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PARLIAMENTARY DEBATES
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HOUSE OF LORDS

OFFICIAL REPORT

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

No party affiliation is given for Members serving the House in a formal capacity, the Lords spiritual, Members on leave of absence or Members who are otherwise disqualified from sitting in the House.

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House of Lords

Tuesday 10 July 2018

2.30 pm

Prayers—read by the Lord Bishop of Chester.

Introduction: Lord Randall of Uxbridge

2.38 pm

The right honourable Sir Alexander John Randall, Knight, having been created Baron Randall of Uxbridge, of Uxbridge in the London Borough of Hillingdon, was introduced and took the oath, supported by Lord Young of Cookham and Baroness Fall, and signed an undertaking to abide by the Code of Conduct.

Death of a Member: Lord Carrington

Tributes

2.43 pm

The Lord Speaker (Lord Fowler): My Lords, I very much regret to inform the House of the death of the former Leader of the House, the noble Lord, Lord Carrington, on 9 July. On behalf of the House, I extend our condolences to the noble Lord's family and friends.

The Lord Privy Seal (Baroness Evans of Bowes Park) (Con): My Lords, it is my sad duty to lead the tributes to one of my predecessors as Leader of the House, the noble Lord, Lord Carrington, who passed away yesterday. Lord Carrington's contribution to the public life of this country is unsurpassed in modern times. He was by far the longest-serving member of this House, having held the position of Leader here more than 50 years ago. Over that time he turned his hand to many high levels of public office. To those offices and to this place he brought the depth of political understanding and experience of a truly great statesman. He was the last surviving member not just of Sir Alec Douglas-Home's Cabinet but those of Harold Macmillan and Sir Winston Churchill. The House and the country at large have lost a wonderful man and an outstanding public servant, who experienced at first hand many of the pivotal events of the previous century.

Lord Carrington was born in the shadow of the Great War and, like so many of his generation, as a young man his life was shaped by conflict. Although he became eligible to take his seat in the House of Lords in 1938 following the death of his father, service in the Grenadier Guards during the Second World War meant that he was unable to do so until October 1945. He never forgot his wartime experience. It was to frame his personal and political convictions, and his sense of duty to this country, for the rest of his life. During the war he achieved the rank of acting major, as well as being awarded the Military Cross—a distinction he was characteristically reluctant to mention. When pressed by a journalist later in life, he put his award down to "pot luck" rather than his own bravery and selflessness.

His ministerial career began in 1951, which made him the last surviving member of Sir Winston Churchill's Government. He served initially as a junior Minister in the Ministry of Agriculture and Food before becoming the Minister of Defence from 1954 to 1956, during the transition to Anthony Eden's Government. He was then appointed as the High Commissioner to Australia and served in that role until 1959. Until recently, he was still swapping stories with the other former high commissioners to Australia in this House.

Lord Carrington was cabled by Harold Macmillan while sailing back to England, asking him to be the First Lord of the Admiralty, a post he held until 1963, when he became Leader of this House under Sir Alec Douglas-Home. He was leader here until Harold Wilson formed a Labour Government in 1964. He returned to government in 1970 under Sir Edward Heath as Secretary of State for Defence until 1974, followed by a brief spell as Secretary of State for Energy. During this period, he also served as chairman of the Conservative Party. Between 1974 and 1979, he served as the shadow Leader of this House before being appointed as Foreign Secretary by Margaret Thatcher—the last Member of this House to hold the position. I have been told that on one occasion he interjected on a conversation that Margaret Thatcher was having with a foreign visitor, saying: "The poor chap's come 600 miles. Do let him say something."

Many noble Lords will have appreciated Lord Carrington's great capacity to advise and persuade, which was perhaps most evident when he played a pivotal role in bringing an end to the civil war in what was then Rhodesia. As your Lordships will be aware, he left office at the outset of the Falklands conflict because he held himself to an exceptionally high standard of personal responsibility and put his country first—before everything else. The Foreign Office was held in great esteem under his stewardship and his resignation was received with deep regret but respect by those who worked with him.

In 1984, Lord Carrington became the sixth Secretary-General of NATO and his extensive experience of defence and foreign affairs allowed him to fulfil that role with great distinction until 1988. During this time, he was instrumental in averting hostilities between Greece and Turkey. He was an unfalteringly courteous man who was respected across the political divide and internationally. Only a few years ago, the then Labour Foreign Secretary, David Miliband, hosted an intimate gathering at the Foreign Office to celebrate the birthday of his much-loved predecessor. The remarks from those who knew him tell the same story: of a charming individual who commanded enormous respect for the selfless way he served this country.

At this sad time, all sides of your Lordships' House will want to send their good wishes to his children and wider family. As we mark the end of his life, we should pause to reflect on an extraordinary career of outstanding public service and a great statesman who leaves a lasting legacy in the United Kingdom and internationally. He humbles us all.

Baroness Smith of Basildon (Lab): My Lords, as the last surviving member of Sir Winston Churchill's Government, to say that Lord Carrington had a long

[BARONESS SMITH OF BASILDON]
and distinguished career really understates his longevity, the importance of the positions he held and the respect and affection he commanded. He had a truly remarkable life and career as a genuine public servant, and over 70 years in your Lordships' House. His was a lifetime that saw enormous social and cultural changes. As we heard from the noble Baroness, when he inherited his title in 1938 he was under 21 and so was unable to take his seat. As he was on active military service, he did not take his seat until after the war, in which, as we have heard, he received a Military Cross that he did not even mention in his biography, later claiming that it was a "rough raffle" and, as the noble Baroness said, "pot luck".

He made his first major speech in your Lordships' House in 1946, when he spoke mainly on agriculture with particular reference to the post-war housing crisis, labour shortages and supporting an agricultural training scheme for ex-servicemen. He regularly returned to these issues in debates and Questions. In 1951, Prime Minister Churchill appointed him to his first ministerial post at the Ministry of Agriculture and Fisheries. In a later interview on changes in politics and how we communicate, he recalled that in those days before pagers and mobile phones he was out shooting partridges when a man cycled up to him with a message: "Mr Churchill wants to speak to you". He said, "I thought he'd gone mad. Why would Churchill want to speak to me? I thought I'd better cycle back home, so I did. I rang Downing Street and there he was on the telephone. All he said to me was 'Would you like to join my shoot?' I replied 'Yes, I would'". His ministerial career had begun.

Among the high offices he held, as outlined by the noble Baroness the Leader of the House, were Leader and shadow Leader of your Lordships' House as well as Defence Secretary and Energy Secretary. In 1979 Margaret Thatcher appointed him as her Foreign Secretary and, with great skill, he chaired the Lancaster House constitutional conference in which all the factions in Rhodesia agreed to a new constitution and free elections, which led to Zimbabwe gaining independence in 1980. Many in your Lordships' House recall the dignity with which he resigned as Foreign Secretary when Argentina invaded the Falklands, despite the support of the Prime Minister, who considered it a devastating blow and who tried to persuade him to stay. As the noble Baroness said, he considered it a matter of personal honour that he should take personal responsibility. The then shadow Leader of your Lordships' House, Lord Peart, in paying tribute to Lord Carrington, remarked that it was a sad day for your Lordships' House and said:

> "We hope we shall see him here in the future. He can be sure of a most genuine welcome from all of us, whatever Benches we occupy".—[*Official Report*, 5/4/82; col. 1.]

Few Ministers who resign receive such warmth and respect in doing so. His work as NATO Secretary-General only enhanced his reputation for wisdom and diplomatic skills.

In later years, Lord Carrington was not able to attend that often, but he never lost his commitment to the national interest or his interest in national and international issues, as his interviews illustrate. He was a politician and public servant to his core. He had intellect, integrity, experience and great ability. When he spoke in your Lordships' House in later years his wisdom was valued and welcomed. On behalf of our Benches, I add our condolences to his family and his many friends. I hope that they can take some comfort and pride in his achievements and his legacy.

Lord Newby (LD): My Lords, Lord Carrington was, for people of my generation, a somewhat distant figure but someone who one knew embodied the highest values of public life: honour, integrity and a very strong sense of public duty and public service. As we have heard, he had a most remarkable and lengthy period of public and parliamentary service, and he had to cope with those elements of luck and chance which characterise all public life. He was arguably lucky to be moved from the Ministry of Defence to become High Commissioner to Australia just before the Suez crisis, but he was even more unlucky to be Foreign Secretary at the time of the Falklands invasion. Despite having warned of the danger of possible invasion, he took the blame when it happened and resigned. It was a rare case of a ministerial resignation on a matter of principle and an even rarer one in that it enhanced, rather than soured, his reputation. In his memoirs, he set out the principal reason for aspiring to ministerial office:

> "It is office which gives the chance to do things, to steer things perhaps very slightly, almost certainly very gradually and, sadly, often most impermanently, towards what a person believes right".

These seem like old-fashioned sentiments today, but they mark Lord Carrington out as a man of remarkable character and principle. He will be sadly missed by his family and friends, and we send them all our good wishes.

Lord Hope of Craighead (CB): My Lords, I shall add a few words on behalf of these Benches to these tributes to the noble Lord, Lord Carrington. His distinguished career both in this House and beyond has been described by those who have spoken before me. I have no details to add to what has already been said, but it seems to me that he was one of those rare people of whom to describe his career as distinguished is a massive understatement. So much happened to him during his long life, and he gave so much back to this country in return.

He first took his seat in this House over 70 years ago when Clement Attlee was the Prime Minister. It was not long before he began to make his mark here, but of course, like so many others, I look back to his decision, at the start of the Falklands conflict in 1982, to resign from the position that he had held as Foreign Secretary. I saw this then, and still do, as a prime example of the very high standards that he set for himself in his public life. It was the first time that his name came to my attention, and although that was 36 years ago I have never forgotten the occasion. I recall the keen sense of regret that I think we all felt up and down the country that he had to bring his political career to an end in that way, but that sense of regret was coupled with much admiration for him as a man. What he did, not only then but throughout his public life, was an example to us all. There is so much to look back on in his long life and to celebrate.

I think I can say with confidence that few, if any, of your Lordships were here at an earlier stage in his career, more than half a century ago, when he was Leader of the House from 1963 to 1964 and can speak from personal recollection of his time in that office. But how fortunate we are that we have a lasting memorial of him: some 30 years later, he was there in Andrew Festing's painting of the Chamber, which hangs outside the Peers' Guest Room. We can see him there in November 1995, sitting on the Treasury Bench just along from Baroness Thatcher. Not many of your Lordships were in the House then either but there he is, instantly recognisable. Judging by the portrait of him, some 23 years ago, talking to those beside him, he was then still at the height of his powers.

Like others on these Benches, I look forward to reading much more about him, and the remarkable life that he led, in the obituaries that will be published in the newspapers. I am sure that there will be far more there than it has been possible for us to recall and to reflect upon this afternoon. On behalf of these Benches, I join those who have already spoken in extending our condolences to his family and friends at their sad loss.

The Lord Bishop of Chester: My Lords, from these Benches I endorse all that has been so eloquently said about this remarkable man. I shall add two more local footnotes. The family home of Lord Carrington is in Bledlow in Buckinghamshire. He never made anything of this but he would open his gardens every year, and over his lifetime more than £100,000 was raised for local charities. That is the sort of man that he was.

Secondly, the family home is next to a wonderful Romanesque grade 1 listed parish church dedicated to the Holy Trinity. While Lord Carrington was of course a deeply self-effacing man, others thought there should be some recognition of his presence in the community so there is a splendid gargoyle on the north side of the tower. It may even be that, when the painting has faded in your Lordships' House, the gargoyle will still be there as a permanent recognition of a very remarkable man.

3 pm

Lord Luce: My Lords, many fine tributes have been paid to the remarkable life of Lord Carrington. It is generally agreed that he was an outstanding Foreign Secretary. Very briefly, I want to record my experience of his leadership at the time of the Argentinian invasion of the Falkland Islands on 2 April 1982. I was serving as his Minister of State with responsibility for, among other areas, the Falkland Islands. Immediately after the invasion, he decided that the best way to serve his Prime Minister, Government and country was to stay at his post and to rally support in the United Nations behind the Government's policy to restore the islands to British sovereignty. On 5 April, three days after the invasion and in the light of the growing criticism of the Government in and outside Parliament, he concluded that although he could not have prevented the invasion, someone had to carry the can for this foreign policy disaster. That day, he decided to resign to make way for a new team at the Foreign and Commonwealth Office to start afresh. Throughout that agonising weekend, his only concern was to put his country before himself. My Lords, he did so with honour.

Lord Patten of Barnes (Con): My Lords, I shall be extremely brief, although not half as brief as Lord Carrington would have wanted me to be, because one thing for sure is that, although these are richly deserved tributes to one of the greatest Englishmen of his generation, he would have found them all a bit of an embarrassment.

I spent two years of my life, when I first came into politics, working for Lord Carrington when he had just been made the chairman of the Conservative Party, which the Leader of the House referred to. It has to be said that he did not greet the news of that employment with unalloyed enthusiasm. He was able to contain his joy within the bounds of public decorum, but he did the job with great verve and, as ever, with a great sense of social obligation. Working for him for two years was not only greatly enjoyable, but it was in many respects the best part of my education—I do not mean just in politics; I mean my education as a man. He was a great leader. He gave the credit to others when things went well and took the blame when things went badly: an old-fashioned set of virtues, which perhaps we should occasionally remember.

I think he regarded politics in part as an obligation but also as an honourable adventure. He was personally brave, he was wise, he was hugely funny. Alas, I cannot repeat many of his anecdotes, not least some of his anecdotes about his friends in Australia. He was a very wise and extremely competent discharger of public business. Above all, he was a great public servant. I think it is true to say that the word "honour" is hyphenated to his name. He served this country extraordinarily well, he brought lustre to politics and we should all be hugely grateful for a life wonderfully well lived.

Lord Hannay of Chiswick (CB): My Lords, perhaps I may say just a few words as one of the Members of your Lordships' House who served under Lord Carrington in the Foreign Office. I simply say that no Foreign Secretary I served—and I served quite a few—did I admire and respect more than Lord Carrington. He was a wonderful boss and he led the Foreign Office as it deserved to be led.

I was very glad that the noble Lord, Lord Patten, mentioned something not mentioned by anyone else, which was his sense of humour, which was remarkable. During those rather tedious meetings of the Council in Brussels, he was wont to write limericks about some of those around the table. When he left the Foreign Office, we collected them together and gave them to him to remind him that there were at least some useful moments spent in Brussels.

I bear my tribute to him because he was a great man.

Lord Baker of Dorking (Con): My Lords, could I say two personal things about Peter? In Ted Heath's Government, he was the most senior Minister and I was the most junior—so junior that I was often left off the list. But I did occasionally attend meetings with him, and the thing that I discovered, his great talent, was that he read his briefs with his fingertips. On any issue, he instinctively knew what the main issues were and what could and could not be done. That is a very rare gift among politicians, and it was why Ted depended on his judgment so much.

[Lord Baker of Dorking]

The one job that Ted gave him that he did not like was chairman of the Conservative Party, as has been said by my noble friend Lord Patten. He came to speak for me in a by-election when I was fighting for the constituency of St Marylebone, and he made the speech that chairmen have to make: "The candidate is brilliant, and the Government are the most successful for a decade or so"—both debatable. He was glad that it was all over and finished so that he could go and have a drink in the pub with the people next door.

He was never a propagandist for the Tories. I believe that he said once to the deputy chairman of the Conservative Party, who is sitting next to me, who was then called John Selwyn Gummer, "I don't really like Conservatives". None the less, he had Conservative instincts. He was not in the Thatcher Government for very long, because he resigned, but we were attending a Cabinet committee attended by the chairman of the coal board, Lord Marshall, who was going on and on. The noble Lord was quite right to say that Lord Carrington wrote very good limericks; he had a gift for poetry doggerel. The limerick ran:

"The noble Lord Marshall of Goring
Is frightfully, frightfully boring,
And when we come
To 20 to one
I think I'll hear sounds of snoring".

That shows the human nature of Peter. He need not have gone into politics. He was gifted in diplomacy, defence and business. We were very lucky to have him in the political world. He was a great public figure.

Lord Howell of Guildford (Con): My Lords, as the last Member here who was his fellow member of the 1979 Cabinet of Margaret Thatcher, I also want to say a word because he was a wonderful friend. I previously served under him when he was Secretary of State for Energy in the rather fraught conditions of the early 1970s and continued to work with him in the Cabinet of Mrs Thatcher in the equally fraught conditions of the late 1970s. He was a moderating influence. It is often said that Willie Whitelaw was the great moderating influence but, in fact, Peter Carrington was also a calming force in a frankly rather raucous and not very calm atmosphere in that Cabinet.

The Prime Minister was of course very frank and open and sometimes rather brutal with her colleagues, and she would begin a conversation by saying, "Foreign Secretary, I hear you've been suborned by your civil servants again in the Foreign Office—what a pity", to which he would answer quite calmly, "Prime Minister I'm not sure that's entirely fair". I would not have been so calm, but that was how he controlled the otherwise difficult atmosphere in the Cabinet.

There has been no mention in the tributes, but after doing all those other things he went off to the west Balkans, I think as a representative of the United Nations to try to untangle some of the atmosphere there. He came back not embittered but quite convinced that most of the leaders in that region were on the verge of madness and certainly not people to be easily dealt with. But he was very realistic—he had some rather stronger words about them, which I do not intend to repeat here.

Finally, in his very later years, when I shared an office with him here, he had views about all the leaders of all the political parties. I am afraid that he did not have a very nice word for any of us. He thought that things had gone distinctly off the rails. But this was a lovely man who performed a vast service and was a great pleasure and amusement to be with. Of course, we will all miss him dearly.

Lord Deben (Con): My Lords, I worked for Lord Carrington when I was very young, and it was really rather frightening. Here was I entering the Conservative Central Office, and there was this very distinguished man. I only want to say that he was immensely kind. That is the one thing that no one else has said. Throughout his life—and I knew him throughout his life, and lunched with him not very long ago—he was always kind to young people. He encouraged them, and you never felt other than that you were dealing with someone who cared about you. That is a truly remarkable quality in anyone, but in someone of such quality it is almost unique, and I would not like this House to complete its tributes without remembering his kindness.

Lord Trefgarne (Con): My Lords, I served two periods with Lord Carrington in the Foreign Office, first as a Lord in Waiting, answering most of the Questions in your Lordships' House, then later on as a Parliamentary Secretary. I remember that, on the first morning of the Falklands conflict, when he was presenting his resignation, several of us tried to persuade him not to do so. He kept saying: "You do not understand: my honour demands nothing less".

Lord Elton (Con): My Lords, these tributes would not be complete without a mention from someone at a more junior level. I served on the Opposition Front Bench when Peter Carrington was Leader of the Opposition, Quintin Hailsham was Lord Chancellor and Robin Ferrers was Deputy Leader. The whole thing was enormous fun, yet serious. They taught me how difficult and important things could still have a leaven of happiness in the middle of them. It was from Lord Carrington's lips that I, and many others, first heard the process of exchanging messages between this House and the other called "ping-pong". I think that was a Carringtonism.

The Lord Speaker: Finally, my Lords, I shall add my own very brief tribute. I served with the noble Lord, Lord Carrington, in both the shadow Cabinet of the 1970s and the Cabinet at the start of the 1980s. He was an ideal colleague and the source of much wisdom. We have lost a great man and a great parliamentarian.

Children: Forced Marriage

Question

3.11 pm

Asked by ***Baroness Burt of Solihull***

To ask Her Majesty's Government what work they are undertaking with schools, particularly in preparation for the school holidays, to safeguard children at risk of being taken abroad and forced into marriage.

Viscount Younger of Leckie (Con): My Lords, the UK is a world leader in addressing forced marriage, with our dedicated Forced Marriage Unit. Schools play an important role in identifying and responding to the needs of victims and potential victims at an early stage and making referrals to the police and social services. Our statutory guidance, *Keeping Children Safe in Education*, makes it clear that all school staff should look out for, and safeguard pupils against, this life-changing criminal act.

Baroness Burt of Solihull (LD): My Lords, I am grateful to the Minister for his supportive remarks, and I thank colleagues throughout the House for wearing the pin in support of the charity Karma Nirvana. Forced marriage is not about culture: it is about being criminal. Many schools do not take the threat to girls as young as five years old seriously enough, or as part of their safeguarding responsibilities. Will the Minister consider making Ofsted responsible for measuring this element of safeguarding? Colleagues throughout the House should consider themselves invited to join Jasvinder Sanghera, the founder of Karma Nirvana, who is sitting in the Gallery, in paying tribute to its 25th anniversary, at 3.30 pm in the Attlee Room.

Viscount Younger of Leckie: I thank the noble Baroness for that. I have also heard of the good work that Karma Nirvana does with schools, and of its campaign for an annual day of remembrance. I also very much appreciate the amount of work that the voluntary sector in general contributes to supporting victims and potential victims of forced marriage. However, we believe that a collective response is the way forward. I will certainly take note of her point about Ofsted, and take that back with me.

Lord Anderson of Swansea (Lab): Does the noble Viscount agree that such cases need not always be forced? Any education or warning should be general and not just directed at those of Asian heritage. I am aware of at least one case in Wales where a young girl was offered the holiday of a lifetime in Bangladesh and returned home, not only married but also seeking to bring her husband back.

Viscount Younger of Leckie: There are indeed several cases that can be highlighted. As the noble Lord will know, there is a difference between arranged marriages and forced ones. The main focus is on forced marriages, when children—often young ones—are taken away without their consent. We are looking closely at this important issue.

Baroness Berridge (Con): My Lords, while the Forced Marriage Unit is a joint initiative of the Foreign Office and the Home Office, there is also much government focus and spending through the Department for International Development. Can my noble friend outline whether those Ministers and officials are also inputting into this unit? There seems to be a correlation, or at least an overlap, between the countries where we are spending money through DfID to avoid local girls and women being forced into marriage, and the countries that UK citizens are at risk of being taken to.

Viscount Younger of Leckie: The Forced Marriage Unit is very much a cross-departmental exercise—a joint Home Office and Foreign and Commonwealth Office unit that sits within the FCO. Its work overseas is accountable to the FCO and is measured against the consular directorate's strategic priorities. However, I reassure my noble friend that responsibility for this policy is with Harriett Baldwin, so there is a top of the pyramid for this, which is important for having a cohesive policy.

Baroness Hayman (CB): My Lords, as well as paying tribute to Karma Nirvana, will the noble Viscount also pay tribute to the work of Freedom Charity and its founder, Aneeta Prem? It is a small organisation but, within six years, it has visited 120 schools and touched the lives of many young people, boys as well as girls, who need education in this area. This year, it is also working with airport staff to alert them to the signs of people being taken away for forced marriage. Will he take very seriously its suggestion that there ought to be an audit after this summer's holidays to establish both the extent of the problem and areas where we need to target resources?

Viscount Younger of Leckie: The noble Baroness has made a number of points, and I take her point about having an audit. However, the Forced Marriage Unit now monitors this abhorrent issue very closely. She alluded to the fact that the unit is working very closely with the Border Force. The idea behind the spoon emblem is that children will understand the concept of having a metal spoon they can hide as they are taken forcibly through an airport out of the UK, so that the pinger will go off at security, they will be taken aside on their own and, hopefully, their case will be highlighted.

Baroness Uddin (Non-Afl): My Lords, almost 15 years ago my recommendation in Committee brought the Forced Marriage Unit into place. What impact does the noble Viscount feel that that unit has had in reducing the number of forced marriage cases in this country? Will he also, with other noble Lords, pay tribute not only to Karma Nirvana but to Southall Black Sisters and the Newham Asian Women's Project, which have worked relentlessly on these matters for over 25 years?

Viscount Younger of Leckie: I said earlier that I wanted to highlight a number of charities that work together on this important matter, which are led by the FMU. I also reassure the noble Baroness that there have been three convictions since we introduced the new forced marriage legislation in 2014, one in 2015 and two in May 2018. The first of these convictions resulted in a four and a half year sentence, with a maximum of seven years, so we believe that that can be quite a deterrent.

Baroness Hussein-Ece (LD): My Lords, victims of this particular crime often find it difficult to come forward because they know that by doing so they will be implicating their parents. Although we know that schools, police and the other agencies that have been mentioned have worked hard over many years to protect young people, there have been examples where

[Baroness Hussein-Ece]
local authorities have not always been responsive enough to protect them. What assurance can the Minister give that all children's services will be alert and intervene appropriately when there is strong evidence that children are at risk?

Viscount Younger of Leckie: As the noble Baroness will know, local authorities have ultimate responsibility for monitoring children but much more work is being done within schools. It is important that all young people are equipped to have healthy, respectful relationships and, in particular, that they know how to keep themselves safe. A lot of work goes on in schools to teach them what is appropriate and what is inappropriate behaviour, and, in particular, what is informed and freely given consent.

Housing: Rent
Question

3.19 pm

Asked by ***Lord Kennedy of Southwark***

To ask Her Majesty's Government for how many homes for rent on social rents as opposed to affordable rents they provided funding in the years 2016-17 and 2017-18.

The Parliamentary Under-Secretary of State, Ministry of Housing, Communities and Local Government and Wales Office (Lord Bourne of Aberystwyth) (Con): My Lords, 5,900 homes for social rent and 24,390 homes for affordable rent were provided in 2016-17. Data on 2017-18 delivery is not yet available. We introduced affordable rent to maximise government investment in affordable housing and have delivered over 378,000 affordable homes since 2010. We recognise the need for a wider range of homes to meet the housing needs of all parts of the community, which is why, two weeks ago, we announced new funding for social rent. Some £1.67 billion has been made available to deliver 23,000 affordable homes outside London, 12,500 of which will be at social rent.

Lord Kennedy of Southwark (Lab Co-op): My Lords, I refer the House to my relevant interest as a vice-president of the Local Government Association. How does the noble Lord think that his department will provide the strong and stable leadership needed to deliver the social and affordable homes to rent and homes to own that are so desperately needed when the merry-go-round that is his department has seen four Housing Ministers in 14 months?

Lord Bourne of Aberystwyth: My Lords, the noble Lord will be well aware of the changes of personnel in the shadow Government, so I do not think that that is a wise furrow for him to plough. The figures for 2016-17—the last year for which records are available—show that 217,350 new homes were delivered, and those are the best figures for 30 years in all but one year.

Lord Shipley (LD): My Lords, I remind the House of my interests as listed in the register. I simply ask the Minister this: are the Government still committed to the one-for-one replacement of council houses sold?

Lord Bourne of Aberystwyth: The noble Lord is absolutely right to draw attention to that commitment. It is still a commitment and announcements will be made shortly about the way forward in relation to council housing. Although there is clearly more to do, I remind him that our record compares very favourably with those of Governments before 2010—but, yes, we are still very much committed to that policy.

Lord Naseby (Con): My Lords, as many local authorities around the country are socialist or Labour controlled, would it not be more helpful if the Opposition were to actively promote the idea of local authorities coming forward enthusiastically with bids now that money is available?

Lord Bourne of Aberystwyth: My Lords, that would certainly be helpful, and I am sure that the noble Lord opposite has heard that plea. We have announced £1 billion in the housing revenue account and the borrowing cap for bids is being lifted. The account is now open, and bids can be made until, I think, 7 September—certainly until the first week of September.

Baroness Royall of Blaisdon (Lab): My Lords, the National Housing Federation and its counterparts in the devolved nations have urged the Government to halt the rollout of universal credit after a study found that tenants in receipt of that benefit are in £24 million-worth of rent arrears and that 73% of tenants on universal credit are in debt. Does the Minister agree that these tenants are doubly hit by the pervasive impact of universal credit and the fact that many of them have to pay unaffordable "affordable" rents rather than social rents?

Lord Bourne of Aberystwyth: My Lords, I will make sure that the noble Baroness gets a full response on universal credit. With regard to affordable and social rents, she will have heard what I said about social rents, and we absolutely intend to do more on that. Since the Spring Statement, we have announced fresh money for this, both for London and for outside London. I have also referred to the borrowing cap being raised and to the fact that the account is open for bids until the first week of September.

Gambling: Fixed-odds Betting Terminals
Question

3.23 pm

Asked by ***The Lord Bishop of St Albans***

To ask Her Majesty's Government when the stake on fixed-odds betting terminals will be lowered to £2.

The Parliamentary Under-Secretary of State, Department for Digital, Culture, Media and Sport (Lord Ashton of Hyde) (Con): My Lords, the reduction in the stake on B2 gaming machines from £100 to £2 will be delivered through secondary legislation. We are currently preparing the draft regulations needed for the change and plan to lay the statutory instrument in the autumn. This will happen alongside engagement with the gambling industry to ensure that there is an appropriate period in which to implement the technological changes and develop plans to mitigate the potential impact on employment.

The Lord Bishop of St Albans: I thank the Minister for his reply. The delight with which the Government's announcement was received on 17 May has now turned to puzzlement and dismay. We know that these machines cause bankruptcy, family breakdown and in some cases even suicide. The Minister in the other place said that the decision was being made because it was the right and the moral thing to do, yet we now hear that it could take up to two years. Will the Minister assure us that Her Majesty's Government will proceed with this with alacrity and certainly get it in place before the end of the year?

Lord Ashton of Hyde: I am pleased to inform the right reverend Prelate that we have already started the process needed to implement the necessary change. As I have already outlined, the measure will be brought forward through secondary legislation and we have made good progress in starting to draft the statutory instrument required. That will then have to go through a process, including notifying the European Union under the EU Technical Standards and Regulations Directive. Finally, as the previous Secretary of State said last month, in order to cover any negative impact on the public finances, the change needs to be linked to an increase in remote gaming duty at the relevant Budget.

Lord Deben (Con): My Lords, does the Minister agree that this is a Treasury matter and the reason it is being held up is precisely because of that last point—the Treasury makes money out of it? This is not right. We want this change because this gambling causes misery and ought not to continue. It is not good enough to plead administrative difficulties; these people should stop, and stop now.

Lord Ashton of Hyde: No, that is not right: it is a DCMS matter. My noble friend is right that the remote gaming duty is a Treasury matter. We completely agree that these gaming machines cause harm. However, there is a process that has to be gone through when such measures are implemented. We have to take into account not only the harm to gambling but the harm to employment that will be caused by this.

Noble Lords: Oh.

Lord Ashton of Hyde: I am surprised that noble Lords on the Benches opposite are groaning about employment; I thought that they were interested in that subject. The fact is that we are engaging with stakeholders. We are keen to implement this and we will do it as soon as we can.

Lord Griffiths of Burry Port (Lab): My Lords, on a day when those in the party opposite are endeavouring to contain their disarray within the bounds of public decorum, will the Minister cast his mind back to the day alluded to by the right reverend Prelate the Bishop of St Albans when euphoria was released along the Benches around the House at the news that the limit was to be fixed at £2? I do not think that anyone in that debate was under the impression that it would take as long as is now being suggested. All the arguments were rehearsed and great enthusiasm was expressed. Is the Minister convinced, on looking at the respective interests of the revenues—not the employment—of the gambling industry and the well-being of the 14% of problem gamblers produced by these machines, that the right decision has been taken?

Lord Ashton of Hyde: My Lords, I am not clear to what decision the noble Lord refers. When we made the announcement that the revenue forgone from FOBTs would be made up by remote gaining duty, we said that the Chancellor would introduce that at the relevant Budget. We want it to be revenue neutral and so the remote gaming duty has to be in place to make up for the forgone revenues. We said that at the time. We are implementing this as quickly as we can. A process has to be gone through and we are keen to get on with it.

Lord Foster of Bath (LD): There is wide-scale support in your Lordships' House for the view that, in order to minimise the misery and disruption caused to individuals, families and communities by the £100 stake, it should be reduced to £2 as quickly as possible. What estimate has the Minister's department made of the speed with which that could, with good will, be introduced? Can he explain why it is not being introduced so quickly? More importantly, who do we hold to account for the further misery that will be caused by the delay?

Lord Ashton of Hyde: Perhaps I should explain the process that has to be gone through, some of which is not in the hands of DCMS. As I said, the remote gaming duty increases have to be passed and come into effect; the SI has to be laid, which will be done in the autumn; and the SI debate, in which this House will rightly be involved because it is an affirmative procedure, will have to take place. That is not in the hands of DCMS but of the business managers, and there are severe pressures on SI business because of Brexit. When we have done that, there will be engagement with stakeholders and mitigation plans in relation to the employment that will be lost. Some of that is concurrent and some of it is consecutive—but we have made the decision and we are very keen to get on with it.

Baroness McIntosh of Pickering (Con): My Lords, will my noble friend commit the same degree of energy to tackling online gambling, and in particular gambling that is based offshore? Will he say whether the Government have made an impact assessment of what the potential loss will be in terms of employment and contribution to the economy in market towns when the £2 betting limit provision is imposed?

Lord Ashton of Hyde: My noble friend asked me that question when we made the Statement. I said then that we had not done an impact assessment on market towns because in large measure the impact on employment will not be in such towns: rather, it will be in areas where there are vulnerable people and where in the main these betting shops are situated. We understand that there are issues with employment and we are producing a plan to mitigate this. However, I am not saying that that is more important than the harm that FOBTs are doing. That is why we made the decision to change the stake on these machines. We are endeavouring to move as fast as we can, but we have said all along that the move should be revenue neutral. Once we have that in place, we will be able to reduce the stakes.

Lord Rooker (Lab): In order to relieve the Minister's obvious discomfort in answering this Question, will he agree to a good suggestion? As this is not about national security, all the minutes and diary information related to all the meetings that have taken place since the original decision was announced should be made available to the public.

Lord Ashton of Hyde: I am not sure that such a decision is within my brief. More to the point is the question put by the noble Lord about what meetings had taken place. I can tell him that, with suitable notice. There is nothing to hide in this and we are endeavouring to engage with stakeholders. However, it is not normal practice for the internal meetings of government to be circulated—that is my answer to the noble Lord.

Lord Cormack (Con): My Lords, can my noble friend go back to his department this afternoon and relay the unanimous feeling in your Lordships' House? Where there is a will, there should be a way. Can we have a target to get all this sorted out by early October at the latest?

Lord Ashton of Hyde: I can assure my noble friend that I will relay to the new Secretary of State the feeling of this House. However, it is unlikely that he is not aware of it, because the same feeling exists in the other place. I can say that I was to have had a meeting to discuss this with the previous Secretary of State, but I am afraid that meeting was cancelled.

Lord Tyler (LD): My Lords, will the Minister explain why—as I understood him to say—Brexit-related orders will take precedence over this very urgent reform?

Lord Ashton of Hyde: No, my Lords, I did not say that.

The Lord Bishop of Chester: My Lords, the Minister has referred several times to the need to engage with the industry in order to mitigate the impact on employment. I should like to know exactly what form of mitigation the Government have in mind.

Lord Ashton of Hyde: My Lords, an inter-ministerial group drawn from different departments will engage in discussions about what the effect on employment will be in different parts of the country, and we will produce a plan. There is a limited amount that we can do, but, as I say, over the summer we will produce a plan to deal with that. When we have a plan, I will be able to tell the House about it.

Law Commission: Funding
Question

3.34 pm

Asked by ***Lord Beecham***

To ask Her Majesty's Government what assessment they have made of comments made by the Chair of the Law Commission that reductions in the Commission's funding could put its independence at risk.

The Advocate-General for Scotland (Lord Keen of Elie) (Con): My Lords, the Law Commission's independent status is protected in law. Following reductions in its core budget, the commission has undertaken more funded projects. It is for the Law Commission to decide which projects it recommends are taken forward.

Lord Beecham (Lab): My Lords, the commission's website proclaims that it is a statutory body that aims,

"to ensure that the law is as fair, modern … and as cost-effective as possible … to conduct research and consultations … to codify the law, eliminate anomalies, repeal obsolete and unnecessary enactments and reduce the number of separate statutes".

The commission's budget has been cut by 54%—£2.1 million—since 2010, resulting in projects being delayed and, even more worryingly, in the words of the current chair, Sir David Bean, "elbowed aside" in favour of projects commissioned by the Government. Will the Minister confirm the commission's independence and its right to select projects without being obliged to prioritise unduly work commissioned by the Government?

Lord Keen of Elie: My Lords, I have already sought to underline the commission's independence with regard to these matters. The Government continue to value the important work of the Law Commission and recognise that it must retain the ability to make independent choices about reform projects that it chooses to take forward. There are, of course, circumstances in which departments of government will, as it were, seek to instruct or seek approval for particular projects to assist with the Law Commission's budget. At this point, I pay tribute not only to the work of the Law Commission but to its outgoing chair, Sir David Bean.

Lord Marks of Henley-on-Thames (LD): My Lords, it is a question not just of funding. For the Law Commission to ensure that the law is fair, modern and clear, as it must, the Government must implement its recommendations. Yet, in spite of the duty to report annually to Parliament, only two-thirds of the commission's 227 reports since 1965 have been implemented. Some 10% still await a government decision, including the reports on cohabitation and intestacy for cohabitants from 2007 and 2011, which are the subject of my Private Member's Bill. Even the uncontroversial 2010 report on the High Court's criminal jurisdiction has had only a holding response in 2015. Do the Government regard these delays as acceptable?

Lord Keen of Elie: My Lords, the Government's response to the Law Commission's recommendations has been extremely good. The commission has produced 228 sets of law reform recommendations. Of those, 65% have been accepted and the recommended reforms implemented in whole or in part by government. In addition, since the introduction of the special procedure for statutory provisions from the Law Commission, we have brought forward eight different Acts through that accelerated procedure.

Lord Morris of Aberavon (Lab): My Lords, has there been an estimate of the extent of the diminution in the quality of the commission's reports because of lower funding?

Lord Keen of Elie: My Lords, I am not aware of any diminution in the quality of the reports produced by the Law Commission over the past few years. Indeed, there is no suggestion that that is the case. Although there have been reductions in the Law Commission's budget, its anticipated core funding for 2019 remained in excess of its anticipated running costs.

Baroness Deech (CB): My Lords, I declare an interest in that I started my career at the Law Commission under the late great Lord Scarman, who created it as a model that is admired in the rest the world. Will the Minister accept that the quality of much of the legislation passed in this House and in the Commons is due to the Law Commission's work, and that we depend on the Law Commission for quality and innovation in law reform? We have a special procedure for rushing through proposals by the Law Commission that are uncontroversial. Will he tell the House what plans there are to implement more Law Commission proposals that remain unimplemented and which we need, as the noble Lord, Lord Marks, has drawn attention to?

Lord Keen of Elie: My Lords, I am obliged for the observations of the noble Baroness, and I entirely endorse those about the significant contribution that the Law Commission makes to the quality of legislation that passes through this House. As I indicated before, since the special procedure process was introduced we have passed a total of eight Acts, in diverse areas. They are not potentially controversial and therefore proceed at speed through the legislative process. In addition of course, it is open to the Law Commission to bring forward consolidation recommendations with regard to legislation, and it is carrying out considerable work on sentencing. However, that will require some groundwork through primary legislation, and we are looking at that at the moment in the hope that such consolidating legislation can be brought forward.

Lord Rooker (Lab): My Lords, in 2014 I had the privilege of chairing the Joint Committee on the Draft Deregulation Bill. After three months of taking evidence, we then had three Ministers in front of us from the coalition Government, who showed utter disdain and contempt for the work of the Law Commission. Their attitudes were all wholly and incredibly negative, even in the face of positive information that Law Commission legislation does not take the time of this House or the other place, simply because the work is done for us.

Lord Keen of Elie: I am not familiar with the evidence to which the noble Lord refers, but I assure him that at present Ministers have the highest regard for the work of the Law Commission, and that I have the highest regard for those who carry on that work. We are always amenable to its proposals. In its current, 13th programme, we were happy to approve a list of 14 projects that it submitted.

Lord Howarth of Newport (Lab): In that case, why have one-third of the recommendations not been implemented?

Lord Keen of Elie: Not every recommendation made by the Law Commission is accepted by the Government as appropriate for legislation. There may be circumstances in which the Government have a policy on legislation that is not entirely in parallel with its recommendations. That does not take away in any sense from the quality of the recommendations made.

Courts and Tribunals (Judiciary and Functions of Staff) Bill [HL]

Committee

3.41 pm

Clause 1 agreed.

Amendment 1

Moved by ***Baroness Chakrabarti***

1: After Clause 1, insert the following new Clause—

"Report on availability of judicial training to support deployment

(1) Within twelve months of the coming into force of section 1, the Lord Chancellor must publish a report on the availability of the judicial training necessary to enable judges to be deployed more flexibly.

(2) The report under subsection (1) must be laid before each House of Parliament."

Baroness Chakrabarti (Lab): My Lords, at Second Reading, it was widely acknowledged around the House that there were practical arguments for expanding the flexible deployment of judges, including some temporary judges appointed outside the usual Judicial Appointments Commission selection process, to a wider pool of courts and tribunals. However, the appointment of temporary judges as a principle should be approached with caution. Further, it is important to view flexible deployment in general through the prism of the Government's wider programme of reforms and cuts. Given the planned savings on judicial salaries, we have to ask whether the provisions are at least in part a short cut to make up for a shortfall—even a crisis—in the recruitment of permanent judges that will become a de facto cost-saving measure. Any trend towards an increasing reliance on temporary judges would be worrying. Temporary judges, most likely seeking permanent appointment, are by their nature less independent than their permanent counterparts.

The Government should surely provide greater evidence of the need for these provisions, such as the detail of the changes in business demand referred to in the impact assessment and the reasoning for the proportionality of these measures. If introduced, it is surely a reasonable requirement on the Government to ensure that proper training is made available for these

[Baroness Chakrabarti]
temporary appointments whose deployment will involve oversight of areas of law new to the personnel concerned. This is already a routine practice in the deployment of judges in the Crown Court: the paucity of Crown Court judges with a criminal law background is well acknowledged and, arguably, none the less regrettable. There is no argument against proper provision of support and training to those less practised, temporary judges or, indeed, permanent judges deployed in new areas. Given the backdrop of major cuts to the MoJ, the need for effective and proper training is all the more acute to ensure the quality of judicial practice. That is why I am probing with this amendment and I beg to move.

Lord Beith (LD): This gives us an opportunity to look at whether the training is intended to embrace the increasing use of online and virtual court facilities. We cannot advance that cause in the context of the Bill, because it has been drafted to exclude some of the things that we all assumed were part of the modernisation programme. It would indeed be difficult to ensure that the training and deployment of judges meant that they were well equipped for these changes, because we do not know what the parliamentary underpinning would be, but this would be a useful moment for the Minister to indicate how far the well-declared and strongly supported plans that emerged from the Briggs and Leveson reports form part of the Government's thinking on how judicial deployment and training should operate.

Baroness McIntosh of Pickering (Con): My Lords, I take this opportunity to raise a question, in the confines of this amendment, about training. I know that my noble and learned friend has explained on a previous occasion that the role of justice clerks is changing and that that is the purpose of this. What stage are we at with consulting the justice clerks? I understand, looking at paragraph 10 of the impact assessment, on page 5, that currently the most senior lawyers in Her Majesty's Courts & Tribunals Service are indeed justice clerks. To what extent are they agreeable to these changes? I want to be assured that we will not find ourselves in a situation in the autumn where perhaps they do not entirely agree to what we are asking of them. At the same time, I wonder if there is an expectation that those undertaking this new role will travel further to courts, particularly magistrates' courts, given that in rural areas there are so few of them. We have seen an increase in cancellations of trials and cases not being heard, where witnesses have found it difficult to travel to and reach the court on time.

Lord Judge (CB): My Lords, one issue that arises is that, if we are to require more judicial training, it will have to be funded. The second point is that the Lord Chief Justice is responsible for the organisation of judicial training and a report from the Lord Chancellor—if I may say so, with respect—is completely unnecessary. These issues can be addressed by the Lord Chief Justice in his annual report.

Lord Pannick (CB): Can the Minister say whether he thinks that Clause 1 of the Bill will make any significant contribution to resolving what the Lord Chief Justice has described as the unsustainable recruitment crisis that is facing the Bench?

Lord Neuberger of Abbotsbury (CB): My Lords, I will just add a footnote to what the noble and learned Lord, Lord Judge, has said. The Lord Chief Justice's annual report is laid before Parliament, so the information about judicial training will be laid before Parliament in so far as the Lord Chief Justice considers it appropriate, he being responsible for training.

The Advocate-General for Scotland (Lord Keen of Elie) (Con): My Lords, as the noble Baroness said, this amendment would require the Lord Chancellor to publish, within 12 months of Clause 1 coming into force, a report on the availability of training for judges that will enable them to be flexibly deployed.

As has been noted, the Lord Chief Justice and indeed the Senior President of Tribunals already have far-reaching powers of deployment. The measures in the Bill seek to amend and build on existing powers in legislation. Of course, it is the Lord Chief Justice and the Senior President of Tribunals who are responsible for arrangements for the training of the judiciary. As the noble and learned Lords, Lord Judge and Lord Neuberger, observed, it will be for the Lord Chief Justice, who is responsible for training, to report on these matters, as he seeks to do in his annual report. It would not be appropriate in these circumstances for that responsibility to pass to the Lord Chancellor.

With regard to funding for training, the Lord Chancellor is committed to providing suitable funding for the judiciary; that includes funding in the area of training, particularly by the Judicial College. I add only that that is in accordance with the arrangements that have to be made for resourcing under the Constitutional Reform Act 2005. As I indicated, the Senior President of Tribunals has an equivalent responsibility in relation to judges and members of the tribunals within the scope of the Tribunals, Courts and Enforcement Act 2007. Those responsibilities are exercised through the Judicial College.

The report that the Lord Chief Justice provides with regard to judicial training is a report to Parliament, so it will be available to Parliament in due course. Therefore, it would be inappropriate for the Lord Chancellor to report to Parliament on the availability of judicial training, a matter that is properly for the senior judiciary.

In these circumstances, I venture that the amendment is unnecessary. We can be confident that all our judges are recommended for appointment by the Judicial Appointments Commission following a rigorous process. At a minimum, they will have met the statutory eligibility criteria for the relevant office. In relation to the offices in Clause 1, in many cases the judges will have already met the statutory eligibility criteria. In addition, when it is required, they will have also demonstrated specialist expertise—for example, where judges are appointed or authorised to specific jurisdictions, such as the Commercial Court, the Media and Communications List and the Technology and Construction Court or TCC.

The Judicial College strategy for 2018-20, published in December last year, states:

"All newly appointed and newly assigned judicial office holders will receive induction training".

It says that, over this period:

"The College expects to deliver more induction training to support increasing flexibility of judicial deployment across courts and tribunals when workload fluctuates".

The Judicial College has also been devising more cross-jurisdictional training in skills required for all jurisdictions because of the flexibility in deployment that will be available.

On whether or not the provisions in Clause 1 will make a significant contribution to what has been referred to as the recruitment crisis, I cannot say that on its own it will make a significant contribution to recruitment, but certainly the flexibility that is being introduced into the system may assist in that regard. We recognise that more needs to be done with regard to that matter. The noble Lord, Lord Pannick, will be aware that the terms and conditions of the senior judiciary will be the subject of a report later this year. I look forward to that so that we can consider how the matter can be taken forward.

The noble Lord, Lord Beith, raised the rollout of digitisation with regard to the court process. Of course, we hope eventually to bring all these developments together. They are complementary to each other. I acknowledge that we have not yet been able to introduce further provision within the narrow confines of this Bill, but it is our intention that the provisions anticipated by the Queen's Speech, and indeed laid out in the original Prison and Courts Bill, will be brought forward when legislative time allows.

I hope that I have gone some way to reassuring the noble Baroness, Lady Chakrabarti, that the appropriate training arrangements are in place to support flexible deployment of the judiciary and that she will see fit to withdraw her amendment. I pause to observe that the points raised by the noble Baroness, Lady McIntosh, arise in respect of later groups. Perhaps I may address them at that time.

Baroness Chakrabarti: I am grateful to the Minister for that reassurance as to process and to other noble and learned Lords for their exposition of the responsibilities on the Lord Chief Justice, the Judicial College and so on. I have yet to be reassured, however, about the adequacy of funding for this training or the adequacy of funding to the MoJ to deal with, among other things, this recruitment crisis. I fear that we may have to return to this matter but, for the moment at least, I beg leave to withdraw Amendment 1.

Amendment 1 withdrawn.

Amendment 2

Moved by ***Lord Marks of Henley-on-Thames***

2: After Clause 1, insert the following new Clause—

"Report on the impact of the provisions under section 1 on the diversity of the judiciary

(1) The Secretary of State must carry out an assessment of the impact of the provisions under section 1 of this Act on the diversity of the judiciary.

(2) This assessment must make reference to whether increasing flexibility in the deployment of judges has had an impact on the diversity of the judiciary.

(3) The Secretary of State must lay a report of the assessment before both Houses of Parliament within one year of this Act passing."

Lord Marks of Henley-on-Thames (LD): My Lords, I said at Second Reading that I regarded the area of judicial diversity as a significant one for the improvement of the Bill. Amendment 2 is an attempt—drawn as widely as possible while keeping it within scope—to retain the Government's focus on the need to have judicial diversity at the centre of their programme for the modernisation of the courts.

I am not one who believes that the Government do not understand the need for the judiciary to look, feel, seem and actually be more similar to and representative of the public at large, whose cases and disputes it is their job to determine and resolve. Often, such disputes involve very human problems. Only as recently as 24 April, the Lord Chancellor wrote jointly with the Lord Chief Justice and the noble Lord, Lord Kakkar, the chairman of the Judicial Appointments Commission, to your Lordships' Constitution Committee to announce a funded programme to encourage applicants for judicial office, aimed partly at increasing the diversity of successful applicants by providing targeted support to underrepresented groups.

However, I emphasise that the importance of this issue has become all the greater as the number of unrepresented litigants in civil and criminal courts has increased. It was bad, but not so bad perhaps, when advocates looked and sounded like me and perhaps the noble Lord, Lord Pannick, and we addressed judges in court who looked and sounded like the former judges in this House, for whom we all have the greatest of respect and affection. But a great deal of modern litigation in courts and a great many cases in tribunals are not like that at all. Litigants are often representing themselves or are represented by informal McKenzie friends. It makes it no better that they are often opposed by more powerful parties represented by qualified lawyers whom they perceive, probably rightly, in part at least, as having an understanding with the judge or tribunal that leaves them at a serious disadvantage. I fear that, for too many unrepresented litigants, we lawyers, judges and tribunal members often sound as if we come from another planet.

Judicial diversity will not solve all these problems but it can do a lot to help. We have come a long way in securing better representation of women on the Bench. It is now somewhere between 20% and 25%, but that is nowhere near enough. The recent and frankly long-overdue appointment to the Supreme Court of Lady Arden has of course helped, but we need the appointment of more women at all levels of the judiciary. In 2010, the report of the advisory panel chaired by the noble Baroness, Lady Neuberger, on improving judicial diversity pointed out that there was no easy route to achieving a representative judiciary. It made a large number of important recommendations which were widely welcomed by the professions and the Bench but which, frankly, have not been addressed with the full-hearted commitment that they demanded.

4 pm

From 2010 to 2014 we had the work of the judicial diversity task force which reported on progress in implementing the recommendations of the noble Baroness, Lady Neuberger, but which was left with the uncomfortable view that there was still a great deal to

[LORD MARKS OF HENLEY-ON-THAMES]
be done. Since then there has been some progress, but it has been painfully slow. Even the most enthusiastic optimist would struggle to discern even the beginnings of anything approaching a transformation. In 2013 we had the so-called tipping-point amendment to the Crime and Courts Act, which I enthusiastically supported, but which, while useful, I do not now perceive as having made a great deal of difference. I have no doubt that the Judicial Appointments Board under the chairmanship of the noble Lord, Lord Kakkar, has continued to press for further improvement. So, why is there the relative failure?

On the recruitment of more women, I suspect that we have simply failed to acknowledge and understand the way in which women's expectations of work/life balance have changed. Women, particularly professional women, are tending to have children later. That means that their childcare responsibilities carry on later into their lives. At the same time, an ageing population means that obligations to look after elderly parents go on longer. These long-term developments have all been happening against a background where judges have been appointed at a younger age than before and where they have had to serve longer in order to qualify for a full pension.

At the same time, in something of a perfect storm, changes and efficiencies—in themselves desirable—in court procedures have meant that the volume of pretrial reading and the writing of reserved judgments have increased exponentially, so that the demands on judges' out-of-court time have become ever more severe. It is no wonder that against that background the Lord Chief Justice had cause to complain in his Mansion House speech last week that, for the fourth year running, High Court vacancies would not be filled and there was a risk that we would be 20% short of High Court judges. The difficulties of accepting an appointment are therefore much more serious for women, as well as for men, with caring responsibilities. Just imagine being sent on the circuit for six weeks as a civil lawyer to try crime with one child at home doing GCSEs, another struggling with A-levels and an elderly parent in poor health who needs regular attention.

The difficulty lies not just with attracting women to apply for the Bench. We have been hopelessly unsuccessful in attracting ethnic minority applicants to the Bench and to tribunal membership. With 14% of the population being of ethnic minority origin, there are no Court of Appeal judges of ethnic minority origin and only 1% of High Court judges and 1.4% of circuit judges are of ethnic minority origin. The recommendations made by Justice in its 2017 paper *Increasing Judicial Diversity* would make a good start. But that means positive targets for selection bodies and an obligation to report on progress to the Justice Select Committee. It means a responsibility on selectors and the judiciary as a whole to play their part in encouraging more diverse candidates to apply. It involves assembling lists or pools of judges who might be suitable for each court or tribunal, and the flexibility in deployment in this Bill may play a part in that. It involves an external and rigorous review of selection processes and trying to give junior lawyers who join the Bench at a lower level a realistic chance of being promoted to more senior positions. Most of all, it involves improving the attraction of a judicial career and working conditions. It is not necessarily the case that flexible working times or part-time working will always be the answer. We need to develop a combination of working patterns that attracts, suits and retains the maximum number of diverse candidates. We need to make a positive effort to search out candidates from regional solicitors' firms and sets of chambers, well outside the traditional range of metropolitan firms and metropolitan sets.

In turn, the professions need to work to ensure that life as a junior lawyer is both rewarding and flexible enough to fit in with family life, because we need to help at that stage of people's careers as well. While at the moment solicitors do this better than barristers, both sides of the profession are pretty hopeless. Junior solicitors in corporate departments or in litigation can be kept in their offices well into the night for weeks on end. That would not be acceptable in many organisations in either the public or private sector and is no way to encourage diversity, and if we do not secure diverse professions then we will not secure diverse judges and tribunal members. We must all do better.

I hope that flexible deployment may help. It should help in building up a pool of suitable candidates. However, I sound a note of caution about judge arbitrators, whose appointment is encouraged in the Bill. I appear as an advocate in a number of arbitrations, and a system is developing in which there is a kind of macho determination to make everyone appearing in an arbitration work as hard as possible so as to conclude hearings in the shortest possible time. That is often enough to put off able advocates from this kind of work. Arbitrations have a great role to play in dispute resolution but those involved in them at all levels also have their role to play in broadening and improving professional and judicial life.

These solutions are not easy to achieve but they are perceptible and the goal is important. I hope my modest amendment to this limited Bill may play its part in moving us all towards that goal. I beg to move.

Lord Pannick (CB): My Lords, I pay tribute to the noble Lord, Lord Marks, for managing to table an amendment to this anodyne Bill that raises an issue of real significance. I say simply that it is a remarkable achievement for the Government to bring forward a Bill on courts and tribunals that ignores all the serious problems facing our justice system, not simply diversity but the recruitment crisis, the crisis in legal aid, the appalling state of the judicial estate and the vital need for modernisation.

Lord Beecham (Lab): My Lords, I concur with the remarks of the noble Lords, Lord Pannick and Lord Marks. I remind the House that I have a parental interest in these matters in that my daughter is a barrister and sits as a part-time district judge. We support the amendment, particularly because of the concern about both gender and ethnic representation in the judicial system, which is currently well below what should be expected.

I have only one reservation about the amendment, which is that it calls for a report to be laid within a year of the Act passing. That does not seem to be a reasonably long enough period in which to judge the

extent to which progress is being made. I would have thought that if the Government were disposed to accept the principle here, and I hope they would be, a more realistic period of two to three years would be one in which we would be able to genuinely measure whether there was an impact that all of us around the House would wish to see. Subject to that, we certainly support the principles of the amendment and I hope the Government will look at it sympathetically.

Baroness Vere of Norbiton (Con): My Lords, this amendment would require the Secretary of State to assess and report on the impact on judicial diversity of the measures before noble Lords today.

The judiciary already has wide powers to deploy judges between jurisdictions in our courts and tribunals. The judicial deployment measures in the Bill are intended to amend existing legislation in specific areas to enhance these powers to ensure that judges continue to be deployed where needed and appropriate. Being able to make the best use of judges' time and expertise to react to changes in case loads of different jurisdictions has benefits for all court and tribunal users.

The measures are targeted to specified judicial roles and are intended to fill gaps in existing deployment measures. They are therefore limited in scope. As the measures are about how our existing judiciary may be deployed, they do not impact directly on new appointments to the judiciary.

Implementing these measures will largely follow existing processes by which the senior judiciary authorise judges to sit in additional courts or tribunals. In the interests of fairness and transparency, where it is appropriate in accordance with the circumstances of each case, deployment decisions will be taken following an expression of interest exercise across the eligible pool of judges.

Increases in flexible deployment may enable individuals to gain valuable experience in sitting in other jurisdictions. For example, the measure which provides for the 14 senior employment judges also to be judges of the unified tribunals may enable them to demonstrate their competencies across a broader range of case types. This may in future result in more diverse appointments to higher courts and tribunals.

I am sure that all Members of your Lordships' House would agree with many or most of the remarks of the noble Lord, Lord Marks. I, too, have a long-standing interest in this area. However, I was struck by the assumption he sometimes seems to hold that only women have caring responsibilities. I hope he will agree that men should care, too.

I am happy to place on record this Government's commitment to working with the judiciary and the Judicial Appointments Commission to increase judicial diversity. We have seen gradual improvements in gender and ethnic diversity since 2014, but we know that there is more to do to improve judicial diversity at all levels. For example, the representation of men and women from BAME communities has increased from 6% to 7% in the courts and from 9% to 10% in tribunals, and the first BAME judge was appointed to the Court of Appeal in 2017. The judiciary publishes annual judicial diversity statistics, and this year's publication will take place on Thursday.

It is important for the quality, independence and impartiality of our judges that we always appoint the most talented candidates on merit. We know that there are many talented potential candidates from a diverse range of backgrounds and we want to encourage and support even more of them to apply for judicial office. That is why the Ministry of Justice strongly supports the work of the Judicial Diversity Forum and works as part of the forum alongside legal professional bodies, judicial representatives and the Judicial Appointments Commission to co-ordinate action to increase judicial diversity.

In April we announced funding for a pre-application judicial education programme, PAJE, which will provide information and support to those considering a judicial role, and will be targeted in particular at those from underrepresented groups. This is very much a partnership project, and the Ministry of Justice is working closely with the Judicial College, members of the judiciary, the Bar Council, the Law Society and the Chartered Institute of Legal Executives to finalise the programme content. We anticipate that the first candidates will be able to participate in PAJE in early 2019.

There are several other initiatives and support schemes for potential candidates from diverse groups that are run by the Judicial Office and the legal professions, and supported by the Judicial Appointments Commission. These include outreach events, judicial-run workshops and mentoring schemes.

The Lord Chancellor is personally committed to working with the Lord Chief Justice and the chair of the Judicial Appointments Commission to consider all practical actions that would impact positively on diversity, assess the impact of our existing activities and measure progress. The Lord Chancellor appears regularly before the Justice Select Committee and the Lords Constitution Committee on matters relating to the judiciary, including diversity. We think that this is the appropriate and proportionate way of advising noble Lords on actions that we are taking to improve judicial diversity.

I hope that what I have said has reassured the noble Lord of our commitment to improving judicial diversity—

Baroness Chakrabarti: I apologise for intervening. Before the noble Baroness sits down—I love this convention—I was just thinking about her comments on meritocracy and the importance of having merit. Surely she is not suggesting an inherent tension between merit and diversity. I was a little concerned that she might be satisfied with the current pace of change. Have I misunderstood that? Is she not impatient for a greater speed of change in this area, in the light of the constitutional and public concerns aired by the noble Lord, Lord Marks?

4.15 pm

Baroness Vere of Norbiton: I think that the noble Baroness is perhaps not entirely understanding my comments. It is absolutely key that we get the best candidates into the job. The point of this is to make sure that the pool of possible candidates is as broad as possible. No candidate, whether they be from a BAME community, female or disabled, should be left out of

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the pool—and from that pool it is important that we select those candidates who are the best for that particular job.

I hope that, in the light of my comments, the noble Lord will be content to withdraw his amendment.

Lord Marks of Henley-on-Thames: My Lords, when the Minister started her response, I was tempted to accuse her of complacency. However, I now accept, after the length of her speech and what she said subsequently, that that was directed only to the limited ambit of the Bill.

On the subject of men's caring responsibilities, I think she will find that *Hansard* will show that I specifically mentioned them—although I may have emphasised women's. But as a father of seven, it would be wrong for me to omit mention of caring responsibilities myself. I should also perhaps have echoed the parental declaration of interest of the noble Lord, Lord Beecham, because one of my children is a solicitor.

I respond to the point that the Minister made about merit regardless of all. The whole point of the tipping amendment that we tabled to the courts Bill was to ensure that, where there were candidates of equal merit, it was permissible to choose a candidate who had a protected characteristic over an equally qualified candidate, in much the same way as happens in organisations across the land. That ought to be important.

Finally, I do not accuse the Minister of complacency. What she said plainly showed that the Government do care. However, I echo the words of the noble Lord, Lord Pannick, in attacking this Bill for its failure to address the very real problems and make good the promise of modernisation of the courts in a comprehensive fashion. I know that the noble and learned Lord has told us that other legislation will follow on the modernisation of the courts, but there are real issues to address, and judicial diversity is one of them. Saying that, I beg leave to withdraw the amendment.

Amendment 2 withdrawn.

Clause 2 agreed.

Clause 3: Authorised court and tribunal staff: legal advice and judicial functions

Amendment 3

Moved by ***Baroness Chakrabarti***

3: Clause 3, page 3, line 24, leave out subsection (3) and insert—

"( ) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament."

Baroness Chakrabarti: My Lords, currently the Bill provides that regulations under Clause 3 shall be made under the negative resolution procedure and then interact with rules of court to be made and come into force without the need for parliamentary scrutiny altogether. This stipulation of which judicial functions may be delegated and to whom, and an authorised person's requisite qualifications or experience, is to be provided with quite light parliamentary scrutiny. I would be grateful to the noble and learned Lord or the noble Baroness if they would say a little more in their reply about the relationship between the regulations and the rules for those purposes.

Since the fall of the Prisons and Courts Bill last year, there has been no parliamentary scrutiny, even by the Justice Committee, of the Government's ambitious programme of expensive modernisation measures or the associated court closures and staff cuts. By providing that regulations in the Bill be made under the negative resolution procedure, the Government seem once more to be seeking to avoid proper parliamentary scrutiny, even in relation to quite significant changes to our justice system.

At Second Reading, in response to similar concerns, the Minister said that,

"the purpose of primary legislation is to implement law, not to review that which we can already do".—[*Official Report*, 20/6/18; col. 2053.]

On reflection, I respectfully disagree with that constitutional analysis. To my mind, the legislative process is to create law and certainly, at times, to review, direct and even constrain government policy, particularly when it has the potential profoundly to impact on our justice system. Without careful scrutiny and additional safeguards, this governmental drip feed may be capable of eroding some of our most fundamental institutions. I beg to move.

Lord Judge: My Lords, there should be an upgrade here, in accordance with the proposed amendment.

Lord Beith: My Lords, one of the things that might be reviewed is how the arrangements for delegating decisions work in the context—mentioned by my noble friend—of a large number of litigants in person. This number has increased since the withdrawal and limiting of legal aid. Court officials find themselves giving forms of advice to unrepresented litigants, if only to ensure that the court can proceed with the minimum of chaos and disruption. A clerk in a county court, for example, may simply remind the litigant of what the court needs to know in order to resolve a case and what would not be advantageous to spend lots of time on. That is a valuable function. Of course, legal advice can go far beyond that into areas on which it would be wholly inappropriate for a court official to give, or purport to give, advice. Wise officials make quite clear the limit of what they can say.

By whatever mechanism we review these provisions, whether it is that suggested in the amendment or the reasonably adequate existing ones offered by the Justice Select Committee and Constitution Committee, we should look at them in a context in which officials are being asked for advice or guidance by people who are not represented.

Lord Pannick: My Lords, I echo the words of the noble and learned Lord, Lord Judge. We are dealing here—at least potentially—with matters of significant constitutional concern. The power which the Secretary of State or Lord Chancellor is being given includes a power to make "consequential provision". That is a very broad phrase: it is not merely transitional, or transitory or saving, it is consequential—something

that is a consequence of that which is in the legislation. It is, therefore, entirely appropriate that this amendment should be approved by this House.

The Earl of Listowel (CB): My Lords, on the matter of meeting the new challenge of litigants in person, particularly in the family courts, I highlight the value of the family, drug and alcohol court national unit. While the national unit supports these drug and alcohol courts for children in the public law system, the same judges—and I imagine the same clerks—also work in public family law. The wonderful thing about this unit is that it supports judges, clerks and the administration in family courts to become better at their job; better at managing these cases which are often very difficult and troubling.

So when the noble and learned Lord, Lord Keen of Elie, writes to me—I am grateful to him for his letter today on the matter of the Family Drug and Alcohol Court National Unit—and says that the responsibility is now passing down to local authorities, I hear what he says and understand why he says it. However, there is a distinct benefit to the judiciary and the courts in training them to be more effective in working with these families, particularly now that they are often litigants in person. I therefore hope that he may keep an open mind, and that perhaps he will be persuaded that some money should come from central government for this special national unit for supporting family drug and alcohol courts.

We have a challenge with regard to the many families in this country who are struggling to stay together or to manage amicably and effectively a separation with the least damage to their children. Having well-equipped judges and clerks in the courts to help this process is vital, and I suggest to the noble and learned Lord that this special national unit can help with that.

Lord Keen of Elie: My Lords, Amendment 3 relates to the power in Clause 3 for the Secretary of State to make consequential, transitional, transitory or saving provisions in relation to the authorised staff provisions by way of regulations. It provides that they are subject to a process of negative resolution by Parliament, while the amendment seeks to apply the affirmative resolution procedure.

We believe that it is necessary to take the power in Clause 3(2) to avoid any implementation difficulties or legislative inconsistencies that could arise from changing the law. We have already identified consequential amendments to primary legislation and have made provision for them in the Schedule to the Bill. The necessary changes to secondary legislation may not become apparent until after the provisions in the Bill are implemented; therefore, this power is needed so that the authorised staff provisions can be given full effect. However, I emphasise that it is not concerned with making consequential amendments to primary legislation, for which provision is already made in the Schedule, and so this is a narrow power. As I indicated, the power cannot be used to amend primary legislation, so in these circumstances we considered that the negative resolution procedure is entirely appropriate.

I hear what noble Lords and noble and learned Lords have said about moving from the negative to the affirmative procedure, and I will give further thought to that. However, at this stage I invite the noble Baroness, Lady Chakrabarti, to withdraw her amendment.

Baroness Chakrabarti: My Lords, I am grateful to the Minister, and in particular to the noble and learned Lord, Lord Judge, and the noble Lord, Lord Pannick, for their kind encouragement. In the light of all that, I am happy at this stage to beg leave to withdraw the amendment.

Amendment 3 withdrawn.

Clause 3 agreed.

Amendment 4 not moved.

Clause 4 agreed.

The Schedule: Authorised court and tribunal staff: legal advice and judicial functions

Amendment 5

Moved by ***Baroness Chakrabarti***

5: The Schedule, page 6, line 36, at end insert—

"( ) is a qualified solicitor, barrister or chartered legal executive with more than three years' experience post-qualification, and"

Baroness Chakrabarti: My Lords, I will also speak to Amendments 6 and 7. These amendments in aggregate stipulate that authorised persons must have the following minimum legal qualifications: to be,

"a qualified solicitor, barrister or chartered legal executive with more than three years' experience post-qualification",

as recommended by the Law Society. Clause 3 delegates judicial functions to authorised staff, which must be understood in the broader context of the wider reform agenda and the austerity measures behind it. The savings generated through the proposed reforms will arise only through the reduction of the court estate, together with savings in judicial salaries. Further proposals include the relocation to new off-site service centres of many case management functions, listings and scheduling, which currently take place within court buildings with the benefit of on-site judicial supervision. The implication has to be that these off-site service centres will be supervised by authorised staff and not by judges. Concerns about that eventuality are hardly assuaged by the assurance in the related policy note that authorised staff will remain under the supervision of the judiciary if the judiciary are not on site.

4.30 pm

The prospect of authorised staff performing judicial functions when they are not subject to the training, experience, ethos and oaths of professional judges but are employed directly by HMCTS raises questions of accountability and independence, and concerns that they might be subject to administrative pressures, such as meeting HMCTS targets. Without reasonable limits on who can be authorised, this delegation has the potential to change the essential nature of our judicial system. Transparent and public scrutiny by parliamentarians with a democratic mandate is necessary. Although I acknowledge that the remit of the relevant procedure rule committee is to set out

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requirements, procedure is a different matter from this kind of delegation and the issue of setting out qualifications.

Procedure rule committees are of course made up predominantly of senior judges, who are under the pressures and financial constraints that we have addressed throughout our consideration of the Bill, so it is perhaps a little unfair to place them under those pressures and then require them to prescribe the delegation—in effect, marking their own homework. There are implications here for the rule of law and the independence of judicial decision-making, and we argue that such a shift would potentially fall short of the reasonable expectations held by members of the public of the appropriate level of experience and independence of those making judicial decisions about their fundamental rights.

The amendment sets a very low level of qualification for an authorised person and we do not see why the Government cannot accept it. I note that the Minister has pointed out, and will no doubt do so again, that three years' post-qualification experience, which is what we seek, is a higher bar than that currently required of assistant justices' clerks. However, such staff do not currently perform judicial functions, let alone the range of judicial functions that, under the Bill, might be performed in the future. Therefore, if there is to be uniformity in practice, we can surely set the bar for qualification at three years' post-qualification experience, which is not a very high level. One has to ask whether the reluctance on the part of the Government to set minimum post-qualification periods is down to fiscal concerns about staff salaries. I look forward to hearing the Minister's response to those concerns. I beg to move.

The Earl of Listowel: My Lords, I understand that the purpose of the amendment is to ease the burden on the courts. In a statement last year, the President of the Family Division highlighted the ever-increasing burden on the public side of the family courts as the number of children taken into local authority care accelerates. This is an area of the courts that is experiencing a lot of pressure, and I just want to highlight to the noble and learned Lord and to the Committee that problem-solving courts can also be a good solution to the pressures on our courts. The family drug and alcohol courts are a good solution to reducing the pressure on the courts and might help to limit the use of the innovation to which the Schedule refers.

The founder of the family drug and alcohol courts, District Judge Nicholas Crichton, highlights that the problem-solving courts are much less adversarial and more solution based. For instance, one often finds with children being taken into care that a young, teenage mother addicted to drugs and alcohol will have one child and that child will be removed. She will promptly have another child, and then another child, and each one will be removed. However, if one treats the mother's addiction and gets her off alcohol and drugs, which the family drug and alcohol court is good at doing, she may well stick with the one child or the second child, and this eases the burden on the public family courts. I recognise that the Schedule seeks to deal with the heavy burden on our courts. I encourage the Minister to look carefully at developments in this area and to consider problem-solving courts as another way of dealing with this issue.

The family drug and alcohol courts highlight the value of the achievement of District Judge Nicholas Crichton in introducing them. The Government have generously funded them from the beginning, through both the Department for Education and the Ministry of Justice, and it is highly commendable that they have invested in this important new approach to keeping families together and stopping children from being removed into local authority care unnecessarily.

Lord Neuberger of Abbotsbury: My Lords, the noble Baroness is right to be concerned about the expertise and experience of the people who make decisions. My concern about the amendment is that it puts a potential straitjacket on the ability to appoint the appropriate people to make appropriate decisions. There will be many decisions where people with her requisite experience would be appropriate, but there will be others where less experience would be adequate for the decision-making.

Given that the rules which will set out the requirements will have to be laid before Parliament, and that many of the decisions outside the rules are made, effectively, by the Lord Chief Justice, while what the noble Baroness said has considerable force in some circumstances, it would unsatisfactorily reduce the flexibility of these proposals. They are largely not concerned with the problems of judicial recruitment which have been canvassed in the House today—which any self-respecting former judge, such as myself, is concerned about—but, none the less, the proposals in the amendment would unduly constrain the flexibility which the measures in the Schedule sensibly envisage.

Lord Keen of Elie: I am obliged to the noble Baroness, Lady Chakrabarti, the noble Earl and the noble and learned Lord for their contributions.

There are two strands to this group of amendments, and it is important to differentiate between them at the outset. Amendments 5 and 6 relate to the qualifications for staff providing legal advice; Amendment 7 relates to the qualifications for staff exercising judicial functions. For those staff authorised to provide legal advice to judges at the family court and magistrates, the measures in this Bill replace existing statutory provision for legal advice to be provided by justices' clerks and assistant clerks. In future, the function of giving legal advice will be exercised by a member of court or tribunal staff authorised by the Lord Chief Justice, or at least a party nominated by him.

Currently, there are different provisions governing the qualifications required of justices' clerks and assistant clerks. The qualifications required of justices' clerks are set out in statute. Those for assistant clerks, however, are provided in regulations made by the Lord Chancellor under the powers in Section 27 of the Courts Act 2003. Broadly, an assistant clerk must be a barrister in England and Wales, or a solicitor of the senior courts of England and Wales, or have passed the necessary exams for either of those professions, or have qualified

as a legal adviser under historical rules that were in place prior to 1999. The vast majority of legal advice is currently provided by assistant justices' clerks.

The position in the Bill is that the qualifications required for staff to be authorised to provide legal advice to justices of the peace and family court judges will also be specified by the Lord Chancellor in regulations, and the regulations must be made with the agreement of the Lord Chief Justice, which provides a further important check on this power. The Government take the view that regulations will provide a flexible and proportionate approach to establishing the right qualifications for those authorised staff providing legal advice to judges of the family court and magistrates. I note the point made by the noble and learned Lord, Lord Neuberger, about avoiding a straitjacket so far as these matters are concerned.

I understand the desire of the noble Baroness to see more detail of how our proposals will work in practice. In order to assist the debate on this matter, yesterday we published a draft of the regulations setting out the qualifications for those authorised staff giving legal advice. These regulations broadly reflect the legal qualifications currently required by assistant clerks, with the important addition of fellows of the Chartered Institute of Legal Executives or those who have passed the necessary examinations to be a CILEx fellow. While the Government do not envisage that the regulation-making power will need to be exercised regularly, it would allow us to reflect any developments in the legal profession as to qualifications required to practise. The addition of CILEx fellows is an example of where this flexibility might well be needed.

I should add that Amendments 5 and 6 would impose a much stricter requirement than the current arrangements. Some of our legal advisers qualified through a scheme which has not been available since 1999 and which did not result in qualification as solicitors, barristers or fellows of the Chartered Institute of Legal Executives. In addition, those who have completed the necessary examinations to become barristers in England and Wales or solicitors may become assistant clerks. The current practice works well and demonstrates that assistant clerks are appropriately qualified and experienced for the role they undertake, and we intend to retain these provisions in the new regulations. However, the approach taken by Amendments 5 and 6 would exclude some of our best and most experienced legal advisers. That, I would suggest, cannot be right. I want to be very clear about the Government's intention. Legal advice will continue to be provided by authorised court and tribunal staff with appropriate legal qualifications as it is now. The draft regulations, which we have published, seek to confirm this.

Turning now to Amendment 7, as I have said, the powers in Clause 3 and the Schedule are not entirely new. For example, in the First-tier Tribunal and Upper Tribunal there is already a power for rules to provide for the exercise of judicial functions by staff. The most basic functions, such as issuing standard directions at the commencement of a case, can be carried out in some tribunal jurisdictions by authorised staff with no legal qualifications. Slightly more complex functions, such as applications for postponements of hearings, extensions of time, withdrawals and reinstatements, can be undertaken by caseworkers who have legal qualifications. The most complex of the delegated functions, such as the consideration of late appeals, are generally reserved to registrars who are legally qualified and have legal experience. It is not necessary for all authorised staff exercising judicial functions to possess legal qualifications, as many will be carrying out routine, straightforward tasks. Where powers currently exist, rule committees are already used to determining the qualifications needed for staff to exercise particular functions, and this works well. Again I note the observations of the noble and learned Lord, Lord Neuberger, about not placing these matters into an unnecessary straitjacket.

The Bill will allow the relevant procedure rule committees to set requirements relating to the necessary qualifications or experience of such staff. The committees are best placed to assess these requirements for their jurisdictions in light of the functions that they are authorising staff to exercise. As a further safeguard, a member of staff will not be able to exercise judicial functions until they have been authorised to do so by the Lord Chief Justice or his nominee, or by the Senior President of Tribunals or his delegate. Authorisations are therefore ultimately the responsibility of the judiciary, and they will not authorise staff unless satisfied as regards their competence.

As with Amendments 5 and 6, setting the qualifications bar as high as in Amendment 7 would rule out a large proportion of courts staff from exercising judicial functions, even though they might have been doing so for a number of years. Such a loss of expertise would render the provisions in Clause 3 and in the Schedule essentially unworkable. Based on that explanation, I hope that the noble Baroness, Lady Chakrabarti, will feel able not to press her amendment.

4.45 pm

I add only two further points. I note what the noble Earl, Lord Listowel, said about the family drug and alcohol courts. I have written to him on this subject and he is not one to give it up. I understand the importance of these courts and the point that he seeks to make, albeit it does not impact directly on these amendments.

A further question was raised by my noble friend Lady McIntosh, who is no longer in the Chamber, on consultation with justices' clerks regarding these proposals. The Government consulted on the role of justices' clerks in 2016, and justices' clerks responded to that consultation. There is nothing in the reforms touching on justices' clerks in this context that will directly lead to staff having to travel further for the purposes of their engagement in these matters. With that explanation, and having regard to the fact we have now published the draft regulations, I again invite the noble Baroness, Lady Chakrabarti, not to press her amendments.

Baroness Chakrabarti: My Lords, I am grateful to the Minister for that. I certainly do not seek to place a straitjacket on reasonable management of the court system, but I am still concerned about the breadth of this power to delegate judicial functions in particular. These amendments, which are probing at this stage,

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are all of a piece. In the light of the further debate to come, for the time being I beg leave to withdraw the amendment.

Amendment 5 withdrawn.

Amendments 6 and 7 not moved.

Amendment 8

Moved by ***Baroness Chakrabarti***

8: The Schedule, page 10, line 33, at end insert—

"( ) No authorisation under subsection (2) shall include the power to—

(a) make an order of the court which is opposed by one or more party,

(b) make any order of the court in a civil claim with a value of more than £25,000,

(c) make any order of the court with a penal notice or power of arrest,

(d) make any order of the court in a matter in which one or more parties lack capacity as defined in section 2(1) of the Mental Capacity Act 2005,

(e) make any order of the court in a matter in which one or more witnesses are a vulnerable witness as defined in section 16(1) of the Youth Justice and Criminal Evidence Act 1999,

(f) make any order of the court under section 37 of the Senior Courts Act 1981 for an injunction, including any freezing order,

(g) make any order of the court, referred to as a "search order", under section 7 of the Civil Procedure Act 1997,

(h) make any order of the court as to costs,

(i) make any order of the court concerning expert evidence,

(j) take a plea from a defendant in criminal proceedings, or

(k) make any other determination which is dispositive of the cause."

Baroness Chakrabarti: My Lords, in moving Amendment 8, I will speak to Amendment 10. Once more, these amendments would place restrictions in the Bill as to what type of function will be permitted to be delegated to authorised persons. The previous amendments were about who might be an authorised person. The restrictions this time include that no authorisation,

"shall include the power to … make an order of the court which is opposed by one or more party … make any order of the court in a civil claim with a value of more than £25,000 … make any order of the court with a penal notice or power of arrest".

The stated intent of the policy of delegating judicial powers is to improve the efficiency of the courts service by diverting judges' time from routine administrative tasks to allow them to focus their time and expertise on more complex and significant matters. However, there must be reasonable limits to what powers can be given to authorised persons who are not judges. Without those limits, we have a power that has the potential to change the essential nature of our judicial system. I am sure that this is not the Government's intention, but we need to construct this power for future Governments of whatever stripe because significant judicial power should be exercised by judges.

While it is almost impossible to create a definitive or exhaustive list of appropriate judicial functions for the delegations that will cover every tribunal and eventuality, it is reasonable to expect some red lines and limits relating to the most significant decisions and exercise of power. It does not seem unreasonable to ask that Parliament have an opportunity to set out a framework for such delegation and to exclude decisions that deprive an individual of their liberty or of life-changing sums of money for most people, and decisions that parties have contested or those involving vulnerable witnesses or people lacking mental capacity.

Other provisions in the amendment provide a mop-up of what might provide a red line around a decision which could dispose of a matter altogether. Lord Briggs drew such a line in his civil court structure review, at caseworkers making dispositive decisions, which he saw essentially as a judicial role. All delegated functions in the civil jurisdiction are routine case management functions and are often confined to cases where all parties consent. Legal advisers do not currently make decisions that represent a final determination and a party may request reconsideration of any decision of a legal adviser within 14 days of being served notice of it. Are these not therefore reasonable restrictions to place on delegated functions in the context of criminal proceedings, where so much is potentially at stake? The MoJ's own factsheet on delegation to staff says that delegated decisions are unlikely to involve contested matters. Why not put such a reasonable restriction in the Bill, given that many case management decisions are potentially important judicial functions that should not be delegated?

In addition to concerns about transparency, there is a danger that efficiencies gained by delegating case management decisions will be lost if the court then has to reconsider such decisions at a later stage in the process. Further, if one accepts the case for the limited delegation of some of the most straightforward decisions to such authorised staff, one has to raise concerns that these relatively low-paid staff—HMCTS staff being paid less than other government lawyers—are being used to save money without proper remuneration for their increased workload. I beg to move.

Lord Marks of Henley-on-Thames: My Lords, I have some sympathy with two of the new paragraphs proposed in the amendments. I have sympathy with those relating to orders of the tribunal or the court with a penal notice or power of arrest. I have some sympathy, too, with the restriction on the power of a court to make an order under Section 37 of the Senior Courts Act for an injunction, including any freezing order, and the corresponding power for the tribunal.

I am afraid that is as far as my support goes for the noble Baroness's amendment, because all the other powers may be entirely trivial. In particular, the noble Baroness places reliance on the idea that a contested order should not be made. Some contested orders are unbelievably trivial. If I seek a 14-day extension for the service of my defence and the other side says that I should do it in seven, and the authorised person says, "Well, you can have 10", the idea that he or she should not have the power to make that order is wrong.

One has to leave it to the good sense of the rule committees to decide where it is sensible that such restrictions should be drawn. Injunctions are in a different category and where the liberty of the individual is at stake we have a different category, but otherwise I am afraid I cannot support the amendments.

Lord Neuberger of Abbotsbury: My Lords, I applaud the noble Baroness's concerns, which, as in the previous amendments, are directed towards ensuring that the high standards of justice in this country are maintained.

I echo to a considerable extent what was said by the noble Lord, Lord Marks. However, in the end, these are matters for the rule committee. There are two protected factors: one is that nothing can be done without it being in the rules, and the second is that the Lord Chief Justice needs to give his or her authorisation to the person who makes the decision. The other amendment concerns the Senior President of Tribunals. With the rules, there is the protection of them having to be laid before Parliament, and therefore any restrictions of the sort that the noble Baroness wishes to put forward would have to be considered by the rule committee. If they were not in the rules, and this House felt that they should be, this House would then have an opportunity to see what was said and why. I again suggest that these matters are best left to the rule committee. As the noble Lord has indicated, there is clearly room for disagreement over which items and categories should be included and what should not be included. That is best left to the rule committee and, in due course, to the Lord Chief Justice.

Baroness Vere of Norbiton: My Lords, I thank all contributors to this short debate. These amendments seek to place in the Bill a list of functions that authorised staff would not be permitted to undertake. I ask the same question that the noble and learned Lord, Lord Thomas of Cwmgiedd, asked at Second Reading: do we really want to put such restrictions—which he described as a fetter on the administration of justice—in this Bill? An example would be the proposal to prevent authorised officers making orders that are opposed by one or more party. I accept that there will be circumstances in which it could be inappropriate for an authorised member of staff to adjudicate on such a matter. However, as the noble and learned Lord, Lord Thomas, and the noble Lord, Lord Marks, pointed out, where, for example, the parties to a case are simply disagreeing about a date on which a hearing should be set, should it not be possible for an authorised member of staff to deal with this under the supervision of a judge?

I fully understand the intention behind these amendments and recognise the importance of ensuring that adequate safeguards are in place. Our provisions ensure that the judicial functions that authorised staff may or may not exercise will be subject to appropriate scrutiny by experts, generally in the form of the procedure rule committees. The Bill will also ensure that, where staff are authorised to provide legal advice or to exercise judicial functions, they are suitably experienced and qualified. It is important to recognise that the concept of authorised staff performing judicial functions is not a new one for courts and tribunals. Her Majesty's Courts and Tribunals Service staff can already be authorised to exercise the jurisdiction of almost every court or tribunal, up to and including the High Court and Upper Tribunal. Rule committees already have experience in deciding the functions that such staff may exercise.

I remind noble Lords that the purpose of these provisions is to increase the efficiency of our courts by allowing authorised staff to undertake a wider range of functions under the supervision of judges, so that judges themselves are free to deal with the more complex matters before them. This amendment would not only place unnecessary limitations on what we could achieve in this area but undermine the progress that we have already made. For example, justices' clerks and assistant justices' clerks currently make cost orders and search orders in appropriate cases. They also make orders for special measures for vulnerable defendants, victims and witnesses giving evidence, such as the use of video links and screens. They carry out these tasks efficiently and effectively.

The Bill provisions build on the existing process for assignment of judicial responsibilities in a sensible and proportionate way, and will allow authorised staff to carry out judicial functions in the Crown Court for the first time. Staff will be authorised by the Lord Chief Justice or his nominee and will work under the supervision of the judiciary. The Bill puts decision-making as to which functions may or may not be exercised by authorised staff in the right hands: the procedure rule committees. Here, the powers can be properly scrutinised by judges, practitioners and other interested parties. The noble and learned Lord, Lord Thomas, spoke powerfully about his own experience of chairing the Criminal Procedure Rule Committee, the expertise of the committee and the fact that it always managed to reach consensus. The judiciary is ultimately responsible for authorising court and tribunal staff to exercise such functions and, as is currently the case, it will do so only if satisfied as to their competence. As pointed out by the noble and learned Lord, Lord Neuberger, procedure rules are also subject to parliamentary scrutiny via the negative resolution procedure, which provides an additional check on these provisions. In the light of the reasons I have set out, I hope the noble Baroness, Lady Chakrabarti, will withdraw her amendment.

5 pm

Baroness Chakrabarti: My Lords, I am once again grateful to the Minister and to other noble Lords for engaging in the argument for the amendments. I fully understand that this is all about efficiency, but that is not completely reassuring in the context of the biggest cuts to any department, even in a time of significant austerity.

I fear that the public outside this Palace think of the adjudication of contested matters in a court as a judicial function. That is the general perception of the public of what happens when there is a dispute between parties in the courts. It does not seem unreasonable to suggest, for example, that only a judge should be responsible in court for depriving someone of their liberty, or indeed, for making orders involving large sums of money. Noble Lords will forgive me for saying that even some of the more trivial decisions referred to by the noble Lord, Lord Marks, could be far less than

[Baroness Chakrabarti]
trivial in a given context. I am being offered the reassurance of the procedure rule committee, but delegating judicial functions to non-judges is not a matter of mere procedure.

I am afraid that I feel this is a question of principle, to which we may have to return again on Report. But for the time being, at least, I beg leave to withdraw the amendment.

Amendment 8 withdrawn.

Amendment 9

Moved by ***Baroness Chakrabarti***

9: The Schedule, page 11, line 8, at end insert—

"67BA Right to judicial reconsideration of decision made by an authorised person

A party to any decision made by an authorised person in the execution of the person's duty as an authorised person exercising a relevant judicial function, by virtue of section 67B(1), may apply in writing, within 14 days of the service of the order, to have the decision reconsidered by a judge of the relevant court within 14 days from the date of application."

Baroness Chakrabarti: My Lords, in moving Amendment 9, I shall also speak to Amendment 11, both of which have been drafted by the Bar Council. The amendments will ensure that a,

"party to any decision made by an authorised person in the execution of … a relevant judicial function",

or, "of a tribunal",

"by virtue of section 67B(1)",

or,

"by virtue of paragraph 3 of Schedule 5",

respectively,

"may apply in writing, within 14 days of the service of the order, to have the decision reconsidered by a judge of the relevant court within 14 days from the date of application".

The statutory right of reconsideration sits alongside the other amendments we have been discussing to create some constraint on this delegation of judicial function to non-judges. That approach would allow any,

"party to a decision made by an authorised person … to have the decision reconsidered by a judge",

as recommended by Lord Justice Briggs in his 2016 report, *Civil Courts Structure Review*. He said:

"The creation of an extensive right to have the decisions of Case Officers reconsidered by a judge has from the outset been regarded as the natural safety valve for concerns about what was … described as the delegation of judicial functions to persons who are not judges".

As a minimum safeguard, the right of reconsideration has the benefit of freeing an authorised person from the obligation to produce detailed reasons for every decision, as would be the case if a right of appeal were created. It has the additional benefit of going further than a right of review, guaranteeing judicial oversight of the decision, which a right of review would not ensure.

The statutory right would also ensure compliance with Article 6 of the Convention on Human Rights, which requires decisions by an independent and impartial person. I beg to move.

Lord Marks of Henley-on-Thames: My Lords, I fully support the noble Baroness's Amendments 9 and 11. It seems to me that the Bar Council is absolutely right to draw a distinction between the nature of rules specifying what decisions can be made by authorised persons and the question of whether such decisions made by authorised persons should be subject to a review.

The noble and learned Lord was good enough to circulate to us not only the draft statutory instrument that he mentioned but the policy statement in support of it. It is quite clear that the procedure rule committees will be responsible for making the decision as to what decisions should be made by authorised persons: that is, the Criminal Procedure Rule Committee, the Family Procedure Rule Committee and the Civil Procedure Rule Committee. Of course, the noble and learned Lord, Lord Neuberger, is right to point out that those rule committees make rules that are both subject to scrutiny by Parliament and subject to approval by the Lord Chief Justice. However, that does not have a bearing on the question of whether decisions, once made, should be reviewable.

I commend these two amendments because they set a simple and short time limit of 14 days for making the application for review, and a further 14 days only for the decision upon that review. Furthermore, I believe that there is some benefit to be gained from uniformity, so that all such decisions made by authorised persons are subject to the same time limits and the same procedure. It seems to me that to have different rules for different types of decisions would be a mistake.

I would of course expect that, in due course, the review provisions would be implemented by applying a test that the decision of an authorised person would be overturned only if it was outwith the range of reasonable responses to the question posed to the authorised person—the traditional appellate test, rather than a fundamental review test. Subject to that, it seems to me that to give an authorised person an unappealable, unreviewable power to make what will sometimes be very important decisions, even if they are sanctioned by the rules, would be going too far. So I support these amendments.

Lord Neuberger of Abbotsbury: My Lords, I have considerable sympathy with these amendments, in the sense that, as the noble Lord, Lord Marks, has said, the idea of a decision being made by a non-judicial person and not being referable to a judicial figure is inconsistent with justice. Whether it is right to provide in such clear terms, and such uncompromising general terms, for the circumstances and requirements for such an appeal seems to me, again, to be questionable. While I absolutely see the requirement for a right of appeal, I would have thought that, again, it would be better to leave it to the rule committee, which, as the noble Baroness has said, consists of experienced people from all aspects of the justice system.

Having chaired the Civil Procedure Rule Committee for three years, I can say, as has been quoted in relation to its criminal equivalent by my noble and learned friend Lord Thomas, that considerable care is given to ensure that all the requirements of justice are met. It is very rare, if ever, that I can remember a

decision being arrived at which was not arrived at by consensus. To my mind, in those circumstances, while it is essential that there is this right, it is a right whose details should be worked out, at any rate, by the rule committee—the rules of which, as I have said, sounding like a scratched record, are put to the House.

Lord Keen of Elie: Again, I am obliged to the noble Baroness, Lady Chakrabarti, the noble and learned Lord, Lord Neuberger, and other noble Lords for their contributions on this matter. Of course, the purpose of the amendments is to give a party in a case the right to request in writing that any decision of an authorised person exercising the functions of a court or tribunal be considered afresh by a judge.

The Schedule to the Bill ensures that the functions of a court or judge that authorised staff may exercise will be determined, and be given appropriate scrutiny, by experts in the form of the independent procedure rule committees. The purpose of these provisions is to enable authorised staff to undertake straightforward case management and preparation duties, thereby freeing up judges to focus on more complex and contentious matters. We are not proposing that these officeholders will undertake, for example, the determination of the final outcome in a contested case. It is our view that a statutory right set out in the Bill to have any decision made by an authorised person considered afresh by a judge would be inappropriate and disproportionate.

I have some sympathy with the intention behind the amendments and the desire to provide protections for court users. Our view, which I believe is reflected in the observations of the noble and learned Lord, Lord Neuberger, is that a decision about whether a right to reconsideration is needed should be left to the experts on the rule committees who are best placed to understand the circumstances in which a review mechanism may be required in their particular jurisdictions. It is not a case of one size fits all. To that extent, I would take issue with the observations of the noble Lord, Lord Marks. The committees should also consider any appropriate time limits for review and the way in which any application should be made. Again, that is essentially a matter for the committees.

These provisions already exist in our procedure rules. Practice Direction 2E of the Civil Procedure Rules makes express provision for review in civil money claims of a decision by a legal adviser. Under the tribunals procedure, in accordance with Rule 4(3) of the Tribunal Procedure (Upper Tribunal) Rules 2008, there may be a review of a decision made by a caseworker. In the magistrates' court, there is provision for an application to be renewed before the magistrates where it has been dealt with previously by a caseworker. In the Crown Court, there is an inherent jurisdiction to hear such applications at the time of an appropriate hearing. I seek to emphasise that there is a diversity of approaches, all of which generally apply their mind to the question of the review of the decision of a caseworker, and those reflect the views of the relevant rule committee as to what is appropriate for the particular tribunal, court or level of court. That is what we feel should be left open and which would be lost by this amendment.

I go back to an observation that was made earlier, quoting the noble and learned Lord, Lord Thomas, at Second Reading, that,

"detailed restrictions on procedure are a very real fetter on the administration of justice".—[*Official Report*, 20/6/18; col. 2039.]

That is what we want to free up here. It is appropriate that these decisions should be made by the procedure rule committees. I hope that in the light of those observations, the noble Baroness, Lady Chakrabarti, will see fit to withdraw her amendment.

Baroness Chakrabarti: Once more, I am grateful to the Minister and other noble Lords for engaging with this argument. I do not wish to bore your Lordships' with this, but there are some really serious concerns at play. I am told to be reassured by the rule committees, and of course I hold the rule committees in enormous esteem, but the rule committees cannot provide the funding that would avoid pressure to overdelegate to underqualified people in the future. When I raise these concerns, I am told that I must not worry because of the rule committees.

My second concern is that the public have a real and reasonable expectation that significant contested decisions in a court will be made by a judge; or, if not, at least that there would be a right of appeal or review before a judge. In the light of the repeated reassurances in the context of different attempts to constrain delegation in the Bill, we will have to return to this issue on Report. For the time being, I beg leave to withdraw the amendment.

Amendment 9 withdrawn.

Amendments 10 and 11 not moved.

Schedule agreed.

House resumed.

Bill reported without amendment.

Northern Ireland Budget (No. 2) Bill
First Reading

5.15 pm

The Bill was brought from the Commons, endorsed as a money Bill, and read a first time.

Helicopters: UK Design and Manufacture
Question for Short Debate

5.16 pm

Asked by ***Lord Ashdown of Norton-sub-Hamdon***

To ask Her Majesty's Government what assessment they have made of the United Kingdom's ongoing capability to design and manufacture helicopters.

Lord Ashdown of Norton-sub-Hamdon (LD): My Lords, I am grateful for the opportunity to air the Question for Short Debate in my name on the Order Paper, and to the Minister for finding time to answer this debate.

For more than 100 years, the people of Yeovil and south Somerset have provided the nation and its allies with world-beating aircraft, which have played an immense part in the defence of our shores and of our values. Yeovil-built aircraft were among the first to fly

[LORD ASHDOWN OF NORTON-SUB-HAMDON]
in battle over the Western Front in the First World War and provided the first-ever air support to the Royal Navy. Westland Lysanders flew our secret agents into every corner of occupied Europe in World War II. Westland helicopters dropped me on Jebel tops in Arabia, plucked me out of clearings in the Borneo jungle and gave us the mobility we needed in Northern Ireland. They did the same in Afghanistan, Iraq and every other conflict zone.

This debate is not just about the past and celebrating that record; it is also about the future. As we rely more on Special Forces, they will rely more on helicopters for long-range insertion. As the Royal Marines end assaults across defended beaches, helicopters will be the only means to land men in numbers where the enemy least expects them. As the Russian submarine threat grows, it is rotary wing which will arm our ships with the best means of detection and response. Then again, this debate is not just about what our Armed Forces need. It is also about an irreplaceable national aerospace asset. The rotary wing skills found in the Yeovil workforce, now at Leonardo, are found nowhere else in Britain so surely we in Yeovil must feel pretty confident about what comes next. Our brilliant design and engineering teams must surely feel secure about their future. No, they do not. They are beginning to leave in increasing numbers and there is a clear reason for that.

Despite many requests from me and, I am assured, from Yeovil's Member of Parliament, Marcus Fysh, the Government have made no clear commitment so far as part of the national industrial strategy that they wish to sustain this unique sovereign ability to design, engineer and manufacture our own rotary aircraft. This doubt about the Government's intentions began when the Ministry of Defence abandoned the policy of the coalition Government, who insisted that an order for Apache aircraft must be subject to a proper competitive tendering process. This included Westland, as it was then. They replaced this with a decision to buy off the shelf and without competitive tender from the United States.

Since then, it pains me to say that every procurement action of the Government has reinforced the suspicion that the Ministry of Defence prefers to buy new aircraft from abroad rather than to make them ourselves, even if the consequence is that a vital national asset is lost and the Yeovil site degenerates, as it threatens to do, into simply a repair and maintenance facility. Over the years Yeovil-built aircraft have been sold to more than 20 countries. They are one of the nation's major exporters, but what export customers now say—and one cannot blame them—is that if the British Government will not buy helicopters made in Britain, why on earth should they? This is damaging export prospects.

Let me make it clear that this is not a problem for today. The shop floor at Leonardo Helicopters UK in Yeovil has plenty of work for the moment. What we are short of is the engineering work needed now to prepare for and build the new aircraft for the future. What we need is a commitment from the Government that they prefer to buy the next range of aircraft from UK production rather than from abroad.

I cannot believe that this Government wish to preside over the disappearance of a key national capability and prefer to make our Armed Forces dependent on foreign skills when we have such an abundance of our own. I cannot believe that this Government wish to destroy export opportunities post-Brexit, yet that is where we are heading. If this is not what the Government want, it is time to make that clear—and urgently.

Leonardo's very clear statements on this as recently as this week in Farnborough make that abundantly clear and also make the danger abundantly clear. I am assured that it is waiting to make the investment necessary in research and development, infrastructure and skills to maintain the long-term integrity of Yeovil's design and engineering teams. However, as Leonardo's managing director said this week at Farnborough:

> "We need some clear commitment …We need to maintain the design and development capability of our work force".

There you have it absolutely clearly. I appeal to the Government to make this statement without delay—today for preference, in the modernising defence paper due, I hear, by the end of the month if they must, or in the Budget as a last resort. I have to warn them that if this, or something along these lines, does not come by the end of the year, the crucial decisions Leonardo needs to make may not be made, the erosion of Yeovil's skill base will continue to accelerate and a national strategic industrial asset will stand in grave jeopardy.

In his answer the Minister may stress the Government's strategic partnership agreements—the so-called SPAs—and may even announce a new one. SPAs are useful and very welcome but they are not the answer. In their present form, SPAs have no impact on the procurement process. That is where we need the action. As part of the Government's policy to maintain a national capability in the design and production of warships and combat jets, front-line commanders are required to consider indigenous industrial capability in making procurement decisions. This is what is needed and what has been so significantly absent in relation to rotary wing.

Let me sum up by laying out what is at risk here. It always looks cheaper to buy off the shelf, but in this case that would be, in the long term, far more expensive as we lose high-value jobs, export opportunities and a key national asset. It is not just Yeovil and the south Somerset community that stand to suffer from this. Thousands of jobs and substantial high-value, high-tech industrial production elsewhere in the country are already also at risk. Leonardo in Yeovil currently spends more than a third of a billion pounds with suppliers all across the UK, 30% of them small and medium-sized enterprises. In the south of England alone the total value of subcontract business dependent on Yeovil amounts to £275 million pounds—almost a quarter of a billion.

What I am asking is simple and straightforward. The Government have a strategy for preserving our sovereign capacity in the production of fast combat jets, and they have one to preserve our ability to build warships. What we need now and urgently is a clear statement from them that they value and will preserve Britain's sovereign capability to design, engineer and manufacture our future rotary-wing aircraft. A key national aerospace industrial asset providing the best for our Armed Forces, a workforce whose skills have

served the defence of the nation for over 100 years, export opportunities and tens of thousands of high-tech jobs right across the country depend on this. I hope we shall hear it tonight.

5.26 pm

Baroness Bakewell of Hardington Mandeville (LD): My Lords, I must apologise to the House for being late and missing the start of this debate. I was in Marsham Street with the Minister in a briefing on the Ivory Bill and did not have my phone switched on. I apologise profusely.

I thank my noble friend Lord Ashdown for securing this debate on a topic that very closely affects the community that I live in. As my noble friend said, helicopters have been manufactured in Yeovil for many decades and have ensured the prosperity of the town and the surrounding areas. In the 1950s the Whirlwind was involved in the logistics of transport and search and rescue. At the same time, the Wasp and the Scout were used for communications. As the Whirlwind was taken out of service, it was replaced by the Wessex, which was subsequently replaced by the Sea King. All these aircraft were designed by Sikorsky of the USA, but the design and manufacturing rights were purchased by Westland and it was manufactured in Yeovil. Collaboration is key to ensuring that the UK has the capability to deliver the helicopters that it needs for the defence of the nation.

The Sea King continued to rescue people right up until last year, when it was taken out of service. This of course was the helicopter flown by the Duke of Cambridge on many search and rescue operations. At the end of World War II the Wasp and the Scout were carrying out reconnaissance work for the Army and the Navy respectively. As it became obvious that both the Army and the Navy needed manoeuvrable air attack capability, the Lynx was designed and manufactured in co-operation with Aerospatiale. Significant upgrades of that helicopter are now doing sterling service as the Wildcat.

For me, it is always a great pleasure to see the helicopters flying over our garden. Whether it was the Lynx or the AW101 in its versions of the Merlin and the Cormorant, I cannot think of a single occasion when I found the noise irritating or intrusive. Perhaps I am somewhat biased as my husband was employed for the whole of his working life at what was Westland Helicopters, now Leonardo. Through their employment, he and many others like him contributed to the success of this British helicopter manufacturer.

I find the Government's attitude towards having an independent design and manufacture capability for helicopters very difficult to understand. The Government are aware of the long lead times from beginning the design work to the helicopter rolling off the production line, yet they are dragging their feet. Why would the country not want to produce the helicopters that our Armed Forces will need to be successful in carrying out their role in both defending our shores and playing their part in NATO?

It seems to be madness that our Government would not want to support this industry. Buying off the shelf from another country may appear a better option, but the long-term impacts of such action need to be considered. The new aircraft carriers will need helicopters among their flying capability. Why would the UK not wish to manufacture these helicopters in this country? It would be very short sighted to place these contracts with other countries, especially at a time when we are extracting ourselves from the European Union and our defence ties with European countries.

I turn to the economic impact on the community of Yeovil and the surrounding area. As my noble friend Lord Ashdown so eloquently said, Leonardo is not confident that the Government will deliver. The workforce, who have mortgages to pay and families to support, are nervous about their future. They can see that there is sufficient work in the short term, but they are planning their long-term futures and are looking for reassurance.

Large numbers of subcontractors in and around the Yeovil area rely on work from Leonardo. This effect is much the same in any community where a large and successful manufacturer supports many smaller subcontracting engineering firms, which in turn provide employment for large numbers of people. Large engineering firms cannot exist without a ready supply of smaller engineering firms that will take on their subcontracting work. It is done to a high standard and delivered back to the main works on time.

Although it cannot be said that the manufacture of helicopters is the main employer in the Yeovil area, it is certainly the one that rightly commands and pays higher salaries and wages, due to the high level of technical and design skill of the workforce. It is this highly skilled design capability that will be lost if the Government continue to dither. We need a commitment from the Government that they prefer to buy the next range of aircraft from UK production, rather than off the shelf from abroad. Should that commitment not be forthcoming, the prosperity of the whole area will suffer. Without employment, the housing market and the retail offer will suffer and a general decline will occur.

At lunchtime today, as I left my morning seminar, overhead a single helicopter was hovering in the sky, marking the spot for aircraft involved in the RAF fly-past to follow to Buckingham Palace. I stood and watched. Helicopters led the fly-past. The whole display was extremely impressive, right down to the Red Arrows, which completed the fly-past.

During the Falklands war, it was single helicopters hovering in the sky, marking for support vessels to follow, that allowed men in the sea to be rescued following the bombing and fire aboard the "Sir Galahad". British helicopters have played a proud role in the past and should continue to do so in future. What is the Government's vision for our future helicopter capability? In these uncertain times, are we as a nation to be dependent on others, when in the past we have been able to produce and supply our own? I look forward to the Minister's response.

5.32 pm

Baroness Smith of Newnham (LD): My Lords, I cannot remotely hope to emulate my noble friend Lord Ashdown by talking about having been dropped into Arabia by helicopter or picked up from the jungle in Borneo by helicopter, but I am none the less delighted

[Baroness Smith of Newnham]
to speak on behalf of the Liberal Democrats in this short debate. I shall widen the discussion a little beyond defence and a little beyond Yeovil. Unlike my two noble friends, I do not have links with Westland—now Leonardo—or Yeovil, but I am deeply committed to the importance of our defence industrial base and to ensuring that the United Kingdom has the equipment and capability it needs to design and manufacture helicopters and play a wider role in defence. We must consider that today, on the 100th anniversary of the RAF. Sadly, I did not get to see the fly-past, but I know that it was led by helicopters. As my noble friend Lady Bakewell said, that was hugely iconic.

There is considerable concern about the helicopter industry in the United Kingdom and questions that the noble Earl, Lord Howe, the Minister of State for Defence, has not yet answered. There was a Question last month in your Lordships' House about helicopters, and a Westminster Hall debate was led by the MP for Yeovil, Marcus Fysh. The respondents in neither your Lordships' House nor the other place have yet managed to persuade Members that the Government have a clear commitment to helicopters and the aerospace industry, despite the fact that the noble Earl, Lord Howe, said that Her Majesty's Government,

"are committed to keeping the UK as a leading aerospace nation".—[*Official Report*, 14/6/18; col. 1768.]

I should be most grateful if the Minister explained a little how Her Majesty's Government envisage doing that. In particular, will they think about not just defence, which obviously the noble Earl addressed during last month's Oral Question, but the wider issues of civilian helicopter procurement? Inevitably, my noble friend Lord Ashdown talked in particular about RAF and defence helicopters, but there is a wider question about helicopter production in the United Kingdom.

Like other Members of your Lordships' House, I received a briefing from Airbus, which has significant interests in aerospace, including helicopters and helicopter parts that are produced in the United Kingdom. Airbus is one of the organisations that has raised concerns about the impending impact of Brexit. What assessment have the Government made of the impact of Brexit on the aerospace industry, but particularly on the ability to manufacture helicopters? Will they consider the impact if the United Kingdom is not part of the customs union? What impact will tariffs have, particularly given the nature of the aerospace industry, on a company such as Airbus, which is headquartered in Toulouse but makes helicopter parts in the United Kingdom? How is that going to work? Already we have heard suggestions that Airbus and other companies will look again at their investment in the United Kingdom in the light of Brexit. If Her Majesty's Government are really committed to keeping the UK as a leading aerospace nation, what work are they doing to ensure that that is more than an idle promise? Unless there is a clear decision on that—whether it comes through the modernising defence paper due later this month, whether it is meant to be in the industrial strategy White Paper, or whether we are going to see some clear commitments in the Budget—it will remain somewhat uncertain.

It would be incredibly helpful if the Minister told your Lordships whether the Government really are committed, beyond mere rhetoric, to keeping our helicopter capability. It is important that we have clear capabilities for defence purposes, but it is also important in terms of UK plc. According to the Lords Library briefing, 90% of our aerospace manufacture is for export. In the context of the United Kingdom leaving the European Union, surely that is crucial. Surely, in the context of Brexit, the UK should be looking to increase our exports. Are we really setting the frame for that if we are not also procuring from British contractors? Is the Government's commitment worth more than simply the paper it is written on?

5.37 pm

Lord Stevenson of Balmacara (Lab): My Lords, I thank the noble Lord, Lord Ashdown, for securing this debate this afternoon. He clearly has a personal stake in this narrative, and we salute his service. I also pay tribute to the RAF on its centenary.

Others who have spoken have covered much of the ground at the centre of this debate. I come to it relatively unformed, because it is not an area of expertise for me. I spoke on bees last week; I am much happier on that aerial form, and able to contribute. I am prepared to indulge the House and go into more detail, if noble Lords would like, because it seemed to go down quite well at the time—but perhaps not. However, I would like to claim that I went to the trouble of visiting Yeovil and the area that we have been talking about to prepare for this debate, but it was because I managed to take a wrong turning last week and ended up on the M5 when I should have been on the M4. I happened to end up at a rather splendid helicopter museum, which actually was extremely useful for this debate—and I actually talked to some local people about some of the issues. So I have a little vestigial information to back up my rather narrow approach to the issue.

I have listened to what has been said, which makes a case that I want to move on to later, which will be mainly about where the industrial strategy might come to meet some of the issues that have been raised today. The noble Baroness, Lady Smith, mentioned a similar debate on this issue that was held in the other place and led by Marcus Fysh, the MP for the area. It was actually the defence spokesman who responded in that case, but today we are graced by the presence of a Minister from BEIS. That helps my argument, because I think that it will be possible therefore to pass on questions about the industrial strategy, and I hope that he will be able to bring us up to date with where we are going on that.

I suppose it was inevitable, given the former connections that have been mentioned in this debate, that it will be centred around Yeovil and the company Leonardo. However, it should not be forgotten that there are other manufacturers of helicopters in the UK; I think that all noble Lords have received a briefing from Airbus about its work. It wanted to draw attention to its design and maintenance facility in Oxford, where more than 30 design engineers are based; to work that it has been doing in RAF Shawbury; and to the £500 million a year which it invests—

Lord Ashdown of Norton-sub-Hamdon: I am grateful for the noble Lord's helpful contribution, but I want to make it clear that Airbus maintains, changes and alters helicopters; it does not build them. That is a significant difference.

Lord Stevenson of Balmacara: I am grateful to the noble Lord for his intervention. I was going to come on to that. My first point is that we have a strong existing helicopter industry which, in part, is led by strong innovation and design. The stress is placed on trying to make sure that innovation comes on the basis of the excellence of the work that has been produced, which is something on which we should build. We need to bear in mind that, without our own helicopters, and other defence aerospace products, we will have to be in the market for others' designs and projects. Will the industrial strategy work for this sector now and in the future? How will it actually work in relation to helicopters? Reading the industrial strategy in detail, as we have had to do for other debates, we see that there is no mention of helicopters as a particular product, or of the aerospace industry as a key area, although it is mentioned in a number of places. Yet it fits many of the main challenges, including one which is a good strand of the industrial strategy—trying to build on strong, local clusters. As we have heard today, the Yeovil area is very much a place where that is happening.

With a strong existing centre of research, innovation and excellence, what could the country do to try and make something of this for our own consumption and for exports? It is quite clear from the people I spoke to on my visit—and it has been mentioned again today—that the area itself has no problems with the activity going on there. The place obviously has a good sensibility for that, but it will not work if there is no local support. It is quite clear that the area takes great pride in the firms that work there. Everybody around there probably has friends who work in the factory or have had some experience with it. So there is more here than just helicopters. It is about what happens in an area which has a single employer, or a restricted number of them, and there are threats to that.

I will pause at this point to say that it is a little ironic that we are talking about a firm that is owned by an Italian Government-controlled firm; the Government of a fellow EU member have a controlling interest in this operation. I gathered, from talking to people, that there is a sensibility around that the company is prepared to put in more investment here and would be more prepared to do so if it was being matched by the UK Government. Again, we have a problem with what our Government often do. They try to exhort others to take up the load in terms of investment and everything else but do not seem able to do so themselves.

How do we make progress if the industrial strategy is saying that we are looking for locally based, well-constructed, good contributors to our overall economic activity, yet we are not prepared to invest directly? There are obviously other things that Governments can do. The issue, to which I hope the Minister will respond, is that there needs to be some joined-up thinking, and a clear plan for infrastructure and skills development, if we are going to get this area up to the level we want. It is about raising the competitiveness of the whole industrial environment in the south-west. It is not just about helicopters. How best do we promote innovation and train and educate in technical and other skills? How do we have a strategy that plays back to the needs of local people as well as to the economy?

We have had mention of, and I am sure the Minister will also highlight, the Government's strategic partnering arrangement with Leonardo, which will clearly make a huge difference to how the firm can make the products of the future, such as unmanned aerial vehicles and all their potential technology spin-offs, including battery development and so on. However, there is also the question of how the Government can work with the company and others to stimulate a broader range of inward investment. The irony here is that the area around the factory is very much supported by it; it is very much a single-company town. It is clearly necessary to diversify, but how will that happen? Again, what is the role for Government? Strategic partnering is a major achievement, but it needs to be built on. However, it needs sustained wider government involvement as well as early, clear and efficient procurement decisions that will allow the company to plan properly. Without that, nothing will be successful.

The support here has to come not just from the Ministry of Defence but from BEIS and the Department for International Trade. There is a nascent iAero hub, led by the county council and the local enterprise partnership. Can the Minister indicate what level of support will be available for this from his department, and what can the Department for International Trade do? Does it have any specialists in this area that will be able to support the company as it seeks export markets?

We are all pulling together on the question of productivity—the problem that has bedevilled the UK's industrial progress over the last 20 or 30 years. It obviously depends heavily on initial skills and on upskilling during a person's career. There have been calls for the Government to support Yeovil as a centre of excellence area for technological skills, with an institute of technology as a first step in the provision of offers. Can the Minister confirm that this could also be considered?

5.46 pm

The Parliamentary Under-Secretary of State, Department for Business, Energy and Industrial Strategy (Lord Henley) (Con): My Lords, I thank the noble Lord, Lord Ashdown, for securing this debate and for allowing us a chance to move on, as the noble Lord, Lord Stevenson, put it, from bees to helicopters; I do not know whether that is a more or less important subject, but each to their own, and I am sure that the noble Lord is equally at home talking about bees and helicopters.

I also give an assurance that, although a similar debate to this was answered in the other place by a defence spokesman—and certainly on another occasion a question on these matters was answered by my noble friend Lord Howe, the Minister for Defence—and I am now answering as a Minister for BEIS, all of us as Ministers are answering on behalf of Her Majesty's Government. It is a matter of equal importance to both departments, just as it is a matter of importance to the people of Yeovil and to the Department for

[Lord Henley]
International Trade. I hope to make it quite clear that all departments have an interest in these matters and that all of us could answer on it.

It is also right that the noble Lord, Lord Ashdown, was keen to stress that proud tradition we have in Yeovil and other parts of the country of both designing and manufacturing helicopters. Much of that domestic capability is delivered down in Yeovil by Leonardo helicopters in the noble Lord's former constituency.

Lord Ashdown of Norton-sub-Hamdon: I am sorry to intervene so early. The noble Lord said that "Yeovil and other parts of the country" are committed to the design and manufacture of helicopters. What other parts of the country apart from Yeovil can design and manufacture helicopters?

Lord Henley: No other parts of the country, as I will make clear, can do everything. However, there are other interests in this, and in other parts of the south-west, as the noble Lord well knows, the supply chain benefits from all that work in Yeovil.

I will again mention Yeovil, the noble Lord's former constituency, because he quite rightly praised his successor but one, Marcus Fysh, for all he has done to raise the profile of this matter. I can assure to the noble Lord that my honourable friend Marcus Fysh, the current Member for Yeovil, has been engaged in discussions with Ministers in the Ministry of Defence, including the Minister for Defence Procurement and my right honourable friend the Secretary of State, and with colleagues in BEIS, including my right honourable friend the Secretary of State and others. Again, officials from the department will also continue to be actively involved with Leonardo. I was grateful for what the noble Lord said about the history of what has been going on in Yeovil, and on this day, when we mark the 100th anniversary of the RAF—although the RAF is one of just three services that use helicopters—we are reminded of just how long we have been reliant on helicopters and of the important role they play, not only for the Armed Forces but in other areas.

Last year alone, the Ministry of Defence spent £18.5 billion with United Kingdom industry and commerce, directly supporting hundreds of thousands of jobs in every nation and region of the United Kingdom. We are rightly proud of the leading achievement of our defence sector. It has a turnover of some £23 billion and had exports of almost £6 billion, supporting 142,000 direct defence sector jobs.

Over recent years the Government have spent considerable sums investing in our helicopter capabilities, and over the next 10 years we have a planned spend of £10.6 billion. Much of this investment has obviously been focused on Leonardo, with more than £1 billon spent on the development and manufacture of 62 Wildcat helicopters, some £800 million spent delivering 30 Merlin Mk2 into service and around £330 million spent developing the Merlin Mk4 upgrades across a 25-aircraft fleet, the first of which was delivered to Commando Helicopter Force in May. That investment is vital in ensuring that we have the helicopter capability that we need in the world of defence for decades to come.

As I have just said to the noble Lord, Lord Ashdown, we recognise that Leonardo is now the only helicopter manufacturer in the UK offering end-to-end capability—from research and design through to production, service support and upgrades. The ability to innovate and develop the next generation of rotary wing technologies allows Leonardo to lead the world in blade design and to compete internationally with game-changing designs for the unmanned air systems of the future. That work is supported by my department, BEIS, via the Aerospace Growth Partnership and through programmes delivered by the BEIS-funded Aerospace Technology Institute.

This is not just about military investment. As the noble Lord will be well aware, Leonardo is working to diversify into oil and gas, search and rescue and VIP transport. Again, BEIS has supported Leonardo via innovation programmes and regional growth funding and, most recently, by supporting the new iAero innovation centre at Yeovil—another plus for the town.

The noble Lord, Lord Stevenson, talked about the industrial strategy and the need to develop local clusters. He could have gone on to say how much we emphasise the importance of place in the industrial strategy and the need to work with both local authorities and LEPS. We look forward to seeing what they might come up with in their local plans in due course. We recognise just how important the UK helicopter capability will be to Yeovil and the wider south-west economy. The Government are working to enable support locally, including, as I said earlier, through Local Growth Fund projects that benefit Yeovil, and they are engaging with Leonardo Helicopters and the other organisations that I mentioned, such as the LEP and the county council, to ensure that that support is co-ordinated.

Last year the MoD's highest spend per person in the UK was in the south-west, where £920 was spent for each member of the population, totalling around £5 billion. Defence spending in the region also supported one in every 60 jobs there—the highest proportion of jobs support by MoD expenditure in the UK, totalling some 33,500.

We fully recognise the capabilities of the UK aerospace industry and its role in ensuring that the UK joint force enjoys strategic and operational advantage. How we deliver future rotary capability for the Armed Forces will be considered in the modernising defence programme as part of the MoD's work on the industrial strategy and will be informed by our recently refreshed policy. As the noble Lord, Lord Ashdown, put it, the threat is growing and changing and the MoD will reflect on current and future threats as part of the modernising defence programme.

The best way we can help sustain high-quality defence industry jobs is through a competitive, innovative and export-focused industry. Helping industry to grow and compete successfully in the global market is therefore the core objective of the defence industrial policy launched last year. That refreshed policy outlines further steps to help UK industry grow and compete while reaffirming its commitment to the principle of open competition and a free, fair and responsible defence trade.

Lord Ashdown of Norton-sub-Hamdon: I am sorry to take more of the Minister's time. I notice he has three minutes left. He has been brilliant at identifying that this is not only a community asset for Yeovil but a national asset that is replaceable nowhere else, and has described very well the importance of the high technology there. Perhaps I may ask a direct question. The Government have a strategy to preserve our capability to produce fast jets and ships. This has an impact on procurement. If it is that important as a national asset, will they offer the same opportunity to preserve this unique capacity by making sure that British procurement now prefers Britain to elsewhere as the place where the new generation of aircraft will be produced?

Lord Henley: The noble Lord is eternally optimistic if he expects to get a commitment from me today. He is a realist and will have to listen to my speech—with the permission of the House I will go a little beyond 12 minutes—when I set out what we can and cannot say at this stage. He will know that there are reviews afoot and announcements to be made.

The noble Lord will be aware that my right honourable friend the Secretary of State for Defence has invited Philip Dunne to conduct a review of defence contribution to prosperity, which will be published before the summer Recess. He will also be aware that he is not going to get an answer out of me this afternoon and he will just have to live with that.

As stated in this House as recently as 14 June, we have established a long-term close relationship with Leonardo Helicopters through the strategic partnership arrangement. I appreciate that the noble Lord, Lord Ashdown, would like us to go further but he agrees that that has its merits. It is a unique 10-year arrangement from 2016 which allows us to maintain a continuing dialogue with the company to ensure that we are speaking the same language on capabilities, needs and requirements.

However, the Government also recognise that budgetary pressures mean that we are unlikely to be able to maintain national industrial capability in every single area of our defence requirements. The Government will consider maintaining industrial capability where that is in the national interest but, in general, they will continue to operate a policy of competition to ensure best value for money, capability and innovation.

The noble Baroness, Lady Smith, wished to take us on to the wider helicopter market in the United Kingdom, and I hope that the noble Lord will allow me briefly to move away from Yeovil. We are proud to have manufacturing capability in other parts of the country. Airbus provides the majority of police and emergency services helicopters and has the largest share of the UK's civil and military market. Its main base is in Oxford where it modifies and customises helicopters, although the design and manufacture functions are based in France. We are in contact with and have regular discussions with the company. We are also engaging with the aerospace industry in the United Kingdom across both the civil and defence sector interests. The Aerospace Growth Partnership and the Defence Growth Partnership enable government and industry to engage on a formal basis to tackle barriers and unlock market opportunities across these sectors of the economy. As I made clear earlier in my remarks, that engagement is co-ordinated across my own department, BEIS, the MoD and the Department for International Trade.

Lastly, given that the noble Baroness, Lady Smith, mentioned Brexit, I cannot leave the debate without making a brief mention of it. We understand that the negotiations on our future arrangements are leading to a level of uncertainty for all industries. That obviously applies to aerospace as much as to any other. We are working closely with the aerospace industry and we understand the implications and the opportunities that are presented by the departure of the United Kingdom from the European Union. Through our future partnership with the European Union, we want to explore just how our industries can continue to work together to deliver the capabilities that we need.

House adjourned at 6.01 pm.

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