be reported, without amendment.

No proofs can be supplied. Corrections that Members suggest for the final version of the report should be clearly marked in a copy of the report—not telephoned—and must be received in the Editor’s Room, House of Commons,

not later than

Monday 26 April 2021

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The Committee consisted of the following Members:

Chairs: JUDITH CUMMINS, †MR PHILIP HOLLOBONE, ESTHER McVEY, DEREK TWIGG

- | | |
|---|---|
| † Baker, Duncan (<i>North Norfolk</i>) (Con) | † Onwurah, Chi (<i>Newcastle upon Tyne Central</i>) (Lab) |
| † Bell, Aaron (<i>Newcastle-under-Lyme</i>) (Con) | Owen, Sarah (<i>Luton North</i>) (Lab) |
| † Blackman, Kirsty (<i>Aberdeen North</i>) (SNP) | † Richardson, Angela (<i>Guildford</i>) (Con) |
| Butler, Dawn (<i>Brent Central</i>) (Lab) | † Solloway, Amanda (<i>Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy</i>) |
| † Crosbie, Virginia (<i>Ynys Môn</i>) (Con) | † Tomlinson, Michael (<i>Lord Commissioner of Her Majesty's Treasury</i>) |
| † Fletcher, Mark (<i>Bolsover</i>) (Con) | † Zeichner, Daniel (<i>Cambridge</i>) (Lab) |
| † Flynn, Stephen (<i>Aberdeen South</i>) (SNP) | |
| † Furniss, Gill (<i>Sheffield, Brightside and Hillsborough</i>) (Lab) | |
| Hunt, Jane (<i>Loughborough</i>) (Con) | Sarah Ioannou, Seb Newman, <i>Committee Clerks</i> |
| † Mayhew, Jerome (<i>Broadland</i>) (Con) | |
| † Metcalfe, Stephen (<i>South Basildon and East Thurrock</i>) (Con) | † attended the Committee |

Public Bill Committee

Thursday 22 April 2021

(Afternoon)

[MR PHILIP HOLLOBONE *in the Chair*]

Advanced Research and Invention Agency Bill

2 pm

Schedule 3

CONSEQUENTIAL AMENDMENTS

Chi Onwurah (Newcastle upon Tyne Central) (Lab): I beg to move amendment 22, in schedule 3, page 14, line 3, at end insert—

“Freedom of Information Act 2000

(12) In Part VI of Schedule 1 to the Freedom of Information Act 2000 (“Other public bodies and offices: general”), at the appropriate place insert “The Advanced Research and Invention Agency”.”.

This amendment would make ARIA subject to the Freedom of Information Act 2000.

It is a great pleasure to serve under your chairship, Mr Hollobone. Amendment 22 is critical and very simple. It would make the Advanced Research and Invention Agency subject to the Freedom of Information Act 2000.

The amendment forms part of a sequence of amendments that we have tabled, which seek to deliver greater oversight of ARIA and greater accountability, in order to increase public confidence, particularly at this time when we are in the midst of a cronyism scandal. We do not believe that ARIA’s blanket exemption from the Freedom of Information Act regime can be justified.

I make the point that £800 million of public money will be spent by ARIA. It is a new agency whose aims and ambitions we all support, but public trust will be vital to its long-term success. In our evidence sessions, we heard from Government witnesses such as Professor Philip Bond. Dominic Cummings, the self-proclaimed architect of ARIA, gave similar evidence to the Science and Technology Committee, which celebrated trusting the leaders of ARIA with £800 million of taxpayers’ money and no purpose. The Labour party believe that this could be a side door to sleaze in science.

We do not want to bureaucratise ARIA. We acknowledge that a hands-off approach is integral to its success. We simply want ARIA to be accountable to the public via the Freedom of Information Act.

On Second Reading, the hon. Member for Newcastle-under-Lyme stated that,

“UK Research and Innovation receives about 300 FOI requests a year”.—[*Official Report*, 23 March 2021; Vol. 691, c. 830.]

I have since received an answer from the Science Minister to a parliamentary question, which states that, for example, UK Research and Innovation received 371 freedom of

information requests in 2020 and has answered 100 in the first three months of 2021. I asked about the costs to UKRI of complying with those requests, but it does not keep track of costs, which implies that they are not significant.

ARIA will be spending between 1% and 2% of the funding that UKRI is spending. If UKRI receives about 300 requests per year, we might calculate, say, that if freedom of information requests were related to the amount of public money being spent—a reasonable approximation—ARIA might receive between three and six freedom of information requests per year. I ask the Committee: would six freedom of information requests per year be a bureaucratic burden on ARIA, as the small and agile organisation we want it to be?

Aaron Bell (Newcastle-under-Lyme) (Con) *rose*—

Stephen Metcalfe (South Basildon and East Thurrock) (Con) *rose*—

Chi Onwurah: I give way to the hon. Member for Newcastle-under-Lyme.

Aaron Bell: I thank the hon. Lady for giving way and for welcoming me back to the Committee by mentioning me in her first paragraph. I was sorry to miss this morning’s sitting, but I was paired with an Opposition Member. I admire her mathematics, but given the interest in ARIA and the cutting-edge research that it will undertake, I do not think that scaling back in the manner she did and suggesting that it might receive only three to six requests a month is likely. As she knows, UKRI has a team of people to deal with freedom of information requests. We should consider carefully whether we want to put such a burden on ARIA, because we want it to be nimble and lean. I am afraid that I do not believe the quantum of money can be scaled to the number of FOI requests. I think ARIA would get an awful lot, given the research we want it to undertake.

Chi Onwurah: Will the intervention from the hon. Member for South Basildon and East Thurrock be on a similar point? I imagine it will.

Stephen Metcalfe: It was going to be on exactly the same point. I could not have put it better myself.

Chi Onwurah: My respect for the hon. Member only increases because he does not wish to repeat what somebody else has said. That is not always the case in this House, as we know. I welcome the intervention from the hon. Member for Newcastle-under-Lyme, and I would welcome a long discussion on probability, mathematics and statistics, but I can see that my Whip might not be entirely happy with that, so let me confine myself to this. I was not claiming that the estimate was rigorous. The hon. Member for Newcastle-under-Lyme suggested that because there will be more interest in ARIA, it will receive more Freedom of Information Act requests. That might be true for the first two or three years, but I do not think that level of interest would be maintained, even if it received more requests proportionately.

I mentioned funding because that is what enables activity, and freedom of information requests relate to that activity. Therefore, even if we doubled the greatest estimate to, say, 12, what price does the Committee think should not be paid for accountability and freedom of information? What would be too much? I was not here in Parliament for the expenses scandal, but we saw the impact that had on public confidence as we now see the cronyism scandals and their impact on public confidence and trusted institutions. Freedom of information and transparency is an essential part of that.

The Campaign for Freedom of Information reports that the Defense Advanced Research Projects Agency, with its significantly higher budget, was subject to just 48 requests in 2019. During the evidence sessions, we heard that UKRI was happy to deal with FOI requests, because it viewed them as an important aspect of spending public money. We also heard—this was telling—that the Royal Society of Edinburgh, although it is not subject to FOI, behaves as if it is and responds to requests because it views them as an important aspect of transparency. Regardless of whether the Minister accepts the amendment—I very much hope that she will—ARIA should echo the Royal Society of Edinburgh’s approach.

We heard in evidence from DARPA that it believed that rather than hindering the agency, the transparency offered by FOI requests was useful in building public trust in its work. In fact, DARPA’s deputy director stated that the level of oversight that it is subject to is “important to its success”. Other high-risk, high-reward agencies such as the Federal Agency for Disruptive Innovation in Germany, Vinnova in Sweden and the French National Centre for Scientific Research are all subject to the freedom of information requirements of their respective countries. What makes ARIA so different?

The protection of sensitive information cannot be used as justification for a blanket exemption, as the Freedom of Information Act 2000 already provides exemptions where disclosure would prejudice research or commercial interests, or cause a breach of confidentiality. In their initial response to the Secretary of State’s announcement of ARIA’s FOI exemption, NESTA said:

“Radical openness and honesty is needed or distrust will undermine it. The public will expect to know what’s happening with public money”—

I think we can very much see that now—

“and greater risk requires transparency and evaluation in order to determine what works.”

The Campaign for Freedom of Information said that ARIA

“will spend hundreds of millions of taxpayers’ money on high risk projects but the government apparently wants it to be less accountable to the public than parish councils, which are subject to FOI.”

In the evidence session, Tabitha Goldstaub said that “at Google’s moonshot factory, X...they started in secret and everything felt so appealing, to protect people from any feeling of failure, but what they learned is that there are so many other much better ways than secrecy to incentivise people and to give them the freedom to fail. Actually, allowing for more transparency builds much more trust and encourages more collaboration and, therefore, better breakthroughs.”—[*Official Report, Advanced Research and Invention Agency Public Bill Committee*, 14 April 2021; c. 57, Q55.]

On what we are trying to achieve with this agency, the Minister has mentioned her concerns about bureaucracy a few times, but I think we as legislators have to decide

whether we believe that rules and regulations are simply mere bureaucracy to be thrown out whenever possible, or whether we believe that they can contribute both to the effectiveness of an agency and to the contract that we in Parliament have with the public to take their hard-earned taxpayers’ money and spend it as best we can to encourage and enable growth, prosperity, and a national health service—all things from which the public benefit. We cannot do that in secret; we have to do it publicly.

I really urge the Minister to accept the amendment. She knows that the exemption has come in for much criticism and that the controversy around it will continue to mar the progress of the agency. I urge her to listen to the siren voices of concern and to accept the amendment to remove ARIA’s exemption from the Freedom of Information Act.

Virginia Crosbie (Ynys Môn) (Con): It is a pleasure to serve under your chairmanship, Mr Hollobone. I would like to speak briefly to amendment 22. In the past week, we have discussed the concerns about exempting ARIA from FOI requests, and we have heard evidence about the potential burden of administration. UKRI told us that it has a team of staff purely to deal with the 300-plus FOI requests that it receives annually. In addition, Professor Dame Ottoline Leyser said that although UKRI is happy to be able to respond to FOI requests,

“there is a judgment call about the burden of administration”.—[*Official Report, Advanced Research and Invention Agency Public Bill Committee*, 14 April 2021; c. 9, Q4.]

As my hon. Friend the Member for Newcastle-under-Lyme so eloquently put it—echoed by my hon. Friend the Member for South Basildon and East Thurrock—with unique freedoms and independence to enable transformational research, ARIA will inevitably receive a number of FOI requests that is disproportionate to its size.

Our vision for ARIA is that it should be lean and agile. Do we really want it encumbered by that level of administrative burden? Do we want ARIA’s brilliant programme managers to be stifled by bureaucratic paperwork?

We have also heard about whether ARIA will deliver the game-changing R&D that we want if it is subject to FOI. It was Tony Blair who gave us the Freedom of Information Act and it was he who subsequently described it as

“utterly undermining of sensible Government.”

To use his words:

“If you are trying to take a difficult decision and you’re weighing up the pros and cons, you have frank conversations...and if those conversations then are put out in a published form that afterwards are liable to be highlighted in particular ways, you are going to be very cautious.”

Professor Philip Bond put this view into an R&D context in his discussions with us last week. He said that “if you are asking people to go out on a limb to really push the envelope, I would assert that there is an argument, which has some validity, that you make it psychologically much easier for them if they do not feel that they are under a microscope.”—[*Official Report, Advanced Research and Invention Agency Public Bill Committee*, 14 April 2021; c. 29.]

Mr Blair and Professor Bond perfectly highlight the fundamental reason why ARIA should be free from

[Virginia Crosbie]

FOI. The last thing that our scientists need when they are looking for the next internet is to be held back by caution.

2.15 pm

The Bill already contains very strong statutory commitments to its transparency. There will be an annual report laid before Parliament. Its accounts and spending will be published. There will be non-legislative mechanisms set out in a framework document. There will be a thorough and transparent selection process to ensure that it is led by respected individuals who uphold public honour. There will also be access to FOI requests on ARIA via the Department for Business, Energy and Industrial Strategy.

For all these reasons, I believe that there is no need for ARIA to be subject to an FOI regime that will stifle creativity and create unnecessary bureaucracy.

Kirsty Blackman (Aberdeen North) (SNP): I want to make a couple of comments. We have talked a lot about transparency and the need for it, but mostly in the context of the scrutiny that we as parliamentarians will levy on ARIA. It is really important that we have transparency so that the public and journalists can scrutinise it. We are not always fans of some of the journalism that happens, but I hope we are all agreed that journalism plays a hugely important role and that journalists have no other route to access the information that they should have on ARIA in order to bring things to the public's attention.

We discussed also the tolerance for failure that exists in the UK, and how it might differ from tolerance for failure in the US. I suggest that having more public transparency about that and more openness about the processes in ARIA would ensure that the public are more on board with the organisation's ability to fail. The organisation should have the ability to fail, but if we do not know that that is happening, because we have not been able to scrutinise it, and that suddenly comes out in the end-of-year annual report, it will be even more of a shock for the public than if they had heard about it along the way.

On the topic of scrutinising the Department for Business, Energy and Industrial Strategy, it is interesting to consider whether BEIS will provide us with responses if we send it written questions on the subject of ARIA. That would be helpful to know. If there is not a normal mechanism for us or journalists to scrutinise this through FOI, it would be helpful to have some comfort that written questions relating to ARIA will be answered, with as much detail as the Minister feels can be given at that time.

Daniel Zeichner (Cambridge) (Lab): It is a pleasure, Mr Hollobone, to serve with you in the Chair for the second time this week.

This has been a really interesting discussion, because it has demonstrated two very different views of how the world might operate. I am sorry to hear the Government's view on this. When they are in Opposition, they might find that they are quite keen on freedom of information. All Governments, of course, are keen not to be subject

to scrutiny in this way. There is a fundamental point about the modern world now, even more than 10 or 20 years ago. Perhaps it is because of the kind of constituency I represent, but I have a lot of people who are interested in what is going on and they expect, as citizens and taxpayers, to be able to ask questions, particularly where public money is being spent.

Let me give two very quick examples. Artificial intelligence is the kind of issue that may well be dealt with by ARIA. It is hugely controversial. Just a couple of years ago, many of my constituents, on the way home from King's Cross, found that they had been subject to facial recognition technology. How did they find out about that? Ultimately, it was through freedom of information. It is always the case that the people who have the knowledge, the power and the control do not want to share it with others. That is not a good way of maintaining public trust. Just this morning, I found myself at the Dispatch Box challenging a Minister because expert advice on bee-killing pesticides had been revealed not through parliamentary questions or asking or writing letters, but through Friends of the Earth's freedom of information requests. I understand why the Government do not want that information out there, but it should be out there, and ARIA should be in the same place. We should have confidence in the work being done, however close to the edge it is. Ultimately, it is about maintaining public trust. We are entering a hugely complicated world, in terms of science and technology. We will not keep the public with us by hiding and not acceding to freedom of information requests.

The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Amanda Solloway): The Government are committed to good governance and transparency, and I believe that the Bill in its current form embeds that within ARIA. With regard to amendment 22, we have carefully considered the case for and against subjecting ARIA to the Freedom of Information Act. The intention is for ARIA to have a streamlined operating structure, with decision makers who can solely focus on ARIA's research goals. We have spoken and heard a lot about culture and how important that is to facilitating an environment that pursues transformational research.

In turn, we have thought carefully about guaranteeing accountability and transparency in the most appropriate way. There are many different mechanisms to achieve this, and I cannot accept the claims that no such oversight exists for ARIA. To reiterate: the Bill requires ARIA to submit an annual report and statement of accounts, which will be laid before Parliament; ARIA will be audited by the National Audit Office and subject to value-for-money assessments; ARIA will interact with Select Committees in the usual way; and we will draw up a framework document detailing ARIA's relationship with BEIS and further reporting requirements, such as details of what will be published in the annual report. Together, these provisions are rigorous and proportionate and will ensure that the research community, MPs, peers and taxpayers are informed of ARIA's activities and where it spends its money.

By not subjecting ARIA to the Freedom of Information Act, ARIA's leadership and scientists will be free to find and fund the most cutting-edge research in the UK and the world, and to maintain the UK's competitive advantage

as a science superpower. While there are exemptions to freedom of information requests, they must still be processed, and that administration is likely to run contrary to the lean and agile operation of ARIA. To be clear, other bodies subject to the Freedom of Information Act, such as universities and Government Departments, including BEIS, will still process requests regarding their activities with ARIA in the usual way. I hope that makes it clear that this is not about reducing transparency; it is about making ARIA streamlined. I hope that the hon. Member for Newcastle upon Tyne Central understands why I cannot accept the amendment.

Chi Onwurah: I thank those Members who have taken part in the debate, which highlights, as my hon. Friend the Member for Cambridge said, a real difference between us and Government Members. I totally understand why Government Members do not want Government conversations to be known at the moment—releases of those on WhatsApp have not been in their interest. However, we strongly believe that freedom of information is a duty of public bodies, so I will press the amendment to a Division.

The Committee divided: Ayes 5, Noes 9.

Division No. 16]

AYES

Blackman, Kirsty	Onwurah, Chi
Flynn, Stephen	
Furniss, Gill	Zeichner, Daniel

NOES

Baker, Duncan	Metcalfe, Stephen
Bell, Aaron	Richardson, Angela
Crosbie, Virginia	Solloway, Amanda
Fletcher, Mark	Tomlinson, Michael
Mayhew, Jerome	

Question accordingly negated.

Question proposed, That the schedule be the Third schedule to the Bill.

Amanda Solloway: Schedule 3 contains consequential amendments. There are a number of significant points to highlight, and a number of standard consequential amendments and obligations, which I will turn to first. The schedule has the effect of ensuring that records produced by ARIA should be treated as public records; subjecting ARIA to investigation by the Parliamentary Commissioner for Administration, the body responsible for investigating the administrative actions of public authorities; and disqualifying members of ARIA from membership of the House of Commons and the Northern Ireland Assembly. Those are all standard provisions.

Schedule 3 includes amendments to the relevant devolution Acts, with the effect of reserving ARIA. That will bring it into line with the other major public R&D funding institutions under the UKRI umbrella, including the most recently created Innovate UK. That will guarantee that, across the United Kingdom, ARIA can operate with minimal bureaucracy and without the possibility of unequal obligations or requirements on its activities in different nations. It is important to be clear that the devolved Administrations will continue to be able to fund research to the same extent that they can

do now. The specific reservation of ARIA does not prevent the Welsh Government or the Scottish Government from providing additional support for advanced research in future.

The other significant provision in schedule 3 is the exemption of ARIA from the obligations on a contracting authority, for the purpose of the Public Contracts Regulations 2015. We have discussed that and I will not return to it. The provisions here are important for the effective operation of ARIA, and I commend them to the Committee.

Question put and agreed to.

Schedule 3 accordingly agreed to.

Clause 10

POWER TO MAKE CONSEQUENTIAL PROVISION

Question proposed, That the clause stand part of the Bill.

Amanda Solloway: Clause 10 contains a power for the Secretary of State to make consequential provision. There are three points I would like to make on this clause. First, the power is only exercisable in consequence of the provisions of what will be the ARIA Act, or regulations made under clause 8, which we have already discussed. That represents a significant narrowing of the scope of the power. Secondly, I emphasise that it is a standard provision that allows issues that might emerge in future to be straightforwardly addressed. There is a comparable power in the Higher Education and Research Act 2017. Thirdly, as set out in clause 11, which we will turn to next, any regulations made under that power that amend, repeal or revoke any provision of primary legislation or retained direct principal EU legislation will be subject to the draft affirmative resolution procedure. That means that Parliament will have a say on any use of that power.

Finally, I would like to illustrate why the power is needed. If ARIA were to be dissolved in future through regulations made under clause 8, the references to ARIA inserted in other legislation would remain, and clause 1 of the Act—stating that ARIA was established—would be left hanging. In that situation, the power could be used to repeal the relevant clauses of the ARIA Act and remove references to ARIA elsewhere, which would be necessary and important to tidy the statute book and avoid confusion and ambiguity. I hope that demonstrates the importance of the power being taken.

Question put and agreed to.

Clause 10 accordingly ordered to stand part of the Bill.

Clause 11

REGULATIONS

Question proposed, That the clause stand part of the Bill.

2.30 pm

Amanda Solloway: Clause 11 concerns the regulation-making powers in the Bill, which are limited. The principal point of interest is the parliamentary procedure that each of these delegated powers will be subject to.

[Amanda Solloway]

Subsection (4) sets out that regulations made under clause 8 to dissolve ARIA and any regulations under clause 10 that amend, repeal or revoke any provision of primary legislation or retained direct principal EU legislation will be subject to the draft affirmative resolution procedure. These are the most substantial powers, so I consider that it is right that Parliament has a say over how they are exercised.

With the exception of regulations made under clause 14 concerning commencement, any other regulations made under the ARIA Bill will be subject to the negative resolution procedure. These are predominantly concerned with operational and procedural details, so again I consider that the negative resolution procedure is appropriate in this case, and I hope the Committee agrees.

Question put and agreed to.

Clause 11 accordingly ordered to stand part of the Bill.

Clause 12

INTERPRETATION

Chi Onwurah: I beg to move amendment 23, in clause 12, page 5, line 10, after “social sciences” insert “and the humanities”.

This amendment would modify the definitions of scientific knowledge and scientific research to encompass the humanities.

The Chair: With this it will be convenient to discuss amendment 24, in clause 12, page 5, line 13, after “social sciences” insert “and the humanities”.

See the explanatory statement for Amendment 23.

Chi Onwurah: We are moving through this Bill at speed, so it would be good to take a few moments to think about the role of the humanities. These amendments modify the definition of scientific knowledge and scientific research to encompass the humanities.

It is incumbent on us, particularly during a pandemic when we are missing so many of the arts and other aspects of culture, to recognise the very important role that the humanities play, not only in our mental and social wellbeing but in scientific research, and particularly in our understanding of the world around us. We believe that science can be the engine of progress for our society, and it needs to be for and by everyone. Expanding the scope of ARIA’s research to include the humanities can provide greater returns for society.

This also speaks to the Government’s so-called levelling-up agenda. As part of that, they must appreciate the important role that social sciences and the humanities play in helping us understand and solve many of the issues faced in all our communities across our United Kingdom. ARIA presents us with an opportunity to drive innovation across the country, but it must be done in the right way. Currently, the Bill fails to adequately factor in the importance of all forms of research.

The statement of policy intent makes no reference to the social sciences. The examples of areas that may be funded by ARIA are AI, quantum computing and

robotics. They are very important, but we also need answers from the Government on how they envisage that ARIA’s social science funding will work.

The recent report into race and ethnic disparities, commissioned by the Prime Minister, has been roundly condemned—indeed, trounced—for its lack of coherent or credible research. It has been criticised by historians, social scientists and academics from across our country. That illustrates very well how important it is that we have strengths in humanities and social science research, and that the Government and the Prime Minister recognise that. The role that institutional racism and prejudice play in the lives of so many in this country is worthy of credible research. Addressing the many inequalities that so many people still face is surely a worthy challenge—a worthy moonshot—that ARIA should consider.

Mariana Mazzucato, a leading academic and economist of mission-oriented research, said that all science should address social inequality. We heard from Felicity Burch that:

“Clearly defining the mission of what ARIA is trying to achieve when we get the team in place, making sure that it is something that excites people, having a clear market, and also solving national and international social problems will help encourage really bright, brilliant people to get involved.”—[*Official Report, Advanced Research and Invention Agency Public Bill Committee, 14 April 2021; c. 68, Q66.*]

With our two amendments, we wish to ensure that the humanities are considered part of ARIA’s remit.

Amanda Solloway: I will speak to amendments 23 and 24 together. ARIA is unashamedly focused on achieving transformational breakthroughs in the sciences, and this is reflected in the definition set out in clause 12. I say to the hon. Member that scientific research and scientific knowledge are broadly defined to include the social sciences. I do not believe it is helpful for ARIA to extend the interpretation of “sciences” to include humanities. There are other funders that do a fantastic job at supporting the humanities, including the Arts and Humanities Research Council, but that is not the Government’s intention for ARIA. I hope the hon. Member will withdraw the amendments.

Chi Onwurah: I am disappointed in the Minister’s response, but I will not push the amendments to a vote. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Daniel Zeichner: I beg to move amendment 25, in clause 12, page 5, line 13, at end insert—

““Invention” means the process by which ideas are converted into value in the form of new and improved products, services and approaches.”

This amendment would establish the meaning of “invention” as referred to in the title and functions of ARIA.

The amendment is about defining “invention.” Before the sharp-eyed hon. Member for North Norfolk points out that, at the start of these proceedings, I tried to take the word “invention” out of the title, I repeat my earlier observation that we are quite prescient on this side of the House. I had rather anticipated that, despite all the fantastic strength of our arguments, Government Members were not necessarily persuaded, strangely enough.

Aaron Bell: I thank the hon. Gentleman for making that point, which I considered making as well. Given his remarks on Tuesday and his obvious love for the operative nature of the Bill, it seems he might have considered changing the name of ARIA to the Advanced Research and Insulation Agency.

Daniel Zeichner: I would certainly like to do that, because we have a Government who have been unable to insulate our homes for a decade, but never mind. There are many musical references that could be made, including to The Mothers of Invention, with whom I grew up, but I suspect their notion of invention is rather different from the Government's.

There is a serious point here, and it is a theme to which I return. We really think there is a problem with not having a clear definition. It seems to us that there are two very different approaches. The Government's view is basically that our structure of accountability, and the way we deal with public money, is a problem for innovation. It is a difficulty that should be got rid of. I am afraid it goes back to the Dominic Cummings question, because that is his view of the world too. We take a very different view. Far from thinking that it is a problem, we think it is actually part of creating an innovation landscape—a community of people who are working towards shared goals.

Jerome Mayhew (Broadland) (Con): I, too, was very tempted to make an intervention about the change in name, but I scanned through the entire Bill and noticed that there was one other mention of the word “invention” in the body of the text, so we were not able to move on that. But words have natural and ordinary meanings. The hon. Gentleman would perhaps refer to the “Cambridge Dictionary”, which defines “invention” as “a product or a way of doing something which has never been made or never existed before”.

What is wrong with relying on the “Cambridge Dictionary” definition?

Daniel Zeichner: Absolutely right, and I have no objection to ever relying on anything that has been developed in Cambridge through a collegiate, collaborative approach of people working together. I was just about to say that we would be very happy to negotiate a definition of “invention”—I am very happy to take that one. We are just trying to help the Government to provide some clarity in the Bill. I suspect the Minister will not be tempted to take up the offer.

I will conclude by mentioning the public money point, which my hon. Friend the Member for Newcastle upon Tyne Central referenced. I can barely believe that I am saying this to Conservative Members, because I have been lectured many times over the years in various places about how it is taxpayers' money and every penny needs to be spent carefully. It is absolutely right and proper that that should be done—£800 million is at least £10 per person. I suspect that other Members are knocking on doors at the moment and having a conversation with people, asking them how they are going to vote. I just wonder how many Members over the next week or two would like to end the conversation by saying, “Can I have a tenner, please?” When people ask, “What for?”, they offer the back of an envelope

and say, “I don't really know—I've no idea—but it might produce something wonderful.” And then they look down the list and find six others in the household, so they up it to £60. I do not think so. I think the public are not going to be convinced about this. Maybe—just maybe—a wonderful innovation will come through this, but I fear that, in years ahead, we will find that we are back discussing this again and will be putting in some of the checks and balances that are actually required.

Amanda Solloway: I thank the hon. Member for the suggestion and I understand the sentiment. It is incredibly important that ARIA's transformational ideas can lead to value creation. However, it is not necessary to use legislation to define words that already have a common meaning, as I believe “invention” does. I also emphasise that other definitions in clause 12 of the Bill—of “scientific knowledge” and “scientific research”—mirror existing provision in the Science and Technology Act 1965, so there is a precedent for the approach in that specific case. “Invention”, in contrast, is a commonly used concept that appears through the Patents Act 1977, and the term “invention” is not subject to a specific definition in that Act. I strongly suggest that we rely on the commonly understood meaning of “invention”, which is “the process of creating something that has never been made before”, and that that definition is sufficient, and I encourage him to withdraw the amendment.

Daniel Zeichner: I do not need to detain the Committee further. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Question proposed, That the clause stand part of the Bill.

Amanda Solloway: Clause 12 contains further information on the interpretation of terms used in the Bill. It is a straightforward, technical matter and I hope that it is helpful in illuminating some of the clauses previously discussed.

Question put and agreed to.

Clause 12 accordingly ordered to stand part of the Bill.

Clause 13

EXTENT

Question proposed, That the clause stand part of the Bill.

Amanda Solloway: Clause 13 details the extent of the Bill, which is UK-wide. Research is a collaborative endeavour, and working right across the United Kingdom, as other public research funders do, will be essential for ARIA in forging a wide range of productive partnerships. I hope hon. Members agree that this arrangement is beneficial for research organisations everywhere.

Question put and agreed to.

Clause 13 accordingly ordered to stand part of the Bill.

Clause 14

COMMENCEMENT

Question proposed, That the clause stand part of the Bill.

Amanda Solloway: Clause 14 contains standard provision for the commencement of the ARIA Act following Royal Assent. It contains a power for the Secretary of State to make commencement regulations. There is a limited number of provisions that for practical reasons will immediately come into force. That includes the power to make consequential provision in clause 10 so that it could, if needed, be used immediately after Royal Assent to address any issues that emerged. I am sure that the Committee will agree that the clause is standard.

Question put and agreed to.

Clause 14 accordingly ordered to stand part of the Bill.

2.45 pm

Clause 15

SHORT TITLE

Question proposed, That the clause stand part of the Bill.

Amanda Solloway: This clause provides the short title of the Bill. ARIA's name has already been discussed at the very start of proceedings, and I do not think we need revisit that discussion here.

Question put and agreed to.

Clause 15 accordingly ordered to stand part of the Bill.

New Clause 1

PROTECTION OF INDEPENDENCE OF ARIA

"In exercising functions in respect of ARIA, the Secretary of State must have regard to the need to protect its independence."—(*Chi Onwurah.*)

This new clause would require the Secretary of State to have regard for the need to protect ARIA's independence when exercising functions under the Bill, including with respect to appointments.

Brought up, and read the First time.

Chi Onwurah: I beg to move, That the clause be read a Second time.

The entire debate has been extremely exciting, and I know we are all reluctant to bring it to a close, but the new clause, which I will discuss briefly, is in keeping with all our constructive amendments that we have considered in our debate on ARIA. The new clause would improve the Bill and protect the spirit and goals of ARIA. Indeed, it would clarify them in places.

The new clause would ensure that when exercising functions in respect of ARIA, the Secretary of State must have regard to the protection of its independence. Members on the Government and Opposition Benches have talked about the importance of ARIA's independence and referred to the challenges to the relationship between business and Government that we see now in the many conflicts of interest and concerns that have been raised about sleaze and cronyism that are now being considered in Parliament and in Committees.

We feel it is important to set out that ARIA is independent and can act with operational independence. Indeed, the Minister has repeatedly told the Committee that she wants ARIA to act with operational independence. "Extreme freedom" was Dominic Cummings' clarion call in his evidence to the Science and Technology Committee.

The new clause would ensure that the Secretary of State had regard to ARIA's independence when exercising all functions under the Bill, such as his power of appointment. For example, appointing a major Conservative party donor or a Conservative peer to the board of ARIA would clearly have a damaging effect on ARIA's independence and how that independence was perceived by the scientific community.

I hesitate to predict what the Minister will say, but I suspect that she will not look favourably on this amendment and she may say that the ministerial code already requires Ministers to behave in a way that upholds the highest standards of propriety and ensures that no conflicts of interest arise. In response to that, I would say that we can clearly see the repeated undermining of the code by Ministers in this Government and—critically—the current vacancy for the Prime Minister's independent adviser on Ministers' interests.

I also remind the Committee that the Government themselves introduced a very similar amendment to the Environment Bill—new clause 17—that imposes the same obligation on the Government in exercising functions under that Bill in relation to the Office for Environmental Protection. If such a measure is appropriate for the Environment Bill, why not for this Bill? For as long as we have this cloud of sleaze allegations hanging over this Government, we must ensure that we are crystal clear when it comes to key issues such as independence, propriety, conflicts of interest, and so on.

In addition, I will just briefly quote some witnesses who gave evidence. Tabitha Goldstaub, for example, said that

"ARIA has to be independent".—[*Official Report, Advanced Research and Invention Agency Public Bill Committee, 14 April 2021; c. 56, Q54.*]

Dr Dugan said:

"That independence of decision making and the crafting of those programmes in that spirit are coupled, and that is part of the reason why the agency"—

that is, the Defence Advanced Research Projects Agency in the US—

"has been so successful over years."—[*Official Report, Advanced Research and Invention Agency Public Bill Committee, 14 April 2021; c. 47, Q43.*]

And I will close by quoting Professor Glover, who said:

"I would argue that there is huge value in that"—

"that" being the independence of ARIA, and that:

"Obviously, the funding is coming from Government, but by giving it freedom from Government you might also be giving it the freedom to fail in many ways, and that is exceptionally important. If it is seen as very close to Government—whichever Government is in power—it potentially becomes a bit like a political football, either in what is being funded or in the direction suggested for where ARIA funding should go."—[*Official Report, Advanced Research and Invention Agency Public Bill Committee, 14 April 2021; c. 55, Q54.*]

I think that all Members of the Committee will agree that we do not wish ARIA to become a political football; we certainly want it to avoid the controversy that has affected football itself in the last few days. We want its independence to be crystal clear. We do not want it to be subject to, or tainted by, any of the allegations of sleaze or cronyism, or the corrupting influence of there being too close a relationship between business and Government. By accepting this amendment, the Committee will send a clear message in that regard.

Amanda Solloway: New clause 1 concerns ARIA's independence, which is at the core of our policy aims here, and the Bill has been drafted to set ARIA as free from ministerial interference as possible. ARIA will set its own research programmes, recruit freely at the executive and programme manager level, and make decisions on what programmes to start and finish without recourse to Ministers.

I observe a contradiction in moving this new clause to protect ARIA's independence to be discussed alongside a series of amendments which would take powers away from ARIA and give them to the Secretary of State. The Secretary of State deliberately has limited powers and the Bill strikes the right balance between providing ARIA with the independence to operate freely, which we believe is critical to its success, and sufficient Government oversight to protect the use of public funds, for example, the right to remove non-executive members or to intervene where necessary or expedient on national security grounds, or the Secretary of State's reserve power to introduce procedure in law affecting conflicts of interest, a power that is not found in the Bill but which creates other statutory corporations, such as UKRI. These measures represent appropriate protections, rather than controls, affording ARIA greater freedoms and independence than those of typical arm's length bodies.

Without real freedoms, there is a danger that ARIA will get pulled closer by Ministers over time, and will become an arm's length body like any other. I therefore do not think the new clause is needed.

Chi Onwurah: There is not a contradiction between wanting to establish ARIA's independence while also ensuring the same levels of scrutiny. For us they are two sides of the same coin. As this is our last proposed amendment, I want to press the new clause to a Division.

Question put and negatived.

New Clause 2

CARBON COSTS

"ARIA must—

- (a) have regard to the carbon costs of decisions it makes; and
- (b) operate with net zero carbon costs."—(*Stephen Flynn.*)

This new clause is intended to ensure that ARIA has regard to the carbon costs of its decisions, and runs with net zero carbon costs.

Brought up, and read the First time.

The Chair: We now go to Aberdeen South to move new clause 2.

Stephen Flynn (Aberdeen South) (SNP): I beg to move, That the clause be read a Second time.

We are indeed going to the better side of Aberdeen, although I should be very careful on my way home, because my hon. Friend the Member for Aberdeen North and I are both on the same flight later.

I do not want to go over the arguments that we had earlier in the week. I think we had quite enough on net zero and climate change. We do of course still hold the view that that should be the abiding mission of ARIA itself. Given that the Bill does not make any provision

for what we are suggesting in the new clause, it should be brought forward at this moment in time. I hope the Minister will be able to allay my concerns with her remarks.

Amanda Solloway: We discussed climate change extensively on Tuesday. I want to put it on the record that I agree with the hon. Members who raised the urgency and importance of tackling that issue. As I am sure the hon. Member for Aberdeen South is aware, however, the clause would be a very unusual provision for a statutory corporation. I also want to emphasise that ambitious legislative action has already been taken by the Government in this regard, with our strong statutory commitment to net zero making the UK the first major economy in the world to do that.

As I have said before, achieving the legislative commitment to net zero remains one of the Government's top priorities, as demonstrated by the Prime Minister's 10-point plan. I know that ambition is shared by colleagues across this place. I therefore recognise why the clause has been brought forward today. I would, however, caution against placing an immediate obligation on ARIA that is out of step with the wider 2050 timescale for reaching net zero.

ARIA is also likely to be a very small organisation with a small footprint. I also want to emphasise that ARIA will be subject to the Environmental Information Regulations, which require public authorities such as ARIA to make environmental information available. This would likely include data relating to carbon costs. We have discussed the importance of giving ARIA freedom and independence and space to establish itself, and ultimately I do not think that imposing that immediate statutory obligation is the right way to achieve the climate objectives that it speaks to, or to ensure the success of ARIA.

Stephen Flynn: I beg to ask leave to withdraw the new clause.

Clause, by leave, withdrawn.

3 pm

New Clause 3

PRESENTATION OF FUNDING IN ESTIMATES

'(none) ARIA's funding must be presented as a discrete item in the Supply Estimate presented to Parliament by HM Government. —(*Kirsty Blackman.*)

This new clause is intended to ensure that in the Estimates process, spending on ARIA is transparent and able to be scrutinised.

Brought up, and read the First time.

The Chair: The new clause is in the name of the SNP, and we go this time to Aberdeen North.

Kirsty Blackman: I beg to move, That the clause be read a Second time.

Aberdeen North is by far the best part of Aberdeen, Mr Hollobone.

I know that new clause 3 is the most exciting thing, and that the Committee has been waiting for it the whole time. It is the key moment in our discussions. I jest—but it is important. The past few years saw the

[Kirsty Blackman]

advent of English votes for English laws in Parliament, and we were told during its development that even though Scottish MPs were being written out of having a say on England-only legislation, we would still have a say on Barnett consequentials, because we would be able to vote during the estimates process.

We have made our issues with that process clear. Despite good changes to the system and the way we scrutinise estimates, the process is still wholly inadequate. Part of that inadequacy is the fact that we have no certainty about what will or will not be a discrete line within the estimates. We have no certainty about whether we can get the costs for something. As the shadow Minister said, when she asked for costs for UKRI, in relation to freedom of information requests, for example, she did not get them. Even if ARIA is to be an arm's length organisation in relation to BEIS, with a memorandum of understanding, but it will be spending public money, I would be keen to keep track of how much we are allocating to ARIA each year. Once again, it would be quite good if the Minister would make a commitment to a discrete line in the estimates. If she does that, I will be more than happy to say nothing else.

Amanda Solloway: New clause 3 is intended to ensure that ARIA is presented as a discrete item in the supply estimates. ARIA will be funded by BEIS and, like all other BEIS arm's length bodies, will be separately identified in the BEIS supply estimates. ARIA statements of accounts, which will be laid before Parliament every year, will also include information on ARIA's funding from BEIS. I therefore believe that the new clause would be an unnecessary addition to the Bill.

Kirsty Blackman: With that confirmation from the Minister, I am happy to say that I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

New Clause 4

ETHICAL CODE FOR INVESTMENT

'(1) Within three months of the date of commencement of this Act, the Secretary of State must lay before Parliament a code for ethical investment developed and agreed by ARIA.

(2) The code of ethics developed by ARIA under subsection (1) must go beyond regulatory requirements and adopt a best practice approach.'—(Stephen Flynn.)

This new clause is intended to ensure that ARIA develops a code for ethical investment that goes beyond regulatory requirements and adopts a best practice approach.

Brought up, and read the First time.

Stephen Flynn: I beg to move, That the clause be read a Second time.

Again, the new clause is very straightforward. It is intended to ensure that ARIA develops a code of ethical investment that goes beyond regulatory requirements, and adopts a best practice approach. What is not to like? That is something that we should all aspire to, particularly when it comes to such a significant amount of public money. We have talked at length today and on Second Reading about ARIA's ability to dodge freedom

of information requests, and the like. The new clause would provide the assurance that we need, given that the Government appear unwilling and unable to take forward our views on freedom of information. It perhaps provides a compromise position.

Amanda Solloway: I recognise the issue raised in the amendment. The most transformational scientific research, of the kind that will be pursued by ARIA, is likely to have a wide range of potential technological applications, across different areas. Such research may prompt new ethical debates, such as those that we are already having about AI and robotics. The Government welcome lively, open and democratic public and parliamentary debate on the roles that new technologies play in our lives, and I do not think that that is something we should shy away from. However, I assure the hon. Gentleman that ARIA will operate in line with the law that already governs issues of research ethics, such as the use of animals in research. ARIA will not be given special dispensation to fund research that is not considered appropriate elsewhere.

I draw attention to the fact that there is no specific legislative requirement placed on UKRI, a much larger-scale funder, with respect to issues of research ethics. For ARIA the Government would be able to intervene in exceptional circumstances through the national security provision in clause 4 of the Bill, as we have already discussed.

Kirsty Blackman: I understand what the Minister says about the fact that there is no such provision for UKRI. However, perhaps if was being set up now, we would suggest that there should be. For her information, the Scottish National Investment Bank has a clause almost identical to new clause 4, on ethical investment. We believe that if the Scottish National Investment Bank can operate on that basis, ARIA should have no problem doing so. I understand exactly what she says about the debates that are happening, but that is why it is even more important for ARIA to sign up to some kind of code of ethics that we can all scrutinise.

Amanda Solloway: To reiterate our viewpoint, the Government would be able to intervene in exceptional circumstances through the national security provision in clause 4, which we have already discussed, and by introducing powers on the grounds of conflict of interest and appointing a new chair or new non-executive directors. More broadly, in working with relevant Government institutions, special attention will be paid to ensuring that ethical questions generated by research are thoroughly explored and that we strike an appropriate balance between innovation and caution.

Stephen Flynn: I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

New Clause 5

HUMAN RIGHTS ABUSES

"No ARIA resources may be used in any way that would contravene human rights."—(Stephen Flynn.)

This new clause is intended to ensure that ARIA is not able to contravene human rights.

Brought up, and read the First time.

Stephen Flynn: I beg to move, That the clause be read a Second time.

It is perhaps apt to reflect on the debate on the annunciator screens, which relates to many right hon. and hon. Members' concerns about human rights. Those concerns are just and appropriate, and I do not think that any of us wants to be under any illusion about whether ARIA might have cause to have or seek investment in technologies that may contravene human rights. It is an incredibly serious topic.

We can see from the Bill the flexibility and freedom that ARIA will have. We hear from the Government that they want it to be agile and nimble, and we know that it will not have the level of scrutiny and transparency that perhaps it should—certainly in our view. I would welcome an incredibly serious tone from the Minister and a cast-iron assurance that human rights will not be contravened in any way, shape or form by ARIA and its processes.

Chi Onwurah: I second the concerns raised by the SNP spokesperson. If ARIA commissioned research, for example, that was collaborative between the UK and a Chinese tech company involved in the Uyghur human rights abuses, which are so extreme, how would we know about it and what action could be taken?

Amanda Solloway: I completely agree with the sentiment and the intention behind the new clause. Human rights are protected in law in the United Kingdom through the Human Rights Act 1998, and ARIA will be subject to public authority obligations under the Act. I refer the hon. Member for Aberdeen South to the first page of the Bill, which confirms that the Secretary of State has signed a statement to the effect that

“the provisions...are compatible with the Convention rights.”

I therefore reassure the Committee that ARIA will operate in a way that is compatible with the European convention on human rights; indeed, it would be unlawful under existing legislation for it not to do so. I hope that that satisfies the hon. Member that there is no need for the new clause.

The Chair: Mr Flynn, the ball is in your court.

Stephen Flynn: I think that there remain some outstanding concerns that are not covered by other Acts from the UK Government that we have debated in the House over many years. I do not think that the Minister necessarily addressed the shadow Minister's question about ARIA seeking to partner with an organisation that was in breach of human rights or that contravened them in its activity, but I am more than happy for her to intervene if she wishes to correct me.

Chi Onwurah: The concern over human rights in supply chains for tech companies has been raised a number of times, but we have yet to see it properly addressed by the Government. That echoes a concern represented here, and I hope that there will be an opportunity for the Minister to reassure us further.

Stephen Flynn: I thank the hon. Member for that important contribution. On that note, I will press the new clause to a vote. I hope the Government will reflect on the issue before the Bill comes back to the House.

Question put and negatived.

Question proposed, That the Chair do report the Bill to the House.

The Chair: I know that Members will be disappointed that this is the final question before the Committee.

Chi Onwurah: On a point of order, Mr Hollobone. I thank you for the way in which you have chaired our deliberations, and for your guidance and that of the Chair of each sitting. I thank the Committee members, whose contributions have just about always been good-natured and constructive, and have often been humorous and enlightening at the same time. I offer my particular thanks to the Clerks of the Committee, to *Hansard* for taking down our words of wisdom—or whatever—so accurately and concisely, and to all the staff and Officers of the House who have furnished us with excellent briefings for the evidence sessions. We have benefited from their advice and guidance outside of the Committee Room as well.

Kirsty Blackman: Further to that point of order, Mr Hollobone. I echo the comments made by the shadow Minister. I have said thanks very much to the Clerks, but I also put on the record my thanks to Dr Jonathan Kiehlmann and Scott Taylor, our staff members who have been assisting us. I also put on the record my thanks to the Minister, who wrote to us with a response to questions that we asked on Tuesday. I thank her and her team for ensuring that happened.

Amanda Solloway: Further to that point of order, Mr Hollobone. I take this opportunity to place on the record my sincere thanks to the Chairs for their excellent chairship. We have finished proceedings early, and I thank the Whips on both sides for their efforts in the management of time. I thank the excellent witnesses we heard from last week, and I thank all members of the Committee for our constructive debates. I am so pleased that every member recognises ARIA's potential to bolster the reach of R&D funding across the whole United Kingdom and to be at the global forefront of new discoveries.

I very much welcome the sentiment behind the amendments we have discussed, such as maintaining the independence of ARIA, diversity in science and the importance of combating climate change. I hope I have demonstrated that the Bill will create a leading independent research institution and, while it is not for this piece of legislation, that the Government are making significant progress on other areas of policy through our net zero commitments and our upcoming people and culture strategy and places strategy. I welcome the support in delivering those aims.

Finally, I offer my thanks to the Clerks, the Doorkeepers, *Hansard*, all the parliamentary staff who have supported the debate and all members of the Committee for ensuring smooth proceedings and the livestreaming of the discussions. I look forward with great anticipation to the next stages of proceedings on the Bill and the continued insight from my experienced colleagues across the House.

The Chair: I thank the Clerks for their hard work, and the *Hansard* reporters and all hon. Members for their attendance this afternoon.

Question put and agreed to.

Bill accordingly to be reported, without amendment.

3.15 pm

Committee rose.

