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PARLIAMENTARY DEBATES
(HANSARD)

HOUSE OF LORDS
OFFICIAL REPORT

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In Hybrid sittings, [V] after a Member's name indicates that they contributed by video call.

The following abbreviations are used to show a Member's party affiliation:

| Abbreviation | Party/Group |
|---------------------|-------------------------------|
| CB | Cross Bench |
| Con | Conservative |
| DUP | Democratic Unionist Party |
| GP | Green Party |
| Ind Lab | Independent Labour |
| Ind SD | Independent Social Democrat |
| Ind UU | Independent Ulster Unionist |
| Lab | Labour |
| Lab Co-op | Labour and Co-operative Party |
| 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

Thursday 13 May 2021

The House met in a hybrid proceeding.

Noon

Prayers—read by the Lord Bishop of Durham.

Arrangement of Business Announcement

12.05 pm

The Lord Speaker (Lord McFall of Alcluth): My Lords, the Hybrid Sitting of the House will now begin. Some Members are here in the Chamber and others are participating remotely, but all Members will be treated equally. I ask all Members to respect social distancing. If the capacity of the Chamber is exceeded, I will immediately adjourn the House.

Rail Disruption: Social and Economic Impacts

Private Notice Question

12.06 pm

Asked by Baroness Randerson

To ask Her Majesty's Government what assessment they have made of the social and economic impacts of disruption to services following the withdrawal of some Hitachi high-speed trains being removed from service after defects were discovered in them.

The Parliamentary Under-Secretary of State, Department for Transport (Baroness Vere of Norbiton) (Con): My Lords, the vast majority of services across the national rail network are unaffected. The trains affected are Hitachi Class 800 series units operated by Great Western Railway on intercity services as well as some LNER services, Hull Trains services and a small number of TransPennine Express services. Most of the services used by schoolchildren and local workers are local services which have not been affected by this issue. The Government have asked operators to prioritise services used by schoolchildren where possible.

Baroness Randerson (LD) [V]: I thank the Minister for that Answer and I appreciate the amount of joint working that has taken place to enable some replacement services to run. The abrupt and total withdrawal of Hitachi trains from several routes caused massive disruption to passengers and businesses in some regions. It is an added blow to train operators, which had hoped to be attracting passengers back on to services. This is a crucial time as we establish fresh working patterns and the Government need to lure us back on to public transport. This appears to be an expensive design or manufacturing error.

Does the Minister agree that it is essential the cost is not borne by train operators, passengers or taxpayers? If so, are the Government in discussions with Hitachi about this issue? What steps do the Government intend to take to compensate the businesses and passengers

affected? Does she agree that the Government need to fund a promotional period of reduced fares to attract passengers back on to the services, which have been so badly affected?

Baroness Vere of Norbiton (Con): My Lords, the agreements in place to use the affected trains contain provisions that protect the taxpayer. We expect those who have contractual performance and train availability obligations to fully compensate the taxpayer.

Lord Berkeley (Lab) [V]: My Lords, I am grateful to the noble Baroness, Lady Randerson, for asking this Question. I understand from the technical press that 86 out of 93 of these affected trains have either a failure of the yaw dampers, which connect the bogie to the body shell—they are quite important parts—or the lifting points, with cracks of up to one foot long. On the routes affected this clearly means that there are very few, if any, trains. These are trains designed and procured by the Government—

Viscount Younger of Leckie (Con): I am sorry to interrupt the noble Lord, but could he keep his question succinct?

Baroness Vere of Norbiton (Con): Unfortunately I missed the question, but I hope to provide some colour to what the noble Lord was saying. Indeed, there are two different types of crack. One is found on the yaw damper; those cracks were found three weeks ago and are not the reason for the withdrawal of the trains from service. The second cracks are on the lifting lugs and have led to the withdrawal of trains from service. I would like to reassure the noble Lord that there is a very stringent engineering risk assessment in place. These trains are checked every 24 hours and are being returned to service from today; we expect to have up to 25 coming back today. We hope that 60 GWR trains will be back by Monday and we believe that services will significantly improve.

Lord Davies of Gower (Con) [V]: The current situation has brought about an intolerable level of stress and inconvenience to the travelling public, not least here in Wales on the GWR routes. It is a relief that Hitachi has issued a statement this morning advising that a significant number of the IETs can return to service. What inquiries have been made of train leasing companies, such as Angel Trains and Porterbrook, to establish the possibility of recommissioning some of their redundant and in-storage HST 125 fleet to provide some alleviation of the current problem and possible future issues?

Baroness Vere of Norbiton (Con): I would like to reassure my noble friend that I spoke to Mark Hopwood, the MD of GWR, this morning. He told me that the major routes of particularly high priority include those from south Wales and the south-west. We recognise that getting those services back is important. He is looking at other ways of procuring modern, clean rolling stock, although he pointed out that the return of HSTs is unlikely and he would hope to get more modern stock from elsewhere.

Lord Bradshaw (LD) [V]: My Lords, the question of compensation arises here. Is there a liquidated damages clause in the agreement between the Government and Hitachi about these trains? If not, can Hitachi be pressed to make some *ex gratia* compensation payment for the huge damage that this delay is inflicting on both passengers and railway staff, through no fault of their own?

Baroness Vere of Norbiton (Con): Of course, we are in conversations with Hitachi, and we welcome its decision to put safety first and take the trains out of service while we properly understand what is going on. As noble Lords will be aware, 122 Hitachi trains are procured via the intercity express programme, while the remaining 60 are under conventional rolling stock leases. We will look into what potential compensation may be forthcoming from Hitachi, but the train operating companies are offering refunds to their passengers for cancelled services.

Lord Berkeley of Knighton (CB) [V]: My Lords, the noble Baroness and I were in happy agreement recently in your Lordships' House about the fact that it was not necessary to copy France in limiting domestic air travel here because cities such as Manchester are closer and well connected by fast intercity services. However, of course, this utterly depends on reliable service—so is the Minister concerned that unreliability will inevitably force travellers back into their cars and on to still more polluting airlines?

Baroness Vere of Norbiton (Con): No one wants to see a vast modal shift towards cars, but I accept that, in certain circumstances, when we have a situation such as this, that will occur. However, it is a very rare occurrence for this sort of wide-ranging manufacturing or other fault to be found in the make-up of the units. I am convinced that the Hitachi manufacturers are doing all that they can to get these units back on the rails, and I believe that services will be back to normal in the medium term.

The Lord Bishop of Durham: My Lords, I declare an interest as a regular LNER user—indeed, I experienced disruption to the service on my trip down from Darlington. While it is essential that the defects are addressed, I am very aware of the jobs and investment brought to County Durham by Hitachi. Can the Minister confirm that this issue will not impact the investment in the region and the security of the jobs?

Baroness Vere of Norbiton (Con): My Lords, in general, Hitachi trains have an incredibly good track record. Hitachi built the bullet trains in Japan, which, as noble Lords will know, have an exemplary safety record, and it has a very high engineering pedigree. While it will of course be up to Hitachi's customers to decide where they make their purchases in the future, I for one believe that that sort of pedigree will not be diminished by these events.

Lord Rosser (Lab) [V]: What is the estimated likely total revenue loss following the withdrawal from service for repairs of the Hitachi trains? Who will foot the bill for that loss of revenue? I hope it will be neither the taxpayer nor passengers, and I would be grateful if the Minister could confirm that that is the position.

Baroness Vere of Norbiton (Con): It is very tricky to make a detailed assessment of the reduction in revenue, given where we are at the moment and the fact that GWR operates a turn-up-and-go service, so numbers are very difficult to estimate. We estimate that, from an LNER perspective, it is probably a reduction of 1,000 passengers a day, but, as noble Lords will know, this is a fast-moving situation, these cracks were found on only Friday night and Saturday morning and, obviously, much more work needs to be done on the impact in the medium term.

Baroness McIntosh of Pickering (Con): I also declare an interest as a regular user of the east coast main line. I press my noble friend—because I understand that the department played a large part in designing the Azuma train—to address the part of the question asked by the noble Baroness, Lady Randerson, about whether Hitachi will make good the damage, which is a very serious structural concern? Can she also assure the House today that the Government will review where the carriages will be sourced for the HS2 project?

Baroness Vere of Norbiton (Con): I am not sure that I can give my noble friend all the assurances that she seeks on this matter. In general, Hitachi has a very strong track record in this area. The Department for Transport is not in the business of designing the details of trains—but if there is more information in this area, I will certainly get back to her. I reassure noble Lords that the removal of all these trains was carried out because safety is our highest priority; we are taking a very cautious approach to getting these units back on the tracks. However, we believe that we can do so safely and that we can undertake a medium-term forward repair plan to return them to 100% health.

Lord Fox (LD): My Lords, I declare that I am a member of the GWR APPG and a user of GWR's services. In her Answer to the Question, the Minister said, quite rightly, that the "vast majority" of trains are unaffected, but that seemed to dismiss the experience of those travellers for whom the vast majority of their trains are affected. Perhaps the Minister would like to correct that impression. In doing so, could she outline, in detail, how those passengers will be compensated for this very difficult period?

Baroness Vere of Norbiton (Con): I will not correct the record on that because I was trying to reassure people that the vast majority of train services are actually running throughout the country at this moment. Therefore, it is very important that people do not read the papers and think, "I can't get on a train". The most important thing is that you probably can, but check beforehand. However, it is also the case that we experience disruption on our railways periodically, sometimes due to strikes and sometimes to defects in the track—these are incredibly unfortunate. We do not want them to happen; we want our services to run as punctually and effectively as possible.

The operators are offering refunds and delay repay compensation for cancelled and delayed trains. There has been an enormous amount of collaboration with all the train operating companies: I pay particular tribute to CrossCountry rail, which has put on new

services to Bristol and Swindon, a route on which it does not normally travel. Tickets are accepted by other train operating companies, and indeed some have offered support by offering rolling stock.

Lord McConnell of Glenscorrodale (Lab): My Lords, I hope the Minister can reassure me that the 7.30 am train from King's Cross to Edinburgh will be running tomorrow. More generally and significantly, have there been discussions with the devolved Governments about the economic and transport consequences? Given the responsibilities of the Scottish Government in relation to rail services, what specific discussions does the Minister plan to have with them?

Baroness Vere of Norbiton (Con): I wish I could reassure the noble Lord that the 7.30 will operate, but I am sure that the train operating companies are watching and will make sure that it does. I can reassure him that we always engage with our counterparts in the devolved Administrations in these circumstances. Priority has been given to resolving this at an operational level; it has been at an operational level that we have been collaborating. It is interesting to note that this issue has emerged also on the ScotRail class 385 fleet, with 10 out of the 70 units there experiencing a similar problem, but, thankfully, there has been no impact on services in Scotland.

Lord Cormack (Con): My Lords, while safety is of course paramount, I have twice this week had to take a car from Lincoln to London and I shall return by car today. What we need is some degree of certainty. Can we please have for next week a programme of cancellations and running trains given at the beginning of the week?

Baroness Vere of Norbiton (Con): It is in the train operating companies' interest to provide as much certainty as possible. I know that they are working incredibly hard on contingency planning such that, as we move to the new timetable—which also comes in next week—we will be able to offer as many services as possible. I am aware that the services from Lincoln have been particularly hit; I believe that it is now possible to get to Peterborough and then to change there, but I hope that the noble Lord's services are back running as soon as possible.

Baroness Stowell of Beeston (Non-Affl): My Lords, is the Minister aware of the planned engineering works for the Whitsun bank holiday weekend on the East Midlands Railway line which mean that no trains will be running from St Pancras to Derby, Nottingham and Sheffield and of the additional pressure that that will place on the east coast main line? What steps are being taken at this point to mitigate the potential additional chaos and disruption on that busy weekend?

Baroness Vere of Norbiton (Con): We recognise that that weekend may be busy. It is also the case that bank holidays are often the best time to do much-needed engineering works. The Government have asked Network Rail to review the engineering works for the late-May bank holiday weekend and to work with operators to

ensure that passengers can still travel. In anticipation of the potential return of passengers, Network Rail has decided to defer some of the previously planned engineering works where possible—sometimes they are scheduled many months in advance, and it is not possible. However, we have tried to minimise them as much as possible. We will monitor the progress of the engineering works throughout the bank holiday weekend so that as many passengers as possible can travel.

The Lord Speaker (Lord McFall of Alcluth): My Lords, the time allowed for this Private Notice Question has elapsed.

Animal Welfare (Sentience) Bill [HL]

First Reading

12.22 pm

A Bill to make provision for an animal sentience committee with functions relating to the effect of government policy on the welfare of animals as sentient beings.

The Bill was introduced by Lord Goldsmith of Richmond Park, read a first time and ordered to be printed.

Committee of Selection

Built Environment Committee

Common Frameworks Scrutiny Committee

Communications and Digital Committee

Conduct Committee

Constitution Committee

Covid-19 Committee

Delegated Powers and Regulatory Reform Committee

Economic Affairs Committee

Environment and Climate Change Committee

European Affairs Committee

Finance Committee

House of Lords Commission

Hybrid Instruments Committee

Industry and Regulators Committee

International Agreements Committee

International Relations and Defence Committee

Justice and Home Affairs Committee

Liaison Committee

**National Plan for Sport and Recreation
Committee**

**Parliamentary Office of Science and
Technology (POST)**

Procedure and Privileges Committee

Public Services Committee

**Risk Assessment and Risk Planning
Committee**

Science and Technology Committee

**Secondary Legislation Scrutiny
Committee**

Services Committee

Standing Orders (Private Bills) Committee

Youth Unemployment Committee

**Joint Committee on Consolidation etc.
Bills**

Joint Committee on Human Rights

**Joint Committee on the National Security
Strategy**

**Joint Committee on Statutory Instruments
*Membership Motions***

12.23 pm

Moved by The Senior Deputy Speaker

Committee of Selection

That in accordance with Standing Order 62 a Committee of Selection be appointed to select and propose to the House the names of the members to form each select committee of the House (except the Committee of Selection itself and any committee otherwise provided for by statute or by order of the House) or any other body not being a select committee referred to it by the Senior Deputy Speaker, and the panel of Deputy Chairmen of Committees; and that the following members together with the Senior Deputy Speaker be appointed to the Committee:

Ashton of Hyde, L, Evans of Bowes Park, B, Coussins, B, Judge, L, McAvoy, L, Newby, L, Plant of Highfield, L, Smith of Basildon, B, Smith of Hindhead, L, Stoneham of Droxford, L.

Built Environment Committee

That a Select Committee be appointed to consider matters relating to the built environment, including policies relating to housing, planning, transport and infrastructure;

That the following members be appointed to the Committee:

Bakewell, B, Berkeley, L, Best, L, Carrington of Fulham, L, Cohen of Pimlico, B, Grocott, L, Haselhurst, L, Lytton, E, Moylan, L, Neville-Rolfe, B, (*Chair*) Stunell, L, Thornhill, B.

That the Committee have power to send for persons, papers and records; That the Committee have power to appoint specialist advisers;

That the Committee have power to meet outside Westminster; That the Committee have leave to report from time to time;

That the reports of the Committee be printed, regardless of any adjournment of the House;

That the evidence taken by the Committee be published, if the Committee so wishes.

Common Frameworks Scrutiny Committee

That a Select Committee be appointed to scrutinise and consider matters relating to common frameworks; and that the following members be appointed to the Committee:

Andrews, B, (*Chair*) Bruce of Bennachie, L, Caine, L, Crawley, B, Foulkes of Cumnock, L, Garnier, L, Hope of Craighead, L, McInnes of Kilwinning, L, Murphy of Torfaen, L, Randerson, B, Redfern, B, Ritchie of Downpatrick, B, Thomas of Cwmgiedd, L.

That the Committee have power to send for persons, papers and records; That the Committee have power to appoint specialist advisers;

That the Committee have power to meet outside Westminster; That the Committee have leave to report from time to time;

That the reports of the Committee be printed, regardless of any adjournment of the House;

That the evidence taken by the Committee in the last session of Parliament be referred to the Committee; That the evidence taken by the Committee be published, if the Committee so wishes.

Communications and Digital Committee

That a Select Committee be appointed to consider the media, digital and creative industries and that the following members be appointed to the Committee:

Bull, B, Buscombe, B, Colville of Culross, V, Featherstone, B, Gilbert of Panteg, L, (*Chair*) Grender, B, Griffiths of Burry Port, L, Lipsey, L, McInnes of Kilwinning, L, Rebuck, B, Stevenson of Balmacara, L, Vaizey of Didcot, L, Worcester, Bp.

That the Committee have power to send for persons, papers and records; That the Committee have power to appoint specialist advisers;

That the Committee have power to meet outside Westminster; That the Committee have leave to report from time to time;

That the reports of the Committee be printed, regardless of any adjournment of the House;

That the evidence taken by the Committee in the last session of Parliament be referred to the Committee; That the evidence taken by the Committee be published, if the Committee so wishes.

Conduct Committee

That a Conduct Committee be appointed and that the following members be appointed to the Committee:

Anelay of St Johns, B, Brown of Eaton-under-Heywood, L, Donaghy, B, Hussein-Ece, B, Mance, L. (*Chair*)

That the following be appointed as lay external members of the Committee:

Cindy Butts, Mark Castle OBE, Andrea Coomber, Vanessa Davies;

That the quorum of the Committee shall be three Lords members and two lay members; That the Committee have power to send for persons, papers and records;

That the Committee have leave to report from time to time;

That the reports of the Committee be printed, regardless of any adjournment of the House;

That the evidence taken by the Committee be published, if the Committee so wishes.

Constitution Committee

That a Select Committee be appointed to examine the constitutional implications of public bills coming before the House; and to keep under review the operation of the constitution and constitutional aspects of devolution; and that the following members be appointed to the Committee:

Corston, B, Doocey, B, Drake, B, Dunlop, L, Faulks, L, Fookes, B, Hennessy of Nympsfield, L, Hope of Craighead, L, Howarth of Newport, L, Howell of Guildford, L, Sherbourne of Didsbury, L, Suttie, B, Taylor of Bolton, B. (*Chair*)

That the Committee have power to send for persons, papers and records; That the Committee have power to appoint specialist advisers;

That the Committee have power to meet outside Westminster; That the Committee have leave to report from time to time;

That the reports of the Committee be printed, regardless of any adjournment of the House;

That the evidence taken by the Committee in the last session of Parliament be referred to the Committee; That the evidence taken by the Committee be published, if the Committee so wishes.

Covid-19 Committee

That a Select Committee be appointed to consider the long-term implications of the COVID-19 pandemic on the economic and social wellbeing of the United Kingdom; and that the following members be appointed to the Committee:

Alderdice, L, Benjamin, B, Chisholm of Owlpen, B, Duncan of Springbank, L, Elder, L, Hain, L, Harris of Haringey, L, Jay of Paddington, B, Lane-Fox of Soho, B, (*Chair*) Morgan of Cotes, B, Pickles, L, Young of Hornsey, B.

That the Committee have power to co-opt any member to serve on the Committee; That the Committee have power to send for persons, papers and records;

That the Committee have power to appoint specialist advisers; That the Committee have power to meet outside Westminster; That the Committee have leave to report from time to time;

That the reports of the Committee be printed, regardless of any adjournment of the House;

That the evidence taken by the Committee in the last session of Parliament be referred to the Committee; That the evidence taken by the Committee be published, if the Committee so wishes.

Delegated Powers and Regulatory Reform Committee

That a Select Committee be appointed:

(i) To report whether the provisions of any bill inappropriately delegate legislative power, or whether they subject the exercise of legislative power to an inappropriate degree of parliamentary scrutiny;

(ii) To report on documents and draft orders laid before Parliament under or by virtue of:

(a) sections 14 and 18 of the Legislative and Regulatory Reform Act 2006,

(b) section 7(2) or section 19 of the Localism Act 2011, or

(c) section 5E(2) of the Fire and Rescue Services Act 2004;

and to perform, in respect of such draft orders, and in respect of subordinate provisions orders made or proposed to be made under the Regulatory Reform Act 2001, the functions performed in respect of other instruments and draft instruments by the Joint Committee on Statutory Instruments; and

(iii) To report on documents and draft orders laid before Parliament under or by virtue of:

(a) section 85 of the Northern Ireland Act 1998,

(b) section 17 of the Local Government Act 1999,

(c) section 9 of the Local Government Act 2000,

(d) section 98 of the Local Government Act 2003, or

(e) section 102 of the Local Transport Act 2008.

That the following members be appointed to the Committee:

Andrews, B, Blencathra, L, (*Chair*) Browning, B, Goddard of Stockport, L, Haselhurst, L, Hendy, L, Janvrin, L, Meacher, B, Rowlands, L, Tope, L.

That the Committee have power to send for persons, papers and records; That the Committee have power to appoint specialist advisers;

That the Committee have leave to report from time to time;

That the reports of the Committee be printed, regardless of any adjournment of the House;

That the evidence taken by the Committee be published, if the Committee so wishes.

Economic Affairs Committee

That a Select Committee be appointed to consider economic affairs and business affairs and that the following members be appointed to the Committee:

Bridges of Headley, L, Chandos, V, Forsyth of Drumlean, L, (*Chair*) Fox, L, Harding of Winscombe, B, Haskel, L, King of Lothbury, L, Kingsmill, B, Kramer, B, Livingston of Parkhead, L, Monks, L, Skidelsky, L, Stern of Brentford, L.

That the Committee have power to appoint a sub-committee and to refer to it any of the matters within the Committee's terms of reference; that the Committee have power to appoint the Chair of the sub-committee;

That the Committee have power to co-opt any member to serve on the Committee or a sub-committee; That the Committee and its sub-committee have power to send for persons, papers and records;

That the Committee and its sub-committee have power to appoint specialist advisers; That the Committee and its sub-committee have power to meet outside Westminster; That the Committee have leave to report from time to time;

That the reports of the Committee be printed, regardless of any adjournment of the House;

That the evidence taken by the Committee in the last session of Parliament be referred to the Committee; That the evidence taken by the Committee or its sub-committee be published, if the Committee so wishes.

Environment and Climate Change Committee

That a Select Committee be appointed to consider the environment and climate change; That the following members be appointed to the Committee:

Boycott, B, Browne of Ladyton, L, Cameron of Dillington, L, Chalker of Wallasey, B, Colgrain, L, Lilley, L, Lucas, L, Northover, B, Oxford, Bp, Parminter, B, (*Chair*) Puttnam, L, Whitty, L, Young of Old Scone, B.

That the Committee have power to send for persons, papers and records; That the Committee have power to appoint specialist advisers;

That the Committee have power to meet outside Westminster; That the Committee have leave to report from time to time;

That the reports of the Committee be printed, regardless of any adjournment of the House;

That the evidence taken by the Committee be published, if the Committee so wishes.

European Affairs Committee

That a Select Committee be appointed:

(1) To consider matters relating to the United Kingdom's relationship with the European Union and the European Economic Area, including:

a) The implementation of any agreements between the United Kingdom and the European Union, including the operation of the governance structures established under those agreements;

b) Any negotiations and further agreements between the United Kingdom and the European Union;

c) The operation of the Protocol on Ireland/Northern Ireland;

(2) To consider European Union documents deposited in the House by a minister;

(3) To support the House as appropriate in interparliamentary cooperation with the European Parliament and the Member States of the European Union;

That the following members be appointed to the Committee:

Couttie, B, Faulkner of Worcester, L, Foulkes of Cumnock, L, Hannay of Chiswick, L, Jay of Ewelme, L, Jolly, B, Kinnoull, E, (*Chair*) Lamont of Lerwick, L, Liddle, L, Purvis of Tweed, L, Trenchard, V, Tugendhat, L, Wood of Anfield, L.

That the Committee have power to appoint a sub-committee and to refer to it any matters within its terms of reference;

That the Committee have power to appoint the Chair of the sub-committee;

That the Committee have power to co-opt any member to serve on the sub-committee;

That the Committee and its sub-committee have power to send for persons, papers and records; That the Committee and its sub-committee have power to appoint specialist advisers;

That the Committee and its sub-committee have power to meet outside Westminster; That the Committee have leave to report from time to time;

That the reports of the Committee be printed, regardless of any adjournment of the House;

That the evidence taken by the Committee and by the European Union Committee in the previous session of Parliament be referred to the Committee;

That the evidence taken by the Committee or its sub-committee be published, if the Committee so wishes.

Finance Committee

That a Select Committee be appointed to support the House of Lords Commission by:

(1) Considering expenditure on services provided from the Estimate for the House of Lords,

(2) Reporting to the Commission on the forecast outturn, Estimate and financial plan submitted by the Management Board,

(3) Monitoring the financial performance of the House Administration, and

(4) Reporting to the Commission on the financial implications of significant proposals;

That the following members be appointed to the Committee:

Campbell-Savours, L, Colgrain, L, Collins of Highbury, L, Courtown, E, Davies of Brixton, L, Lee of Trafford, L, Levene of Portsoken, L, Noakes, B, Vaux of Harrowden, L, (*Chair*) Stoneham of Droxford, L.

That the Committee have power to send for persons, papers and records; That the Committee have leave to report from time to time;

That the reports of the Committee be printed, regardless of any adjournment of the House.

House of Lords Commission

That a Select Committee be appointed to provide high-level strategic and political direction for the House of Lords Administration on behalf of the House and that the following members be appointed to the Committee:

McFall of Alcluith, L, (*Chair*) Evans of Bowes Park, B, German, L, Hill of Oareford, L, Judge, L, Gardiner of Kimble, L, (*Deputy Chair*) Newby, L, Smith of Basildon, B, Touhig, L, Vaux of Harrowden, L.

That Mathew Duncan and Nora Senior be appointed as external members of the Committee; That the Committee have power to send for persons, papers and records;

That the Committee have leave to report from time to time;

That the reports of the Committee be printed, regardless of any adjournment of the House.

Hybrid Instruments Committee

That a Select Committee be appointed to consider hybrid instruments and that the following members together with the Senior Deputy Speaker be appointed to the Committee:

Addington, L, Dykes, L, Grantchester, L, Harrison, L, Jenkin of Kennington, B, Swinfen, L.

That the Committee have power to send for persons, papers and records; That the Committee have leave to report from time to time;

That the reports of the Committee be printed, regardless of any adjournment of the House; and

That the evidence taken by the Committee be published, if the Committee so wishes.

Industry and Regulators Committee

That a Select Committee be appointed to consider matters relating to industry, including the policies of Her Majesty's Government to promote industrial growth, skills and competitiveness, and to scrutinise the work of UK regulators;

That the following members be appointed to the Committee:

Allen of Kensington, L, Blackwell, L, Bowles of Berkhamsted, B, Burns, L, Curry of Kirkharle, L, Donaghy, B, Eatwell, L, Grade of Yarmouth, L, Hollick, L, (*Chair*) Noakes, B, Reay, L, Sharkey, L.

That the Committee have power to send for persons, papers and records; That the Committee have power to appoint specialist advisers;

That the Committee have power to meet outside Westminster; That the Committee have leave to report from time to time;

That the reports of the Committee be printed, regardless of any adjournment of the House;

That the evidence taken by the Committee be published, if the Committee so wishes.

International Agreements Committee

That a Select Committee be appointed to consider matters relating to the negotiation, conclusion and implementation of international agreements, and to report on treaties laid before Parliament in accordance with Part 2 of the Constitutional Reform and Governance Act 2010; and that the following members be appointed to the Committee:

Astor of Hever, L, Foster of Bath, L, Gold, L, Goldsmith, L, (*Chair*) Kerr of Kinlochard, L, Lansley, L, Liddell of Coatdyke, B, Morris of Aberavon, L, Oates, L, Robathan, L, Sandwich, E, Watts, L.

That the Committee have power to send for persons, papers and records; That the Committee have power to appoint specialist advisers;

That the Committee have power to meet outside Westminster; That the Committee have leave to report from time to time;

That the reports of the Committee be printed, regardless of any adjournment of the House;

That the evidence taken by the Committee and by the International Agreements Sub-Committee of the European Union Committee in the last session of Parliament be referred to the Committee; That the evidence taken by the Committee be published, if the Committee so wishes.

International Relations and Defence Committee

That a Select Committee be appointed to consider the United Kingdom's international relations and issues relating to UK defence policy and that the following members be appointed to the Committee:

Alton of Liverpool, L, Anderson of Swansea, L, Anelay of St Johns, B, (*Chair*) Blackstone, B, Boateng, L, Campbell of Pittenweem, L, Fall, B, Mendelsohn, L, Rawlings, B, Stirrup, L, Sugg, B, Teverson, L.

That the Committee have power to appoint specialist advisers;

That the Committee have power to send for persons, papers and records; That the Committee have power to meet outside Westminster;

That the Committee have leave to report from time to time;

That the reports of the Committee be printed, regardless of any adjournment of the House;

That the evidence taken by the Committee in the last session of Parliament be referred to the Committee; That the evidence taken by the Committee be published, if the Committee so wishes.

Justice and Home Affairs Committee

That a Select Committee be appointed to consider justice and home affairs, including the domestic criminal justice system, and international cooperation in respect of criminal justice, civil justice, migration and asylum;

That the following members be appointed to the Committee:

Blunkett, L, Chakrabarti, B, Dholakia, L, Hallett, B, Hamwee, B, (*Chair*) Hunt of Wirral, L, Kennedy of The Shaws, B, Pidding, B, Primarolo, B, Ricketts, L, Sanderson of Welton, B, Shackleton of Belgravia, B.

That the Committee have power to send for persons, papers and records; That the Committee have power to appoint specialist advisers;

That the Committee have power to meet outside Westminster; That the Committee have leave to report from time to time;

That the reports of the Committee be printed, regardless of any adjournment of the House;

That the evidence taken by the Committee be published, if the Committee so wishes.

Liaison Committee

That a Select Committee be appointed to advise the House on the resources required for select committee work and to allocate resources between select committees; to review the select committee work of the House; to consider requests for Special Inquiry Committees and report to the House with recommendations; to ensure effective co-ordination between the two Houses; and to consider the availability of members to serve on committees;

That the following members together with the Senior Deputy Speaker be appointed to the Committee:

Bradley, L, Campbell of Surbiton, B, Davies of Oldham, L, Hayter of Kentish Town, B, Howe, E, Judge, L, Lang of Monkton, L, Smith of Hindhead, L, Tyler, L, Walmsley, B.

That the Committee have power to send for persons, papers and records; That the Committee have power to appoint specialist advisers;

That the Committee have leave to report from time to time;

That the reports of the Committee be printed, regardless of any adjournment of the House.

National Plan for Sport and Recreation Committee

That a Select Committee be appointed to consider the effectiveness of current sport and recreation policies and initiatives, and the case for a national plan for sport and recreation, and to make recommendations; and that the following members be appointed to the Committee:

Addington, L, Blower, B, Brady, B, Devon, E, Grey-Thompson, B, Hayward, L, Knight of Weymouth, L, Morris of Yardley, B, Moynihan, L, Sater, B, Snape, L, Willis of Knaresborough, L. (*Chair*)

That the Committee have power to appoint specialist advisers;

That the Committee have power to send for persons, papers and records; That the Committee have power to meet outside Westminster;

That the evidence taken by the Committee in the last session of Parliament be referred to the Committee; That the evidence taken by the Committee be published, if the Committee so wishes;

That the Committee do report by 30 November 2021;

That the report of the Committee be printed, regardless of any adjournment of the House.

Parliamentary Office of Science and Technology (POST)

That the following Lords be appointed to the Board of the Parliamentary Office of Science and Technology (POST):

Haskel, L, Oxburgh, L, Patel, L, Winston, L.

Procedure and Privileges Committee

That a Select Committee on Procedure of the House be appointed and that the following members together with the Senior Deputy Speaker be appointed to the Committee:

Ashton of Hyde, L, Bew, L, Eames, L, Evans of Bowes Park, B, Faulkner of Worcester, L, Geddes, L, Harris of Richmond, B, Judge, L, Mancroft, L, McAvoy, L, McFall of Alcluith, L, McIntosh of Hudnall, B, Newby, L, Quin, B, Smith of Basildon, B, Stoneham of Droxford, L, Thomas of Winchester, B, Ullswater, V.

and that the following members be appointed as alternate members:

Alderdice, L, Browning, B, Finlay of Llandaff, B, Turnbull, L.

That the Committee have power to appoint sub-committees and that the Committee have power to appoint the Chairs of sub-committees;

That the Committee have power to send for persons, papers and records; That the Committee have leave to report from time to time;

That the reports of the Committee be printed, regardless of any adjournment of the House.

Public Services Committee

That a Select Committee be appointed to consider public services, including health and education, and that the following members be appointed to the Committee:

Armstrong of Hill Top, B, (*Chair*) Bichard, L, Bourne of Aberystwyth, L, Davies of Gower, L, Filkin, L, Hogan-Howe, L, Hunt of Kings Heath, L, Pinnock, B, Pitkeathley, B, Tyler of Enfield, B, Wyld, B, Young of Cookham, L.

That the Committee have power to send for persons, papers and records; That the Committee have power to appoint specialist advisers;

That the Committee have power to meet to meet outside Westminster; That the Committee have leave to report from time to time;

That the reports of the Committee be printed, regardless of any adjournment of the House;

That the evidence taken by the Committee in the last session of Parliament be referred to the Committee; That the evidence taken by the Committee be published, if the Committee so wishes.

Risk Assessment and Risk Planning Committee

That a Select Committee be appointed to consider risk assessment and risk planning in the context of disruptive national hazards, and to make recommendations; and that the following members be appointed to the Committee:

Arbuthnot of Edrom, L, (*Chair*) Browne of Ladyton, L, Clement-Jones, L, Mair, L, McGregor-Smith, B, O'Shaughnessy, L, Rees of Ludlow, L, Robertson of Port Ellen, L, Symons of Vernham Dean, B, Thurso, V, Triesman, L, Willetts, L.

That the Committee have power to appoint specialist advisers;

That the Committee have power to send for persons, papers and records; That the Committee have power to meet outside Westminster;

That the evidence taken by the Committee in the last session of Parliament be referred to the Committee; That the evidence taken by the Committee be published, if the Committee so wishes;

That the Committee do report by 30 November 2021;

That the report of the Committee be printed, regardless of any adjournment of the House.

Science and Technology Committee

That a Select Committee be appointed to consider science and technology and that the following members be appointed to the Committee:

Blackwood of North Oxford, B, Hanworth, V, Holmes of Richmond, L, Kakkar, L, Krebs, L, Manningham-Buller, B, Mitchell, L, Patel, L, (*Chair*) Rock, B, Sarfraz, L, Sheehan, B, Walmsley, B, Warwick of Undercliffe, B, Winston, L.

That the Committee have power to appoint sub-committees and that the Committee have power to appoint the Chairs of sub-committees;

That the Committee have power to co-opt any member to serve on the Committee or a sub-committee; That the Committee and its sub-committees have power to send for persons, papers and records;

That the Committee and its sub-committees have power to appoint specialist advisers; That the Committee and its sub-committees have power to meet outside Westminster; That the Committee have leave to report from time to time;

That the reports of the Committee be printed, regardless of any adjournment of the House;

That the evidence taken by the Committee or its sub-committees in the last session of Parliament be referred to the Committee or its sub-committees;

That the evidence taken by the Committee or its sub-committees be published, if the Committee so wishes.

Secondary Legislation Scrutiny Committee

That a Select Committee be appointed to scrutinise secondary legislation.

(1) The Committee shall report on draft instruments published under paragraph 14 of Schedule 8 to the European Union (Withdrawal) Act 2018.

(2) The Committee shall report on draft instruments and memoranda laid before Parliament under—

(a) sections 8 and 23(1) of the European Union (Withdrawal) Act 2018, and

(b) section 31 of the European Union (Future Relationship) Act 2020.

(3) The Committee shall, with the exception of those instruments in paragraphs (5) and (6), scrutinise—

(a) every instrument (whether or not a statutory instrument), or draft of an instrument, which is laid before each House of Parliament and upon which proceedings may be, or might have been, taken in either House of Parliament under an Act of Parliament;

(b) every proposal which is in the form of a draft of such an instrument and is laid before each House of Parliament under an Act of Parliament, with a view to determining whether or not the special attention of the House should be drawn to it on any of the grounds specified in paragraph (4).

(4) The grounds on which an instrument, draft or proposal may be drawn to the special attention of the House are—

(a) that it is politically or legally important or gives rise to issues of public policy likely to be of interest to the House;

(b) that it may be inappropriate in view of changed circumstances since the enactment of the parent Act;

(c) that it may imperfectly achieve its policy objectives;

(d) that the explanatory material laid in support provides insufficient information to gain a clear understanding about the instrument's policy objective and intended implementation;

(e) that there appear to be inadequacies in the consultation process which relates to the instrument;

(f) that the instrument appears to deal inappropriately with deficiencies in retained EU law.

(5) The exceptions are—

(a) remedial orders, and draft remedial orders, under section 10 of the Human Rights Act 1998;

(b) draft orders under sections 14 and 18 of the Legislative and Regulatory Reform Act 2006, and subordinate provisions orders made or proposed to be made under the Regulatory Reform Act 2001;

(c) Measures under the Church of England Assembly (Powers) Act 1919 and instruments made, and drafts of instruments to be made, under them.

(6) The Committee shall report on draft orders and documents laid before Parliament under section 11(1) of the Public Bodies Act 2011 in accordance with the procedures set out in sections 11(5) and (6). The Committee may also consider and report on any material changes in a draft order laid under section 11(8) of the Act.

(7) The Committee shall also consider such other general matters relating to the effective scrutiny of secondary legislation and arising from the performance of its functions under paragraphs (1) to (6) as the Committee considers appropriate, except matters within the orders of reference of the Joint Committee on Statutory Instruments.

That the Committee have power to appoint sub-committees and to refer to them any matters within its terms of reference; that the Committee have power to appoint the Chairs of sub-committees; that the quorum of each sub-committee be two;

The Committee's power to appoint sub-committees shall lapse upon the expiry of the power to make instruments under section 23(1) of the European Union (Withdrawal) Act 2018;

That the Committee have power to co-opt any member to serve on a sub-committee;

That the Committee and its sub-committees have power to send for persons, papers and records; That the Committee and its sub-committees have power to appoint specialist advisers;

That the Committee and its sub-committees have leave to report from time to time;

That the reports of the Committee and its sub-committees be printed, regardless of any adjournment of the House;

That the evidence taken by the Committee or its sub-committees in the last session of Parliament be referred to the Committee or its sub-committees;

That the evidence taken by the Committee or its sub-committees be published, if the Committee or its sub-committees so wish.

That the following members be appointed to the Committee:

Bakewell of Hardington Mandeville, B, Chartres, L, Cunningham of Felling, L, German, L, Hanworth, V, Hodgson of Astley Abbotts, L, (*Chair*) Lindsay, E, Lisvane, L, Sherbourne of Didsbury, L, Watkins of Tavistock, B.

Services Committee

That a Select Committee be appointed to support the House of Lords Commission by:

(1) Agreeing day-to-day policy on member-facing services,

(2) Providing advice on strategic policy decisions when sought by the Commission, and

(3) Overseeing the delivery and implementation of both; That the following members be appointed to the Committee:

Ashton of Hyde, L, Borwick, L, Clark of Windermere, L, Clement-Jones, L, Deech, B, Judge, L, Morris of Bolton, B, Stoneham of Droxford, L, Touhig, L, (*Chair*) Wheeler, B.

That the Committee have power to send for persons, papers and records; That the Committee have leave to report from time to time;

That the reports of the Committee be printed, regardless of any adjournment of the House.

Standing Orders (Private Bills) Committee

That a Select Committee on the Standing Orders relating to private bills be appointed and that the following members together with the Senior Deputy Speaker be appointed to the Committee:

Fellowes, L, Geddes, L, McColl of Dulwich, L, Naseby, L, Rodgers of Quarry Bank, L, Simon, V.

That the Committee have power to send for persons, papers and records; That the Committee have leave to report from time to time;

That the reports of the Committee be printed, regardless of any adjournment of the House;

That the evidence taken by the Committee be published, if the Committee so wishes.

Youth Unemployment Committee

That a Select Committee be appointed to consider youth unemployment, education and skills, and to make recommendations; and that the following members be appointed to the Committee:

Baker of Dorking, L, Clark of Kilwinning, B, Clarke of Nottingham, L, Davies of Oldham, L, Derby, Bp, Empey, L, Hall of Birkenhead, L, Layard, L, McIntosh of Hudnall, B, Newlove, B, Shipley, L, (*Chair*) Storey, L, Woolley of Woodford, L.

That the Committee have power to send for persons, papers and records;

That the Committee have power to appoint specialist advisers; That the Committee have power to meet outside Westminster; That the Committee do report by 30 November 2021;

That the report of the Committee be printed, regardless of any adjournment of the House;

That the evidence taken by the Committee in the last session of Parliament be referred to the Committee; That the evidence taken by the Committee be published, if the Committee so wishes.

Joint Committee on Consolidation etc. Bills

In accordance with Standing Order 50 that the following Lords be appointed to join with the Committee of the Commons as the Joint Committee on Consolidation etc. Bills:

Andrews, B, Bridgeman, V, D'Souza, B, Eames, L, Eccles, V, Hanworth, V, Mallalieu, B, Plant of Highfield, L, Razzall, L, Seccombe, B, Thomas of Cwmgiedd, L, (*Chair*) Thomas of Winchester, B.

That the Committee have power to agree with the Committee appointed by the Commons in the appointment of a Chair;

That the Committee have power to send for persons, papers and records;

That the reports of the Committee be printed, regardless of any adjournment of the House;

That the evidence taken by the Committee be published, if the Committee so wishes.

Joint Committee on Human Rights

That a Select Committee of six members be appointed to join with a Committee appointed by the Commons as the Joint Committee on Human Rights:

To consider:

(a) matters relating to human rights in the United Kingdom (but excluding consideration of individual cases);

(b) proposals for remedial orders, draft remedial orders and remedial orders made under section 10 of and laid under Schedule 2 to the Human Rights Act 1998; and

(c) in respect of draft remedial orders and remedial orders, whether the special attention of the House should be drawn to them on any of the grounds specified in Standing Order 74 (Joint Committee on Statutory Instruments);

To report to the House:

(a) in relation to any document containing proposals laid before the House under paragraph 3 of the said Schedule 2, its recommendation whether a draft order in the same terms as the proposals should be laid before the House; or

(b) in relation to any draft order laid under paragraph 2 of the said Schedule 2, its recommendation whether the draft Order should be approved;

and to have power to report to the House on any matter arising from its consideration of the said proposals or draft orders; and

To report to the House, in respect of any original order laid under paragraph 4 of the said Schedule 2, its recommendation whether:

(a) the order should be approved in the form in which it was originally laid before Parliament; or

(b) the order should be replaced by a new order modifying the provisions of the original order; or

(c) the order should not be approved; and to have power to report to the House on any matter arising from its consideration of the said order or any replacement order;

That the following members be appointed to the Committee:

Brabazon of Tara, L, Dubs, L, Henley, L, Ludford, B, Massey of Darwen, B, Singh of Wimbledon, L.

That the Committee have power to agree with the Committee appointed by the Commons in the appointment of a Chair;

That the quorum of the Committee shall be two;

That the Committee have power to send for persons, papers and records; That the Committee have power to appoint specialist advisers;

That the Committee have power to meet outside Westminster; That the Committee have leave to report from time to time;

That the reports of the Committee be printed, regardless of any adjournment of the House;

That the evidence taken by the Committee in the last session of Parliament be referred to the Committee; That the evidence taken by the Committee be published, if the Committee so wishes.

Joint Committee on the National Security Strategy

That a Committee of ten members be appointed to join with a Committee appointed by the Commons as the Joint Committee on the National Security Strategy, to consider the National Security Strategy;

That the following members be appointed to the Committee:

Brennan, L, Healy of Primrose Hill, B, Henig, B, Hodgson of Abinger, B, King of Bridgwater, L, Laming, L, Lane-Fox of Soho, B, Neville-Jones, B, Reid of Cardowan, L, Strasburger, L.

That the Committee have power to agree with the Committee appointed by the Commons in the appointment of a Chair;

That the Committee have power to send for persons, papers and records;

That the Committee have power to meet outside Westminster in the United Kingdom;

That the Committee have leave to report from time to time;

That the reports of the Committee be printed, regardless of any adjournment of the House;

That the evidence taken by the Committee in the last session of Parliament be referred to the Committee; That the Committee have power to appoint specialist advisers;

That the evidence taken by the Committee be published, if the Committee so wishes.

Joint Committee on Statutory Instruments

That in accordance with Standing Order 74 and the resolution of the House of 16 December 1997 that the following members be appointed to join with the Committee of the Commons as the Joint Committee on Statutory Instruments:

D'Souza, B, Gale, B, Haskel, L, Newlove, B, Rowe-Beddoe, L, Scott of Needham Market, B, Smith of Hindhead, L.

That the Committee have power to agree with the Committee appointed by the Commons in the appointment of a Chair;

That the Committee have power to send for persons, papers and records; That the Committee have leave to report from time to time;

That the reports of the Committee be printed, regardless of any adjournment of the House.

The Senior Deputy Speaker (Lord Gardiner of Kimble) (Non-Affl): My Lords, I beg to move the Motions standing in my name on the Order Paper en bloc.

The Lord Speaker (Lord McFall of Alcluith): I shall call the following Members to speak: first, the noble Lord, Lord Balfe, and then the noble Lords, Lord Cormack and Lord Forsyth of Drumlean.

Lord Balfe (Con): This is a great exercise in lack of transparency. We are appointing committees that will run virtually every aspect of the House's policy-making functions. I am told that we do have some transparency and that an email was sent out in March. To me, that is not a very transparent way of doing things. Will the Senior Deputy Speaker make his name in this House by being a reforming Senior Deputy Speaker? I in no way criticise his predecessor, who I know put a lot of effort into trying to get things moving.

The appointment of chairs of sub-committees is quite different here from in another place. The other place for once seems to have got a bit more democracy into it. This is not an arcane point, because it means that the chairs of the sub-committees have to relate to the Members; they have to be to a level accountable. I would like to see, as in the other place, the chairs allocated to the party groups and then some elections, so that people had to demonstrate not only that they knew what they were talking about but that they could reach across the aisle—as they say in the United States—and one did not look at things and say, “Oh, well, that's a Labour chair; we're not going to get anywhere there”, and so that the persons standing for chair, of whom I hope there would be more than one from any group, had to make the case as to why they should be the chair.

The only committee excepted from this is the Committee of Selection itself. Perhaps the Senior Deputy Speaker could start a reform package by ensuring that at least a part of the Committee of Selection is elected and that there are some Back-Bench voices on it. At the moment, that committee is basically a committee of the leaders; it is like the chiefs' pow-wow of the House of Lords—everybody gets together with their pipe of peace and they agree with everybody on how they are going to divide things up. I do not think that is acceptable.

I have one final point. Some noble Lords will recall that I was one of the two people who divided the House on the case of the noble Lord, Lord Maginnis, and his suspension from this House. It was a suspension that was decided in private, that was never debated in public, where he had no opportunity to put his case to his Peers and where it was decided by a committee that contains four people who are not even Members of the Lords and five people who are, at least one of whom has a senior role on a completely different committee. Will the Senior Deputy Speaker look at the way in which this committee works? The punishments—that is the only word for it—that it dishes out are far more stringent than anything found in the House of Commons.

I examined carefully all the evidence that was published about the noble Lord, Lord Maginnis. I would certainly have suspended him for a week. His behaviour was “sub-optimal”—which I think is the word we are searching for—but he did not deserve to be sacked completely for ever from his job, which is the effect of a five-year suspension on a person of 82 years of age

who, whatever else one says, had had a distinguished political career. I was never in his party in Ireland; I do not agree with him, but the punishment was far harsher than the crime. The crime, basically, was a curmudgeonly old man losing his temper at the door on the way in; it was nothing more serious than that. I ask the Senior Deputy Speaker also to look at ways in which the Conduct Committee can be democratised so that when it comes to conclusions Members are able to comment on them and have some influence on the way things operate. In the case of the noble Lord, Lord Maginnis, a massive injustice was perpetrated by this House without any opportunity for debate, discussion or understanding.

Lord Cormack (Con): My Lords, first, I thank you, Lord Speaker, for all the work that you did as the first Senior Deputy Speaker. The whole House is very much in your debt.

Secondly, I welcome my noble friend Lord Gardiner to his new responsibilities. I hope that he can develop the role, building on the foundations laid by our Lord Speaker, and become something of a spokesman for Back-Benchers in this House.

I often think that this House, or the usual channels—once described as the murkiest waters in Europe—have one thing in common with the Almighty: they move in a very mysterious way. We need to have much more transparency. Indicative of what I am saying is that we have 33 Motions to be moved and accepted en bloc. We have no elections of chairmen to Select Committees; it is all done in the back room and the names are then produced.

12.30 pm

My main reason in getting up today is that when I saw this this morning—the first Order Paper of the new Session, and I think it is pretty disgraceful not to have given more warning—I felt honour bound to speak because of what I said on the very last day of the last Session, when I criticised the way in which the Conduct Committee was handling those of our colleagues who had been unable for various reasons to have the compulsory behavioural training. I am not going to repeat what I said on 29 April, but I say yet again that to treat one of the most distinguished parliamentarians of the last 100 years and the first woman Speaker of the House of Commons in the way that the noble Baroness, Lady Boothroyd, was treated was little short of shameful.

It is very important that there is a separate debate on the Conduct Committee. I know that on the commission there are lay people, but I believe I am right in saying that the Conduct Committee is the only one that has outsiders. It may be that some people think that that is necessary. I myself feel that we have so much expertise in your Lordships' House, with former judges, former and present Bishops and others, that we ought to be able to make a fairly good fist of looking after conduct ourselves. I also think that most of us have been reasonably well brought up to behave properly. If we are to have that sort of behavioural course, which I found wholly unhelpful and a waste of time, it should be arranged in-house. In the process, we should save a large percentage of the £750,000 that was spent on this committee.

This is a real challenge for the new Senior Deputy Speaker, because we are in danger of bringing the House not into disrepute but into ridicule. The treatment of the noble Baroness, Lady Boothroyd, is a good example of that. There is also a former Deputy Prime Minister who, because of an operation on his knee, was unable to take this particular course in time. Surely we are prouder of ourselves and of what this House stands for and represents than to continue to let these things happen. I believe that we should defer the consideration of the Conduct Committee for a separate debate on a separate day, whereby the chairman of that committee, the noble and learned Lord, Lord Mance, can come in person—which he has not done before—and speak to us in the Chamber. I very much hope that my noble friend will take that one on board.

I am not going to oppose any of the other recommendations. I wish all those who have in various ways found themselves on these committees success in their endeavours and inquiries. This House has produced some very remarkable reports over the years, not least those which have come from the Economic Affairs Committee, which is chaired so very ably by my noble friend Lord Forsyth of Drumlean.

I again wish my noble friend Lord Gardiner success, but I hope that we can begin to have a House that is more transparent, where things are more easily justified, and where vast numbers of Motions are not taken through on the nod without any prior notice on a Thursday morning.

Lord Forsyth of Drumlean (Con): My Lords, I do not wish to detain the House by repeating the arguments that my noble friend Lord Cormack has made and with which I agree completely. I certainly do not want to make any difficulty for my noble friend Lord Gardiner on his first day out, but I repeat one thing, to pay tribute to his predecessor, now our Lord Speaker, for the way in which he has worked to help the committees—and I know that from being a member of the committee of chairs which, as Deputy Lord Speaker, the present Lord Speaker initiated and which has been very helpful. I know that making a change in this place, as my noble friend is about to find out, is quite a fight against quite a formidable bureaucracy—and I think that great progress has been made.

However, I have a question for my noble friend. I find it quite difficult to understand, given that we are being asked to appoint a Committee of Selection and that those members have not actually been appointed, how they were able to make these recommendations and how they were able to meet. Are we going to adjourn while they meet and then bring forward these recommendations? I know that my noble friend will no doubt say that it is because of the changeover being changed to the beginning of the year, and everyone knew they were going to be reappointed, but I do not really think that that is good enough.

I agree with my noble friend Lord Cormack about the Conduct Committee. I certainly worry about its composition, because any committee that decided that Valuing Everyone—which I have done, so I have no interest to declare—should be made compulsory, when it was not made compulsory in the House of Commons,

is quite extraordinary. How, when it deliberated, did that committee come to a conclusion that it would make it compulsory without considering what it would do in the event that people were unable to comply with that? My noble friend Lord Gardiner may very well say that the House approved that. I shall not detain your Lordships by explaining how little time we were given to approve and debate it; in fact, we were given little opportunity, in part because of the circumstances that we find ourselves in.

It is very worrying to me that the institution of the hybrid House is being used to ram things through without proper discussion. It is perfectly clear that there is something wrong with the composition of the Conduct Committee when they can make such ill-judged recommendations to this House, which have brought us into complete ridicule—not least in respect of the pursuit, which I believe is still continuing, of the noble Baroness, Lady Boothroyd. The commissioner was quoted in the newspapers—I assume misquoted—as saying that she would pursue this and that anyone who spoke to the newspapers would be in contempt of Parliament. That says to me that the stage is now laughing at the audience, and the country is laughing at us as a result. I regret the fact that we do not have an opportunity to consider the composition of that committee, because that committee has let the place down.

The Lord Speaker (Lord McFall of Alcluith): I believe that the noble Baroness, Lady McIntosh of Pickering, would like to speak.

Baroness McIntosh of Pickering (Con): I note my thanks to the Lord Speaker for the part that he played in his previous role and the support that he gave to chairs and members of committees. I welcome my noble friend to his new role, which I am sure he will perform with aplomb.

It is a privilege to serve in any capacity on a committee, and I recognise the fact that there are insufficient places. Could my noble friend consider a proposal that we look at increasing the size of committees or allow alternates to all committees rather than just some? There has been an imbalance in recent years, with some who for no fault of anyone's were able to serve for four years on a committee and others who could serve only one and a half years. In addition to transparency and possible elections to those committees and those who serve as Back-Benchers on committees, we are all here as working Peers and we want to serve in whatever capacity we are called to, but it is important to have a sense of fairness and balance in appointments.

The Senior Deputy Speaker (Lord Gardiner of Kimble): My Lords, let me say first that I am very clear about my function, which is that I am a servant of this House. Therefore, I entirely take on board, and am very interested in, what the noble Lords and the noble Baroness—as I must now call them, rather than “my noble friends”—have said, as part of that important role as a servant of this House.

As your Lordships will understand, I have been in post for but two days. However, on the issue of composition of committees, there are a number of

[LORD GARDINER OF KIMBLE]

things that I have been seeking to tease out. Having looked at the Motions, I am inclined to say that the force of experience that your Lordships provide on these committees is nothing short of unique. It is truly exceptional what this House can provide by way of specialism.

The practice, I understand, is that all Chief Whips and the Convenor seek expressions of interest from their Members. If Members are keen to serve on particular committees, I suggest that they speak to the Chief Whips or the Convenor. But it is important to say that, in the case of any Members not so represented, I would encourage them to write to me, setting out their desire to serve on a particular committee. I will then ensure that that expression of interest is considered by the Committee of Selection at the appropriate point.

Something that I know has been under consideration is the issue of elections of committee chairs, and I understand that during the extensive committee review exercise the Liaison Committee heard evidence on that. After careful consideration, the committee took the view that the current arrangements had a number of distinct advantages. Of particular note for me was the expertise we have in this House, the fact that the composition of this House is different from the other place, and the consensual and apolitical nature of our committee work; all are important features that we ought to reflect upon. We are different, although there are obviously important similarities in the work that we do. Further to the consensual and apolitical approach to committees, from my first impressions it is very important for the committee structure to have a spread across the whole House, so that the expertise and distinct knowledge that your Lordships bring is clear.

On the point raised by the noble Lord, Lord Cormack, regarding the Motions being tabled on Tuesday, I understand that it is the usual practice to reappoint committees quickly at the beginning of a new Session. The point that has been put to me—as the new boy—is that, as a result of the rotation of committee members having already taken place in January, the membership of these committees remains almost entirely the same as it was before Parliament was prorogued. As such, the Motions allow our committees to continue their important work, picking up as necessary the inquiries and activities that they were engaged in just a few weeks ago.

I have of course heard the points that were made about the Conduct Committee. Indeed, I have had a number of discussions already in the few days that I have been in this post. The House appointed four lay members to the Conduct Committee in October 2019. This followed the House's earlier agreement to a recommendation from the Committee for Privileges and Conduct in April 2019. The decision to appoint lay members to the Conduct Committee was made by the whole House. The lay and Peer members are a cohesive group, working to oversee the Code of Conduct. I assure noble Lords that the inclusion of lay members on the internal disciplinary committee of the House is—when I asked the question—very much in the direction of travel of other legislatures and public bodies. I have noted the points that have been made by

noble Lords, but I think that this scrutiny—by both your Lordships and lay members—is an important dynamic for the long-term reputation of this House.

Noble Lords have made points about the Valuing Everyone training. I am mindful of this, and of course I have been on the course. The House as a whole agreed to making the Valuing Everyone training mandatory for Members, and the independent Commissioner for Standards is therefore required by the code to look at the circumstances of all Members who do not undertake the training by the deadline set by the House. My understanding is that the commissioner is expected to report soon on this, and I look forward to that report.

12.45 pm

On the point that the noble Baroness, Lady McIntosh of Pickering, raised about committees, what I have found interesting—again, all noble Lords have endorsed the work of my predecessor, now the Lord Speaker—is that we have already started a number of new committees, which I think will be profoundly important in the long term; they are long-term committees. The ability to refresh the committees and the ideas that there are for further work as existing inquiries conclude their work at the end of this year, and the mechanisms for that, is also important.

I will conclude on the matter of transparency. What we are doing today is enabling committees to continue their work, on the basis of the rotation in January. I very much want to hear what noble Lords have to say on how we can do things better, and my door will always be open to your Lordships—obviously with some social distancing and within the realms of possibility. My mission is that we seek to do things better and that the reputation of this House is continuously raised. In the work of the committees, we have such extraordinary breadth of expertise, and I think that we should do much more to ensure that that work is promulgated much more widely; that the consideration of that work is used and appreciated in government—I say that, having come from such a position; and that such work is seen by the wider public to be among the essence of the work that your Lordships do on behalf of the nation.

I promise all noble Lords who have spoken that I have taken on board the points that they made. On some points, it is not appropriate for me to raise individual cases—indeed, I understand that from the Standing Orders—and I hope that your Lordships will respect me in saying that. However, we have an extraordinary opportunity with the committees to do great work.

Motions agreed.

Violence in Israel and Palestine *Commons Urgent Question*

The following Answer to an Urgent Question was given in the House of Commons on Wednesday 12 May.

“The recent escalation in violence in Israel and the occupied Palestinian territories is deeply concerning. It is the worst violence seen there for several years. As the Prime Minister and the Foreign Secretary have made clear, this cycle of violence must stop and every

effort must be made to avoid the loss of life, especially that of children. The UK offers our deepest condolences to the families of those civilians killed. Civilian deaths, both in Israel and Gaza, are a tragedy.

We urge all sides to refrain from any kind of provocation so that calm is restored as quickly as possible. As we enter the final days of the holy month of Ramadan, restoration of peace and security is in everyone's interest. The UK will continue to support that goal. The UK unequivocally condemns the firing of rockets at Jerusalem and other locations in Israel. We strongly condemn these acts of terrorism from Hamas and other terrorist groups, who must permanently end their incitement and rocket fire against Israel. There is no justification for any targeting of civilians. Israel has a legitimate right to self-defence and to defend its citizens from attack. In doing so, it is vital that all actions are proportionate, are in line with international humanitarian law, and make every effort to avoid civilian casualties. Violence against peaceful worshippers of any faith is unacceptable. The UK has been clear that the attacks on worshippers must stop. The status quo in Jerusalem is important at all times, but especially so during religious festivals such as Ramadan. Our priority now must be an immediate de-escalation on all sides and an end to civilian deaths.

As I made clear over the weekend, we are concerned about tensions in Jerusalem linked to threatened evictions of Palestinian families from their homes in Sheikh Jarrah. That threat is allayed for now, but we urge Israel to cease such actions, which in most cases are contrary to international humanitarian law. The UK continues to support international efforts to reduce the tension. The Foreign Secretary delivered a message of de-escalation in a call to the Israeli Foreign Minister yesterday and will speak to the Palestinian Prime Minister shortly. I have spoken to the Israeli ambassador and the Palestinian head of mission in the UK to urge them to de-escalate and to restore calm. The UK has also engaged at the UN Security Council, calling for all sides to take measures to reduce further violence and making clear our deep concern at the violence at the holy sites in Jerusalem. I am sure that the Security Council will continue to monitor the situation closely, and it is due to reconvene. UK embassies throughout the middle east are engaging with regional partners, and we remain in close contact with the US Administration and our European allies.

The situation on the ground over the last few days demonstrates the urgent need to make progress towards peace. The UK remains committed to a two-state solution as the best way to bring peace and stability to the region. I repeat: we urge all sides to show maximum restraint and refrain from taking actions that endanger civilians and make a sustainable peace more difficult."

12.48 pm

Lord Collins of Highbury (Lab): My Lords, I note what James Cleverly, the Minister, said yesterday. I heard him on the "Today" programme this morning, and I totally share his sentiments on the violence. We need to know that this Government, at the highest level, are working with all our allies to get all sides around the table to talk, with the Palestinian people recognised as equal partners in that conversation.

I ask the noble Lord the Minister: has the Prime Minister spoken to President Biden? Following yesterday's closed-door meeting of the UN Security Council, can the Minister update the House on whether the council will take any concerted action to protect civilians?

Lord Parkinson of Whitley Bay (Con): I thank the noble Lord for his welcome for what my right honourable friend the Minister for the Middle East said in the other place and in his broadcast this morning. The ongoing violence across Israel and the Occupied Palestinian Territories is deeply concerning and must stop. As the Prime Minister and the Foreign Secretary have said, we want to see both sides stepping back from this. The Foreign Secretary delivered a message of de-escalation in his call to Israeli Foreign Minister Ashkenazi on Tuesday and to Palestinian Prime Minister Shtayyeh yesterday. We are working with our partners, including those in the region, and remain in close contact with the US Administration and European allies.

Baroness Northover (LD): My Lords, this is an extremely dangerous situation, and we condemn violence on all sides, particularly today, as many—including, no doubt, the Minister the noble Lord, Lord Ahmad—are celebrating Eid. But rocket boosters must now be put under a peace and justice process, not violent attacks. Will the Government condemn the forced evictions from east Jerusalem, Israeli actions in the al-Aqsa mosque and the bombing and possible ground war in Gaza as clearly as they have rightly condemned rocket attacks from Gaza? It is in no one's interest to escalate conflict here, and all must be held properly to account for any human rights abuses and breaking of international law.

Lord Parkinson of Whitley Bay (Con): The noble Baroness is right; de-escalation is important, and that is a point we are making to all parties. Clearly, violence against peaceful worshippers at the al-Aqsa mosque was unacceptable. The UK is committed to preserving the religious status quo at the holy sites in Jerusalem, particularly during the holy month of Ramadan and today as, as she says, Eid al-Fitr begins. We wish all those celebrating Eid Mubarak. We urge all parties to respect this and to refrain from provocation.

Baroness Deech (CB) [V]: My Lords, it is too simplistic, and morally inept, to start apportioning blame, counting lives lost on either side and comparing damage. Funds poured into Gaza have been used to build rockets, not alleviate poverty. This confrontation is the work of Iran, which: funds Hamas; is calling for the use of missiles; wants to disrupt the Abraham Accords; and is behind the loss of hundreds of thousands of lives in the area. The escalation of tension was long-planned and fuelled by Abbas fearing that Hamas would win an election. Will the Minister use the forthcoming G7 gathering to point out the dangers of appeasing Iran by returning to the ineffective Iran nuclear deal? And will he position the UK to fill the power vacuum left by President Biden's inaction?

Lord Parkinson of Whitley Bay (Con): My Lords, the UK unequivocally condemns the firing of rockets into Israel. We strongly condemn these acts of terrorism

[LORD PARKINSON OF WHITLEY BAY]

from Hamas and other terrorist groups, which must permanently end their incitement of and rocket fire against Israel. We are working, as I say, with our partners in the region. We have engaged Egypt, Qatar and the United Nations to support their efforts to mediate and are stressing that we want to see both sides step back from this and the situation de-escalated.

Baroness Blackstone (Ind Lab): My Lords, as the Minister says, the first objective must be to de-escalate and stop the terrible violence on both sides. But in working to achieve this, no one should lose sight of the underlying problems that have led to it. Will the Government reconsider their position on a referral to the International Criminal Court? What discussions are the Government having with the US about putting concerted pressure on the Israeli Government to: stop ethnic cleansing in east Jerusalem, in which Palestinians are being forced out of the houses they own; stop the creeping, de facto annexation of the West Bank via further illegal settlements; and, more generally, respect the human rights of Palestinians, both within Israel and the Occupied Territories? These include their right to worship in the al-Aqsa mosque without it being stormed by right-wing thugs and the Israeli police.

Lord Parkinson of Whitley Bay (Con): My Lords, the UK is a strong supporter of the International Criminal Court. We are committed to strengthening the court so it can best serve international justice. We oppose the investigation related to the Occupied Palestinian Territories on the grounds that the court does not have jurisdiction in the OPTs. The UK is a friend of Israel, but our concerns about evictions of Palestinians from their homes are long-standing and well known. They are unacceptable and contrary to the cause of peace.

Lord Gold (Con) [V]: My Lords, the alarming conflict that Israel and the people in Gaza are now enduring was instigated by an unprovoked attack on Israel on Monday night by terrorists in Gaza. In its military action since then, Israel has made every effort to minimise civilian casualties, including warning of a planned strike on a building complex so that occupants could safely leave. The terrorist groups Hamas and Islamic Jihad have no respect for life and have fired over 1,500 rockets indiscriminately into Israel, killing Israelis and Arabs alike. What steps are the Government taking to ensure an end to weapon smuggling into Gaza, particularly by states such as Iran?

Lord Parkinson of Whitley Bay (Con): My Lords, the UK unequivocally condemns the firing of rockets at Jerusalem and any locations within Israel. As I say, there is no justification for the targeting of civilians. We strongly condemn these acts of terrorism from Hamas and other terrorist groups and want them permanently to end their incitement and rocket fire. Our priority now must be an immediate de-escalation on all sides and an end to the killing of civilians.

Lord Hain (Lab) [V]: My Lords, everybody should condemn these rocket attacks, but do the Government agree that Israel's absolute right to exist cannot justify evicting its own Arab citizens from their homes

in Jerusalem? As the respected Human Rights Watch reported, the State of Israel is perpetrating international crimes against the Palestinian people, and these practices are at the root of the current tit-for-tat civil war, tragically endangering its own, Jewish citizens as well.

Lord Parkinson of Whitley Bay (Con): My Lords, we are aware of the Human Rights Watch report, which the noble Lord mentions, and we will review the findings. The UK continues to engage with the Israeli Government on human rights issues in the context that the report raises. The situation on the ground demonstrates the urgent need to make progress towards peace and, of course, the immediate situation is best helped by de-escalation on both sides.

Lord Polak (Con): I refer the House to my interests as set out in the register. Leaders make choices for their people. Some will choose to save lives by purchasing vaccines or investing in Iron Dome technology to defend their people; others may prefer to buy deadly rockets and complain, to those who shamefully listen, that they have no vaccines. Our integrated review said: "we will increase our efforts to protect open societies and democratic values where they are being undermined."

In that spirit, can my noble friend name one country on earth that would be expected to tolerate the incessant attacks on innocent civilians by Hamas, the Iran-backed terror organisation committed to its annihilation?

Lord Parkinson of Whitley Bay (Con): The UK remains resolute in its commitment to Israel's security. We utterly condemn Hamas's indiscriminate and abhorrent rocket attacks, as I say. Israel has a legitimate right to self-defence. In using it, it is vital that all actions it takes are proportionate, are in line with international humanitarian law and avoid civilian casualties.

Lord Austin of Dudley (Non-Affl): My Lords, how can terrorists import thousands of Iranian rockets but Israel be blamed for a lack of food or medicine? How can anyone believe that Hamas wants peace when it is committed to Israel's destruction, with no regard whatever for innocent life? Hamas is exploiting the PA's weakness after it cancelled elections, a century-old legal dispute about four houses, and violence in Jerusalem to provoke this crisis. Does the Minister agree that there is no equivalence between terrorists raining down rockets on civilians and a legitimate, democratic Government defending itself?

Lord Parkinson of Whitley Bay (Con): Hamas's military wing, as the noble Lord will know, has been proscribed as a terrorist organisation by the UK since 2001. The UK retains a policy of no contact with Hamas in its entirety. The UK unequivocally and strongly condemns the firing of rockets into Israel. We want them to stop, and we want a permanent end to this incitement and rocket fire, and a de-escalation of the situation today.

The Lord Speaker (Lord McFall of Alcluith): My Lords, the time allowed for this Question has elapsed.

Queen's Speech

Debate (3rd Day)

1 pm

Moved on Tuesday 11 May by **Lord Bates**

That an humble Address be presented to Her Majesty as follows: “Most Gracious Sovereign—We, Your Majesty’s most dutiful and loyal subjects, the Lords Spiritual and Temporal in Parliament assembled, beg leave to thank Your Majesty for the most gracious Speech which Your Majesty has addressed to both Houses of Parliament”.

The Advocate-General for Scotland (Lord Stewart of Dirlleton) (Con): My Lords, it is a privilege and pleasure to open the second day of debate on Her Majesty’s most gracious Speech. I am delighted to be joined by my noble friend Lord True, who I know will do a brilliant job of closing what promises, as ever, to be a debate packed with lively and robust contributions. I look forward greatly to the maiden speeches of my noble friend Lady Fraser of Craigmaddie and the noble Baroness, Lady Merron, and to all the wide-ranging contributions from noble Lords, which I am confident will reflect the breadth and wealth of knowledge and experience represented on all sides of the House.

With our focus on our great union and constitutional affairs, we have the opportunity to explore some of the overarching themes of the gracious Speech, including the proposals to restore tried and tested constitutional arrangements to the Dissolution and calling of this Parliament, and the vital job of protecting our democracy. Before I introduce the specific elements of legislation for our debate, however, I will briefly go back in time to events shortly before the pandemic and provide some vital context, in my view, for today’s discussions.

While the impact of coronavirus has inevitably monopolised the nation’s attention for a little over a year, let us not forget how proceedings in this House and the other place were previously dominated by wrangling over the United Kingdom’s departure from the European Union. It was a long, fraught process, not without moments of rancour, yet for those of your Lordships who savour the idiosyncrasies of parliamentary affairs it would be hard to think of a more rewarding period in our recent history. In the context of democracy, though, the referendum vote was the largest democratic exercise ever conducted in the history of this country. The British people voted for change in 2016, and again in the 2019 election to make sure that change was delivered. Now, as we look to recovery and renewal, and to tackling longer-term, cross-cutting challenges such as climate change and the road to net zero, we can enjoy the fruits of our freedom and flexibility outside the European Union’s institutions, the single market and the customs union.

The UK’s independent vaccine programme is leading us out of lockdown. Outside the common agricultural policy, we will reward sustainable farming practices so that, in England, farmers can produce healthy food at a profit without subsidy, while also taking steps to improve the environment, reduce carbon emissions and improve animal health and welfare—win, win and win again. Outside the common fisheries policy, we

can revive our coastal communities around the United Kingdom and take steps to improve our marine environment. Under the EU-UK Trade and Cooperation Agreement, the UK secured tariff-free access for fisheries products and a substantial transfer of quota equivalent to 25% of the value of the EU’s historical catch in UK waters, worth £146 million over five years. Last but not least in respect to our Brexit dividend, we can send our money not to Brussels but to the parts of the country where we know it is needed most to help citizens and communities come back from Covid and to improve productivity in all parts of the United Kingdom.

It was evident during the pandemic that the interests of people across the country were best served when we worked together as one United Kingdom. Now that we are turning the corner, the same is true: we are learning from one another to achieve the best outcomes for all the people of our great nation. Now is not the time to stoke old divisions, but to throw ourselves into what unites people across the UK—recovering from the pandemic. People want their politicians focused and working together, improving people’s lives as we engineer a sustainable recovery, building back better, fairer and greener, ensuring communities and businesses have the support they need and making the levelling-up agenda a reality.

The union of the United Kingdom is the most successful political union in history, the foundation on which all our businesses and citizens can thrive and prosper, standing up for, and embodying in its institutions, liberty under the law, respect for all, fair play, free trade, parliamentary democracy and material progress. This Government are committed to protecting and promoting the strengths of this union, building on the hundreds of years of partnership between the regions of our country to ensure that the institutions of the United Kingdom are used in a way that benefits people in every part of our country, from Aberdeen to Aylesbury, Belfast to Brecon. We are committed to strengthening that union and the common prosperity it brings, but even more important than the material wealth that can flow throughout the union is recognising and, where we can, fostering the deeper strength of our partnership. It is a strength that arises out of the millions of relationships that bind together people of good will throughout the union: yes bonds of trade and common endeavour, but more fundamentally yet the ties of affection, of common heritage, of friendship, of love. These ties are countless in number and increasing all the time.

When we work collaboratively as one team UK we are safer, stronger and more prosperous, and far better able to tackle the shared challenges that all parts of the UK face together, from defending our borders and our waters and fighting national cybersecurity threats, to delivering the furlough scheme and ensuring that every part of the United Kingdom has received its fair share of one of the world’s largest and most diverse vaccine portfolios. That is why the Prime Minister has invited the First Ministers of Scotland and of Wales, and the First and Deputy First Ministers of Northern Ireland, to a summit meeting in the coming weeks to address the shared challenges of recovery from the pandemic. In March, the Government also published

[LORD STEWART OF DIRLETON]

a status update on the joint review of intergovernmental relations. The significant progress made has been well received by academics and experts alike, reflecting closely, as it does, the recommendations of my noble friend Lord Dunlop in his excellent report. We are committed to seeing new structures established at the earliest possible opportunity.

In addition to the Government's £2.9 billion commitment to fund 20 city and growth deals across Scotland, Wales and Northern Ireland, Brexit means that we can put more money into communities that might hitherto have felt overlooked or left behind. In 2021-22 that means the £4.8 billion levelling-up fund and the £220 million UK community renewal fund being invested in local areas, both of these using the financial assistance power in the United Kingdom Internal Market Act passed last year, ahead of the launch of the UK shared prosperity fund in 2022. Yes, for the first time in decades the Government can provide the kind of direct financial support that people can see and feel transforming their daily lives, regenerating town centres and high streets, improving local transport links and infrastructure, and boosting cultural, sporting and economic development to help level up the whole country. The Government will, of course, continue to work closely with the devolved Administrations, as well as with other public authorities and stakeholders across the country, to ensure that money is targeted to deliver the maximum impact and benefit for all citizens.

I now move on to the constitutional elements of the gracious Speech, providing increased legal, constitutional and political certainty around the process of dissolving Parliament, while providing flexibility for exceptional circumstances. The Dissolution and Calling of Parliament Bill will deliver the Government's commitment to repeal the Fixed-term Parliaments Act 2011. The Bill makes express provision to revive the royal prerogative powers relating to the dissolution of Parliament. We will return the country to tried and tested constitutional arrangements, where the Prime Minister is able to request a dissolution from the sovereign.

In repealing the Fixed-term Parliaments Act, we will restore the essential link between confidence and dissolution, enabling critical parliamentary votes once more to be designated as matters of confidence. The Government are grateful for the thoughtful and meticulous work of the Public Administration and Constitutional Affairs Committee, the Lords Constitution Committee and the Joint Committee on the Fixed-term Parliaments Act in considering how that Act operated and for the scrutiny of the Government's draft Bill. We have listened to the advice of the Joint Committee, and your Lordships will see that it has informed our approach.

I turn now to the elections Bill, which will deliver the Government's commitment to protecting our democracy, as promised in the 2019 manifesto. We have a world-leading democratic heritage and the Government have a unique role to play in respecting and sustaining it, ensuring that it continues to flourish. The measures introduced by Her Majesty's Bill are guided by the Government's determination to ensure our democracy is secure, fair, modern, inclusive and transparent. These measures seek to encourage participation by British

citizens in our elections by increasing transparency, strengthening protections for those who participate, and better supporting voters with a disability to cast their ballot.

Respect for our democracy is also rooted in the public having confidence in our systems and approach. That is why the potential for voter fraud in our current system strikes at a core principle: your vote is yours, and yours alone. Any breach of this is inexcusable, as is any suggestion that voter fraud is a victimless crime. Any instance of, or potential for, electoral malpractice damages the public's faith in our democracy. Allegations must be taken seriously and acted upon.

The introduction of voter identification, therefore, is the best, common-sense way to prevent voter fraud and strengthen public confidence in the integrity of our elections. This will bring the United Kingdom into line with Northern Ireland, which has required voters to show paper identification since 1985 and photographic identification at polling stations since 2003, without adverse effect on participation. I can absolutely assure the House that everyone eligible to vote will have the opportunity so to do.

The overarching themes set out in Her Majesty's gracious Speech underpin this Government's ambition to seize the opportunities arising since leaving the EU as they build a sustainable recovery from Covid. The constitutional integrity of the United Kingdom is vital to the long-term prosperity and security of all its parts, and increases opportunities for everyone to succeed. The steps we are taking to protect our democracy will strengthen our resilience and enhance our reputation and international standing. Over the coming weeks and months, I look forward to debating with your Lordships the many measures I have outlined today.

1.14 pm

Baroness Hayter of Kentish Town (Lab): My Lords, I too am delighted that we will hear from two women as new Peers today, the noble Baroness, Lady Fraser of Craigmaddie, and my noble friend Lady Merron. They both bring wide and deep experience to our House, and we look forward to hearing from them.

As my noble friend Lady Smith said on Tuesday, we had expected from this gracious Speech—coming after perhaps peacetime's greatest challenge—an ambitious programme to improve the country, making it safe, secure and healthy for all, tackling insecurity and inequality, safeguarding the union, protecting national institutions and improving our democracy. Heeding the wise words of the noble Lord, Lord Hayward, that good government stems from good opposition, we will seek to provide that as we examine how the Speech measures up to the Government's responsibility for good governance, preserving the union and respecting the view of the *Financial Times* that:

"The ability to hold an elected government to account is a central pillar of a democracy."

I was bemused—perhaps others were—to read Jacob Rees-Mogg extol Parliament as

"indisputably the nation's supreme lawmaking body"

which

"now wields the full power of its sovereignty ... again",

when, in fact, we have seen the Executive wielding more power than Parliament and a Government uniquely unwilling to be held to account. Witness the Prime Minister's reluctance to answer questions at PMQs; his contempt for a court which enforced the rule of law; the abandonment of televised press conferences once he realised that it meant answering questions; and his disdain for the decisions of this House, such as over giving an additional role to the parliamentary ISC, when his Commons majority simply and blindly trumped the wise words from some of the most respected Members of your Lordships' House.

Similarly, we fail to understand the Government's ill-conceived attack on judicial review, a process whereby courts simply ensure that the Government's decisions are lawful and fair. A Government shy of legal scrutiny fail to understand that our independent judiciary is a strength, not a weakness—something which my noble and learned friend Lord Falconer will address further later on.

Democracy depends for its support on good governance, which means fair lobbying rules, obedience to the Ministerial Code, and open and fair recruitment to decision-making bodies—not something much in evidence, leading Peter Riddell, the Commissioner for Public Appointments, to report the Government for actively seeking

“to appoint allies to ... public bodies”,

including with

“the close engagement of 10 Downing Street.”

We have seen it even in the charity field, with attempts to restrict charities' ability to speak out for beneficiaries even in the midst of the pandemic when their own resources, and perhaps futures, were at stake, while the PAC inquiry showed that political advisers were at the heart of deciding where taxpayers' funding should go.

Good governance needs firm red lines between party and government when decisions are taken by Ministers. This is clearly not understood by some, with Covid contracts awarded to friends and HMT giving £700,000 worth of contracts to a lobby company with close Conservative links. Incidentally, this firm was busy lobbying Ministers at the very same time on behalf of its clients, including a meeting with the Chancellor—the head of the very Treasury that was then awarding those contracts worth £700,000.

If the journalist Peter Osborne—not normally read on this side of the House, I have to say—is right that the Prime Minister behaves

“as if he believes the Brexit referendum ... has given him a political legitimacy to trash British institutions like Parliament, the Supreme Court and the BBC”,

it is vital that we safeguard these and have effective laws about lobbying, plus codes about ministerial behaviour, integrity and conflicts of interest. That includes full disclosure of who pays for the Prime Minister's holiday or apartment, so we can see to whom he might be beholden.

Notably absent from the Speech was legislation to amend our ridiculously weak lobbying rules, which allowed the Chancellor to be lobbied by former Prime Minister David Cameron, who, I hear, contacted Ministers

56 times on behalf of Greensill, and whose own wishy-washy Act gave free rein to in-house lobbyists, meaning that, for example, if the TUC or CBI hires a public affairs agency to lobby Ministers, it must be disclosed, but if it does it itself, it need not be. That does not make sense. It is time for every Minister to disclose all lobbying approaches in a timely, open and transparent manner. If there was one thing I wanted from this gracious Speech, it was a re-committal to good governance, high standards, openness and democracy.

I turn to two other aspects of our country's future and our democracy: the proposals outlined on election law and the future of the union.

First, on voting, we will have the absurd position that, even as 16 and 17 year-old citizens whose futures will be decided by elections are denied the vote, the Government want to give the vote to people who have long since left these shores, may never return, and do not pay our taxes, contribute to our economy or depend on the services that those elections then produce. Why? Is it really to give them the vote, given how few of those currently able to vote at the moment under the 15-year rule actually do, or is it that it allows these long-term ex-pats suddenly to become “permitted donors”, able to fund a UK political party with unchecked sources of wealth, no checks on their bona fides, and no questions asked? They can simply mail in a ballot paper signed by who knows whom, from who knows where, and that makes them a permitted donor. Indeed, it is hard to know how they will be able to prove their bona fides. They will be able to choose in which constituency to cast their vote, and, unlike the rest of us, whose addresses are checked and who will need to prove our identity when we vote, they will simply be able to put theirs in an envelope, no questions asked.

Reverting to Peter Osborne again—noble Lords can see what I have been reading during the recess—he writes that, as Conservatives lost millions of members, small donations dried up:

“Financiers were alert to this and a new class of private donor began to emerge ... Party funds were increasingly provided by a new group of super-rich. Many of them were based offshore, secretive about the financial arrangements and obscure about their motives ... In return for their money, these donors gained access to power.”

So a major part of the electoral change will be to increase such offshore funding. If this is not the rationale for the change, and it really is to give our wonderful Labour member and war veteran in Rome, Harry Shindler, the vote, let us exclude overseas voters from being permitted donors. Speaking on behalf of the Labour Party, we will forgo Harry Shindler's largesse if the Conservatives do the same with their overseas voters.

Meanwhile, very seriously, the ID requirement will reduce some people's access to the vote. Three and a half million electors have no photo ID—predominately the young, whose votes we are trying to encourage, the less well-off and some of the very aged. In addition, this is on the back of no history of voter fraud—there was just one conviction after the 2019 election. The Prime Minister, who promised to eat any ID card that he was asked to show, is now demanding from voters that they produce one to exercise their democratic right to vote.

[BARONESS HAYTER OF KENTISH TOWN]

Perhaps the most serious issue facing us is the very continuation of the union—I think the Minister called it the precious union; it is certainly the most successful one we know of—and indeed of cross-UK devolution. As the Minister said, we have at last seen the Dunlop report, but there were no concrete proposals in the Speech for enriching devolution to Wales, Scotland and indeed London and our major towns, cities and regions.

Reading the background notes on the Speech that cover the union, they were virtually all about increasing the UK government spend in the other nations. The Minister himself referred to the financial assistance power in the UK Internal Market Act, which allows the Government to provide direct expenditure in areas of devolved competence. That is an issue of great concern, as it raises the question: if this money is available to devolved areas, why can it not be spent by the devolved authorities? The notes also list what sounds like largesse to the devolved nations, emphasising how much has gone there by way of furlough and other national expenditure.

Do not get me wrong—I am very happy for increased public expenditure to come to Wales, and I am sure our Scottish colleagues would say the same for Scotland. However, devolution and the future of the union are about the distribution of power and decision-making, not simply about taxpayers' moneys. It is about strengthening the union by strengthening its component parts. Levelling up is not simply about funding. As the noble Lord, Lord O'Neill, has argued, Whitehall must give powers to regions or admit that levelling up means nothing.

The case for devolution has never been stronger. All of us saw over the recent elections that voters are increasingly aware of the disconnect between themselves and London. The elections showed how people trusted local decision-makers. We should build on that trust, which will pay off in terms of the outcome of decisions as well as for the future of the union.

Prosperity follows democracy. We need both for the sake of the whole country. This gracious Speech fails to protect, much less enhance, our democratic traditions.

1.27 pm

Lord Bruce of Bennachie (LD) [V]: My Lords, the opening speech of the noble and learned Lord, Lord Stewart of Dirlerton, was somewhat breathtaking in presenting the idea that Brexit has gone like a dream and is without problems and that we are about to see a transformation of our democracy. Indeed, reading the sections of the Queen's Speech on democracy and the constitution might make you think that there was a reformist agenda—but of course there is nothing of the sort. In reality, the Government want to strengthen the Executive against Parliament and reduce the independence of the courts to adjudicate on the propriety of executive actions. At the same time, they want to suppress participation and fairness in elections by requiring voter ID and by replacing the supplementary vote system for elected mayors with first past the post—an increasingly regressive form of electoral democracy. The Prime Minister then wants to recover the freedom to manipulate the electoral cycle for

incumbency benefit by repealing the Fixed-term Parliaments Act, so do not be surprised if this leads to an opportunist election next year on the back of the hoped-for ending of Covid restrictions and the hoped-for bounce-back of the economy.

What is missing is any thoughtful or imaginative consideration of how our democracy can be enriched and how the tensions in Scotland and Northern Ireland—and, to a lesser extent but validly, in Wales—can be addressed. A cavalier, careless Prime Minister has stirred up a crisis that threatens the integrity of the United Kingdom and, what is worse, the English nationalist wing now in control of the Conservative Government frankly do not really care what happens. During the general election, the Prime Minister said that there would be no border in the Irish Sea and that the Northern Ireland protocol would not lead to extra bureaucracy and costs, even though the Government's own website at the time spelled out the exact opposite—something I repeatedly pointed out in debates in this House. The reality has led to tensions, disorders and threats of violence, and the toppling of the leaders of the two unionist parties. Instead of criticising the deal they signed up to, will Ministers engage constructively with the EU to secure a veterinary agreement that would benefit food producers across the whole of the UK and reduce the problems in the Province? Can the Minister confirm what progress is being made to achieve a practical working veterinary agreement?

Now thrown into the mix is the suggestion that the Government might put a statute of limitation on offences committed during the Troubles, something which is not being called for by anyone in the Province itself. The Government say they will work with all relevant stakeholders, including the parties in Northern Ireland and Westminster, the Irish Government, and civil society, including victims' groups, as part of this process, but so far there seems little chance of winning them around. So then what? Positively, the proposed reform of the petition of concern is welcome, as far as it goes, but will the Government monitor its working and review it if it proves inadequate, as some fear it will?

To be frank, fairness and justice, facts and the truth are strangers to this Government, which has compromised their capacity to uphold the Good Friday agreement. The polarisation of politics that has plagued Northern Ireland for so long is in danger of being reinforced, although growth in support for Alliance is at least one positive development.

And now Scotland is similarly deeply divided. I have never believed that dislike and resentment of a Tory Government is a valid reason for breaking up our family of nations, but it is a potent fuel. The SNP and its fellow travellers, the Greens, peddle the myth that Scotland's problems can be resolved only by independence, yet they have no coherent plan for how independence could be achieved and what it would look like. Nor can they have such a plan, because it is not down to Scotland alone but to the rest of the UK and the European Union.

Much worse, this grievance-sustaining, which frankly suits the SNP and the Tories equally, paralyses decision-making and sucks oxygen out of tackling the wide

range of problems we face in Scotland today which are within the responsibility and power of the Scottish Government to address. But the SNP do not want to do it, because it would ruffle feathers and reveal the paucity of talent and vision behind the bluster of demanding indyref2.

Scotland's NHS has been squeezed, year on year, by the SNP Government to the point where spending per head could soon lag behind England, yet there is a huge backlog of non-Covid cases to address and a mental health crisis. Intervention in the economy has been an embarrassing disaster, with failures over ferries, airports, aluminium smelters, fabrication yards and the investment bank. Practical skills training has been undermined by cuts to college places, and more and more Scottish university students are paying tuition fees in England because places for Scottish-domiciled students are capped by the SNP Government. Secondary school pupils have been let down by a curriculum and examination regime that was conspicuously failing before the pandemic and has now collapsed, with no solution in sight.

These issues, plus the worst rate of drug deaths in Europe and poverty and deprivation at its worst in the First Minister's own constituency, are deprived of oxygen and light by the distraction of a bare-knuckle clash between the SNP and the Tories. Whichever way you look at it, to suggest that a country recovering from a pandemic and a botched Brexit agreement should launch itself into convulsions over independence is disastrous, irresponsible and negligent.

This is especially true when the depth and even distribution of division is so apparent. The country is literally split down the middle on the issue. This is no basis on which to build a new nation under any conditions, but under the present circumstances, it is just reckless. After 14 years, the SNP has a stranglehold on nearly all the levers in Scotland. It is pretty near a one-party state. As a result, it is able to use all the instruments at its disposal to spread disinformation. This involves two parallel strategies. The first is to distract attention from the miserable failure of the SNP Government in building a stronger and more cohesive society, and the second is to ignore or discredit the benefits of being part of the United Kingdom.

Many may be persuaded that there could be a quick move to independence which will somehow realise a dream of prosperity and the resolution of all our problems. Yet ask people how they will feel if their pensions and mortgages are paid in an untested Scottish currency, backed by an as yet non-existent central bank, and enthusiasm might be dimmed. It will wane further if people realise that there is no quick way back into the EU, and, even if it were eventually achieved, it would mean a hard border with the rest of the UK, where most of Scotland's goods and services go and where many of our family and friends live.

I am proud to be Scottish and British. I know, regardless of my opposition to this Government, that the development, procurement and rollout of vaccines is a striking and visible example of the benefits of the United Kingdom. So when Nicola Sturgeon says that Scotland could have achieved comparable vaccine progress as an independent country, she is not only deluded but

deliberately seeking to deceive. You have only to look at the challenges facing, for example, Ireland and Canada to see that.

Support for the Scottish economy through Treasury-funded furlough; self-employed income support—not enough, but welcome—supporting more than 1.3 million jobs; £3.4 billion extra through Barnett, although not all of it passed on; and VAT cuts for hospitality: all of this is glossed over or suppressed by Scottish Ministers. When challenged, they claim, disingenuously, that they could have funded it as it is “our money”, suggesting, in defiance of the facts, that Scotland subsidises the rest of the UK. When it is pointed out that their own analysis shows that the Scottish deficit is significantly greater than the UK's, they either lie or bluster that an independent Scotland, free of the shackles of the UK, would soar into the stratosphere of prosperity and untold wealth.

However, and nevertheless, the strength of support for the SNP and the Green nationalists has to be acknowledged and addressed. Countering misinformation is legitimate and necessary, and making the UK Government more visible in the devolved Administrations is also a good thing. But simply dismissing the result and patronising the devolved areas will only add fuel to the flames. We need a vision to reach beyond this and look for a solution that combines to deliver the best of devolution and the best of the benefits of UK-wide co-operation. It requires the Government to reach out and engage with other parties and organisations that support the continuation of the United Kingdom but want to make it work better. They should listen to calm voices in their own ranks, such as the noble Lord, Lord Dunlop, they should take Gordon Brown seriously, and they should recognise the thoughtful ideas set out by my noble friend Lord Campbell of Pittenweem.

Perhaps this would lead to a federal solution, which some argue is not possible because of the imbalance between England and the devolved areas. However, there is evidently a desire for a voice for the English regions, which a battle over the red wall cannot satisfy, but which could help for a more balanced political settlement. It could end up being a uniquely British, quasi-federal outcome, embedding the devolution settlements, structuring the mechanism for co-operation across the UK and unlocking the voice of the English regions.

The Government say that first past the post enables voters to kick out unpopular politicians, but of course, in reality, it enables a minority, such as the current Conservative Party, to secure an overwhelming majority and brook no opposition. The Scottish electoral system has a proportional dimension, but the SNP dominance is down to the tactical squeeze of first past the post and the successful gaming of the proportional system by the Greens. A reformed constitution in which all elections are conducted by a fair voting system, and this House, the House of Lords, reformed to be similarly elected but also to reflect the voice of the nations and English regions, would represent the imaginative reform that would make our democracy fit for purpose and would perhaps re-engage voters in the excitement of actually being listened to and being able to influence and shape the debate in the United Kingdom. But under this Government, do not hold your breath, my Lords.

1.38 pm

Lord Judge (CB): My Lords, the gracious Speech records the Government's intention to strengthen the constitution. Well, hurray—we all agree. But we all agree provided we remember that the whole point of any constitution is to establish and maintain the rules which govern the exercise of political power. The gracious Speech goes on to record the Government's intention to

“restore the balance of power between the executive, legislature and the courts.”

Hurray, we all agree, provided we remember that, in a democratic society, the Executive should be subject to control by the legislature and governed by the nation's laws, made in the place where they should be made.

So it is all fine: we are all agreed that the gracious Speech catches all the problems that we have—on this issue, at any rate—and we can go home. I am sorry, but I rather regret that I cannot avoid the suspicion that the Government's real objective is to strengthen the control of the Executive over the constitution and rebalance the constitution yet more favourably for the Executive. When the noble and learned Lord, Lord Stewart, talked about “tried and tested”, my suspicions were confirmed.

As the noble Lord, Lord Bruce, has just said, the Executive is already too powerful. Today, the most alarming imbalance in our constitution is between the Executive and the legislature. In April 1780, the Commons passed a resolution deploring the fact that

“the influence of the Crown had increased, was increasing and ought to be diminished.”

In 2021, take out the word “Crown”, put in the word “Executive” and that is what we have.

Demosthenes himself could not have persuaded everybody to change our constitutional arrangements and wake up to the reality in only five minutes, so I shall just identify a couple of specific issues. In doing so, I want to go way back before Henry VIII to the medieval concept of the royal prerogative.

I should like to begin with the Fixed-term Parliaments Act. I understood the arguments in favour of that legislation, but the harsh reality of political life is that it did not work, as the past five years has demonstrated. Therefore, the Government propose that we go back to something “tried and tested”: the Dissolution process should be restored to more or less the way it was before the Act was passed, and should be—good Lord—a Prime Ministerial decision. In constitutional theory, it is open to argument that that particular prerogative might be open to the monarch of the day actually saying no to the Prime Minister, but that is bunkum. The monarch cannot possibly tell the Prime Minister that she will not grant him a Dissolution if he wants it. It would be catastrophic for the monarchy and, indeed, the constitution. Anyway, the Crown should not be there to provide protection against the misuse of executive power.

So the answer is simple, is it not? The Dissolution process should be in the hands of the body whose dissolution is being proposed. In our system, the Government of the day would probably win, but in a balanced constitution they should not both conceive

the proposal and have exclusive control over the outcome and, in effect, dismiss the legislature, including the part of it that has been elected in a democratic mandate.

On Prorogation, the protests against the decision of the Supreme Court were voluminous, as were the protests against the issue even being considered by the Supreme Court. Would noble Lords believe it: as a former judge, I understand the protests? I understand Article 9, which is an imperative part of our constitution. What the protests tended to overlook was that the Prime Minister was proposing to make an executive decision that Parliament should be prorogued for five weeks in the very middle of the Brexit crisis. Parliament was, in effect, being inconveniently troublesome. So Prorogation would happen. It was Charles I who kept proroguing difficult Parliaments and look what happened to him.

I simply recall that the argument against the courts considering the issue would have been far more persuasive if Prorogation were a decision by Parliament or even the House of Commons. There must be curbs on such executive power. Restoring the prerogative and removing the courts altogether from the process simply hands power to the Prime Minister of the day unilaterally to shut down Parliament and close down our democratic process or, at any rate, put it on hold—without Parliament even being there to question, let alone reject, it. What are we doing with unconstrained powers these days?

Our constitutional arrangements should not be based on medieval concepts such as the royal prerogative. I can see the noble Baroness, Lady Hayter, wearing a wimple; I can see the noble and learned Lord, Lord Falconer, putting on a tabard; but how many of your Lordships would like to have your escutcheon marked? Do noble Lords know what their escutcheon is? I do not know what mine is, but it is a medieval concept. We really must get rid of ideas such as the wimple, the tabard and the escutcheon from our constitutional arrangements.

I am afraid that my five minutes are up. I wish that I could have gone on for longer.

1.44 pm

Baroness Fraser of Craigmaddie (Con) (Maiden Speech): My Lords, what a privilege it is to make my maiden speech in this Chamber today. I am incredibly honoured to have become a Peer of the United Kingdom. My thanks go to Garter but also to Lord Lyon for the formalities. I am indebted to the commitment and professionalism shown by Black Rod, the Clerk of the House and their teams for efficient online briefings and warm welcomes in person. The doorkeepers have been tremendous in keeping me on the right path and ensuring that I am wearing the right footwear. I thank them for their continued patience with me.

Since my introduction in the snows in February, I have been touched by the welcome from Members of the House. I should particularly like to thank my supporters, my noble friends Lord Strathclyde and Lord McInnes of Kilwinning, and my mentor, my noble friend Lady Chisholm of Owlpen, all of whom have been wonderfully reassuring and encouraging.

That I should have the opportunity to make my maiden speech during a debate on the union seems particularly fitting. On the list of new Peers to include

me, I was the only name from Scotland. Indeed, I was the only one not from England. And having experienced the challenges of connectivity as I commute to this House, I was delighted to hear of the Government's commitment to improving rail infrastructure in the Queen's Speech.

I also welcome the Government's support for the voluntary sector. I have spent the last 20 years in the charity, health and arts sectors in Scotland. All of these are devolved areas of responsibility and so, declaring my interests, I come here today as someone who wants to contribute to the constitutional debate as this House navigates the challenges faced by our United Kingdom.

It could be said that I am a unionist by descent. My great-grandfather, William Hutchison, sat in the other place as the Unionist Member of Parliament for Glasgow Kelvingrove. However, I came south to train as a ballet dancer. I believe that I am the first professional choreologist to be a Member of your Lordships' House, a qualification that I could not have achieved if I had stayed in Scotland. But my career to date has been to enable others to shine, whether they were the dancers of English National Ballet or, more recently, people with cerebral palsy.

I am a supporter of devolution, as are the majority of Scots. And in this House, I note the work of the Common Frameworks Scrutiny Committee recognising the existing interdependencies between UK and devolved Governments. For too many people in Scotland, Westminster seems at best distant and at worst irritating or irrelevant. So I have been musing. If roles were reversed and Nicola Sturgeon were sitting in the Prime Minister's seat, I suspect that her reaction to a request for indyref2 would not be one of outright refusal. Instead, she would send out a very public message that emphasised how she supported the principles of democracy and the importance of the will of the people. She might announce a period of public consultation around the details of how any referendum might be held, and she would announce the formation of an advisory committee, as the Scottish Government love advisory committees to pass difficult issues on to. In short, while seeming to act reasonably and responsibly, she would kick the issue into the long grass, for now.

For this is not an issue that will be solved by entrenched positions or the waving of flags. I point to the evidence of the common frameworks programme, which has revealed what is possible in joint working, even when one has parties with very different ideological and constitutional outlooks. I hope that the Minister can therefore confirm that future intergovernmental relations are committed to seeking consensus and working with an ethos of mutual respect. I hope that he will go further on future engagement, beyond new structures, to ensure that connectivity is strengthened at all possible levels. We should enable others to shine: close working in all areas of the NHS; encouraging students to study at the best institutions across the UK and not be constrained by separatist funding decisions; championing cultural and family ties; and recognising our ability to be loyal to more than one flag alone.

I feel that, in this Chamber, I am preaching to the converted. We do not have representatives from the independence movement among us; as such, our

contributions to this debate are potentially flawed. However, to ensure that others will be afforded the opportunities that I have probably too often taken for granted, we must ensure that the future of our union is a conversation of co-operation. I look forward to contributing to this conversation from these Benches.

1.50 pm

The Earl of Kinnoull (Non-Aff): My Lords, what a pleasure it is to follow such an excellent maiden speech from the noble Baroness. I particularly resonate with her point about the self-harm of the SNP refusing to take up seats in this House, which I feel is greatly not to the advantage of all people in Scotland.

The noble Baroness hid her light under a pretty thick bushel, I am afraid. Craigmaddie means "great rock of the wolf" and is in Stirlingshire. She is the product of the Glasgow Academy—as noble Lords know, it is a star school—and Cambridge, which is the second-best university. Before going back, she stopped off briefly in London, where she enjoyed the delights of the advertising world, to which I will return in a second. She danced, I suppose, back to Scotland and to her roots.

Today, apart from being the chief executive of Cerebral Palsy Scotland, she also chairs the Scottish Government's National Advisory Committee for Neurological Conditions and is, among other things, a board member of Creative Scotland—our version of the Arts Council—and OSCR, which is the charity regulator in Scotland. Her energy and fairness of approach are recognised by all north of the border. I for one am thankful that she employs her skills in Scotland—now, to some extent, in this House too—and not with J. Walter Thompson in London on a diet of Go-Cat, Timotei and Listerine mouthwash. Anyway, I very much look forward to her future contributions in this Chamber.

The trade and co-operation agreement and the withdrawal agreement represent the cornerstones of the most wide-ranging arrangements that the UK has had with any international partner. The mechanics of these arrangements are hugely complex. The competencies covered by the agreements range from those reserved to Westminster, through those that are shared with the devolved nations and the UK, to those that are wholly devolved. Yet the 32 committees that currently exist under these agreements contain seats only for EU Commission and UK Government representatives. The agreements are silent as to how the devolved nations interact. That is right because it is not a matter for the EU, but it is therefore a matter for the UK Government to lead on, explain and make happen.

The 24 committees of the trade and co-operation agreement were not operational until the TCA's ratification at the end of last month. As the European Affairs Committee well knows, they are now cranking up. I note how many will involve devolved matters. Take the Specialised Committee on Fisheries. This is a wholly devolved competence. How are the devolved nations to be involved?

The Dunlop review of November 2019, which was finally published on 24 March this year, is wonderfully clear on this area, with common-sense principles that

[THE EARL OF KINNOULL] should apply. Where intergovernmental relations are concerned, it underlines that we must have a new system and that that system must be transparent. The Chancellor of the Duchy of Lancaster wrote a response of the same date that appears positive but lacks a firm commitment to implementing the totality of the Dunlop recommendations of 16 months before. The third document of that day was the *Progress Update on the Review of Intergovernmental Relations*. It reveals how much important detail still needs to be agreed in the review that started in March 2018.

The Government appear to be bogged down. The Dunlop review is now 18 months old. The key elements are not being acted on. The review of intergovernmental relations is more than three years old, with an ending not even on the radar, let alone in sight. Failing to address devolved Administration interaction with the relevant TCA committees will inevitably give rise to more energy and time-sapping arguments, which do no one any good. At the very least, it is vital that the Government complete and implement the review of intergovernmental relations, and rapidly.

My thoughts on the trade and co-operation agreement and the withdrawal agreement stand on top of all the other reasons for urgent action on the mechanics of our union that have been advanced today, not least in the excellent opening speeches of the noble Baroness, Lady Hayter, the noble Lord, Lord Bruce, and my noble and learned friend Lord Judge. I very much wish that we could have had more than five minutes of him. Does the Minister agree with my analysis so far?

In closing, I note that the fact that the devolved Administrations have involvement in the trade and co-operation agreement committees means, of course, that the devolved Assemblies will have commensurate scrutiny duties. Does the Minister recognise this, and can he confirm that the Government will support reasonable scrutiny by those Assemblies?

1.56 pm

The Lord Bishop of London [V]: My Lords, I add my voice to welcome the noble Baroness, Lady Fraser of Craigmaddie. I thank her for her maiden speech.

There is much to welcome in this gracious Speech, including its focus on recovery from the impact of Covid on our lives and on the economy, the investment in skills and infrastructure that it promises, and its whole-country approach. A new programme implies a clean sheet and a fresh start, but I hope that the unresolved issues from the close of the last Session—namely those relating to the then Fire Safety Bill and the then Domestic Abuse Bill—will be resolved in this Session. I hope that the financial burdens on leaseholders will stay at the forefront of the Government's concerns and be quickly resolved in the building safety Bill. Additionally, it was disappointing that the Domestic Abuse Bill reached Royal Assent without securing protection for all women, namely migrant women. I hope that the Government will uphold their promise to treat victims as victims first and foremost, and at least ratify the Istanbul convention before the nation's 10-year anniversary of its signing in the summer of next year.

The previous parliamentary Session will for ever be marked in our minds due to coronavirus. I will say something about integrated health and social care, but will start off with the subject in hand: the constitution. In the Government's briefing documents for the gracious Speech, the part dealing with the constitution has a strong emphasis on economic and structural benefit. It describes the United Kingdom as

“the most successful political and economic union in history, the foundation upon which all our businesses and citizens are able to thrive and prosper.”

Note the order. However, a union of nations and people is more than, and different from, a shared belief in a healthy bottom line. If we think that we can tarmac our way to unity, we are on the wrong road. A united and flourishing country is as much about the knitting together of hearts as it is about the laying of cables. Any project in service of the future of our union—if it has one—will need to be a project of the heart. We can look in our wallets or purses for cards—perhaps even one that will give us permission to vote—but we will not find our identity there.

The proposal to require photo ID to vote seems to be a solution in search of a problem. I confess to having some anxiety about it when the Electoral Commission itself estimates that almost 3.5 million voters are without suitable ID. Those in more marginalised communities, including many in my diocese, will number the highest among them. Taken alongside measures on protest and judicial review, this raises questions about the Government's commitment to upholding those liberties and freedoms that they wish to encourage elsewhere in their programme. A union that takes seriously the role of every voice will yield a stronger hold. I hope that we might look to encourage an approach to unity that encourages thoughtful relationships with one another, recognises diversity and generosity and the contributions that each has to give, and, while recognising the economic benefits, puts common values and aspirations first.

This principle also extends to health. The need for a localised but joined-up integrated health and care system has become increasingly relevant. I note the comments yesterday by the Minister, the noble Baroness, Lady Berridge, that we must ensure that every part of England is covered by an integrated care system. We await further details. I hope that we will see an integrated care system on a statutory footing in this Parliament, as its benefits would be to reduce health inequalities and improve population health. A joined-up system with genuine multi-agency partnerships that span the NHS, local government and civil society, including faiths, can work. We have seen this in the action taken through the vaccine rollout.

Furthermore, I welcome the reference in the gracious Speech to the reform of adult social care in England to ensure dignity in old age, and the commitment to improving mental health services. A system that values every member of its body will not forget the vulnerable in our society or allow its members to arrive at old age unprepared for the reality of care costs that they cannot afford. It is imperative that we pursue integration seriously.

To succeed any system or union, be it of nations or public services, must value the voices of everyone, at every level, and develop systems that promote being seen and heard, and which will foster mutual respect and common unifying values. We must be connected in sharing the skills and prosperity that we enjoy and effective in making them available to all in need. This is more than a transactional relationship; it is about building ties of trust, respect and mutual support for the generations to come.

2.02 pm

Lord Grocott (Lab): My Lords, it is not too unkind to say that, after 11 years in office, this Conservative Government do not have the greatest of records on constitutional reform. First, let us remember that, in 2011, they gave us the shameful Parliamentary Voting System and Constituencies Act, which resulted from a deal between the Conservatives and Liberal Democrats and proposed a reduction in the number of MPs from 650 to 600. Secondly, also in 2011, we had another constitutional stitch-up, again with no pre-legislative scrutiny—namely the Fixed-term Parliaments Act. This had the principal aim of giving the coalition Government a guaranteed five years in office.

I am happy to say that we got rid of the constituencies Act last year. Now this year, in the Queen's Speech, we are told that we will get rid of the Fixed-term Parliaments Act as well. I cannot resist saying that the Government would have saved themselves a lot of time and trouble if, back in 2014, they had supported my Private Member's Bill: the Fixed-term Parliaments Act 2011 (Repeal) Bill. At least it gives me the pleasure of uttering my favourite parliamentary phrase: I told you so.

As the House knows, a Joint Committee of the two Houses was appointed last November to review the Fixed-term Parliaments Act and scrutinise the draft government Bill to replace it. It was clear to many of us on the committee that the shambolic 2017-19 Parliament was, at least in part, due to the malign consequences of the 2011 Act. First, it gave a Government virtual security of tenure, even when losing on their major flagship policy by huge majorities. That would have been unthinkable prior to 2011. Secondly, it allowed that absurd period at the end of 2019, when a Government who had clearly lost the confidence of the Commons were unable to call a general election because of the two-thirds majority required by the Act.

While I welcome the Government's plan to solve a problem in the Commons, albeit a self-inflicted one, I deplore their failure to address clear problems that we have here in the Lords. I will mention just two. The first is the size of the House. In his excellent all-party 2017 report the noble Lord, Lord Burns, said that the Lords, at 800-plus, was too big and should be reduced to 600 Members. This could be achieved without legislation but would require the active support of the Prime Minister. There is no point in reducing our numbers voluntarily if the Prime Minister simply replaces everyone who dies or retires. The lesson is simple: we cannot limit our size without legislation. I am very pleased that our new Lord Speaker is committed to raising this directly with the Prime Minister. In so doing, he can be assured of the support of the vast majority of Members of this House.

There is another piece of legislation required. In the next three months, this House will hold no fewer than six by-elections at which only those hereditary Peers who are on the register of such Peers are entitled to stand. At present, there are 209 names on the register; all but one are men. Yesterday, the House published an official notice on the by-elections to replace hereditary Peers. It ought to be compulsory reading for this House and preferably for a wider audience. It proves that satire is not dead. Please read it: Gilbert and Sullivan live on.

The first of the six elections will take place on 17 June—put that date in your diary. The result will be announced in this House, and three new Conservative hereditary Peers will then arrive, having been elected by 43 Conservative hereditary Peers already in the House. It is a great election; the first three all win. I wish that system had operated in the various general elections that I have lost. That is the system. It gets worse, but I do not have time to deal with it.

Three times in the past five years, I have tried to scrap these by-elections in Private Members' Bills. I am delighted that I have come 11th in the ballot this year, so the House will have the pleasure of listening to the same speech, which I am slowly improving over the years, to deal with the problem. But my attempt to scrap the system has been thwarted every time, as the Government have refused to back it. Is it too much to hope that, in this Session of Parliament, the Government either introduce a Bill of their own or support my Private Member's Bill, so that we get rid of this nonsense once and for all? The Procedure Committee might even help by suspending by-elections in the meantime, as they have the power to.

On two constitutional issues affecting the Commons, the Government have seen the error of their ways. But in the Lords, even where there is consensus on the size of the House and on elections, they have done nothing. Is it too much to ask the Minister to reassure the House that he understands the need for reform here and that he will represent us faithfully, by making this known to his colleagues in Government?

2.08 pm

Lord Tyler (LD) [V]: My Lords, according to Mr Johnson, the public “don't give a monkey's” whether he and his party have cheated and broken electoral law, so did the election results last week bear him out? They did up to a point; 36% voted for his candidates and 64% did not. Taking turnout into account, he could claim about 15% of the eligible electorate.

Trust is an essential ingredient in our democracy. Trust in our system of governance and in those who currently exercise it is dangerously low. We do not have to go far to discover why: the public do not recognise, in the Government, respect for the seven Nolan principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership. It is very timely that the Committee on Standards in Public Life is now examining the extent to which these principles are being adhered to. It will have to add the Government's legislative proposals to its analysis.

The absurdly misnamed electoral integrity Bill should be high on this list. Evidence of the alleged problem of fraudulent voting in polling stations is virtually non-existent; there was just one conviction out of the

[LORD TYLER]

47.5 million people who were registered to vote in the 2019 general election, and I discovered that that case had nothing to do with fraud. The offender was told that he was not on the register, so he picked up a ballot box to try to prevent others voting.

No. 10 is so weak in its supporting arguments that it claims that photo IDs are necessary for taking out library books and collecting a parcel, which simply is not true. It is a poor advert for a Bill when Ministers have to employ obvious lies and exaggeration to justify it. Its real purpose is to exclude those eligible electors who are less likely to vote Conservative, up to 3 million people who at the moment have no photo ID, comprising of older people, some ethnic groups and new vote attainers in particular. That is straight out of the Trump-Republican voter suppression gambit. To increase trust, we should be insisting on more thorough registration of those who are entitled to vote, not driving them away.

The other related proposal seems designed to increase the number of overseas-resident millionaires who can donate to the Conservative Party. This should be read alongside the proposals from Mr Gove and his colleagues in the Cabinet Office to hugely increase the limits on national party campaign spending. Taken with the attempt to overturn the court judgments on the responsibility of candidates and their agents for spending in constituency campaigns, this is a deliberate plan to reduce the integrity of elections. Millions more could be spent in target seats, with inadequate transparency. The Government should instead be addressing the known weakness of the transparency of lobbying Act. As Mr Cameron himself said, sunlight is the best disinfectant.

Meanwhile, the Home Secretary is apparently attempting to undo Parliament's relatively recent insistence that metro mayors and police and crime commissioners should receive effective majority support to qualify themselves for wide-ranging individual powers. Fiddling the electoral system there, just because Tories benefit from the distortions of the first past the post system, is hardly conducive to trust and integrity. Taking a rigorous look at the proven illegality of leave campaigners in the 2016 referendum, and publishing in full all the evidence of foreign interference, then and since, including that from the Russians, would be genuinely addressing the lack of electoral integrity.

The Government are seeking to concentrate more power in the hands of the Prime Minister, with the right to dissolve or prorogue Parliament at a time to suit his own and his party's interests. I have recently re-read the 1976 Dimpleby lecture of the former Lord Chancellor Viscount Hailsham, a true Tory if ever there were one. He reminded us, as has the noble and learned Lord, Lord Judge, today, that the Government are accountable to Parliament, not the other way round. Lord Hailsham cited the dissolution power as an example—one of many—of what he warned was an insidious slide from parliamentary democracy into "elective dictatorship". He also, incidentally, showed how even then, 45 years ago, the electoral system had failed to keep up with the changes in British society, and recommended a fresh look at the case for more representative democracy.

Last Thursday, the majority of those who voted in English local council elections were cheated of any impact on the result. Now that their Scottish fellow citizens are already benefiting from better representation, with the Welsh soon to follow, surely it is intolerable that the English should be so disadvantaged on such a crucial democratic level, in our so-called United Kingdom. That really is an issue of electoral integrity and one that must urgently be addressed if trust is to be restored.

2.14 pm

Lord Forsyth of Drumlean (Con): My Lords, I was going to praise the Liberals for their part in the Scottish election, but the speech by the noble Lord, Lord Tyler, has made it slightly more difficult for me.

I have a Shakespearean question: after last Thursday, "Stands Scotland where it did?"

The answer must be, yes, it does. Nicola Sturgeon described the result as a landslide, a historic outcome, when in fact she gained one seat—more a hysterical overreaction on her part than a historic outcome. The Conservatives have remained with the same number of seats. Labour lost two seats, partly because their excellent leader spent most of his time attacking the Tories instead of attacking the nationalists, who are in power in Scotland.

Therefore, we remain exactly where we were, with a minority Government led by Nicola Sturgeon, who are unable to govern except with the support of other parties. It is true that she got more than a million votes, and we should respect that, just as she should respect that more than 2 million people voted to remain part of the United Kingdom in the referendum on independence, and the Edinburgh agreement, which was solemnly signed by the then leader of the SNP—who actually did achieve a majority in the Scottish Parliament—gave a commitment to respect that result for at least a generation.

Nicola Sturgeon got those million votes by extending the franchise. The franchise has been extended to include refugees, prisoners, 16 year-olds—almost everyone except Scots who live outside Scotland in the United Kingdom. All foreign nationals can vote and, in the event of an independent Scotland, those people who would be eligible for a Scottish passport are to be excluded from voting in her referendum, which would destroy the United Kingdom.

I would like to share a secret. I find that saying things in this House is a good way of keeping them secret, especially from the Scottish media. Nicola does not want a referendum. It is the last thing that she wants. She wants one only when she is sure that she can win it. The SNP itself said that it would need at least 60% of the electorate supporting it, and support is on the decline. However, she does want to talk about having a referendum because it is a diversion from her record, which is abysmal, and the excellent speech by the noble Lord, Lord Bruce of Bennachie, outlined some of the issues. Her Government are responsible for a health record where an Albanian man has a longer life expectancy than a Scotsman, even though more money is being spent on the health service in Scotland. The difference in life expectancy between men in the most deprived areas of Scotland and the

most prosperous is 13 years. Scotland is the drugs capital of Europe, with 24 such funerals every week, yet she thinks that she should concentrate on talking about the need for a referendum. She said that she should be judged on her performance on education and has been in power for a very long time, yet the annual surveys of numeracy and literacy show continuing decline. What is the response to that? To abandon the annual surveys because they have become too embarrassing, and to remove Scotland from international league tables as we plummet down the list. In her own city of Glasgow, men's life expectancy is less than the life expectancy of men in Libya.

Douglas Ross won 31 seats, and more votes than were won by Ruth Davidson of blessed memory, whom I am delighted to say will be joining us in this House. In Shakespeare, Macduff's question was answered by Ross:

"Alas, poor country!
Almost afraid to know itself."

Large numbers of young people believe that independence would be a good idea but, when asked in the opinion polls, they changed their minds if independence was going to cost them more than £1,000 in lost income or lost benefits.

I ask the Front Benches: where was the Prime Minister in our campaign? Where was the Chancellor of the Exchequer? Where was the Secretary of State for Work and Pensions? Where was the Defence Secretary? Michael Gove came to Scotland the day after the votes had been counted. We need Ministers to go north of the border and explain to people how they benefit from having the strength of the United Kingdom around them, because they do not know it, and to lose it would put us in desperate times, faced with Nicola Sturgeon's Brigadoon vision of an economy.

Alex Salmond is very keen on quoting Rabbin Burns. Well, let us take Rabbin Burns's advice, in the address to the Dumfries Volunteers:

"O, let us not, like snarling tykes,
In wrangling be divided...
Be Britain still to Britain true,
Amang oursels united;
For never but by British hands
Maun British wrangs be righted!"

2.20 pm

Lord Kakkar (CB): My Lords, it is a very great pleasure to follow the noble Lord, Lord Forsyth, and to be in a position to congratulate the noble Baroness, Lady Fraser of Craigmaddie, on her marvellous maiden speech. I too thank the Minister for the thoughtful way in which he introduced this debate and in so doing declare my interest as chairman of the Judicial Appointments Commission.

I welcome the Government's commitment to repeal the Fixed-term Parliaments Act. The period between 2017 and 2019 made vivid the severe limitations of that legislation. Keeping a powerless Government in power against their will, exacerbating tensions between the Executive and Parliament and, indeed, the Executive and the courts, and drawing the Crown into potential controversy—a seriously dangerous situation—were the unintended consequences of that legislation.

We have heard about the important Dissolution principles that have been established in preparing the way for the repeal of this Act and legislation that will follow. I think all noble Lords agree that it is essential that the Prime Minister of the day enjoys the absolute confidence of the other place to remain in the position to form a Government, and it is absolutely correct that all involved in the political process ensure that the sovereign is not drawn into party politics.

However, much has happened in addition in the period since the enactment of that Act. Much of what has happened has drawn on provisions in that statutory framework, the interpretation of other statutes and other long-standing legislation. We have heard from my noble and learned friend the Convenor about Article 9, for instance. Therefore, this Parliament has to be certain that all that happened—the new precedents and the new conventions that were established in that period—will also be addressed responsibly and sensibly to ensure that we do not find ourselves with new unintended consequences as a result of further legislation in this regard, or indeed through not having addressed the totality of what we have learned in the period since the Act's passage. In considering the way forward, are Her Majesty's Government content that, in instructing the courts that the Fixed-term Parliaments Act no longer exists and that what has happened subsequently may be ignored, there are sufficient safeguards to protect our constitutional arrangements and to ensure that we never again find ourselves in the situation we were in during that very difficult period for this Parliament?

I will also draw on the comments of the right reverend Prelate the Bishop of London regarding integrated care. I know it is not a subject of debate on the constitution and the union, but I support her comments. Integrated care is essential to the future functioning and delivery of our National Health Service, and I warmly welcome Her Majesty's Government's commitment to legislate in this Parliament for provisions to ensure that the NHS can perform on an integrated basis. The proposed legislation, as laid out in the White Paper, identifies the structural and commissioning impediments to delivering integrated care in the NHS, but it fails to address the important issue of regulation. To deliver integrated care, care must be seamless across different clinical environments—hospitals, primary care and community care—and across the needs of patients for care of their physical and mental health, and it must deal with healthcare and social care. Each of these domains is regulated differently. The White Paper fails to address regulation for an integrated care system, and as a result we may end up with the unintended consequence of dealing with the structural and commissioning impediments to delivering integrated care while retaining the regulatory impediments to doing so.

It is also critical, in committing to integrated care in our National Health Service by building on our experience during the Covid pandemic and the remarkable achievement of mass vaccination across our nation, that there is a renewed commitment to establishing the metrics and measurement of data pertaining to how care is delivered and how successful it is to ensure that we are always improving outcomes for every citizen and patient in our country.

2.26 pm

Baroness Merron (Lab) (Maiden Speech): My Lords, it is with the greatest of pleasure that I speak to you for the first time today, having had the honour of joining your Lordships' House. Noble Lords from all sides of the House have given me the warmest of welcomes, for which I am most grateful. It is a particular joy to become reacquainted with former colleagues of all parties from the other place, as well as noble Lords with whom I have worked in different parts of my life and career. I thank the staff and officers of the House for their ever-present professionalism, guidance and often literal direction as I get used to this remarkable place. I thank not only those we see in person but those who go about their work behind the scenes to keep the wheels turning, particularly in these times of Covid pandemic restrictions and requirements.

I was advised early on to put aside all that I know about the ways of the other place. I am secure in the knowledge that, should I transgress, I will be gently and firmly put back on track to the way of the Lords. At my introduction, I was blessed to have as my supporters my noble friends Lady Smith of Basildon and Lord Knight of Weymouth, with whom I served as an MP. I am grateful to them for ensuring that a newly ennobled heel did not catch in the hem of robes that your Lordships will recognise as somewhat tricky to negotiate.

My mother's advice, so as not to offend, was never to talk about religion or politics. However, we can safely say that I have made an art form of talking about both subjects, as evidenced throughout my career as a local government officer in Derby enhancing the lives of those on benefits, as a senior union official speaking up for low-paid, part-time women workers across the east Midlands, and as MP for Lincoln for 13 years, during which time I served as a senior Government Whip and as a Minister in five departments. As Minister of State for Public Health, I was particularly proud to legislate to protect young people from cancer and to pioneer anti-smoking legislation and practical help to support better health for children and the hardest to reach.

I have also had the privilege to serve as chief executive of the esteemed representative body of the Jewish community, the Board of Deputies of British Jews. My parents grew up in the East End as children of Jewish immigrants forced to flee to Britain by pogroms that murdered Jews and destroyed communities. I reflect, with feeling, that if my grandparents, who I was born too late to know, had been told that their granddaughter—not even their grandson—would serve as a member of Her Majesty's Government, as the chief executive of the Board of Deputies of British Jews and as a life Peer, they would not have believed it. It would all have seemed too remarkable.

For myself, I could only have dreamed that it would ever be possible to have the honour of a life peerage bestowed on me. My journey to this place, in the very heart of the British establishment, is not one that was expected. I am, as the film says, made in Dagenham. I had opportunities afforded by social housing, education, employment and the NHS—all contributors to a fair and decent society.

Our destiny should be shaped not by the conditions into which we are born but by what can be. We sit in this House with that responsibility on our shoulders. Through my years of public service, I feel I am repaying the debt to this country that gave my grandparents refuge and life for future generations, including my own. I hope that in taking my place in this House, I will do justice to their memories.

I turn to the debate. In my experience, good legislation always hits the target, but regrettably the target of the electoral integrity Bill will be those already on the very edge of our society who find it hard to exercise their democratic right to vote. Anyone who has campaigned in an election will know that the real scandal is the low levels of turnout, particularly among marginalised groups.

I recall a young woman in my former constituency of Lincoln who was embarrassed to say why she would not be voting for me. She confided that she had never voted, because she simply would not know what to do if she were to go to a polling station. How will this unnecessary Bill help her? Adding more hurdles to deal with a non-existent problem will simply drive her further away.

I look forward to making further contributions in this House on matters that speak to the reality of people's lives, and I thank your Lordships for the patience and support given to me today.

2.32 pm

Lord Young of Cookham (Con): My Lords, it is a pleasure to follow the noble Baroness and to be the first to congratulate her on an excellent and moving maiden speech. It may sound counterintuitive but this is the second time I have listened to her maiden speech, having been in my seat in another place on 3 July 1997, when the noble Baroness again spoke eloquently on a range of subjects and strongly criticised the rail service to Lincoln, for which I had had ministerial responsibility only a few weeks before.

I first met the noble Baroness when she and I both sat on the Committee of Selection in another place, when she was a Government Whip. The proceedings were carefully scripted, with the usual channels reading out a list of names hand-picked for party loyalty. The meetings lasted seconds rather than minutes, so there was little opportunity for anyone to display talent. But subsequently, the noble Baroness was promoted and held seven different government jobs in 10 years, demonstrating the skill, stamina and versatility needed on the Opposition Front Bench in your Lordships' House, to which she has rightly been promoted.

In her gap years between the other place and here, she gave strong leadership to the Board of Deputies of British Jews, addressing, among other issues, the anti-Semitism in the Labour Party at the time. She was popular and respected on both sides of the House in the other place, and I know the same will be true here. We all bid her a warm welcome.

On the constitution, the Fixed-term Parliaments Act clearly has not worked, whatever the theoretical benefits. The last Parliament had "Do not resuscitate" at the end of its bed, but the Act officiously kept it alive. It has to go. The dominant issue now is the

future of the United Kingdom, as Brexit adds momentum to the centrifugal forces in Scotland and Northern Ireland.

I have three points. First, we should learn the lessons from the excellent report by the UCL Independent Commission on Referendums:

“Referendums are best suited to resolving major constitutional issues, such as those relating to sovereignty. They work best when they are held at the end of a decision-making process to choose between developed alternatives ... It is of utmost importance for the proposals put to a referendum to be clear and for voters to know what will happen in the event of a vote for change. Hence, the Commission considers standalone pre-legislative referendums to be highly problematic.”

Developed alternatives were not present in either the EU referendum or the referendum on Scottish independence. If a referendum is to be held, the UK Government, whose consent will be required, should make it a condition that clear answers to the questions of currency, fiscal balance and borders should be given first.

Secondly, there are reports that we are going to love-bomb Scotland with public money to combat the threat of the nationalists, but this risks aggravating the existing imbalance between public funds for Scotland and for England and is fraught with moral hazard. The SNP will argue that any fresh influx of funds has come about only because of its success in the recent election and that, if the influx is to continue, voters should continue to vote for the SNP. This is 21st-century Danegeld.

Thirdly, following the excellent point made by my noble friend Lord Forsyth, it is worth looking again at whether the franchise for any referendum should be extended to Scots living in other parts of the UK. This would follow precedent. When we held the EU referendum—again, an issue involving sovereignty—UK citizens living overseas were given a vote. I believe the case is even stronger for Scots living in other parts of the UK if they have been on the register in Scotland during the previous 15 years.

Finally, there is one conspicuous omission from this year's Loyal Address. The last one said:

“A Constitution, Democracy and Rights Commission will be established.”

That was also a manifesto commitment:

“In our first year we will set up a Constitution, Democracy & Rights Commission”.

That commitment has been ditched, but in its place we move straight to legislation to

“restore the balance of power between the executive, legislature and the courts.”

In his wind-up speech, can my noble friend shed some light on what is proposed? If we are not to have the promised commission, will there be a Green Paper or a draft Bill before any legislative button is pressed? What is proposed for your Lordships' House?

I end with this question. Over the past 12 months, the Executive have taken unprecedented powers away from the legislature and the courts. Any balance that needs restoring now should reverse that, but is that what the Government have in mind?

2.38 pm

Lord Rennard (LD): My Lords, the title of the proposed electoral integrity Bill is worthy of Newspeak from George Orwell's *Nineteen Eighty-Four*. Big Brother wants to protect us from a virtually non-existent threat.

The offence of stealing someone's vote at a polling station is extremely rare. It is possible to determine exactly how many people go to vote to find that their vote has already been claimed by somebody else. When there is such a problem, a special ballot paper, known as a tendered ballot paper and printed on different-coloured paper, is issued by the presiding officer. If the number of such ballot papers may make a difference in an election, a determination can be made as to what has happened and which votes should count. Ministers have repeatedly refused to say how many such ballot papers have been issued in recent elections. That is because the answer is virtually none.

When the Electoral Reform Society asked returning officers for such details and made freedom of information requests a few years ago, the evidence was that the offence of personation is extremely rare. The Electoral Commission reports that in all the elections held during 2019, there was only one conviction.

So why are the Government introducing a Bill requiring photo ID when there may be millions of legitimate voters who do not have it? The reason is simply that those people are disproportionately younger, poorer and from diverse ethnic backgrounds—in other words, less likely to vote Conservative. The proposals for photo ID are expensive, irrelevant and a distraction from the things that people really wanted to see. They are unworthy of a British political party that claims to believe in fair elections.

There are many Conservative parliamentarians who strongly oppose the idea of Covid passports being required to visit the pub or other places so I look forward to them joining the former Secretary of State for Brexit, David Davis, and others in opposing the principle that any form of passport should be required to vote. The Prime Minister, Boris Johnson, himself said in his *Daily Telegraph* column a few years ago:

“Ask to see my ID card and I'll eat it”.

They will not be made of chocolate.

Yesterday the former Conservative leader in Scotland, Ruth Davidson, shortly to join this House, tweeted that

“there are bigger threats from agents outside our borders than from someone who forgets to take their drivers' licence (if they have one) to a polling station.”

I feel that I cannot quite quote the unparliamentary language that she used to describe this proposal in her interview, but the word begins with the letter “b”.

If the Government wanted elections to be fairer, they would be supporting the excellent electoral integrity Bill put forward by Unlock Democracy. They would also now be enacting a measure to halt the farcical process of topping up the membership of this House by holding by-elections amongst the registered hereditary Peers.

It is with some irony that I note how the by-elections now planned for another six hereditary Peers will be conducted by the alternative vote system, just as was

[LORD RENNARD]

the recent election for our Lord Speaker. What is good enough for us should also be good enough for electing mayors and police and crime commissioners. By seeking to abolish any form of preference voting for these positions, the Government are simply setting out to make it easier for Conservatives to be elected even when most voters would prefer to have someone else.

Lastly, the Prime Minister announced yesterday that there will be a public inquiry into the Government's handling of the Covid-19 pandemic. Two years ago, he delayed publication of the report into Russian interference in our democracy until after the general election. Is the real reason for abolishing the Fixed-term Parliaments Act so that the timing of general elections can be manipulated to avoid scrutiny of such reports during an election campaign?

Prime Ministers should not be able to play games like this. When a Prime Minister can determine the date of a general election, they are playing with loaded dice and obtain an unfair advantage for their party. In football we would never allow the winners of the Premier League to arrange the fixture programme for the following season, and we should not let a Prime Minister be able to fire the starting gun in the race for their re-election.

The Deputy Speaker (Lord Faulkner of Worcester)

(Lab): My Lords, I am unable to call the noble Baroness, Lady Mobarik, so I call the noble Lord, Lord, Browne of Belmont.

2.44 pm

Lord Browne of Belmont (DUP) [V]: My Lords, I was pleased to hear in her Majesty's gracious Speech that her government Ministers will promote the strength and integrity of the union and that measures will be brought forward to strengthen devolved government in Northern Ireland. In promoting the benefits of maintaining and enhancing our great union of nations, we should emphasise that we have in these isles a history and a bond unmatched anywhere else in the world. We have a unique selling point: four distinctly original constituent parts of one nation.

We hold this key debate during Northern Ireland's centenary year, a very significant milestone in our country's history. One hundred years since its foundation, Northern Ireland is still very much part of the United Kingdom, and in 2021 it is in many ways unrecognisable when compared with how it looked and felt in the darkest days of conflict. One has only to look at Belfast's harbour and skyline to appreciate the changes. In recent years we have witnessed relative peace and significant inward investment, including the growth of a strong film and television industry. International companies and studios recognise Northern Ireland's value and potential as a location containing some of the most breathtakingly beautiful scenery in this nation. The considerable growth in tourism over the past decade is perhaps further evidence of that.

However, our union now faces several different and unique difficulties and challenges. In Scotland we hear familiar separatist rhetoric from those who wish to divide us. Despite having lost a previous referendum, some still seek to divide.

In Northern Ireland, regrettably, we are facing new realities as a consequence of trade uncertainties arising from the introduction of the Northern Ireland protocol arrangements. It is essential that we ensure the long-term prosperity of the UK and the viability of businesses. We must do all we can to protect our internal market and build on our relationships across our nation. It remains true that no part of the UK should feel disadvantaged because of the proximity of a trade border. There remain some real concerns in communities and within businesses in Northern Ireland that the protocol represents a threat to the integrity of our union. These are not concerns that will be easily swept away. I am sure the Minister will appreciate that many will seek further assurances and legal guarantees regarding these matters.

The UK's independence from the EU now opens up a new era of opportunities for increased co-operation and trade across the globe. However, before we enter new arrangements, perhaps we should first seek to repair, improve and further the friendships and alliances on our doorstep, across these isles. Being equal partners in a shared and integrated UK economy helps all the constituent parts of our nation to deal with risks and share opportunities. Inside the union we share not only a currency, a language and common standards but we are also socially integrated. Our strongest cultural bonds, interests, histories and values are those that we share across our nation. It is an undeniable fact that strong links across these isles and our open UK markets have brought huge benefits to England, Scotland, Wales and Northern Ireland.

The case for maintaining the union is as important as it is compelling. Though being British may be interpreted differently in different parts of our nation, there is a common understanding and appreciation of certain basic constitutional principles, such as the rule of law. Most British citizens instinctively recognise the many practical benefits of our union, such as our shared currency, which facilitates the growth of a strong and integrated economy. However, we should never complacently take those opinions for granted; nor should we use language that may alienate some when making our case. We must continue to work together, championing the union and strengthening the bonds between us.

The case for the union is a compelling one, based on future growth and opportunities. It is important to older and younger people alike. It is a case based on securing our economic future and sustaining our place on the world stage for years to come. Maintaining the union is the responsibility of all of us. Putting forward the case for it is as vital now as it was 50 or 100 years ago. All those who value and respect our United Kingdom, across all parts of it, must seize the opportunities before us to promote and safeguard it for future generations.

2.49 pm

Lord Lisvane (CB) [V]: My Lords, I add my warm congratulations to those of others and welcome the noble Baroness, Lady Fraser of Craigmaddie, and the noble Baroness, Lady Merron, who I was very glad to know in a previous life.

The Covid-19 pandemic has had a serious effect on the legislative process in terms of quantity of proposals, shortness of notice, difficulty of scrutiny and, insidiously, the confusion of guidance or ministerial instruction with the law. The report published today by the Constitution Committee, chaired by the noble Baroness, Lady Taylor of Bolton, has provided an excellent analysis of the effect on Parliament and has given us our own parliamentary road map, as it were, for the future. I much look forward to hearing from the noble Baroness in a moment or two. It is vital that those baneful legislative effects of the pandemic should not persist, but that does not mean that all will be fine once the dial is reset.

On Tuesday, we were told of some 30 Bills that Parliament will be invited to consider in just a few months of this Session. So I think it is reasonable to ask how well Parliament is equipped to pass good law. However welcome it may be to have, in the often-used phrase, “taken back control” or taken back sovereignty—whatever sovereignty may really mean in practice—the dice are ever more heavily loaded in favour of the Executive, as my noble and learned friend Lord Judge pointed out so compellingly.

I am not being unrealistic, of course. For years, Bills have not really been draft legislation; they have been word for word what the Government of the day wish to see upon the statute book. But the rules of the game have been changing. We have extensive delegation of powers to Ministers in SIs, with minimal parliamentary scrutiny, Henry VIII clauses which can negate scrutiny of primary legislation, and the use of delegated legislation to provide for matters of serious policy. We may pride ourselves on line-by-line scrutiny, about which I have my doubts, but if we really wish to equip Parliament to pass legislation that is respected and which maintains the accountability of Ministers and the authority of Parliament, we need to do a lot more than just reset the dial.

Let me turn to the union for a moment. Whatever the prospects for indyref2, the debate on the future of the union remains focused upon Scotland, and it remains binary. On the one hand, there is the possibility—remote, perhaps, but nevertheless—of independence and, on the other, of carrying on much as we are, with the hope that increased investment and joint projects will keep the centrifugal forces in check. But what will remain in the eyes of many will be what I have described to your Lordships before as the imperial condescension of the UK’s central government.

A symptom may be the term “devolution”, which I suggest is rapidly becoming outdated. If you devolve, you are giving away part of what you control. If you are the owner of the cake and you decide how much to give away, however tasty the morsel, this will not stop recipients being rightly resentful. I suggest that what is needed is a reshaping of the relationships, powers and responsibilities of the four members of the union. This has been the aim of the Constitution Reform Group, convened by the Marquess of Salisbury, a distinguished former Leader of your Lordships’ House, and of which I am a member. In the last Parliament, I introduced the group’s act of union Bill. In this Session, I hope to put before your Lordships a greatly improved and developed version of the Bill, seeking to replace

the present top-down approach, where the centre decides what powers are to be given to the other parts of the UK, with a bottom-up approach in which the four parts agree upon the powers they need to serve their citizens best and to take a full part in a union which has been astonishingly successful, culturally and economically.

My last point is constitutional, in that it relates to our parliamentary home. The sound of the restoration-and-renewal can still being kicked down the road is increasingly depressing. I have a personal interest in this, having commissioned the first condition survey, which initiated the whole process the best part of a decade ago. All the issues have been well exposed and, it seems, endlessly discussed. The questions of political embarrassment and the impact on the public finances are the same as they were 70 years ago, although of course the cost of not having tackled the problem for all these years now has to be added, month by month, inexorably. The reality that will not go away is that, if we have a catastrophic failure of services, we will probably not be able to remain in the Palace of Westminster, and all the decisions that have been put off for so long will come to a head in the space of 24 hours. In my maiden speech in your Lordships’ House I urged rapid progress. And that was six years ago.

2.55 pm

Baroness Taylor of Bolton (Lab) [V]: My Lords, I congratulate my noble friend Lady Merron on her very heartfelt maiden speech. I have known her for many years, and I know she will make a significant contribution to this House. All I can say is that I am very glad she did not take her mother’s advice to stay clear of politics, and we must welcome her.

As the Constitution Committee of this House, which I have the privilege of chairing, is conducting an inquiry into the future governance of the UK, I do not intend to talk about the future of the union—tempting though that is. I want to mention a few of the issues outlined in the Queen’s Speech. I think they fall into the description of “the good, the bad and the ugly.”

Let me start with the good—or at least, the potentially good—which is the repeal of the Fixed-term Parliaments Act. We should be honest from the start and acknowledge that this was never really introduced as a constitutional measure. It was simply part of the political deal between David Cameron and Nick Clegg, and so I welcome its repeal. But as the Constitution Committee pointed out in its report, you cannot simply repeal it because you would leave a vacuum in other areas.

This morning I received a letter from the noble Lord, Lord True, giving more detail on this five-clause Bill. Some aspects will not be controversial, such as providing a maximum parliamentary term of five years. However, the noble Lord, Lord True, goes on to say that the Bill will revive the Crown’s prerogative power to dissolve Parliament and restate the long-standing position that the exercise of the prerogative power to dissolve Parliament is non-judicial. The Minister is confident that that will be watertight. I fear that other legal opinion will not share his confidence. It is essential that, whatever is in this Bill, it is absolutely watertight in respect of the role of the monarch. The Minister also says in his letter that this will be underpinned by a

[BARONESS TAYLOR OF BOLTON]

set of non-legislative constitutional conventions. That is an interesting concept, and we will look forward to the detail on how this is going to be achieved. I am sure that the noble Lord, Lord Norton, will have a lot to say on that.

I wish the Minister well with his Bill, but I think its passage may not be as easy as he anticipates, and maybe the Commons, having been given the taste for a say in the timing of elections, will not be quite as willing as he thinks to relinquish that role. So that was the good.

The bad is simply the irrelevant proposal about free speech and universities. In opening, the Minister said that we should not be divisive, but that is exactly what that Bill is.

The ugly Bill is also divisive, and here I refer to the voter suppression Bill, because I think that is the title it deserves. I do not often agree with David Davis MP, but he described this measure as “pointless” and a “waste of time”. Photo ID for voting is just not necessary, and I speak as someone who approves of the principle of ID cards. It is not the problem that Ministers are suggesting it is. Ministers have said they want to protect our democracy; is this what they think is the main problem of our democracy at this time?

We have heard the figures: there have been two convictions and, in the trials, 819 people were denied votes. You have to think about who will be affected by this—it is very clear. We probably all know someone with no driving licence or passport; they will often be on a low income. I do not see why we should make it more difficult for people who do not enjoy our comfortable lifestyles to exercise their democratic right to vote—a right just as valuable as anyone else's. A better use of Parliament's time would be to drop this Bill and for the Government instead to adopt my noble friend Lord Grocott's Bill to end by-elections for hereditary Peers.

Finally, I will mention one phrase that caught my attention, as it did that of others in this debate. The Government have written that they will

“restore the balance of power between the executive, legislature and the courts.”—[*Official Report*, 11/5/21; col. 3.]

These are fine words, as the noble and learned Lord, Lord Judge, pointed out. My question is: are they a promise or a threat? I fear the latter. Reversing the increasing domination of the Executive should be a theme for us all in this Session.

3.01 pm

Lord Caine (Con): My Lords, I am delighted to echo the congratulations to my noble friend Lady Fraser of Craigmaddie and the noble Baroness, Lady Merron, on their excellent maiden speeches.

I also strongly welcome the commitment in the gracious Speech that

“Ministers will promote the strength and integrity of the union.”—[*Official Report*, 11/5/21; col. 3.]

Throughout 34 years, ever since I was first employed in the Conservative Research Department and as a special adviser to six Northern Ireland Secretaries, the union is the cause to which I have devoted most of my political energies. For me, the strength and integrity of

our United Kingdom is the most precious of all commodities, and I have always been a unionist first and a Conservative second. However, today, as many noble Lords have pointed out, the United Kingdom is once again under sustained attack and threat. In the short time available, I will focus on Northern Ireland, where my experience lies, but I will make one observation on the situation in Scotland.

As things stand, Scotland's departure from the United Kingdom could take place on the basis of 50.01% of those actually voting in a referendum. However, in circumstances where a referendum were carried by such a slender majority, and where border areas voted decisively to remain within the United Kingdom, what is the prospect of those areas demanding some form of special provision, with one option being for them to stay within the union?

I merely throw open the question. Like the noble Lord, Lord Browne of Belmont, I do so conscious that 10 days ago we marked the centenary of the coming into force of the Government of Ireland Act 1920, which made special provision for the six north-eastern counties of Ireland, thereby establishing Northern Ireland as a distinct political entity within the United Kingdom. Those who devised the Act intended it to be a temporary arrangement, so I am especially pleased that, 100 years on, Northern Ireland remains firmly rooted within our great union.

I also completely acknowledge that, for some, this is a contentious centenary and certainly not one greeted with any enthusiasm by nationalists. It is right that this anniversary, like others in this so-called decade of centenaries, is characterised by reflection as well as commemoration. The aim must always be to promote greater understanding rather than to fuel further division.

In the past, I have expressed the hope that the centenary might also provide the catalyst for a debate within unionism about how the union could survive, prosper and be strengthened for at least the next 100 years. Little could I have predicted that the centenary would actually take place against a backdrop of the resignations of not one but both leaders of the two main unionist parties in Northern Ireland—two people whom I know from personal experience to be individuals of great conviction and integrity.

As a result, we now have two leadership contests, and at the heart of both is the future direction of unionism and the union itself. As such, in that context, I say that Northern Ireland is a very different place today from that in which the Belfast agreement was made, nearly a quarter of a century ago. Even so, I remain convinced that, in any border poll, a clear majority of people would vote to stay within the United Kingdom—incidentally, a far greater number than those who currently vote for the two main unionist parties. I am sceptical of the methodology of certain recent internet-based opinion polls that might suggest otherwise.

However, in the long term, the union will not be secured by unionism turning in on itself, retreating into history or singing the same old songs, whatever short-term comfort that might bring to some. The surest foundation for the future of the union and Northern Ireland's place within it has to be an open, inclusive and tolerant unionism that understands, is comfortable with and

embraces the values of the modern world. It has to be a 21st century unionism, with a narrative that speaks to people outside its core base and whose mission is to build a more stable, prosperous and secure Northern Ireland that everyone, irrespective of their background or ultimate political aspiration, can be proud to call home—a Northern Ireland based on a shared and united future rather than a divided past.

In conclusion, it is over 50 years since the unionist Prime Minister Terence O'Neill made his famous broadcast, in which he said:

“Ulster stands at the cross roads.”

In so doing, he asked a question of his fellow unionists:

“What kind of Ulster do you want?”

Surely, against the backdrop of the centenary of Northern Ireland and two leadership elections, the time has now come for unionists decisively to answer that question in ways that secure rather than weaken Northern Ireland's future as part of this great United Kingdom.

3.06 pm

Baroness Humphreys (LD) [V]: My Lords, while preparing this response to the gracious Speech, I found myself thinking about how different my speech today would have been if my party's calls for the devolution of policing to Wales had been heeded and granted. I also thought about how, if we had full powers over elections devolved to us, there would be no threat to the ease with which we have cast our votes for generations in Wales.

However, with the confirmation of the UK Government's intention to progress the Police, Crime, Sentencing and Courts Bill beyond Committee in the Commons and the introduction of the electoral integrity Bill, we see this Government moving further and further away from the progressive politics and country that we on these Benches aspire to.

The intention to introduce new powers for the police to control protests is, above all, unnecessary and draconian. Police already have powers to limit protests to ensure safety. Protesters have the right to protest and express themselves under the Human Rights Act—a right that I and many others in this House have used to protest peacefully for causes that we believe in. The right to peaceful assembly has always been a crucial part of our democratic society, and these new laws undermine that right.

Like many others, I watched the presidential elections in America and was appalled by the reports of voter suppression, but the reality is that the UK is already emulating our transatlantic cousins. In the run-up to the 2019 general election, it was estimated that 17% of the UK population were not registered to vote. Individual voter registration has made the process far less easy than it was, and it has been the Tory party's first step towards the UK version of voter suppression.

The electoral integrity Bill—was there ever such a misnomer?—continues that process with its emphasis on the introduction of voter ID cards, such as a passport or driving licence, for future elections. However, there is little evidence of voter fraud in the UK, with only one person convicted of personation and one person cautioned in 2019, as referred to by my noble friends Lord Tyler and Lord Rennard. Whatever gloss

the Government try to put on this decision, it is a blatant and cynical attempt at making it harder for people to exercise their right to vote, and it is aimed at those they perceive as not being their voters. Welcome to voter suppression, UK style.

As ever, this gracious Speech is significant for what it does not contain. For those of us who live in Wales, the disappointment, although expected, is in the fact that it says nothing about our devolution settlements. Indeed, by their actions, this Government are bypassing and undermining the position of our devolved Governments, and there can be no better example of this than the way the shared prosperity fund is being allocated. My local town council—I refer the House to my membership of the council noted in my register of interests—was given details of the levelling-up fund and the community renewal fund when our local MP visited. The shared prosperity fund has yet to begin, but it is to be billed, I believe, as a Brexit bonus, using money that would have gone to Europe and replacing the European Social Fund. I note that there is no reference to replacing all the money that would have come from the EU. Delivery of all these will be to and through councils, bypassing the Senedd and leaving it without the finances to plan and implement policies and projects on a nationwide basis, other than those funded through the basic Barnett formula. I have a number of questions on the issue, which I will submit as Written Questions, and I hope for a full response.

A week ago today, the people of Wales returned a new Senedd, with 44 of the 60 seats taken by parties which support either federalism or independence, seeing off the negative influence of UKIP, the Abolish the Welsh Assembly Party and Reform. These parties now have no seats in our Senedd, thankfully, although I suspect that their voters turned to the Welsh Conservatives, who increased their numbers. Some Conservative candidates ran on an “Abolish the Welsh Assembly” ticket and I ask the Minister to confirm that this is not Welsh Conservative policy or, indeed, UK Conservative policy. What is clear is that there is an increased appreciation of the role of our devolved Administration and no mandate in Wales for anything other than increased autonomy for the nation.

3.12 pm

Baroness Crawley (Lab) [V]: My Lords, I congratulate the noble Baroness, Lady Fraser of Craigmaddie, and my noble friend Lady Merron on their maiden speeches—cogent, moving, funny and full of perspective. We look forward to hearing much more from them. While I certainly do not welcome the measures in the gracious Speech to make voting more complex and inaccessible to people or the power grab of the Executive or the privatisation agenda behind the health Bill, I do welcome the Government's intention to strengthen the union, finally.

In the years to come, there will be four roads back from this dreadful pandemic. The climb back to jobs and economic prosperity; the setting and achieving of bold climate change targets; the renewal of close and sustainable partnerships with our European Union friends and neighbours; and the fight to save the United Kingdom from disintegration.

[BARONESS CRAWLEY]

Despite the whining bluster of the SNP, the outcome of the Scottish elections was not as obvious and clear-cut as the First Minister claims. Scotland has by no means made up its mind on a second referendum or on independence and, I believe, is not in the mood for risk-laden, irreversible decision-making in the middle of a pandemic. The Prime Minister's summit, bringing devolution leaders together, is a start, but a complete cultural change in the language of devolution is needed if that language is not to become extinct.

By all means, ensure that UK-wide infrastructure projects are signposted as such, so there is more clarity for citizens on the source of public funding, but we will have to go far beyond summits, infrastructure signposting and the redeployment of Whitehall departments if our grandchildren are going to live and thrive in a United Kingdom in 30 years' time. We will have to tear up the "know your place" devolution handbook that is still influencing government thinking and decision-making. What is devolved and what is reserved does not have to be thrown out of the window, but it does have to be reformed for modern, post-Brexit times. Devolution for the 2020s, 2030s and 2040s must, first and foremost, be about partnership and parity of esteem and decision-making across the UK.

The template set out by Gordon Brown recently would not be a bad place for the Government to start. The excellent report on intergovernmental relations by the noble Lord, Lord Dunlop, at the request of the Government, also needs serious study, and we will hear from the noble Lord later in the debate. The emphasis of the noble Lord, Lord Hague, on collaboration across the parties in the matter of devolution was another useful contribution to the debate this week.

Some will say that keeping Scotland in the United Kingdom is a lost cause, that that ship has sailed. I do not agree. Yes, intergovernmental relations between the devolved Administrations need a serious reset, but the union can be saved. I am more convinced than ever, through my membership of the new Common Frameworks Scrutiny Committee, of what practical, pragmatic and legislative co-operation between devolved Administrations can actually achieve, and how an ongoing low-trust environment between the four nations can be avoided.

In our recent committee report to Parliament, we describe how common frameworks stitch together policy across the union in so many areas previously covered by EU law—areas such as food safety, hazardous waste, farming, transport systems, the environment and much more. This is achieved in a practical, co-operative, constructive way that respects the divergence of the devolved nations and builds together the new UK internal market. That is not to say there are no problems with constructing common frameworks, but there is a recognisable dispute resolution mechanism that is supported and has buy-in from the devolved Administrations.

When it comes to building a co-operative union, we have to roll up our sleeves now, today, and, as the poet Cicely Herbert said,

"plant trees for those born later."

3.17 pm

Lord Thomas of Cwmgiedd (CB) [V]: My Lords, we must work collectively in this House, as the noble Baroness, Lady Crawley, has so eloquently explained, to give real effect to the commitment in the gracious Speech to promote the strength and integrity of the union. I therefore particularly welcome the step taken at the end of the old Parliament by the Secretary of State for Wales and the noble Baroness, Lady Bloomfield of Hinton Waldrist, to set about constructive discussion with Peers who have a particular interest in Wales.

There are four matters in particular which we should address together. First, there are the common frameworks—I have had the privilege of serving on the committee for their scrutiny, so ably chaired by the noble Baroness, Lady Andrews. The name of these instruments does not suggest for a moment that they are of much interest or importance, but the first report of the committee, published on 24 March, tried to make clear how essential they are to a co-operative union and the creation, by consensus, of UK-wide systems to protect matters as diverse as protection of the environment, public procurement and the regulation of subsidies, while allowing appropriate divergence, reflecting devolution. There is much we can do together to strengthen the union through effective common frameworks but, as was said by the noble Baroness, Lady Crawley, these require hard work and detailed co-operation.

Secondly, I will refer to the levelling-up funds, which Part 6 of the internal market Act permits this Government to use in areas of devolved competence. When these provisions were debated in this House and at the final stages of ping-pong on 14 December the Minister made it clear that while the specific arrangements for the governance of the funds were still being developed, there will be governance structures, and that the devolved Administrations—[*Inaudible.*] Can the Minister tell the House when the governance structures will be in place and assure us about the place of the devolved Administrations in those structures?

Thirdly, I will refer to the absence of proper structures for developing UK-wide policies on which again we in this House ought to work together. There are two basic problems: first, the current structures do not sufficiently involve the devolved Administrations and their Parliaments and, secondly—[*Inaudible.*]

Finally, I will refer to the balance of power between the Executive, the legislature and the courts. This must reflect a properly balanced, interdependent relationship between these three powers of the state. There is nothing that I can possibly add to the eloquent speech of the noble and learned Lord, Lord Judge, explaining how the balance has swung too far in favour of the Executive, to the detriment of Parliament, particularly in the light of our method of legislation, and particularly framework legislation, so clearly summarised by the noble Lord, Lord Lisvane. It is important to stress that it is in that context that the position of the courts must be set.

To go back to my theme about the need to work together to strengthen the union, there is one point I must mention. The proposals will also have implications for the devolved nations. Therefore, I trust that the Government will look at ensuring that the Parliaments

and Executives in those nations have a decisive voice in the arrangements in so far as they may be affected by these proposals, because they relate as much to democracy in the devolved nations as they do to democracy within the United Kingdom as a whole.

The Deputy Speaker (Lord Alderdice) (LD): I call the noble Lord, Lord Wigley. We cannot hear the noble Lord, so we will come back to him. I call the noble Lord, Lord Hannan of Kingsclere.

3.23 pm

Lord Hannan of Kingsclere (Con): My Lords, I begin by adding my voice to those who have welcomed our two new Members, my noble friend Lady Fraser of Craigmaddie and the noble Baroness, Lady Merron—a very judicious and measured speech from the first and a very moving and uplifting one from the second, both demonstrating the way in which your Lordships' counsels are elevated and enriched by the diversity of experience that individual Members bring to the House.

The words

“electoral fraud that would disgrace a banana republic”,

were used by a judge in describing some industrialised postal vote fraud in Birmingham in 2005. That phrase stuck with me, because I have what may be the slightly unusual distinction of having served as an election observer in two actual, literal banana republics, in the sense of being republics dependent on the banana crop, Nicaragua and Ecuador. What we saw in Birmingham would have been completely impossible in both those places because, in common with most Latin American countries, they have a form of photo ID, known as a *cédula*. When you apply to register to vote, you get a little card; it is no different from registering to vote here, except that you have a form of identification. These are countries beset by illiteracy, where there are remote villages that are cut off and do not have electricity or a clear supply of drinking water, yet they do not find that requiring a measure of identification is a vote suppressor. So please let us not make the inaccurate and insulting insinuation that people would somehow be unable to vote in Great Britain as they do in Northern Ireland.

Of course, the tightening of rules on electoral fraud go well beyond personation. That has been the issue picked up by noble Lords in this House, understandably, but there are many more significant measures in the Bill that will come before us, dealing with the harvesting of postal and proxy votes and, not least, intimidation of voters and candidates. I hope that at least on those issues there will be a measure of unity on all sides, because there is no question of any real flesh-and-blood person being prevented from voting. The only people who would be prevented from voting exist only virtually, as ghosts or theories, not as real human beings.

I want to take on the argument that underlines a lot of this debate—an assumption that sounds plausible but which turns out to be specious—which is that the way to encourage participation is to make the act of voting easier. That sounds reasonable enough but, in fact, the proposition was tested under the Blair Governments. There were all sorts of experiments with e-voting, text voting and ballot boxes in supermarkets,

and none of it served to increase turnout. Could it be that we in fact want a little bit of ceremoniousness, so that people take the act of voting more seriously—and in fact that if you make it too easy you cheapen participation? If people are filling in a ballot at their kitchen table while half-watching “Line of Duty”, they are not taking it as seriously as they would with that little bit of ritual of having to go to present their card at a physical polling station. After all, the act of casting a vote in coldly transactional terms is actually quite difficult to justify. What are the odds of your ballot changing anything significant? It needs to stand as a form of civic obligation.

On which note: although I strongly agreed with what the noble Baroness, Lady Hayter of Kentish Town, said about devolution and localism, I must take issue with the verb that she used when she talked about “denying” the vote to 16 and 17 year-olds. It was only a couple of weeks ago in this very seat that I heard voices from every Bench speaking in favour of raising the age of consent for Botox treatment from 16 to 18. On every side of the House noble Lords said that it was just bringing it in line with all the other legislation that we have—you cannot get a tattoo until you are 18, you cannot use a sunbed until you are 18, you cannot buy a bottle of wine or a knife. Are we seriously saying that people should not be treated as legal adults in all those other respects but should, through the ballot box, be allowed to circumscribe the liberty and property of their fellow citizens? Let people grow up to the right to vote and treat the ballot with a little more seriousness and ceremoniousness, as well as a bit more security. That is how you will get people to value the franchise that they exercise.

The Deputy Speaker (Lord Alderdice): I think the noble Lord, Lord Wigley, may have a more reliable connection now, so let us come back to him.

3.28 pm

Lord Wigley (PC) [V]: My Lords, I am very grateful, and I hope that the gremlins have gone now. As I was saying, I congratulate the noble Baronesses, Lady Fraser and Lady Merron, on their maiden speeches. Alas, my comments may disabuse them that they have entered a Chamber free of voices seeking new relationships with the nations of these islands.

The Queen's Speech exemplified these issues. The Speech failed to differentiate between legislation that applies to England, such as health and education, or to England and Wales, such as the police Bill, and those with UK-wide force, such as the National Insurance Contributions Bill. Was this because the Government intend to take back devolved powers in those matters? Probably not—it is just the “imperial condescension” to which the noble Lord, Lord Lisvane, referred, that Westminster fails to accept that the United Kingdom is a multi-legislature state.

In health, education and many other matters, Wales and Scotland currently enjoy legislative independence, but that seems to have been ignored in presenting measures such as the health and care Bill, the higher education Bill, the Environment Bill and other matters. The reality is that these Bills all deal with competencies that are fully or partly devolved to Wales and Scotland.

[LORD WIGLEY]

Will the Minister clarify whether those Bills will apply fully or partly to Wales or to Scotland, or are they mainly, or totally, measures applicable only in England? Will he confirm, if they do apply to Wales or Scotland, that the UK Government have discussed their intentions with Welsh and Scottish Ministers and secured their prior agreement?

The relationship between our four nations was, until Brexit, evolving on a pragmatic basis. Because of the differing history and priorities, devolution was a process which took different paths in Scotland, Wales and Northern Ireland. Brexit, however, challenged the devolved patterns of government in relation to repatriated powers and undermined the delicate constitutional balance developed over three decades in Northern Ireland. So it is little wonder that in the recent elections in Wales and Scotland, independence was a central issue. Plaid Cymru's leader, Adam Price, campaigned primarily on independence and increased the number of Plaid seats. Some Labour candidates also indicated sympathy for Welsh independence. The Welsh Labour leader, Mark Drakeford, secured a notable victory, reflecting the voters' belief that he had handled the Covid crisis far better than had Boris Johnson. Mr Drakeford is not independence-minded, but he acknowledged that if Scotland becomes an independent nation Welsh Labour will have to reconsider its position.

Last Thursday, as the noble Baroness, Lady Humphreys, mentioned, parties which advocated scrapping the Senedd lost all their seats, because most Welsh voters prefer the way we are governed by our own Senedd to the way in which Westminster governs Wales. Today, no one denies that Wales, Scotland and Northern Ireland have the right to self-determination, as was recognised in Section 1 of the Wales Act 2017 and stated explicitly by Michael Gove last Sunday. The question is whether we should take up the option of independence in the face of the post-Brexit power grabs by Westminster and increasing English nationalism, as seen most crassly in the Government sending gunboats to Jersey.

If this is Westminster's approach, it is no wonder that Scotland elected a Parliament with an overall independence-seeking majority and that independence is emerging as a major issue in Wales. Instead of sneering at independence-supporting trends in Wales and Scotland, the Government should ask themselves why this is happening. Is the independence issue here to stay? If so, what models of it might be countenanced?

Whatever form of independence is espoused by Scotland or Wales, both nations will still have a British dimension, just as the Scandinavian nations have a Nordic dimension. We shall still be partners sharing the same island, with the Queen as head of state. We would wish to remain in the Commonwealth, a culturally diverse, voluntary association of nations. Our model of independence recognises a degree of interdependence and the essential free movement of people between Wales and England, as there is between the south and north of Ireland.

Instead of seething with indignation at each other through clenched teeth, would it not be more sensible to start exploring these options? Might there be models of confederalism which facilitate the degree of

independence that each nation seeks with a mutual acceptance of the need for intergovernmental models of co-operation in those matters that are best suited to our mutual needs, and to geographic and economic reality? Such mutual issues might well include: the sharing of a currency and an independent central bank; the co-ordination of environmental initiatives and of railway services; and those aspects of defence policy which relate to the protection of these islands.

My appeal is for this Chamber to address these issues positively, across party divides. That is a discussion in which I and my party are more than ready to participate, though I suspect that such an approach may not always be shared in all corners of this House. The failure of the Queen's Speech to relate appropriately to legislative diversity within these islands is a manifestation of that difficulty.

3.33 pm

Baroness Wilcox of Newport (Lab) [V]: I thank my noble friend Lady Merron for an insightful and discerning maiden speech. I am sure that her background of public service will permeate every aspect of her future work in your Lordships' House. I also congratulate the noble Baroness, Lady Fraser of Craigmaddie.

The theme of the gracious Speech may have been levelling up, but this Government's actions to date can more accurately be described as an all-too-characteristic stitch-up. How else can the Minister explain this Government's decision to award top-tier funding to relatively affluent Tory-held areas at the expense of some of the poorest places, which have been pushed to the back of the queue for investment? Does not the Chancellor's approach to prioritising funding for the levelling-up fund show that if you vote Conservative, your money will go to wealthy areas? How can this Government claim to fix regional imbalances when this fund pits regions and nations against one another?

The fund bypasses the devolution settlement by directly allocating funding for regional and local development in Wales, directly counter to the expressed position of the Senedd and directly contrary to what was announced at the spending review, when the Government said the £4 billion commitment for England "will attract up to £0.8 billion for Scotland, Wales and Northern Ireland in the usual way".

This is the UK Government taking funding that would previously have been allocated to Wales to spend in line with the priorities that the elected Senedd—Welsh Labour resoundingly re-elected by the people of Wales last Thursday—has identified. This means decisions made by Whitehall departments with no history of delivering projects within Wales, no record of working with communities in Wales and no understanding of the priorities of those communities. Does Whitehall know the massive economic, cultural and social differences between the two Newports that we have in Wales, for example?

The UK Government are taking decisions on devolved matters in Wales without being answerable to the people of Wales. Furthermore, the £800 million spread over four financial years represents little more than £50 million each year for Welsh projects—a fraction of the funding that Wales has lost as a result of no longer having access to structural funds.

The UK Government's fixation with undermining democratic devolution is driving a cynical attempt at rebranding existing spending as new and rolling back progress on a model of national and regional development by democratically elected Governments and councils across the United Kingdom, and thus levelling down. This Conservative Government have an appalling record on providing Wales with even a fair share of UK spending, let alone the kind of funding needed to level up. The Welsh Government's budget, set by the Treasury, is still lower per head in real terms than it was in 2010.

Wales has a collaborative approach where our local authorities work in partnership with Welsh government, as they did magnificently with track and trace and as they have done to produce a framework for regional investment. It is very concerning that we will now see a centralised, Whitehall-led, ad hoc approach instead of a strategic Welsh approach, while it appears that the comprehensive review of the UK's constitutional structures promised in the 2019 Queen's Speeches—a manifesto commitment—has now been delayed indefinitely.

In the other aspects of the Government's intentions, the abject failure to deal with the problem of social care will have financial implications for Wales even though it is a devolved policy. In terms of the subsidy control Bill, "state aid" was in the view of the Welsh Government a devolved competence, but this was reversed by the United Kingdom Internal Market Act. We want a transparent set of rules for subsidy control which are independently enforced and apply equally to the UK Government and the devolved Administrations. The system must also recognise structural economic weakness in some regions and allow for higher intensity of business support in such regions as west Wales and the valleys, as was the case under the previous EU regime. If the Minister wishes to refer to it, I still have a copy of the "Assisted Areas" map in my office.

We see the electoral integrity Bill as being about voter suppression and curbing the independence of the Electoral Commission. The Welsh Government will shortly publish a Green Paper on electoral issues which will move in a very different direction: making it easier to vote by post; introducing early voting; and building on what is already done to enfranchise people legally resident in Wales, regardless of nationality. We will oppose any suggestion to copy the UK Government's intention of extending the franchise to all UK citizens resident overseas. What if Westminster just decided to scrap the electoral system in Wales and Scotland?

There is a clear omission of an employment rights Bill. This increases the risk of the UK Government's international trade policy undermining our current standards, despite all the promises made during the Brexit negotiations.

Devolution received an overwhelming vote of confidence from the people of Wales last week. The role of the national Government of Wales, and that of local government as a partner in delivering Wales's national vision, must be respected.

3.39 pm

Lord Empey (UUP) [V]: My Lords, I too congratulate the noble Baronesses on their maiden speeches today, which indicate that there will be significant contributions from both of them in the days ahead.

On the proposal for voter ID, my noble friend the Minister referred to the fact that, in Northern Ireland, this system, or variations of it, have been in force for some 35 years, with photo ID being introduced in the early noughties. I have listened to a number of noble Lords and noble Baronesses today, and indeed before today's speeches, expressing concern and the view that this is suppressing, or could suppress, people's ability to vote. I have to say that our experience over many years does not support that concern. Indeed, while I do not quite agree with my noble friend Lord Hannan, he nevertheless makes some useful points.

In addition, national insurance numbers are used on the application form, not only driving licences and passports. To deal with people who do not possess these—and quite a number of people do not—we introduced an electoral identity card, which is issued by the Electoral Office. Indeed, to reach out to people, it physically took vehicles round housing estates and areas to ensure that people could get photographs taken and have access to these cards. If my noble friend wishes to talk to some of us who have been using the system for many years, we would be only too happy to help.

It is not all perfect; there are several aspects of the voting system that are open to abuse. We found that postal voting was open to abuse. For many years, to get a postal vote here, you had to make an application and have a witness sign the forms to ensure that it was in fact bona fide. The other area is proxy voting; people are still abusing that. People ask what evidence there is to support this, but I would point out that it is almost a hidden crime, in that it is very hard to spot. If my noble friend wishes to pursue this with some of us, we would be very happy to help. I am more concerned about people abroad voting. That requires a lot of close scrutiny before we sign it off into law.

The other point I want to make is about devolution generally in the UK. Whitehall has had a "devolve and forget" policy; it devolves power and then leaves it, and there is then no link between it and what happens. I described it as creating giant ATMs in Belfast, Cardiff and Edinburgh—people do not have any idea where the money comes from. I say to my noble friend that it might be useful if, annually—or whatever period was felt appropriate—a leaflet or something online is produced so that people can see where the cash comes from for the devolved regions. You do not have to make a ceremony of it, but I think people need to understand the arithmetic of the UK. That would be helpful.

With regard to the points from the noble Lord, Lord Lisvane, about new constitutional proposals, I do not necessarily accept everything that his group has produced but at least they have been thinking. It is perfectly clear that the system as it functions at the moment is not working. For our colleagues in Scotland, even though the electorate is virtually evenly divided, it is clear that money is not going to be the only issue. There are also issues of values, identity and so on, which need to be looked at carefully. The constitution needs to change, but in a way that does not make matters worse, as in some cases devolution did, particularly in Scotland.

[LORD EMPEY]

I support devolution but I believe that this Parliament must understand what is happening and be sufficiently flexible to adjust to ensure that our union survives. I fear that people might be carried away by rhetoric and regret a decision to leave the United Kingdom at a future point.

3.44 pm

Lord Strathclyde (Con): My Lords, I had planned this afternoon to speak about the union, as so many noble Lords have already. But when I heard my noble friend Lord Forsyth speak so eloquently, as he normally does, and the maiden speech of my noble friend Lady Fraser of Craigmaddie, I changed my mind. I am also looking forward to the speech of my noble friend Lord Lang of Monkton, who was such a distinguished Secretary of State, and I congratulate the noble Baroness, Lady Merron, on a very fine and eloquent maiden speech.

All this led me to decide to speak on your Lordships' House, and to make two particular points. I should also add, regarding the speech of the noble Lord, Lord Grocott—I am sorry that he is no longer in his place, but I shall make the point again when we debate his Bill—that those of us who stand in this House as elected hereditary Peers are waiting for stage 2 of reform when of course by-elections, and indeed hereditary Peers, will all go. So there is no need for him to have so much urgency on his Bill.

I first want to discuss the purpose of this House, which I believe is to revise and scrutinise, to debate great matters of the day and to be informed through our very good committee structure. Indeed, our role is best when we are complementing the House of Commons, rather than simply opposing it. Yet in recent years you can tell that we are increasingly becoming a House of opposition—a House that simply opposes.

The noble Baroness, Lady Hayter, said something with which I completely agree: a good Opposition should hold a Government to account. I am enormously in favour of that, and I am also in favour of the Government listening carefully to what your Lordships have to say. I am also very much in favour of Ministers being brought to the Dispatch Box and being obliged to answer questions. But it is now a cause for some celebration when the Government win a vote in the House of Lords.

There is a complaint that the Government too rarely listen to your Lordships, but I contend that more amendments are accepted in Committee and by negotiation than by the blunt instrument of a vote to defeat the Government. In the last Session, which was the first of this Parliament, just after a winning general election and manifesto, the Government were defeated in over 55% of all votes. That is an average—on some Bills, they were defeated considerably more. It was some 96 occasions, which is a record, probably, since the 1970s. On this, you can hardly blame the Government wanting to add to the size of the Conservative Benches.

To those who complain about the size of the House, since January 2020, there have been 110 Divisions in which over 500 Peers have voted—we have never seen as many as 600 voting during that period. Apart from

one, these votes were all done remotely. In the 20 years from 1999 to 2019, there were only 30 Divisions with over 500 Peers voting, and 18 of those were on Brexit. I cannot see that leading to a conclusion that the House is overcrowded.

Another interesting factor at play—this is my second point—is the role of the Cross Benches, who consistently vote against the Government. Take last month, April 2021: in only one vote out of 17 did the Cross Benches support the Government, and even then only just, by 38 to 30. Overall, the Cross Benches cast 1,016 votes against the Government and only 242 in favour.

I have to echo the late Lord Richard, who was Leader of the Opposition in the 1990s. At that time, he complained that the independent Cross-Benchers continually voted, independently, in favour of the Conservative Government. I think we can all agree that the exact opposite is true today. After such a consistent time of losing votes like this, the Government, it will surprise nobody to hear, will lose patience.

These are not problems of legislation; they are issues for your Lordships to consider about why we are all here, losing sight of what I believe the House is for. We should, of course, be confident in our role and our constitutional position as laid out by the noble Baroness, Lady Hayter, but as we carry out our voting duties I ask noble Lords to carefully remember that, often, less is more.

3.50 pm

Lord Kerr of Kinlochard (CB) [V]: It has been a great pleasure to hear two such admirable maiden speeches, and it is an honour to follow the noble Lord, Lord Strathclyde—our lost Leader—who clearly has not lost his panache. I would simply say in response to his attack on the Cross Bench that there is no Cross-Bench line and no Cross-Bench Whip. Cross-Benchers tend to listen to the arguments, and it is conceivable that they may vote on the merits. There are a number of explanations for a number of government losses in recent votes; it may have something to do with the merits of the issues.

What I want to talk about is Scotland. Sixty-two of the 73 constituency Members of the Scottish Parliament that convene today come in SNP colours. That would equate to 550 seats in the House of Commons. If Mr Johnson had done as well in 2019, his majority today would be 450. Of course, the balancing of this system has done its job and the SNP falls one short of a majority, but to call the election a setback for Mrs Sturgeon, as the noble Lord, Lord Forsyth, came quite close to doing, would be a little absurd. Like it or not, by winning a fourth consecutive term, the SNP Government are now the voice of Scotland, with the right to be heard. I do wish we could hear them in this House.

It would be no less absurd to assert, as Mr Johnson regularly did until recently, that the UK Government and this Parliament could flatly refuse a Section 30 order permitting an independence referendum should it again be sought. The union in 1707 was by consent, not coercion, and the best way of boosting the independence cause in Scotland would be to deny the right of the Scottish people to make a democratic decision. I am

very torn about all this. My working life was spent in UK government service. I was privileged to head the Diplomatic Service of the United Kingdom. I liked having three identities and three citizenships—Scottish, British and European. I deeply regret losing one; I do not want to lose another.

In 2014, when Mr Salmond claimed that an independent Scotland could slip easily and instantly into the EU, I disagreed, pointing out that a period outside and an accession negotiation would be inevitable, and the terms obtained from outside inevitably less favourable than those Margaret Thatcher and John Major had secured from inside. The prospect of temporary exile from the EU may have dissuaded some Scots from voting to leave the UK in 2014. In 2016, the Scots voted by a larger majority against leaving the EU, only to be dragged out against their will, which might make some of them now regret and change their 2014 votes. It is a material change of circumstances, with leaving the UK now seeming the only route back to the EU.

But probably a bigger vote-changer in Scotland is the changed way the London Government have handled Scotland—and Wales and Northern Ireland. We have a Prime Minister who calls devolution a disaster. Seen through Scottish eyes, Whitehall risks seeming not a United Kingdom Government but an English Government, deaf to Scottish concerns. It was a very bad mistake when, on the morning after the 2014 referendum, Mr Cameron chose not to bind up the wounds but instead to promulgate EVEL—English votes for English laws. The promise to write the Sewel convention into law was honoured only in form without binding effect. Brushing aside Mrs Sturgeon's White Paper and going for the hardest of Brexits, ignoring how much free movement meant for Scottish demography and the Scottish university, research and financial communities, Mr Johnson added insult to injury. Then came the internal market Act, driving a coach and horses through the devolution settlement—taking back control, but for England.

Trust, once lost, is not easily rebuilt. Maybe Mr Johnson will now try. I hope so. Parity of esteem and an end to gratuitous and patronising attacks on Scotland, Scotland's elected Government and their mandate would be a start. But the key point is that if the union is to survive, its Government—the union Government, the Government of the four nations—must stop behaving like English nationalists. Precisely because they now have so few seats outside England, and no Macmillans or Douglas-Homes in their ranks, they must be seen to be alive to Scottish concerns. Why does Rhode Island have as many senators as California, and why did the EU adopt qualified majority voting? It was to give the views of smaller member states greater weight. Magnanimity in politics is not seldom the highest wisdom. Condescendingly throwing in a couple of freeports and some levelling up largesse will not take the trick.

As the noble Earl, Lord Kinnoull, pointed out, it is 18 months since the report of the noble Lord, Lord Dunlop, found

“broad consensus ... that the UK's intergovernmental relations machinery is not fit for purpose”,

but one heard nothing in the Queen's Speech or from the Minister today about concrete steps to put that right. What is needed is genuine decision-sharing,

which probably requires the permanent decision-taking forum for which Gordon Brown has called. Who knows whether 1707 can survive? What is certain is it will not unless Scots want it to, and they probably will not unless London rediscovers a United Kingdom mindset. Of course, for Scots, the economic hit from the break-up would be far greater even than that of Brexit, but Mr Johnson proved in 2016 that heart can overrule head. It could happen again. It is up to him now.

3.57 pm

Baroness Scott of Needham Market (LD) [V]: The Bills contained in this programme will no doubt receive the thorough and robust scrutiny of this House, but as we pass them we will no doubt be delegating dozens of new powers to government and government Ministers, because the volume of secondary legislation has grown enormously in recent decades. The process of EU exit and Covid-related emergency law has added to that.

Many reports and debates in recent times have drawn attention to the shortcomings of both Houses when it comes to parliamentary scrutiny of secondary legislation, and that includes the excellent report published today by our Constitution Committee. Too often, the very good work carried out by the staff and the members of the Secondary Legislation Committee and the Joint Committee for Statutory Instruments passes by the House because of procedures that we have ourselves established and agreed. This House has a duty to carry out effective scrutiny, as well a responsibility to ensure that the legitimate business of government can be carried out.

But I am not alone in feeling that, increasingly, the Government are not carrying out their side of the bargain. We have to give this some thought. The Government are increasingly using secondary legislation for significant policy changes that ought to be in primary legislation, and would have been in past years. In its 52nd report, the Secondary Legislation Committee cited changes to the Town and Country Planning Act that were fundamental to our planning system and ought to have been brought forward in a Bill.

In recent years, we have also seen a growth in statutory guidance, which receives virtually no parliamentary scrutiny at all. Again, the SLSC cited the recent grass and heather burning regulations, which were noted because the instrument was passed even though all the detail was in statutory guidance which had not even been published at that point. So the Government are getting three bites of the cherry: the Act itself, the secondary legislation and then the statutory guidance. In effect, this allows for constant post hoc changes to the law, with no parliamentary scrutiny.

These trends have accelerated rapidly during the pandemic. We have taken a pragmatic view that the public health emergency justifies some sacrifice of parliamentary scrutiny, but I think the Government have now taken this too far. The Constitution Committee report highlights that 424 Covid-related SIs have been laid. These include fines of up to £10,000, lockdowns, business closures and quarantines. Whatever position you take on those issues, surely they deserve timely and effective scrutiny—yet 397 of those SIs were either made affirmative or made negative. In other words, they take effect before any

[BARONESS SCOTT OF NEEDHAM MARKET]
scrutiny has taken place, and Parliament can only act retrospectively. The SLSC reported that two came into force before they had even been laid. The Government argue that time pressures in the pandemic make this necessary but, in the case of face coverings, the policy had been trailed for weeks, so it is very hard to see why the regulations in draft could not have been published.

The scheduling of SI debates in both Houses means that they are quite often completely superseded by the time we ever get to debate them. The pressure of work in departments is leading to errors and non-compliance with agreed processes. Preliminary figures from the JCSI show that it reported 194 instruments on 248 separate grounds, including defective drafting and doubtful vires.

We see increasingly important policy announcements being made at press conferences; they get reported in the media and become firmly planted in the public consciousness. When the regulations appear, they are often far less draconian than the announcement but, as a result, there is widespread confusion about what the Government see as desirable and what they see as mandatory. It is not just the public but public authorities themselves—the enforcement authorities—that are struggling with this, as reported by the Human Rights Committee. The Inspectorate of Constabulary and Fire & Rescue Services said that the difficulty for police officers was made much worse by widespread confusion about the status of government announcements and the law. A Crown Prosecution Service review found that 27% of cases had been incorrectly charged, and no doubt many people have paid penalties rather than go to court. This is grossly unjust. It is a drain on our criminal justice system and very unhelpful to maintaining trust in the police force.

There are times when the state has to control what individuals do, but surely it must be through properly enacted legislation that is thoroughly scrutinised and fairly enforced.

4.03 pm

The Lord Bishop of Blackburn [V]: My Lords, I add my congratulations on both confident maiden speeches today. I note that in the gracious Speech two days ago several references were made to strengthening the ties and integrity of the union, making the United Kingdom stronger, healthier and more prosperous than before. The pandemic and the period that follows it will give us a unique opportunity to ask what kind of a society we want to be and what changes we need to make for our own good and, more importantly, for that of future generations. I understand the desire to return to greater freedoms, but we must resist going back to how things were. Instead, we must plan for a better future.

It is encouraging to hear that the Government intend to achieve this strengthening by levelling up opportunities across all parts of the United Kingdom and within each of our four nations. Levelling up has become something of a new watchword in political circles and appears as a welcome driver for many of the intentions outlined in the gracious Speech, seeking

to remove those inequalities within our culture that prevent all people and communities from reaching their God-given potential and calling. The pandemic has brought to the surface a number of issues which have been hidden under the radar for far too long and not given the attention they deserve.

Improving the national infrastructure to strengthen transportation and economic ties will go only so far in encouraging better unity. The north-west, like other parts of England, often feels like another part of the world. I know of a recent mayor in a north-west town who has never visited London and has no desire to do so, and of a competent PA in her 50s, again in the north-west, who had visited London only once—in her school years—before having to attend a training session recently. It is a problem almost universally acknowledged that, despite moves to share power and decision-making, government is too London-centric and, as a result, appears and feels divorced from the economic, social and political realities of life in other parts of the UK. This has led to the elevation of mayoral roles in some regions in England. Imaginative work is required to create unity within each of our four separate nations.

The union of the United Kingdom continues to be challenged on many fronts—not only at a geographical level but also ideologically, as was seen in the divisions over Brexit and in recent elections. Levelling up across the union and within the nations of the union is a key strategy which is relevant to many of the proposals in Tuesday's gracious Speech. Following both Brexit and the pandemic, the country needs a time of reflection and leaders who will create a desire for a consensus within our fragile union about the way ahead—a leadership that serves. There was a leader 2,000 years ago who came to a sticky end but who has millions of followers today, and he said he came not to be served but to serve.

Diversity within the family of the United Kingdom is something to celebrate and not remove. The current strong diversity agenda argues not just for the value of retaining difference but for the importance of celebrating it. A loss of one part affects the whole. On that basis, there is an argument for decisions about independence and devolution being taken by all parts and not just one. There is even a question of whether more than a simple majority would be wise in such major decisions. Surely this gives hope that there is room for a carefully crafted and increased sharing of responsibility within the four nations of the union without total separation.

The pandemic has one other vital lesson to teach our union. The heroism of many, the brilliance of science and the wonderful sense of community spirit have taught us that we need each other and that we are stronger together. But we have other global crises to face: climate change, poverty, injustice, and freedom of expression and belief. As the UK, we can face some of these challenges in a devolved fashion, but we will have a far better chance of mitigating their impact if we co-operate and support each other. In a crisis, strong family bonds are essential. I commend the intention of strengthening the ties and integrity of our union by levelling up opportunity and providing good sharing of responsibility without total separation.

4.08 pm

Lord Anderson of Swansea (Lab): My Lords, I follow the diversity theme of the right reverend Prelate and join in welcoming and congratulating our two maiden speakers.

A week ago—it seems a long time ago now—we had elections in Great Britain. I personally sought solace in turning again and again to the Welsh results. But, in retrospect, the big story from the elections may not be the performance of the parties but what the polls revealed about the deepening diversity in our country. Of course, the polls were influenced by the pandemic, and the incumbency factor played a role, but it does only continue a trend. The polls in Scotland and the north-east dominated the headlines; by contrast, Wales was relatively neglected. Obviously, the pressure for independence in Wales is much less than it is in Scotland, but it has doubled to just about one-third over the past seven years. However, the different national and regional responses are not reflected in this Queen's Speech.

The Prime Minister promised a levelling-up process. The so-called red-wall seats were addressed, with more public money and more decentralised government departments. New assurances were given, and it is hoped by the Government that the same tactics will now succeed in Scotland. However, they ignore the problem of identity, which in my judgment goes much deeper. It is not just about increasing the flow of public money from the south to the north; it is not even about looking for greater flows from the south to the west, although that is of course important.

In that context, I invite your Lordships to examine the indices of poverty and deprivation in the nations and regions as a whole. In that examination, your Lordships will see that Wales is worse off than the north-east and certainly far worse off than Scotland. The facts speak for themselves. Wales has a lower GDP per head than any other country or region of the UK, the lowest growth rate of any region in the UK, the lowest proportion of taxpayers in the additional and higher rates, and the joint-highest proportion of low-income households. It is also the poorest region in terms of gross household disposable income per head. So much for levelling up. Should we shout louder? Should we have more marginal seats to be addressed? It is not just about the money side of things. Wales deserves better. It should not be taken for granted by a Prime Minister who plays for time in Scotland and has increased centralisation by taking to Whitehall powers and money that were repatriated from Brussels.

However, resources are not everything. The Prime Minister, an English nationalist to the core, ignores the problems of identity. Wales has clearly taken up the mantle of Welsh identity and the SNP dominates in Scotland, as the noble Lord, Lord Kerr, emphasised. Are we in the UK now sleep-walking into a quasi-federal state without the constitutional institutions and safeguards that support it? Today's debate has been set aside for the question of our constitution and the union, but in fact says little of relevance about either. The Minister mentioned only electoral reform and judicial review.

Her Majesty said:

"My Government will strengthen and renew democracy"

and

"promote the strength and integrity of the union."

That was wholly vacuous and without specific proposals. If the Prime Minister wishes to save the union, he must adopt a more imaginative and sensitive approach. He should let the former European Union money flow directly to the devolved Administrations. He should consider new powers of devolution, such as those in the Welsh Labour manifesto. He should open the debate on the nature and composition of your Lordships' House. He should seek to be more responsive to the nations and regions, perhaps through direct or indirect elections, and take note of what the latest Lord Speaker's committee said about his ignoring the Burns report. Most importantly, beyond calling a meeting of the leaders to discuss the results of the pandemic, which is in itself welcome—

Baroness Scott of Bybrook (Con): Can I ask the noble Lord to wind up, please?

Lord Anderson of Swansea (Lab): The Prime Minister should convene a meeting of all the leaders on the constitutional problem. He should respond to what the polls have revealed, which reflects the reality of the UK today.

4.14 pm

Lord Howell of Guildford (Con) [V]: My Lords, I join others in offering warm congratulations to the noble Baronesses, Lady Fraser and Lady Merron, on their maiden speeches. It is a pleasure to follow a fellow ex-chair of the Commons Foreign Affairs Committee and a fellow Welshman.

Trying to halt Scottish independence and maintain the union by infrastructure largesse—seemingly partially bypassing the Edinburgh Government in the process—appears to be the current policy thrust. It will fail and, on the contrary, will greatly strengthen the support for departure. The same is bound to go for Wales. Scotland is a proud, ancient and supremely talented nation with an amazing world cultural footprint. For over three centuries it has played a leading part in the most successful marriage or alliance between nations ever recorded, whether we are talking about the Enlightenment, the Industrial Revolution or—like it or loathe it—the largest empire in history.

Scotland rightly seeks a voice on the international stage and in the comity of nations commensurate with its influence and potential. Policymakers in London do not always seem to understand this. The British diplomatic establishment, which prides itself on its deep knowledge of 160 or more nations around the world, has tended to forget the one right next door. This is one place where we really do want to see a dedicated union board member of the kind proposed by my right honourable friend Michael Gove; it is urgently needed.

Of course, the arguments for staying close to the rest of the United Kingdom seem blindingly obvious to many of us on both economic and security grounds, but those who think that this will prevail against nationalist and independence emotions are ignoring history, as the noble Baroness, Lady Crawley, made out in her crystal-clear speech. The economics of a

[LORD HOWELL OF GUILDFORD]

trade break with England may seem crazy. The world is now an increasingly dangerous place for small nations, as many have found out to their cost. Economic infiltration from Russia or China is widespread, and lethal cyber intrusion and hacking can literally switch a nation off. Edinburgh already seems to be toying dangerously with deals with China, so we hear.

To counter these powerful and dangerous trends, first, we need to press the SNP far harder than we have so far about what it really means by independence beyond just disliking the UK. Does it want a separate republic, as some are calling for, or the continuation of a joint monarchy and constitution, presumably including currency and Armed Forces? Does it want Commonwealth membership, EU membership or both?

Secondly, Scotland must be offered a place in a better union than the one it is part of now. That is the new reality, and the constitutional framework of our whole nation is going to have to adapt and evolve to reflect it. Gordon Brown, the former Prime Minister, is right that change on this front has to come, and could well affect your Lordships' House fundamentally. However, it needs to be gradual and happen step by step. Attempting a new settlement in one fell swoop would be fatal. A start in this House would be much better scrutiny of government by strengthening both the resources and the powers of our committee system, as many of your Lordships have urged.

Technology can be our friend in building a better union, as the absolutely excellent Dunlop report recommends; I greatly look forward to hearing from the noble Lord, Lord Dunlop, shortly. A far more intimate, practical, continuous and daily—indeed, hourly—two-way contact between Westminster and Whitehall and the devolved Governments, peoples and businesses is now fully possible thanks to the miracles of connectivity and big data. A truly innovative and modern union, unlike any traditional federal structure anywhere else in the world, based on deep respect and fully sensitive to national feelings, can be steadily devised and assembled if we are clever.

I detect that inside the Executive and the English Civil Service there is now, belatedly, some acknowledgement of that fact. Of course, the question arises as to whether Scotland, like Northern Ireland, should have a separate civil service. I always found the Northern Ireland Civil Service absolutely superb to work with, even under the most challenging conditions. But meanwhile, here in both Houses of this union Parliament, we will also have to make major adaptations. If we are not to face grievous harm and a dark, dangerous and divided future, this will need to begin very soon indeed. There is no “normal” after the pandemic to which to return.

4.20 pm

Lord Eames (CB): My Lords, I too welcome the maiden speeches that were delivered a short time ago in your Lordships' House.

In the Speech from the Throne a few days ago there were two references to Northern Ireland:

“Measures will be brought forward to strengthen devolved Government in Northern Ireland”—

and then comes the rather telling phrase—

“and address the legacy of the past.”

The fact that those two sentiments are contained in close proximity is something of which I believe I have an obligation to remind your Lordships' House in today's debate.

First, on “strengthening devolution”, when devolution became a reality it was greeted throughout the western world as a wonderful experiment: a wonderful example of what was possible, which might one day be repeated across the globe in various segments. Devolution grew. It matured in many aspects but it taught us many lessons in others. Northern Ireland is part of that story, because there are good and bad aspects.

On the positive aspects, devolution for Northern Ireland has given a breath of fresh air to a new generation who can feel that we have an identity which will not be taken away by events further afield. It has given to Northern Ireland the stability to say that it is part of a bigger union. However, there have been detrimental effects. I have to say, with some degree of regret, that there is a widespread feeling in Northern Ireland at the moment that central government is somewhat removed from the realities of devolution. It is somehow removed because the 24-hour visit by statesmen from London when we are in need is so quickly forgotten, not in Northern Ireland but in London. There is a growing apprehension that the real needs of the small Province in the north-east corner of Ireland are not being acutely felt, despite what we welcome in terms of outreach to meet those needs. Therefore my plea is that, when we are looking at developing and increasing the power of devolution in Northern Ireland, Her Majesty's Government take seriously the fact that there is much more to that relationship than simply structures. There has to be trust, collegiality and understanding.

On the second phrase, that the Government will attempt to address the legacy question, I speak with genuine personal feeling on this subject for many reasons. First, my career as the archbishop took place in the midst of the Troubles; I will take to my grave my memories. But secondly, I was part of the team which made the first attempt to address the legacy all those years ago. Together with Denis Bradley, we tried to give a formula which would in fact address the legacy. Since then, I have lost count of the number of times that institutions, Ministers and indeed Governments have come to say, “This is the answer to your legacy”, and yet, a few days ago, a coroner announced that 10 people shot during the Troubles were innocent—10 lives. They were from one section of the community, but 10 people who will never be forgotten by their family and relatives. To that I would add the numerous lives that have been lost on both sides, and I simply make this plea: no matter what the plans may be to address legacy—we have not had them disclosed—please be careful. Please think before you act, in particular about suggestions that would in fact push us further back rather than giving us hope to move forward.

4.26 pm

Lord Norton of Louth (Con) [V]: My Lords, today's debate is billed as being on “The Constitution and the Union”. That should be “The Constitution, including the Union”. We should not see the union as some discrete issue. Part of the problem of the past century

has been treating parts of the United Kingdom as somehow separate, of treating Northern Ireland as a quasi-state and leaving it to its own devices. We need to be looking more holistically at our constitution. The way to promote the union and to ensure that we remain a union is not to promise more funding or devolution of powers. That is to play into the hands of those who favour independence. We should not be in response mode, nor should we misinterpret why people wish to stay in the union.

In 2014, when an opinion poll suggested that there might be a majority in the referendum for Scotland becoming independent, all three party leaders went to Scotland and promised a greater devolution of powers if electors voted to stay in the union. When there was a majority to stay in the union, the Government delivered on that promise. Then, as now, the Government appeared to assume a causal relationship. There is no evidence that there was one. Survey data revealed that those who voted for Scotland to remain in the union did so for several different reasons; that of wanting more devolution hardly registered.

If we are to maintain the union, we need to be on the front foot, making the case for the union, not on the back foot, making promises in response to demands from those who want independence. I remind the House of the Constitution Committee's excellent report *The Union and Devolution*, published in 2016. It noted the ad hoc way in which power has been devolved. As it reported:

"This haphazard approach to the UK's constitution, in which power has been devolved without any counter-balancing steps to protect the Union, recently culminated in an existential threat in the form of a referendum on Scottish independence. An inattentive approach to the integrity of the Union cannot continue."

We need to be making the case for the union in all parts of the United Kingdom. The attempts to keep Scotland in the union have exacerbated the English question. The Government should be to the fore in trumpeting the benefits of the union—one constitutional entity under the Crown. As my noble and learned friend Lord Stewart was saying, the whole is far greater than the sum of the parts. The case also needs to be made for moving away from what has been characterised as a grace-and-favour approach to the devolved nations and adopting one of mutual esteem and participation. I welcome especially the report of my noble friend Lord Dunlop. We need not more legislation but an attitude shift on the part of government.

In the short time available, I cannot cover all the constitutional measures in the gracious Speech, but I want to make one point about the constitution. As we have heard, there will be a Bill to replace the Fixed-term Parliaments Act. That Act is generally unloved and was the product of a rushed attempt to deal with a particular problem. It was agreed by negotiators who were not necessarily experts in constitutional matters. As the Constitution Committee noted, the policy behind it

"shows little sign of being developed with constitutional principles in mind."

Both the Government and Opposition are committed to replacing the Act. As we have seen with the discussion on the Government's draft Bill and as the noble Baroness,

Lady Taylor, indicated, putting the situation back to what it was before September 2011 is not a straightforward task.

The 2011 Act was one of several constitutional measures over recent decades. They have been notable for their number as well as for being disparate and discrete. We need to be wary of rushing in with more. I have made the case before that we need to stand back and make sense of where we are before we embark on further constitutional change. We should not be talking of restoring balances without being clear as to what the existing balance is and should be. Change should be the result of considered reflection and, for a Conservative Government, grounded in a Conservative narrative for democracy. We need to avoid repeating the mistakes of those responsible for the Fixed-term Parliaments Act.

We need to stand back and understand the nature and value of our constitutional arrangements and make the case for those arrangements. We need to ensure that we do not lose the value of what we have. Once lost, it is difficult, if not impossible, to recreate.

Baroness Scott of Bybrook (Con): My Lords, perhaps I may suggest that we try and keep to the five minutes advisory time. If not, we are going to run extremely late in this debate.

4.33 pm

Baroness Quin (Lab) [V]: My Lords, I add my congratulations to both noble Baronesses, the noble Baroness, Lady Fraser, and my former colleague as a Member of Parliament, my noble friend Lady Merron, on their inspiring maiden speeches.

In his opening speech, I was also pleased to hear the Minister speak of his deep attachment to our union and the UK family. Those sentiments have been echoed by many powerful speeches. I was surprised, however, that he repeated the incorrect claim that the European referendum was the biggest democratic exercise in our history. That is becoming a bit of a hoary old chestnut, given that the figures clearly show that it was not. The 1992 general election saw more votes cast, when the population was actually smaller than it is now and there was a higher turnout. Turnout was also higher at some other previous general elections. I ask the Minister to ensure that that government claim is not repeated. It would be good, too, if the Government remembered that the referendum result was close and not pretend that it was an overwhelming victory. That is insulting and insensitive to Scotland, Northern Ireland and, indeed, many communities across England and Wales.

I want to say something about the experience of Covid in the light of our devolution settlement. I very much respect our devolution settlement, but I do not understand why there could not have been better co-ordination and more joint action and joint statements across the UK. I have not, obviously, been part of the inside story, so I do not quite know why that situation occurred. I know that Wales felt excluded by Westminster from time to time, and I certainly pay tribute to the way in which First Minister Mark Drakeford has performed calmly and impressively throughout. I imagine, too, that Nicola Sturgeon's obvious dislike of doing

[BARONESS QUIN]

anything at a UK level probably has not helped co-ordination. However, for those of us living near the borders of the UK's nations, the situation causes a lot of difficulty. For example, the recent announcement on international travel at first applied only to England. Yet for many of us in the border area between England and Scotland, the most convenient airport is Edinburgh and we were left wondering whether we could travel. I urge better co-ordination in future and, if possible, that statements be made on the same day regarding the position of different parts of the UK, so that we know how to plan and move forward.

My main concern, however, is about the part that referendums should play in our parliamentary democracy—an issue to which the noble Lord, Lord Young of Cookham, referred. While its immediate relevance arises from the SNP's demand for another independence referendum, we need to reflect more widely and deeply on the issue. I do not know what has happened to the Government's constitution, democracy and rights commission or the mini-commissions that were supposed to replace it. Perhaps the Minister can update us. However, the role of referendums is something that such a body or bodies should look at, including perhaps our House of Lords report on the subject a few years ago, when the Constitution Committee did some good work.

We need to think about difficult matters such as what issues are suitable for referendums, as well as issues such as thresholds and turnouts. On a crucial issue such as the future of the union, which affects us all, would it be acceptable for the outcome to be decided on a handful of votes? The noble Lord, Lord Caine, spoke about the nightmare scenario that that could cause. We also need to learn from the Brexit experience. People were asked to vote without any idea of what the details of the deal on the future relationship between the EU and the UK would look like.

That is particularly relevant in terms of Scotland because, if it had voted for separation in 2014, we would all still have been part of the EU, with a customs union, a single market and free movement. Now we are faced, particularly those living near the border in northern England, with a hard EU border on our doorstep that will make Brexit look like a walk in the park. I very much agree with what the noble Lord, Lord Bruce of Bennachie, said about that. For many of us, losing our European identity is painful, but how much more so would it be if our UK union broke up without most of us having any say whatever.

Finally, I support the fresh look at the constitution and our constitutional arrangements advocated by Gordon Brown. I hope that the Government will engage openly in such an approach.

4.38 pm

Baroness Altmann (Con) [V]: My Lords, I, too, offer my congratulations to my noble friend Lady Fraser on her excellent maiden speech, as well as to the noble Baroness, Lady Merron, on her poignant speech. Both noble Baronesses will, I am sure, make valuable contributions to this House. It is a particular pleasure to follow the noble Baroness, Lady Quin, whose work on the Brexit legislation was so powerful.

I also welcome the content of the gracious Speech, subject to a few concerns. I fully support an electoral integrity Bill to ensure that voters must prove their identity, as already happens in Northern Ireland and many other countries. Waiting for a major electoral fraud, rather than acting to put prevention measures in place now, does not seem sensible. Anything that we can do to become closer to the operations of our devolved nations seems a sensible idea.

The Dissolution and Calling of Parliament Bill to repeal the Fixed-term Parliaments Act is also welcome, as the current system has failed, but we should carefully heed the words of the noble and learned Lord, Lord Judge. We should be on guard against overriding the central feature of our constitution: that Ministers are answerable to Parliament.

On other matters, I support the aims of the online safety Bill, which must include proper protection for consumers against the increasing problems of investment or pension scams. UK Finance reported a 32% increase in 2020, with billions of pounds being lost. The pandemic has fostered lower interest rates, higher household savings and a rising use of online platforms. All this has been a gift to scammers who have increasingly moved online, with 85% of all fraud estimated by Action Fraud to be cyber-enabled in the year to June 2020. I hope the Bill will impose legal duties on internet giants to verify the legitimacy of the financial products that they advertise on their sites and to remove fake sites and scam adverts as soon as they are notified of such harmful content.

I welcome the reintroduction of the Environment Bill and the Government's commitment to the green agenda, but I also hope noble Lords will ensure that this legislation contains proper measures to protect our waters and waterways from pollution with waste and sewage, imposing duties on firms to control their effluent release by law.

I have to express immense disappointment that the Prime Minister's radical, sustainable proposals for long-term social care reform, which are so many years overdue, are still awaited. I had hoped that after the pandemic there would be urgent action to remedy the failures of our social care system. There is no silver bullet and the decisions are difficult, but if we count ourselves as a decent country then we must look after our most vulnerable. There is cross-party recognition of the urgency.

In the year to March 2021, our broken social care system saw overall numbers of deaths in those relying on domiciliary care increase in England by 50% year on year, while in Scotland it increased by 70%. This was not due to Covid; most of the excess deaths were from other causes, as many isolated elderly people fell through the cracks. Tens of thousands of people also died in care homes, highlighting the problem of a disjointed system. Care homes were used as an overflow service, discharging people without adequate PPE or resources to protect them and others around them.

We need a national system of contributions towards care costs. We must no longer tolerate a second-class system of social care, relative to health, which forces widows with dementia to pay their full costs while millionaires with cancer can have all their costs met by taxpayers.

Overall I welcome the Queen's Speech, and I hope noble Lords will work together across the House to ensure that these measures are effective for the general public.

4.43 pm

Lord Taverne (LD) [V]: My Lords, I want to discuss democracy. Our democracy is in danger and very few Conservatives seem to care. It is in danger when we cannot trust our leaders and when voters cannot make fair judgments because government statements may be falsehoods.

In the most outspoken and undiplomatic language that I have ever heard, Sylvie Bermann, the former French Ambassador to London and an ardent anglophile, declared that our Prime Minister is "an inveterate liar". Every Conservative MP and anyone who accepts that honesty is vital to democracy should read *The Assault on Truth* by Peter Osborne—as already mentioned, a conservative journalist who voted leave—which lists the catalogue of Johnson's untruths and broken promises. In Johnson's first job as a journalist on the *Times*, he was sacked for inventing stories. When he became an MP and a shadow spokesman, he was sacked for lying about an affair with a female colleague on the *Spectator*, a charge that he had vehemently denied as "an inverted pyramid of piffle".

However, his lack of concern for truth became a vital public concern once he was leader of the leave campaign and then of the Conservative Party. One untrue statement in particular may have influenced the results of the referendum. It was the claim that Turkey was about to enter the European Union, enabling millions of Turks to invade Britain. The claim was widely publicised and believed although there was no possibility of Turkey joining; several EU members had declared that they would veto its application, and Britain could have done so as well. On "Channel 4 News", Michael Crick challenged Johnson about Vote Leave's campaign material in the referendum. One poster featured a British passport depicted as an open door alongside the slogan:

"TURKEY (population 76 million) IS JOINING THE EU. Vote Leave".

Crick suggested that that claim was absurd. Johnson twice stated:

"I didn't say anything about Turkey in the referendum".

Not only must he have known as leader what Vote Leave's message was but in the week before the referendum Johnson, Michael Gove and Gisela Stuart—now the noble Baroness, Lady Stuart—had declared in a joint public letter that

"the only way to avoid having common borders with Turkey is to Vote Leave".

Johnson solemnly pledged, as we have heard, that no British Prime Minister would ever countenance a border in the Irish Sea and that there would be no checks on trade between Northern Ireland and the rest of the UK. Both now exist. The DUP feels betrayed, Arlene Foster has lost her job and the survival of the peace agreement may well be threatened.

Perhaps the most dangerous threat to democracy, however, is Johnson's assault on the independence of the judiciary. The Attorney-General, supposedly guardian

of the rule of law, actually declared, presumably with the consent of her boss, that the courts should not be allowed to overrule politicians. She threatened to limit the powers of the Supreme Court. Why? Because it declared illegal Johnson's attempt to prorogue Parliament. She has threatened to reduce the role of judicial review, one of the most important legal developments to control ultra vires actions by government. Indeed, there is an ominous talk of a Bill

"to defend the judiciary from being drawn into political questions".

Nowadays, blind loyalty is what pays. When eminent Tories rebelled to rule out a no-deal Brexit they promptly had the Whip withdrawn. On the other hand, a loyal Johnsonite such as Priti Patel can breach the Ministerial Code with impunity even when an independent inquiry finds her guilty of bullying.

Whenever anyone questions Johnson's integrity, the riposte is, "Look, he wins elections". That is true, but perhaps we are nearing a tipping point. It may be the Electoral Commission's investigation into who paid for the renovation of No. 10 or public reaction to the chumocracy and the awarding of lucrative contracts to friends and wealthy donors. The public may grow more intolerant of sleaze; a recent poll found that 37% already think that Johnson is corrupt. As a schoolboy, Johnson said that he would be king of the world. He may yet become the king of sleaze.

4.48 pm

Lord Lang of Monkton (Con) [V]: My Lords, I join in the congratulations to the noble Baronesses, Lady Fraser of Craigmaddie and Lady Merron, on their excellent maiden speeches and welcome them to the House. I welcome the commitment in the gracious Speech to strengthen and renew the constitution. There are many separate constitutional issues where renewal and strengthening are urgently needed.

I would like to address the outcome of the Scottish election last week and its implications. The First Minister claimed it to be a landslide and a mandate for a referendum. The landslide amounted to a gain for her party of one seat while the mandate, which she had said earlier would be triggered only by an overall majority, was now to be founded on the support of less than 32% of the Scottish electorate. She now claimed that that represented the democratic will of the Scottish people.

It is clear now that there is no case and no preponderant settled wish for a referendum, either now or in years to come—and there is certainly no mandate for one. The Scottish Parliament is almost entirely unchanged from the last one, so its mandate is to rescue Scottish education, to rebuild the sick health service, to save the neglected Scottish economy and all the other responsibilities that are devolved to it and badly need its attention.

But there does remain an unsettling malfunction in the relationship between Scotland's devolved Administration and its United Kingdom parent. It flows in origin from the Scotland Act 1998 and later variations, and from the structural failures, in several respects, of the Scottish Parliament to deliver open and effective democratic government. The problem will fester if nothing is done. The relationship between

[LORD LANG OF MONKTON]

the two has to be improved but, until now, there appears to have been a depressing blindness within government to the need for a new approach to change the atmosphere—through many and various initiatives, to be sustained over years, to build mutual good will and understanding. Precious words alone are not enough.

Nothing of substance has been done over the past few years, despite painful advice from many sources including, for example, from your Lordships' Constitution Committee, to which my noble friend Lord Norton just referred, and more recently from an excellent study by my noble friend Lord Dunlop, who I am delighted to see will speak shortly. Just recently there have been signs that the Government have begun to take on board the nature of what is needed, with their commitment to foster a culture of collaboration and co-operation between them and the devolved Administrations. I do not underestimate the nature of that challenge, but I welcome the emerging clarity of purpose that the recent election has triggered.

I will make two points—positive, I hope—about which I feel strongly. First, there is a constitutional problem over all this, but it is a British problem, not just a Scottish one. It centres on the strength of the United Kingdom and the need to revitalise its bonds with all its parts. It can do that only if the union itself is reinvigorated. If it is not, serious problems could lie ahead. A prominent part of future debate ought to be about the damage to the rest of the United Kingdom that the secession of Scotland would cause. It would surely be deep and far-ranging, with geostrategic implications, problems for defence and security, international status, foreign affairs and soft power, to name but a few—and of course all the familial links formed over the centuries. So the United Kingdom has every right and duty to be deeply involved in any future separatist referendum, should there ever be one.

My second point is that the design and implementation of any future referendum ought to require the full involvement and approval of the United Kingdom's Parliament. That should include the requirement that a referendum could take place only after the electorate had been made fully aware of all the implications—social, economic, financial, right across the board—of Scotland leaving the UK and how the Scottish Government proposed to address them. That can be done only after negotiations have been conducted and the broad terms of secession settled. It is essential that the people of Scotland know and understand what they would be voting for, which would bring an essential realism to so crucial a decision.

But it could all be avoided. Since Brexit, our nation is now able to reclaim its identity in full. It is vital that we develop it now in such a way that all parts of the United Kingdom feel that they continue to belong here.

4.53 pm

Lord Morris of Aberavon (Lab) [V]: My Lords, given the result of the elections for the Scottish Parliament, it is incumbent on Westminster to listen. The first priority is to have a meaningful mechanism for regular joint consultation, at the highest ministerial level—that means led by the Prime Minister—between the four

Governments of the United Kingdom. If the United Kingdom is to remain united, the present spasmodic ministerial meetings will not do.

As one of the architects of Welsh devolution, from as early as 1953 to 1999, and as Attorney-General, I had the privilege of presenting the Wales Bill, in both languages, to Her Majesty for signature. A wily commentator at the time said, "It must be legal, because the Attorney-General is doing it". On that basis, I yield to no one in my defence of the right of devolved Governments to decide their own policies in devolved fields. My maxim always is: once powers are devolved, there can be no reversal.

I am, however, surprised by the comparatively minor differences between each country in their policies to deal with the pandemic. We hear constantly about the reliance on data—meaning scientific data. I would have thought that there are no national boundaries to the spread of infection and that, more likely than not, the scientific evidence should be similar. Where is the stubbornness—at Westminster or elsewhere?

Turning to Scotland, I well remember, when I was Welsh Secretary, Willie Ross, my Scottish counterpart, claiming that it was Scotland's oil. The way that the price of oil has gone up and down should make anyone caring for the economic welfare of his country be wary of building his house on the product of sand and at the mercy of the whims of Middle East sheikhs. It is beyond dispute that more is spent per head in Scotland than in the rest of the United Kingdom. In the recent election, the spending promises made bore no relation to equality of spending throughout the United Kingdom. Instead, they bore a striking relation to Charles Dickens's Eatanswill election.

It seems, from Mr Michael Gove's press conference in Glasgow, that Westminster plans to throw money at the Scottish problem. I say immediately, having had the Barnett formula imposed on me as Welsh Secretary, that, if any money goes to Scotland, Wales is likely to demand something similar. The Government are on a dangerous course of reversing devolution if they intend to spend directly in devolved areas. Any new expenditure should be funnelled through, and agreed with, the devolved Governments—otherwise it would be another manifestation of Eatanswill. Ms Sturgeon is right to put another referendum to one side for now. What is proposed is the second referendum in a generation.

I make two further points. First, for years in your Lordships' House and elsewhere, I have advocated a royal commission or similar mechanism to examine, *inter alia*, the results of the working of devolution and make proposals for the future governance of the United Kingdom. Secondly, in my recent published book, written in Welsh, I came to the conclusion that, if the demand for a Scottish referendum prevails, I could not see why the Scots should not be given the opportunity to have one. Having a referendum does not, by a long chalk, mean that far-sighted Scotsmen would vote to leave when the economic strength of Scotland is properly weighed and the question of currency and cross-boundary trade is clarified.

Ms Sturgeon may need to be reminded of today's House of Lords Library calculation: over 2,600,000 people voted for non-unionist parties and over 2,700,000

for unionist parties—a margin against of nearly 50,000. The immediate task is for the Government to make it clear beyond doubt that only through a Section 30 order can a legally binding referendum be permitted, as opposed to the cardinal events in Catalonia in Spain.

4.58 pm

The Duke of Montrose (Con) [V]: My Lords, it is a great pleasure to follow the noble and learned Lord, Lord Morris, with his authority and perspective from a devolved part of the United Kingdom. The topics that we are asked to address today, from the gracious Speech, need our urgent consideration. I listened with much interest to the noble and learned Lord, Lord Judge, picking apart some of the suggestions, and I hope that the Minister will be able to fill in a little more about what rebalancing the Executive, legislature and judiciary might entail.

I am grateful to my noble friend Lord Strathclyde for introducing the question of the purpose of the House of Lords. Once again we are entering a period where our concept of what purpose the House of Lords is meant to serve will be vital. We have always had in the other place a House of the people. My understanding is that the original criteria for membership of this House meant that it was to be composed of those with experience of administration. I hope the noble and learned Lord will forgive me if I sum it up as a gathering of the bishops, the barons and the beaks.

There is also a desire for continuity. As the Senior Deputy Speaker reminded us today, this is important when we consider the innovations in our experience of a virtual Parliament and whether they are worth preserving and, not so far in the future, the changes that will be brought about during the restoration and renewal programme.

The noble Lord, Lord Kerr, referred to the Act of Union 1707. My ancestor then was president of the council of the Scottish Parliament, which promoted the Bill which became the Act of Union. This, as we have learned, prompted the Scottish Lord Chancellor of the day to wind up the proceedings with the words “Aye, there’s ane end of ane auld sang”. As it is, history has not proved him correct, and since the establishment of the devolved Scottish Parliament the song is coming back again. For better or for worse, my family has been involved in various renderings of that song from the Declaration of Arbroath in 1320, which was resisting the depredations of Edward I, the Battle of Flodden, the signing of the Scottish National Covenant in 1638, which was resisting the insistence of Charles I, and so on. Even more recently, my grandfather was involved in bringing together two strands of Scottish nationalism to form what has now become the Scottish National Party.

The presence of hereditary Peers in this House can be traced back to this early history. In those days, the need to own property meant that Members had a connection to and could represent all parts of the country. They were required to provide military support to the Crown. Not only that, in the absence of any civic structure, they provided the planning and direction of construction and development, rudimentary concern for the needs of the local population and, in the early days, the dispensing of justice. Their presence gave an

element of continuity. Whatever offices of state or other monetary income they received could be seen to have some bearing on all these responsibilities. The weakness of this system, which some noble Lords may like to remind me of, is that some tended to go for self-aggrandisement first. We have only to look at the speech of the noble Baroness, Lady Hayter, to see how rigorously we now police the safeguards in this regard and see that they are maintained. Fortunately nowadays many of these functions have been taken over by institutions that are answerable to some portion of the public at large and can be judged for their effectiveness.

The noble Lord, Lord Grocott, is concerned first and foremost with the excessive numbers in our House. What is not settled is what elements of the historical attributes should be reflected in the second phase of the reform. That is what I, as one of the elected hereditaries, am waiting to hear. Perhaps the ex-politicians like to feel that they can provide this. That may be true for ex-Ministers, but the recent role of many who come in from that source has been largely as observers and commentators from the sidelines. I, of course, realise that the position of hereditary Peers on their own may not be a great priority for my noble friend—

Baroness Scott of Bybrook (Con): Could my noble friend wind up, please?

The Duke of Montrose (Con) [V]: —but, as we go into other constitutional questions, it may well come into play and some discussion of the purpose of this House will be essential.

5.04 pm

Lord Bhatia (Non-Affl) [V]: My Lords, the Government have stated their intention to introduce several measures relating to the constitution. These include a review of the constitution, repeal of the Fixed-term Parliaments Act 2011 and legislation to improve the integrity of elections. In its 2019 general election manifesto, the Conservative Party said that it would aim to restore public trust in government and politics. To do this, it said, it would establish a constitution, democracy and rights commission and repeal the Fixed-term Parliaments Act 2011. The Government have also said they will introduce measures relating to the integrity of elections.

In its manifesto, the Conservative Party said that it would establish a constitution, democracy and rights commission to examine the broader aspects of our constitution and said that the commission would look at, first, the relationship between the Government, Parliament and the courts; secondly, the function of the royal prerogative; thirdly, the role of the House of Lords; fourthly, access to justice; fifthly, the balance between the rights of individuals, national security and effective government; and, finally, judicial review.

The commission was announced in the December 2019 Queen's Speech. However, in evidence to the House of Commons Public Administration and Constitutional Affairs Committee in December 2020, the Lord Chancellor, Robert Buckland, stated that this work would now be carried out in a series of independent reviews rather than in one commission. He further stated that the Independent Review of

[LORD BHATIA]

Administrative Law, set up in July 2020, and the independent review of the Human Rights Act, which started in December 2020, were to be the first pieces of work in this series and said that this change of approach was called for by Covid-19.

One determining factor that led us down this path was the importance of postal votes. Since the election, the Covid-19 emergency has had the potential to have, in effect, put back any work on these important issues. There was also the benefit of having individual focused reviews involving people with particular expertise on specific questions. The review panel has issued a call for evidence and has scheduled a series of public events to be held in universities across the UK. It aims to produce its report, which will be submitted to the Lord Chancellor in the summer of 2021.

Finally, the Lord Chancellor stated that the other work streams will be announced to take forward other elements of the commission on the constitution, democracy and rights.

5.08 pm

Lord Liddle (Lab): My Lords, first, I congratulate my noble friend Lady Merron and the noble Baroness, Lady Fraser of Craigmaddie, on their truly excellent maiden speeches. They have a great contribution to make to the House.

Listening to the gracious Speech, I had one big thought. The Government have a very carefully calculated electoral strategy, which we have already seen working, to some extent, in the local elections last week. The big question is: given the challenges post Covid, post Brexit and facing the technological revolution, do they have a coherent national strategy for the United Kingdom?

I was most impressed by the speech yesterday of the noble Lord, Lord Bridges of Headley, who really underlined the point that the gracious Speech was a missed opportunity. There is no commitment on social care, yet the Government are going to legislate on cancel culture—something of which, as chair of Lancaster University for seven years, I never had a single instance to deal with. There is no mention of employment rights, which are absolutely critical in the changing labour market of today and the future, but the Government want to legislate to suppress voting through the introduction of compulsory identification. Are these really the key national priorities?

On Brexit, there is no indication whatever of how we are going to build the new sources of competitiveness to counter the trade losses we are already suffering. In the first three months, our EU trade was down 19% more than our trade with the rest of the world. There is an example—the vaccine example—of how public/private partnership can do this, but there is no mention of that in the Queen's Speech.

The Government will say, "Oh yes, we do have a big idea, and that's levelling up", but they are going about it the wrong way. The paradox of the Government's policy is that they think you achieve levelling up by top-down action; it is a contradiction in terms. They are setting up all these new pots of billions, to be run by Whitehall departments, which will incorporate the directly political priorities of Ministers concerned about how they hold marginal seats.

I see this in Cumbria. Labour has lost four of the six seats it held in Cumbria, and we are now being showered with grants through the towns fund and all these other funds that the Conservative MPs are trumpeting. But there is no evidence that this Whitehall-driven approach can achieve the result of lessening inequalities between different parts of the country. I see the noble Lord, Lord True, smiling, but I am sure he agrees with me.

The way forward is to empower local institutions, to give mayors the powers they need and to create new, strong unitary authorities, which is what we hope to see in Cumbria. But this Government show no interest in this devolution agenda and are hitting local authorities harder. I am on Cumbria County Council. This year, we suddenly had £10 million taken out of our highways budget, just like that—no publicity, of course, from Mr Rishi Sunak. This is what is happening. When you look at the projections for public spending in the next few years, it is clear that local authorities will have to pay the price for these new funds that will be established. This centralisation is the wrong approach.

I think Gavin Williamson gets a very bad press, on the whole. I admire the fact that he is making a priority of further education, but the way to make sure that increased resources are spent well on further education is to align training policies with the needs of local areas and their employers. That means strong local institutions, not the kind of top-down approach that the Government are going in for.

I see not a strategy here but politics, and I think it is a great shame that a Government with a majority of 80 feel that they have to stoop to that.

5.14 pm

Lord Dunlop (Con) [V]: My Lords, I declare my interest as independent reviewer of the UK Government's union capability.

There is no doubt that the Scottish election results have once again put the union at the heart of our deliberations. Strengthening the union requires urgent attention. However, in searching for solutions, care should be taken not to overreact or adopt drastic changes which could inadvertently destabilise the relationships between the nations and regions of our country.

For all the excitable commentary, the reality is as it was five years ago. Basic questions about the implications of independence remain unanswered. In 2016, Nicola Sturgeon launched a national conversation to build a consensus for independence, yet it can be said with certainty that no such Scottish consensus exists today. The make-up of the Scottish Parliament is much the same as before, as are the broader political calculations. There will not be another independence referendum unless and until those wishing one think that it can be won. For those of us who care about the union, the task is to ensure that that day never comes.

In recent months, remedies offered have ranged from bringing power back to the centre, to offering Scotland so-called devo-max, to proposing federalism, involving the creation of an English Government and parliament. Each brings significant problems. While some may regret it, devolution is popular in Scotland.

It is hard to believe that more “Whitehall knows best” will appeal to moderate, middle-of-the road Scots. Nor is the issue that the devolved institutions need more powers. The Scottish Parliament is already one of the most powerful devolved Parliaments in the world. Scotland already has devo-max. Indeed, many of the Scottish Parliament’s powers remain unused. To go further is not necessary and would risk fatally hollowing out the union.

A new tier of English Government, that most people in England do not want, crystallises why federalism will not work here. There is no example anywhere in the world of a successful federation where one part represents over 80% of the whole. It is also hard to see how this idea changes for the better the political weather in Scotland.

A better approach is to concentrate on making devolution work more effectively for all the UK. Devolution is not a failed project, but it is certainly an unfinished project. Over 20 years ago, devolution represented a substantial change to the way in which our country is governed, yet all the attention since has been on the powers of the devolved institutions. The implications of devolution for the centre of UK Government have been neglected. Devolve and forget is, as we have heard, a phenomenon we all recognise. Devolution has been a centrifugal force. The need now is for equivalent reform at the centre to provide better means for bringing the country together.

Covid has demonstrated beyond doubt that, while different tiers of government have distinct responsibilities, each depends on the other to be successful. What is true of a health pandemic is also true when it comes to tackling climate change, economic challenges and many other issues.

What is needed? First, a culture change is needed at the centre of Government, creating a Whitehall more responsive to the distinct needs of different parts of the country. There is no single silver bullet. My report for the Government identified a package of interlocking reforms. Secondly, a transformation is needed in the way the UK Government works with the devolved institutions. The creaking machinery for managing intergovernmental relations needs overhauling, to be less of a fractious talking shop and more a forum for joint decision-making in areas of common interest. I was encouraged by proposals that the Government published alongside my report. It should now be a priority to get this package agreed with the devolved Administrations. It seems to me that all the outstanding areas of disagreement are eminently resolvable.

In conclusion, the UK is the most successful multinational state in the world. It has for centuries been a beacon for people across the globe who have come here to make this beautiful, quirky and argumentative island their home. The UK has succeeded because it has felt for most of its existence like a shared endeavour of four nations. Our mission now is to build once again a co-operative union—a modern, inclusive United Kingdom fit for the 21st century. I am confident that we can.

The Deputy Speaker (Lord Haskel) (Lab): The noble Lord, Lord Singh, has withdrawn, so I call the noble Lord, Lord Lilley.

5.20 pm

Lord Lilley (Con): My Lords, I congratulate both maiden speakers, whose excellent speeches showed what valuable contributions they will make to our deliberations, and it is a privilege to follow the very thoughtful remarks of my noble friend Lord Dunlop. I want to discuss the Northern Ireland protocol. It was negotiated in haste in the 100 days between Boris Johnson becoming PM and the EU’s deadline for the UK leaving with or without a deal.

We all knew that the protocol, though better than the previous backstop, which the Commons rejected with historic majorities, was full of internal contradictions and unresolved issues. The Government and Parliament none the less accepted it, because it contained a mechanism for resolving those issues—the joint committee, which has unlimited powers to rewrite the text and in which both parties are committed to negotiate in good faith to uphold the peace process and respect the integrity of one another’s internal markets. If that does not work, Article 16 allows us to override the protocol, as does Clause 30 of the withdrawal Act. However, the EU has refused to revise one word of the protocol, even though it is causing communal tension and economic dislocation. It insists that all goods for the EU must submit to, and usually prove compliance with, every one of the single market regulations, whose titles alone fill 73 pages of the protocol. It argues that the huge problems this will create can be avoided by the UK adopting that legislation throughout the UK.

It is now as clear as daylight that the EU cynically sees the protocol simply as a lever to force the UK as a whole to align with its single market legislation, past and future. But the EU conceals that objective behind three excuses, and it is time we challenged them. The first is that the protocol is necessary to protect the peace process. If anything, the reverse is true. It was always absurd to say that checks on goods between Northern Ireland and the Republic would threaten the Good Friday agreement and possibly even the peace, whereas checks on the far larger volume of goods between Northern Ireland and Great Britain would have no such consequences. Now we see that invoking the threat of violence as a reason not to have even virtual checks on trade with the Republic has directly provoked violent demonstrations against the Irish Sea border.

The EU’s second excuse for its intransigence is that the protocol is necessary to protect the integrity of the EU internal market. This raises several obvious questions, which I hope the Minister will answer or put to the EU. Why are checks on goods from Great Britain to Northern Ireland, even those destined to remain in Northern Ireland, necessary to protect the integrity of the EU market, whereas no checks at all are needed on goods entering Great Britain from Northern Ireland to protect the integrity of the UK internal market? During the prolonged grace period, have any actual threats to the EU internal market emerged, threats to the health and safety of EU citizens? If not, why not prolong the grace period indefinitely? Is it credible that trade in non-compliant goods across the border with the Republic and onwards into mainland Europe would be remotely profitable? Will lorry-loads of Dyson

[LORD LILLEY]

vacuum cleaners, lacking the EU's misleading energy labels, be smuggled over the border then shipped to Holyhead, across Britain to Calais and onwards to Paris? I think not. Either smuggling of non-compliant goods will be small-scale and local, which would be nothing new, or, if large-scale, impossible to conceal, easy to stop at their destination or be apprehended by trading standards officers when they reach the shops on the continent. The largest item of cross-border trade is alcoholic beverages, on which duty rates have long been different north and south of the border, yet this has been successfully managed without checks at the border, so why not other products too?

The EU's third excuse is that it is necessary to put these restrictions in place on GB trade now, since, in future, British and EU rules may diverge. But, surely, measures would only be needed, if at all, for the minority of products where rules diverge; then only for consignments at risk of crossing the border into the Republic; and then only if the divergence introduced is a potential threat to the health and well-being of citizens of the EU.

In short, it is time to debunk the case for implementing the protocol until it is slimmed down to focus on tangible, not imaginary, problems.

5.25 pm

Lord Elder (Lab): My Lords, I also congratulate the two new Members of your Lordships' House on their outstanding contributions, and we look forward to hearing from them again in the future—I hope in a rather fuller House in the not-too-distant future, when we get past the current Covid problems, when the atmosphere will be somewhat different.

I will speak a bit about Scotland. The last referendum, which rejected independence, was said by the then SNP Government to be a "once in a generation" event. Generations seem to be getting rather shorter. We are bound to have a further vote—I understand that—but I want to try to set out the context of what the next vote should perhaps look at.

I have always been in favour of devolution; unfortunately, the SNP Government are not, and not just because they believe in independence. I believe in devolution and that as much power as possible should have been moved from London to Edinburgh—it was—and from Edinburgh to local government and other organisations, but it certainly has not been. They have not just left it where it was; they have dragged everything back into the centre, and that is just bad government.

It is always very uncomfortable if you are from one party and find that a bit of the country voted for someone else, but, for goodness' sake, if they are running their own local services, why should they not have their own people doing it? It seems to me that that is an essential flaw in some of the things that the SNP stand for: they want to have all their power centralised—end of story. That needs to be stressed, and stopped.

The referendum in which I was most closely involved was the one that set up the Scottish Parliament. It was preceded by a White Paper that was written at great speed—although, in fairness, we had been drafting it

in opposition for about 20 years—and that set out, in great detail, the powers and responsibilities of the new Parliament and how it was going to operate. My concern about another referendum is that it will simply be on the issue of whether or not Scotland wants to be independent. Unless it is backed up by equally detailed papers, saying what the powers and consequences will be, I do not see how Scotland can genuinely make a decision.

This will sound as though I am trying to put obstacles in its way, but, for goodness' sake, if Scotland is going to be independent, there must be something produced by the Government that says things like: what the currency will be; how the undoubted budget deficit that the Scottish Government, like every other Government, will have will be financed; who will be issuing the paper; who will have the central banking role; what the border will look like; how trade going to Europe will cope with two borders—it has had trouble with one; and some of the fishery matters. It seems to me that all of these things have to be spelt out. That is not with a view to trying to block things; it is to say that, actually, Scotland is an intelligent country—we have been through all sorts of things and are the home of the Enlightenment—and, for goodness' sake, we ought to be honest and straightforward about the consequences of some of the things that will occur. It seems to me that that is the absolute bare minimum that we should stress.

We should also find out what on earth we will do about defence. I say that because there are an awful lot of defence assets in Scotland. Some people do not regard them as assets, but, considering Rosyth, Faslane, Coulport and the RAF bases in the north-east, is Scotland really going to say that it will turn its back on NATO? Is it really going to say that, if it is an independent country, it will stop co-operating on defence with the rest of the United Kingdom? Where does that leave Scotland? It does not naturally come to mind as a neutral country; that is not what our historic reputation suggests. This is a huge issue that is difficult for a lot of people to face up to, but, for goodness' sake, we have to be realistic.

Of course, finally, there is the matter of EU membership. I have always been very sceptical about the EU's enthusiasm for encouraging bits of countries, even former member countries, to join separately. There are an awful lot of bits of European countries with histories as long as Scotland's: Catalonia, the Basque country and lots of Italy and other places, which would really quite like to be there as separate states. For that reason, Europe's enthusiasm for accepting Scotland as a separate state will not be as great as Scotland would like to think.

5.30 pm

Lord Lea of Crondall (Non-Aff) [V]: The first thing to point out is that we have had a remarkable series of speeches circling around the fact that there is a jigsaw puzzle here and all its parts are connected. Brexit appears in all of them, the four nations appear in all of them, but above all there is the problem that it is very hard to put the jigsaw together.

I was very impressed that a number of people, unusually, mentioned a former parliamentarian who is not currently in either Chamber: Gordon Brown.

The noble Lord, Lord Kerr, mentioned him, as did a number of others. I say that because we need to find people with creative ideas who could be acceptable to all sides in pulling some things together, particularly north of the border.

We all know that one of the common factors in the problem is that there is a very considerable dislike for the Prime Minister of the United Kingdom north of the border, and in other places as well, even though he wins in England on an English nationalist ticket. This is going nowhere, and it is not good for the future of the union or Britain's prosperity more generally. So, we have to find a way to get a group of people together with credibility on all sides to, for example, make the point in Scotland that it is all very well to have rhetoric from the SNP, but it is 50:50 there.

Nothing is being said about the British Army, which has always had very well-respected Scottish regiments. Nothing is being said about the euro; if Scotland joined the EU, that could mean joining the euro. Nothing is being said about Faslane—perhaps the noble Lord, Lord Dannatt, will say something about how that could work. Therefore, we have to be able to get people who can draw things together. It is not necessarily a parliamentary process, although clearly Parliament will be very involved. It has to be a task force which can talk to people in all parts of the United Kingdom. I think this is now going to work.

On the European dimension—this point has not been made—it is not all or nothing. It will take two or three years, but some version of the European Economic Area, as with Norway, is now a very obvious thing to investigate further. There would of course have to be negotiations and discussions about EFTA, the EFTA Court and the European Court of Justice, but on one or two major things such as the internal market—we were within seven votes of Parliament voting in favour of it—we similarly saw that people do not want an all-or-nothing approach to borders, migration and many other factors.

This crisis is impossible, of course, if we say that it is impossible to put the jigsaw together. But if people work together bit by bit to see how they can help with the total jigsaw puzzle, I think there is little doubt that we can make some progress.

The Prime Minister, for as long as he is there, will have to give way—and if he wants to retain the United Kingdom, he will have to do a U-turn on his rhetoric about English nationalism. It might go down well for the moment, with Covid and so on, but, when we get out of the trough of Covid and look at the state of the economy, it will not be a pretty picture. We have to get some people together who can get an agenda that will work, including talking to people who at the moment they are not talking to.

5.35 pm

Lord Jay of Ewelme (CB) [V]: My Lords, I speak today as chairman of the European Affairs Committee's new Sub-Committee on the Protocol on Ireland/Northern Ireland. The appointment of that committee is a welcome demonstration of the House's commitment to and engagement with Northern Ireland. In view of recent community tensions and political developments, that

engagement is more important than ever. The committee's membership includes immensely experienced Members from Northern Ireland and Members committed to Northern Ireland from across the House, a number of whom have spoken in today's debate, and it is a privilege to chair it.

To scrutinise the protocol and consider its impact on the people and businesses of Northern Ireland is not a straightforward task, and recent events have shown how immensely sensitive the protocol is. As proposed by the Liaison Committee at the end of last year, our committee will monitor the protocol's political and socioeconomic impact on Northern Ireland and its impact on the UK/Irish relationship. In that context, I much welcomed last week's announcement that the British-Irish Intergovernmental Conference established under strand 3 of the Belfast/Good Friday agreement will meet next month for the first time in two years. We shall also scrutinise the EU legislation, amended and new, that will apply to Northern Ireland and the Northern Ireland-related work of the governance bodies established under the UK-EU withdrawal agreement. We will hope to produce our first report by the Summer Recess, based on evidence from community, business and political figures—including, we trust, from the noble Lord, Lord Frost.

When I mention that I am now chairing a committee of your Lordships' House on Northern Ireland, I tend to be asked "Gosh, what is the solution?" I reply that, as so often in life, that is surely the wrong question. The right question, at least for now, is how to reduce the tension and risk of conflicts in Northern Ireland, including this summer, so the different communities can experience the economic and political conditions that they deserve. When the conversation moves across the Irish Sea, I am asked about the solution for Scotland. I should perhaps refer speakers to the noble Lord, Lord Kerr of Kinlochard. One thing that the last few years have taught us is that it is surely a mistake to hold a referendum without a clear analysis of the economic and political implications, whatever the result. That is surely just as if not more important than the date of a future referendum or the Supreme Court's view of its legality.

I hope that the United Kingdom will remain united, but I suspect that the price of that will need to be a far more intelligent devolution to Scotland, Northern Ireland and Wales—and, indeed, to the great cities and regions of England. One day I hope that the reform of this House will properly reflect that diversity and devolution.

5.39 pm

Lord Flight (Con): My Lords, I welcome the noble Baronesses, Lady Fraser of Craigmaddie and Lady Merron, and congratulate them on their excellent speeches today.

I want to make some comments on events since the referendum and their impact on essentially constitutional matters. I am sure that many of those who voted in the referendum to stay in the EU are subsequently shocked, or at least disappointed, by the behaviour of France and the EU. Many expected Brexit to lead to a new era of co-operation with Europe, but the ideologues in Brussels do not do friendship—you are either under

[LORD FLIGHT]

their control or their rivals, to be undermined and exploited. Breaking up our union is now an important objective of theirs. The PM has so far refused to respond blow by blow to behaviour by the EU. We have had the astonishing threats made by the EU to confiscate vaccine shipments contracted to the UK, the EU's counterproductive demonstration in respect of AstraZeneca, a ban on the export of shellfish, threats to disrupt the City of London and, especially, the irresponsible dealings with the Northern Ireland protocol.

Our Government have bided their time, first at least to see the trade and co-operation agreement ratified and signed off. Now Britain can fight back and commence. Ironically, the opening of the eyes of British citizens to the EU's appalling behaviour has slashed British citizenship ratings of the EU. The UK Government now have the support of a substantial proportion of British citizens to take tough measures if necessary and if they see fit. It is now clear that we need to diversify our economy away from Europe as quickly as possible. We need to set taxes and regulations to maximise our global competitiveness regardless of whether this triggers EU retaliation.

The EU is regulating itself into digital oblivion and its moral authority is crumbling on the back of its behaviour. Amazingly, Macron and Merkel are now in discussions with Putin about collaboration on Sputnik, a Russian vaccine, less than a fortnight after the head of the EU vaccine task force stated:

"We have absolutely no need of Sputnik."

While Sputnik has still to be licensed, the AstraZeneca vaccine has already been licensed by the European Medicines Agency. Macron and Merkel have continued to criticise AstraZeneca on unsubstantiated safety grounds. At the same time, Brussels-based Eurocrats have criticised the UK for blocking EU access to AstraZeneca.

The current politics of Europe are of the EU backing a belligerent France against the UK, even though we continue to behave as if France is an ally. We have had a continuing sequence of hostile gestures and behaviour from France and the EU, with, latterly, the vindictive blackballing of Britain from the Lugano Convention and the EU's refusal to recognise the important regulatory vehicle of equivalence for the financial services industry.

5.43 pm

Lord Dannatt (CB) [V]: My Lords, I have chosen to speak in today's section of the debate on the humble Address rather than next week on defence, as I place the maintenance of the integrity of the union as the highest priority of all the issues confronting Her Majesty's Government today.

Other noble Lords have spoken on the importance of the maintenance of the union between England and Scotland, but I wish to focus on Northern Ireland as an integral part of our United Kingdom. Apart from England, where I was born and live, Northern Ireland is the other part of the United Kingdom in which I have lived and worked for extended periods of my life. Self-evidently, I have not spent time in Ulster for fun but as a member of the British Army, seeking to secure the safety of the people of Northern Ireland and to secure that Province as an integral part of our United Kingdom.

With that objective in mind, it has been profoundly depressing to have heard both the outcome of the Ballymurphy inquests on Tuesday and the Government's response to those judgments thus far. That it should have taken three months short of half a century for 10 families in Ballymurphy to be told definitively that their loved ones were not gunmen, as previously alleged, but innocent members of the community is nothing short of a scandal. Sadly, it is a scandal matched by the Government's slow response to these inquest findings. Perhaps the Minister, in answering this debate, will explain why the Prime Minister felt unable to follow the example of Mr David Cameron in offering a full and unqualified apology in the House of Commons, as he did after the publication of the Saville inquiry into Bloody Sunday. To do so only in a telephone call to the First Minister and Deputy First Minister is just not good enough. Self-evidently, the 10 families were not on that call, although I am aware that the Prime Minister has now written to them.

If the objective of retaining Northern Ireland within our United Kingdom is the goal, we should look to the future, not the past. We should look for ways to ease tensions between communities and build trust. With that in mind, I believe that we can learn more from the collapse of the trial of soldiers A and C than we can from the Ballymurphy inquest and the calls for the soldiers concerned to stand trial. As the trial of soldiers A and C showed, information, recollections and statements made 30, 40 or nearly 50 years ago invariably constitute inadmissible evidence, which is why another way to seek the truth about unsolved deaths and attacks must be found. Of course the pursuit of truth leading to justice is an inalienable principle and no one is above the law, but where truth cannot be reached effectively through a criminal justice system due to a lack of admissible evidence for whatever reason there must be another way.

After several meetings with the former Attorney-General, Sir Geoffrey Cox, I believed that a process of questioning by investigators of potential witnesses to a death or a serious crime could be based on a presumption not to prosecute unless new and compelling evidence was produced. Such an arrangement could have benefited civilian and military personnel equally, and allowed families, as in Ballymurphy or in Bloody Sunday, to discover the truth and gain closure to their anguish. However, the flaw in this approach—certainly for veteran soldiers—is that, under the Good Friday agreement, the Westminster Attorney-General gave his prosecuting authority up to the Northern Ireland prosecuting authorities. In Northern Ireland, experience shows that there is a predisposition to test evidence in court even if it is thin, thus questioning with a presumption not to prosecute will not work.

I am therefore now drawn to the Northern Ireland Office's preferred option of the introduction not of an amnesty but of a qualified statute of limitations. By this, the investigation into any alleged crimes—potentially committed by civilians and soldiers alike—that took place before the Good Friday agreement was signed in April 1998 should not be subject to prosecution. In this way, I believe that witnesses would be more open, the likelihood of reaching the truth would be increased and closure for families would be more likely to be achieved.

In a pure sense, this is far from ideal; indeed, I would describe it as the least worst option. However, it is better than a stalemate and a continuing cause of tension between communities and a cause of anxiety to military veterans. I am told that all parties in Northern Ireland are likely to oppose such a statute of limitations, but I believe that the Westminster Government must be robust on this issue. I am also told that the Dublin Government would oppose it, but I respectfully remind the Irish Government that this is exactly what they used on 7 November 1924 as the way to end the acrimony following the civil war of 1922-23 in Ireland immediately following independence. So there is a successful precedent.

Finally, it is to be welcomed that the future of Northern Ireland has returned in recent years from the streets to Stormont and from the bullet to the ballot box, but lingering legacy issues arising from the Troubles stand in the way of a better future. The least worst option of a qualified statute of limitations is one way to tackle this problem and let more truth increase the chance of reconciliation.

5.49 pm

Lord Moylan (Con): My Lords, it is a privilege to speak after that illuminating and inspiring speech from the noble Lord, Lord Dannatt. I congratulate my noble friend Lady Fraser of Craigmaddie and the noble Baroness, Lady Merron, on their maiden speeches.

Before I go any further, I want to comment on the fact that a number of noble Lords—mostly on the Opposition Benches—have today accused the Prime Minister of repeatedly making remarks of an English nationalist character. I offer this House to pay from my own pocket £1 for every postcard I receive of an authenticated remark by the Prime Minister that could be characterised as English nationalist. I was delighted to read the gracious Speech, not only because of the admiration and affection we all bear towards Her Majesty the Queen and the monarchy she embodies at the pinnacle of our constitution, but because there were particular items of legislation that I was very pleased to see. One, for example, seeks to bring within bounds the astonishing growth in judicial review over my adult lifetime. Where has this come from? Who has ever voted for it? Is it not time that we had a statute and a debate about its extent and scope? The Government must be held to account in cases of alleged law-breaking, but a great deal of judicial review consists of challenging procedural failings by public bodies of no great moment, often in pursuit of a political objective such as the prevention of infrastructure investment, the principle of which has been approved by this Parliament. This is an abuse and I hope that the legislation will curb it.

The Government's commitment to strengthening the union is heartening, but it requires careful thought. As the noble Lord, Lord Lisvane, indicated, there is a draft Bill doing the rounds—happily not one promoted by this Government—that would form the basis for a federal United Kingdom. Its proponents invariably describe this as “saving the union”. The union of which we speak is not just any old collaborative arrangement; it is a very specific thing, 300 years old and tested by history and usage. It is a union of Parliaments, producing a single overarching Government. That is why a

commitment to the union is also necessarily a commitment to this Parliament. I will fight to defend this union and its Parliament, but to replace it with an ahistorical and, in my view, unworkable federation between one large member and three small ones is not to save the union but to scrap it and start again. In any referendum that might arise to support such a proposal, there is a material risk that England would not vote for it.

There are better ways to strengthen the union. In my view, Parliament has a right and duty to ensure that the quality of the NHS is of uniformly high standard across the United Kingdom. That is not true today in Wales or Scotland. An independent UK-wide audit of health outcomes would be a valuable inclusion in the health and care Bill.

When we turn to Northern Ireland, we have a case where a majority wish to continue as part of the UK. Yet without any democratic assent or accountability, the Northern Ireland protocol places the Province under the laws and jurisdictions of a foreign power—a power that, as my noble friend Lord Lilley points out, proclaims peace but is increasingly revealed as happy to impose disruption on Northern Ireland as leverage over a UK that has expressed a clear and democratic wish to escape its orbit. For how long can this continue?

I do not doubt the ferocity of this Government's commitment to the union and I applaud it, but I look forward to seeing it given practical effect in all parts of the United Kingdom.

5.54 pm

Lord Desai (Non-Aff) [V]: My Lords, it has been a very good debate. I shall concentrate on the union and the constitution, but I want to connect those two things, because a solution to the union would require substantial constitutional change, especially in the status and composition of your Lordships' House. I start with a very famous saying, that if you want to preserve something you value very much, you have to change it—you have to change things all the time. While we are all for the union, we forget that the union itself has been changing within the last 50 years.

When I arrived in your Lordships' House in 1991, the question of the nations was not as high on the agenda as it is today. The Scottish Constitutional Convention, the big public discussion, made us all aware that there was genuine dissatisfaction in Scotland. We do not even mention the fact that Wales was integrated without any Act of Parliament, and so was Ireland. Let us start again and say: we will have a union, a different union from what we have at present, and a better union.

I have studied the history of many newly independent nations, and it is never a good strategy to answer a demand for greater independence or greater devolution by saying, “Oh, it will ruin you economically.” That argument works the wrong way. People get riled up when you think their national feeling is just a matter of pounds, shillings and pence. We have changed quite a lot since 1991. Indeed, the Labour Government of 1997 onwards legislated on devolution. The time may have come—it has come—to look at the whole question again.

When we are looking at the question of the union, we must also see that we have parliamentary reform. Many noble Lords have said today that the problem

[LORD DESAI]

with the House of Lords is that it needs reform and recomposition. We have heard many reports on how to do that. A Bill put before Parliament by the 2010 to 2015 Government was unfortunately rejected by the House of Commons, which did not allow it time. That House of Lords Reform Bill is a good example to go back to, because a committee of both Houses of Parliament deliberated on it carefully. Lord Richard, whom I still remember fondly for his campaign for House of Lords reform, chaired it. I think we have to go back to a committee to see what kind of proposals we can get through.

It is a question not just of the hereditary Peers but of the other unelected Peers. We have to change the structure of the House not just to admit the principle of elected Members but to make the House of Lords representative of all parts of the union. That is a fundamental and important part of any scheme of union or constitutional reform we may have.

5.58 pm

Lord Horam (Con): My Lords, I congratulate our maiden speakers on their excellent contributions to the debate. We are really delighted to have them with us. In this final speech from the Back Benches, I will say a few words about the threat to the union from the Scottish National Party.

I am an Englishman, born and brought up in England. None the less, like many of us, I have connections with other parts of the UK; my mother has Scottish connections. Indeed, I remember vividly that, when I was made Health Minister in the John Major Government, the Chief Medical Officer at the time was Kenneth Calman—subsequently Sir Kenneth Calman, chairman of the Commission on Scottish Devolution. He came into my office and said, “Minister, are any members of your family medical professionals?” He was clearly fishing. I said, “Well, yes, there are quite a few actually; indeed, one of my relatives is a GP in Cambuslang”—if that is how you pronounce it. I said, “Not only that, my mother is part Scottish”, and mentioned her maiden name. He said, “Do you realise, Minister, that your mother’s family are hereditary physicians to the Lords of the Isles?” I have no idea whether this incredibly venerable position actually exists except in his romantic imagination. I assume all Scots are romantic by nature; perhaps not.

The SNP is, of course, a serious threat, but I believe we have a number of positive things going for us. The first is time. One year, maybe two or three years, is the sort of time we have available to come back with some strategy—and, my heavens, we need to do that.

Secondly, the economic penalties of independence have become much more apparent. One is well aware from the Brexit debates that things like Project Fear and all the rest of it matter little when questions of emotion come into play. But on any sensible analysis, the situation for Scotland is far worse than the UK’s was in relation to the European Union. For example, the whole question of currency or the funding of the public sector are issues which did not face the UK when we left the European Union. I think we can also use these obvious problems to flesh out exactly what they mean by independence. There are many unanswered

questions which we should force them, on the defensive, to answer. Surely we cannot have another debate as ignorant in many ways as the Brexit debate was; surely we have learned something from that.

Thirdly, there is the opportunity to change the terms of the debate. The Prime Minister started this with his call for all four leaders to meet to discuss post-pandemic planning—team UK, et cetera. Gordon Brown followed this up with a suggestion of a meeting of national and regional leaders, and this could be built on. After all, we have the great advantage of the unwritten constitution; we can do things with it without having to go through the due legal process of a written constitution. So why do we not make this meeting of the four leaders of the four nations a regular occurrence with a regular agenda, going through the various capital cities, with a different chairman each time? Obviously, there are dangers in this. There are risks involved in that sort of thing—for example, the opportunity for grandstanding. We all know what politicians are like. There is the opportunity for needless disagreement, point scoring, et cetera. Indeed, some people may simply not turn up. There are also problems for the UK. If we are serious about giving this sort of influence to the four leaders, it will inevitably impinge on things which are, at the moment, purely UK responsibilities. They will have influence in other areas beyond devolution and the devolved powers.

But if we are serious about working as four nations together, this is an opportunity to build up something which has really creative potential—the noble Lord, Lord Lea of Crondall, made a similar point just now. If we can get everyone to understand that there could be a productive and co-operative balance between the four nations and that there is a better alternative, both in terms of security and the balance of freedom and security against the upheaval and uncertainty offered by the SNP, there is something here which could be sensibly put forward.

Finally, we should also remember that, even after all this time and all the work by the SNP to change opinion, it is still 50:50 between staying and leaving. Indeed, I saw recently in an opinion poll that independence is only eighth in the list of priorities of the Scottish people. So with the possibility of leaders like Gordon Brown and Ruth Davidson and a whole host of excellent MSPs in Scotland, we have the opportunity of setting out a clear way of co-operating between the four nations—but we have to start on it very soon.

6.05 pm

Lord Wallace of Saltaire (LD): My Lords, I found the opening speech of the noble and learned Lord, Lord Stewart, extraordinary. There were more than 10 minutes on the wonders of Brexit and then three and a half minutes on the Government’s constitutional agenda, but this country faces a major constitutional crisis. Many noble Lords have talked about the threats to the union, and those threats are real and growing, but the Prime Minister’s casual dismissal of the conventions of constitutional behaviour, his insistence that as “the people’s Government”—based on 43.5% of the national vote in December 2019—he and his Ministers can push back parliamentary scrutiny and sweep aside reasoned criticism, is taking us away from constitutional democracy.

The measures in this Queen's Speech betray the promise of the Conservative manifesto 16 months ago. Many of us, as the noble Lord, Lord True, will remember, welcomed the commitment that:

"After Brexit we also need to look at the broader aspects of our constitution: the relationship between the Government, Parliament and the Courts; the functioning of the Royal Prerogative; the role of the House of Lords ... In our first year we will set up a Constitution, Democracy & Rights Commission that will examine these issues in depth, and come up with proposals to restore trust in our institutions".

There is no need for the noble Lord, Lord True, to confirm that the Government have ditched any idea of encouraging a wider or open debate about modernising our constitution and rebuilding public trust. This Queen's Speech talks about renewing democracy and the constitution, but what it proposes is to tilt the bias of our electoral system further in favour of the Conservatives, to revive prerogative powers and to curtail judicial review.

Many noble Lords have noted the promise that the Government will

"restore the balance of power between the executive, legislature and the courts".

So I ask the Minister to tell us what he considers to be the proper constitutional balance between the Executive, the legislature and the courts. Which is the direction in which the Government think they should now tilt that balance—further towards the Executive, or further towards scrutiny? My noble friend Lord Tyler quoted Lord Hailsham's warning of 45 years ago that the Prime Minister's dominance over Parliament when there is a single-party majority is not constitutional democracy but "elective dictatorship". Of course, Lord Hailsham said that when there was a Labour Government in power. Much of this Government's behaviour—breaking the Ministerial Code repeatedly, making increasingly partisan public appointments, undermining the neutrality of the Civil Service, attacking the BBC and the universities as institutionally left-wing—makes sense only on the implicit assumption that the Conservatives will now be in power permanently. A Conservative Opposition would be outraged by this assertion of executive dominance by a Government of any other party.

The noble Lord, Lord Strathclyde, gave us another of his familiar lectures on why this House should not stand in the way of a Conservative Government. I remind him that the figures on Lords votes by Session between 1997 and last year show clearly that the highest proportion of government defeats came in two Sessions when he himself was Leader of the Opposition. What he is saying is that the Conservatives have the right to rule and others do not. So I ask the Minister to tell us what he understands by the term "democracy". Are constitutional limits on executive power unnecessary checks on the people's will, as interpreted by the Prime Minister, or are they an essential part of democracy? We know that young Boris wanted to become world king, but that does not justify giving him unaccountable power now.

There is nothing in the Speech about local democracy either. The *Times* leader on Tuesday voiced the almost unanimous expert view that

"the most effective response to regional inequalities lies in giving local politicians the power to set their own priorities."

Yet Ministers hand out money from the centre to favoured constituencies, while local elected politicians are bypassed as brutally as local public health officers were in handling Covid-19. Does the Minister consider that local democracy is an important part of constitutional democracy or not?

Jacob Rees-Mogg, in the *Telegraph* on 10 May, celebrated

"a Parliament which now wields the full power of its sovereignty ... again."

To the contrary, the noble Baroness, Lady Stuart, who campaigned in the referendum to restore parliamentary sovereignty, wrote in the *House* magazine some weeks ago that

"the attempts by parliament in 2019 to claim sovereignty for itself"

were "remarkable", and that its

"reassertion by the entity that ultimately holds it in a democracy—the people—took place in the general election in December of that year".

The Prime Minister asserts that he heads the people's Government against the disaffected metropolitan liberal elite, to which Nicola Sturgeon replies that she represents the people of Scotland on 48% of those who voted there—a higher percentage than that which voted Conservative across the UK. So, it is a more legitimate claim, with one populist nationalist trumping another. If the SNP lacks a mandate, as several noble Lords have argued, then Boris's mandate is weaker still.

I have just reread the Public Administration Committee's 2004 report, *Taming the Prerogative: Strengthening Ministerial Accountability to Parliament*, which was critical of the Labour Government then in power. The noble Lord, Lord Hague, and Lord Hurd gave evidence in favour of limiting executive powers, including giving Parliament a much greater role in scrutinising public appointments and approving reorganisations in Whitehall. The Dissolution and Calling of Parliament Bill takes us in exactly the opposite direction but then, of course, the Conservatives are back in power and intend to bend the rules further to remain so.

The Conservative manifesto promised to make sure "that every vote counts the same—a cornerstone of democracy."

The electoral integrity Bill will do no such thing. There are several million UK citizens missing from the register, predominantly young people—a far larger problem than voter fraud. Most votes in most seats are wasted under the least representative voting system in the democratic world. But the focus here is on discouraging people from voting, following American Republican tactics on voter suppression.

In some ways, the US Republican Party seems to have colonised much of the British right. The Government are also presenting a freedom of speech Bill, which closely follows recommendations from Policy Exchange. But the Policy Exchange publications rely heavily on US examples of university behaviour, including references to extreme right-wing US sources. This is cultural war, imported from the United States and, for all I know, partly financed from the United States, since Policy Exchange does not publish where its funding comes from.

[LORD WALLACE OF SALTAIRE]

President Biden, in his first and sober address to Congress two weeks ago, warned:

“The question of whether our democracy will long endure is both ancient and urgent”.

He went on to say

“if we are to truly restore the soul of America—we need to protect the sacred right to vote.”

Democracies can decay or slide towards authoritarian rule. In the 1990s, I spent much time in Budapest as a visiting professor at Central European University. I met many young post-communist politicians; I even shared a platform with Viktor Orbán, then the bright hope of Hungarian liberals. Once he gained power, he found that attacking foreigners, immigrants and the European Union, capturing the public broadcaster and independent media, and bending the rules on political competition was the best way to stay in power and reward his friends with public contracts. It could not happen here, could it? But the American Republicans have almost abandoned any acceptance of constitutional democracy—a once-proud party, taken over by an egotistical narcissist—and too many Conservatives still follow the lead of the American right.

Constitutional democracy is a delicate construction. It requires careful checks and balances to limit executive power. It requires honest men and women in politics, particularly in the governing party, to insist that standards are upheld and rules not broken. This Queen's Speech fails to address these broader aspects of our constitution. Yes, we need a commission on the constitution if we are to hold the UK together, to strengthen our democratic institutions and to regain the trust of our disillusioned electorate.

6.15 pm

Lord Falconer of Thoroton (Lab): My Lords, I send my most profound and real congratulations to the noble Baroness, Lady Fraser of Craigmaddie, who delivered a speech which everybody who heard it thought was absolutely first class. It took on serious issues and addressed them brilliantly. I think we all share her view that we should do everything in our power to allow other people to shine, and I strongly welcome the second choreologist into the House of Lords.

I say a special, very personal and admiring welcome to my noble friend Lady Merron. We were in government together. I do not want to shock noble Lords, but in politics there are some people who are not that great and some very good people, who fight the good fight all the time. My noble friend is one of those, who I saw with my own eyes fighting the good fight in government for Lincoln. I know her grandparents would be proud of how well she has done, because she is their granddaughter, but they would also be proud because of the exceptional things that she achieved and will achieve. She is so welcome here.

Before I come to the contents of what the noble and learned Lord said, I shall mention two matters. First, on the House of Lords, I draw attention to my noble friend Lord Grocott, who is in his place. He made the point that we shame ourselves in this House by going on with the by-elections for the hereditaries. We make a profound mistake by thinking that we have to go on with them. The form of legislation adopted in Section 2(4)

of the 1999 Act was that the hereditaries would stay and the Procedure Committee would then make arrangements for there to be by-elections. It was not mandatory; the legislation did not say that was the way it had to be done. It is plain what was envisaged at the time.

My noble friend Lord Grocott was not there at the time but I was, as was the noble Lord, Lord Strathclyde, who I am glad to see in his place and who is an accurate describer of the position: he said that the purpose was to be a guarantee of the second stage. I have tragic news for the noble Lord, Lord Strathclyde, and everybody else in the Chamber: the second stage is not coming. How do I know that? We have had six general elections since the 1999 Act and a botched attempt at Lords reform by the coalition Government, which was rejected. It is over.

It is open to us now as a House to say, legally, that we do not need to go on with this anymore, and I strongly urge the House to look at that because I have more bad news for it: the Commons will not agree to the change in hereditary by-elections. It is time for us to do it. The deal that was done allows that to happen once the second stage is not going to happen, which it is not. I am glad to see the noble Lord, Lord True, in his place because he, too, was a witness to the events that occurred at the time.

That is all I want to say about the House of Lords, except that I completely agree with the noble Lord, Lord Wallace of Saltaire, about what a bad loser the noble Lord, Lord Strathclyde, turned out to be. He defeated a Government whenever he was in opposition and then complained when we did it. Keep going, I say to the Cross Benches, in showing the Government what is wrong. That the Government are getting defeated all the time is not a constitutional problem; the problem is the appalling quality of what is coming in the form of legislation. Perhaps the way to avoid defeats is to look at that, rather than at the fact that people are saying no to the Government on a regular basis.

I shall mention one other point, which was made by my noble friend Lady Quin. She said that we need to look again at what form any referendum would take. I do not mean whether or when we should have one but that the terms of referendum, the particular majorities needed, the thresholds required and what triggers them need to be looked at again. I strongly agree with her on that.

I move on to the constitutional issues in the Speech, and, goodness me, I agree with the noble Lord, Lord Wallace of Saltaire. The noble and learned Lord, Lord Stewart, made a most extraordinary speech—it was not a bad speech at all, but a speech of Walter Mitty, living in an alternative universe, where absolutely everything in the garden is rosy. “By the way”, he said in the final two minutes, “this is what we have done on the constitution”. In a skilful advocate's trick, he said nothing of value, because there is nothing of value on the constitution, except one thing, in this Queen's Speech. I strongly commend him for spending absolutely no time on the constitution because there is almost nothing there.

Perhaps I may identify what is there. First, there is the repeal of the Fixed-term Parliaments Act. I support that; it is a good thing. If you had to make a judgment

about the quality of the Government who produced that Act, you would give them, on the constitution, gamma minus. The big problem, as has been said repeatedly, was that the Act gave effect to a deal to ensure that the Lib Dems would not be cast out to darkness before the end of the five years of that term. The consequences were put best by my noble friend Lord Grocott: the question of the House of Commons retaining confidence in the Government was thrown out of the window as a result of the provision of a formula through which confidence could be lost, and so when it was obvious that confidence had been lost—which it was during the May Government—they did not then resign as they should have done. Instead, they referred to the Fixed-term Parliaments Act, which set out mechanistic standards. It is a thoroughly bad Act.

I strongly agree with my noble friend Lady Taylor of Bolton, whose report published today on the effect of Covid on Parliament I strongly commend. I agree with her that we need to look closely at the terms of the repeal Bill, to ensure not that we cannot go back to what was there before—I think we can, legislatively—but that what happened in the period between 2017 and 2019 does not become in any way a precedent for what constitutes a Government losing the confidence of the House of Commons. Three times the Government's major piece of legislation or activity was rejected by the Commons by a massive majority. The situation reached was that that did not constitute a loss of confidence in the Government. That completely poleaxed our constitutional system at that point. Nobody should be able to say, after the passage of the new Bill, that that could happen again. You therefore have to scrub the precedential effect of those three votes in the Commons.

It is absolutely obvious that the rebalancing Bill is the revenge on the Supreme Court for its judgments on the Prorogation. The noble Lord, Lord Moylan, asked: whoever agreed democratically to judicial review? Those who agreed to it were the people, because what they get from it is the Executive being held to what Parliament has decided. Some 99% of judicial reviews are the courts saying to the Government, "You haven't done what Parliament said and, if you want a democratic system in which Parliament passes Acts that are then given effect to, you have to have judicial review". Otherwise, who is there to ensure that what Parliament wanted is put into effect? That is how it has worked. No one in this House, with the possible exception of the noble Lord, Lord Moylan, and the Front Bench giving effect to what the Government want, would want to reduce Parliament's views being given effect to. The rebalancing Bill is thoroughly pernicious.

The Government set up the Faulks committee. I was worried that it would do what the Government wanted but, to its great credit, it did not. It said no to any significant restriction of judicial review. So what happened? This Government simply rejected, in reality, the wishes of the Faulks committee because it said that judicial review worked well. And now what is happening? The Government are proposing in this Bill to make it much easier to oust judicial review.

We will end up in a position like the Bill dealing with the 0.7% aid figure: there is a Bill that says it is the duty of government to spend 0.7% of GDP on

foreign aid but there is a clause saying that this is not justiciable in the courts at all—although there is a very big question as to whether or not that will work in the courts. Now the Government want to pass a Bill that says, "Henceforth we will promise to do things", but with a bit of small print saying, "Actually, we will not give effect to them". The rebalancing Bill is dangerous and should be resisted.

The electoral integrity Bill is Orwellian in the awfulness of its description, as everyone has said. The electoral integrity Bill requires you to produce photographic ID. There was one conviction in 2019, as everyone knows, but in the test, 800 people could not vote because they could not produce photographic ID. It is an absolute outrage. Let us have Ruth Davidson here as quickly as possible to use obscene language to describe how awful that Bill is. It is shaming that the Government are willing to produce a Bill that is plainly intended to rejig the system against Labour. People will not trust the electoral system if they go on behaving like that. It is much more serious than we make it sound, because it indicates that the Government are willing to tamper with the electoral system, as they tried to do in 2011. As someone said, that attempt was scotched in the end because it was a bad Bill. This is another bad Bill.

So what have we got? We have three things: one is the repeal of the Fixed-term Parliaments Act, and the Government get some marks for that; the rebalancing Bill is a thoroughly nasty piece of legislation, designed to punish the judges; and the electoral integrity Bill is laughable in the way that it is described and dangerous as far as the system is concerned.

Everyone in this debate has agreed that the Government should be focusing on devolution and ensuring the continuation of the union. What is there in the Queen's Speech about that? There are words to the effect of "We wish to preserve the union". I do not doubt the sincerity of that, but there is nothing in the Queen's Speech to address that issue beyond that assertion. My noble friends Lady Crawley, Lady Wilcox of Newport, Lord Anderson of Swansea, Lord Elder and Lord Liddle, and my noble and learned friend Lord Morris, rightly identified the danger to the union at the moment. They all said, one way or another, that the Government need seriously to rethink devolution and address the issue, or the union is in danger of being lost.

The three issues that the Speech should have addressed are: first, the union; secondly, making sure that there are proper checks and balances on the Government, by which I mean the courts, the enforcement of the Ministerial Code and the independence of the Civil Service; and, thirdly, something to ensure a proper degree of regional autonomy. Those are the three things that should have been addressed, but there was none of it. The threat to the constitution is serious, but the Government have proposed to do nothing about it.

6.29 pm

The Minister of State, Cabinet Office (Lord True) (Con): My Lords, it is a privilege as always to close another outstanding debate in the House of Lords, although, if noble Lords will allow me, I thought aspects of the personal attack on my right honourable

[LORD TRUE]

friend the Prime Minister by the noble Lord, Lord Taverne, in terms that would have been ruled out of order in the other place, would probably have been better suited to the Twittersphere than to your Lordships' House.

Given the large numbers who have spoken, I will not be able to name all individually in responding, but I assure noble Lords that I and my noble and learned friend Lord Stewart—who, with consummate respect for the House, has sat right through the debate—have heard all the speeches individually and will reflect on them individually. Given the time available, I cannot accept the offer from the noble Lord, Lord Wallace of Saltaire, in his interesting speech to explain the term “democracy”. I have to say to him that I probably would not select the Chamber of the House of Lords as the obvious lecture theatre.

I was also amused that the noble and learned Lord, Lord Falconer, devoted two minutes and 28 seconds of his speech—on the basis of a rather questionable construal of the 1999 Act—to committing the Labour Party to an all-appointed House in perpetuity, as their future House of Lords. If that is the new Keir Starmer appeal to the nation, bring it on.

We have had differences in this debate, but I think what everyone has shared or would share is the admiration and delight in seeing Her Majesty once again grace our House this week so soon after her sad loss. The Crown is, and will remain, the keystone of our constitution and the literal embodiment of what, please God, we will always be able to call our United Kingdom. I will come directly to that United Kingdom about which so many noble Lords have spoken with such great passion and profound knowledge. We will study the speeches and all suggestions that have been made very carefully.

The people of these islands have, as people across the world have, faced sore trials these last 15 months under the scourge of Covid. Parliament has assented to measures without constitutional precedent in peacetime. We all hope we can now see a path back to normality in every sense, including the constitutional. Next week, this House will debate what part noble Lords—I hope—are ready to play in that. As we have come through this crisis through the genius of science, the heroism and dedication of so many, and the forbearance of all, we have done so better as one United Kingdom, deploying the pooled resources of our historic union.

The response has thrown into sharp relief the collective strength of that union. Our shared values, beliefs and interests are rooted in mutual respect, as my noble friends Lord Howell of Guildford and Lord Norton of Louth and others have said. As we chart a sustainable recovery from Covid, the Prime Minister is determined to build back better from this pandemic in a way that levels up and brings every corner of the United Kingdom closer together.

Recovering from the worst public health emergency in over a century is not going to be quick or easy. We need to be remorselessly focused on getting people back into work, getting businesses back on their feet, getting hospital waiting lists down and helping our young people—our future—catch up on the education they have missed.

These are challenges the United Kingdom faces together, and must face together as a family of nations. I so agree with many noble Lords that our collective priority now should be on tackling them together, not stoking old divisions or restarting an all-consuming constitutional debate. The noble Lord, Lord Bruce of Bennachie, and my noble friend Lord Forsyth of Drumlean made strong criticisms of the role in office of the SNP, and that is a legitimate attack. But during the pandemic there is no question but that we were stronger as one United Kingdom. We were able to do more together by drawing on the particular skills of great shared institutions such as the NHS, the Armed Forces and the Civil Service, the unique power of the UK Treasury to support families and businesses in need, and the scientists behind the world-leading vaccine programme that is helping to bring us out of lockdown.

Politicians have worked closely across the devolved Administrations—as we have heard is necessary from the noble Baroness, Lady Crawley, the noble and learned Lord, Lord Thomas, and others—in a spirit of collaboration and co-operation for the common good, and this Government remain committed to doing so. I therefore strongly agree with the remarks of my noble friend Lady Fraser of Craigmaddie in her splendid and perfectly modulated maiden speech about the spirit we now need. I give her the assurances she asked for. In fact already, since the elections, my right honourable friend the Prime Minister has invited the First Ministers of Scotland and Wales, and the First and Deputy First Ministers of Northern Ireland, to a summit meeting in the coming weeks to address the shared challenges of recovery. Working together on that should surely be the priority for all. That was the sense I felt in your Lordships' House today.

Some noble Lords spoke about one particular part of our union, Northern Ireland. This year, as my noble friend Lord Caine—a great unionist—reminded us, is the centenary of Northern Ireland, and therefore of the United Kingdom as we know it today.

The last time we had a State Opening of Parliament, the UK was still in the European Union. We are now constitutionally free of the EU and have exploited that freedom in the vaccine rollout. However, I say to the noble Lord, Lord Browne of Belmont, my noble friend Lord Lilley and others that we recognise the issues raised on the operation of the Northern Ireland protocol. The protocol is a unique and delicately balanced solution to a unique and sensitive set of problems. To operate effectively and safeguard both the Belfast agreement and the progress of the past 23 years, about which the noble and right reverend Lord, Lord Eames, spoke so movingly, the protocol must be given effect in a pragmatic and proportionate way, as my noble friend Lord Frost reiterated this week.

That is why we are working through the structures of the withdrawal agreement to seek to resolve the outstanding issues. Discussions in recent weeks have begun to clarify those issues and some positive momentum has been established, although difficult issues remain. Our aim is to find common-sense risk-based approaches that enable us to agree a pragmatic way forward that substantially eases the burdens on Northern Ireland. This is how we will protect the Belfast/Good Friday

agreement in all its dimensions, as the protocol itself requires. Of course, as we have set out publicly, if that does not prove possible, we will consider all our options in meeting our overriding responsibility for sustaining the peace and prosperity of everyone in Northern Ireland.

Now that the ratification of the TCA is complete, the first meetings of the TCA committees, including the Partnership Council, will be agreed with the EU. As co-chair of that council, my noble friend Lord Frost will update Parliament on those meetings. I say to the noble Earl, Lord Kinnoull, that we will work closely with the DAs, including on implementing the TCA where that involves matters of devolved competence.

The union is a living, breathing, political, cultural and economic success story, as many noble Lords have said. I think that, in their heart of hearts, the majority of people in every part of this kingdom know that to be true, and are proud both of what we have achieved together and of us as diverse nations. We are—indeed, I am—full of hope and ambition for our common future.

As my noble and learned friend Lord Stewart highlighted when he opened this debate, the Government were elected on a manifesto commitment—one made also by Her Majesty's Opposition—to repeal the Fixed-term Parliaments Act 2011. I express my own satisfaction in that; I hope that it will command support across the House. I think I understood that the noble Lord, Lord Grocott, got there first with a Bill; I look forward to his support for the legislation as we take it through. The Dissolution and Calling of Parliament Bill will restore tried-and-tested constitutional arrangements that were in place long before the experiment of the Fixed-term Parliaments Act, which ended in such discord and confusion. The Bill will return us to the long-standing constitutional norm whereby the House of Commons can force an immediate election by withholding confidence and a Prime Minister can request a Dissolution of Parliament from the sovereign.

One effect of the Bill, which I respectfully suggest was not recognised fully by the noble and learned Lord, Lord Judge, will therefore be that, even on the advice of the Prime Minister, a Dissolution will return power to the hands of the supreme authority in our democracy—the voting public—during critical moments for the country, preventing the kind of stalemates that we have seen lately in Parliament from paralysing democracy. Some have claimed that this will give an unfair advantage to an incumbent. However, 1951, 1974 and 2017 are just three examples that suggest otherwise; as I well remember, precious little was gained by clinging like limpets to the rocks in 1997 or, indeed, 2010.

The glory of our constitution, which has enabled extraordinary social change and progress peacefully, is its flexibility. As my noble friend Lord Horam reminded us, conventions play a great part in that; they operate effectively when they are commonly understood and there is tacit agreement that they should be respected irrespective of the political exigencies. This being the case, the Government outlined their understanding of the conventions that underpin Dissolution, again as part of their response to the valuable report of the Joint Committee so ably chaired by my noble friend

Lord McLoughlin, that ensured that this Bill received comprehensive parliamentary scrutiny before it was introduced. Your Lordships will continue to have an important role to play in building consensus on conventions. I look forward to what will be fruitful discussions.

My noble friend Lord Young of Cookham and the noble Lord, Lord Wallace of Saltaire, asked, as they are wont to do, about the commission on the constitution. As I have said before, work is being carried forward in a series of in-depth workstreams, one of which was the independent review of administrative law chaired by my noble friend Lord Faulks. The Government will bring forward legislation relating to judicial review; that legislation is intended to protect the judiciary from being drawn into political questions and to preserve the integrity of judicial review for its intended purpose. It honours a commitment that this Government made in their manifesto.

The independent review panel identified some areas where the balance of the way in which the rules currently operate should be looked at. The government consultation probed some further areas where that balance could be said to benefit from a fresh perspective. However, I take this opportunity today to reassure noble Lords that the Government are absolutely committed to upholding the rule of law, which means that the courts should be and will remain able to hold the Government to account in the manner set out by Parliament. The government consultation closed on 29 April, and my right honourable and learned friend the Lord Chancellor is currently considering the responses received and views expressed and, following that consideration, final decisions will be taken on which measures are suitable for inclusion in the Bill. Upholding the rule of the law will be central to those considerations.

Upholding the integrity and legitimacy of elections must also be among the prime concerns of any democratic Government. As stewards of the United Kingdom's world-renowned democratic heritage, it is our responsibility to keep it in touch with modern times. I completely reject the conspiracy theories launched first in this debate by the noble Lord, Lord Tyler, and taken up by others, which were rebuffed with brio by my noble friend Lord Hannan and with great measure by my noble friend Lord Empey. The measures that will be brought before Parliament are intended to ensure that our democracy remains secure, fair, modern and transparent. They have participation by British citizens at their heart and will maintain public confidence in our elections.

Public trust in the electoral system is critical. The elections Bill is aimed to reinforce the integrity of the system in the modern age. It addresses a very real potential for electoral fraud, preventing harvesting of postal votes and delivering on our manifesto commitment to extend to the rest of the UK the proven practice in Northern Ireland, as the noble Lord, Lord Empey, told us, of a requirement for voter identification at the polling station.

We have heard claims today that asking voters to provide ID at polling stations would suppress votes and deny certain communities their democratic rights, and we reject that absolutely. It is not supported by the

[LORD TRUE]

evidence. Yesterday we published the findings of a survey of 8,000 electors from across Great Britain, which found that 98% of people have a relevant form of identification document. When Labour in 2003 introduced the system in Northern Ireland, the then Minister said that if they believed that voters as a result of the measure would not be able to vote, they would not introduce it. They considered it rationally and introduced it.

The Government are absolutely clear that all those who are eligible to vote must and will be able to do so. The legislation will set out that a very wide range of identification will be accepted, even if it has expired, as long as the voter is still identifiable. There is no new national ID card, and I can tell the noble Lord, Lord Rennard, that the Government have no intention to introduce one. In the limited cases where a voter does not possess such identification, councils will have a legal obligation to provide a free, local voter card.

We will continue to work with local authorities, the Electoral Commission and civil society organisations to ensure that we address any concerns and that these requirements are clearly communicated. That is vital. However, lack of identification opens up a clear opportunity for fraud in our system and that cannot be acceptable. Every person's right to vote is theirs alone.

In securing our polls, we can also make them more inclusive. The Bill will therefore ensure that electors with disabilities can be better supported to exercise their right to vote. It will remove the arbitrary barrier to participation by overseas electors, removing the 15-year limit and making it easier for them to vote. It was not entirely clear to me from the opening of the noble Baroness, Lady Hayter, whether Labour is opposed to the principle of overseas voting. At times it sounded that way. The Bill will also make sure that the rising levels of intimidation we are seeing in public life do not deter candidates from participating in public life, by introducing measures to better protect against abuse.

We will protect the integrity of the democratic debate, increasing the transparency of political campaigning through the introduction of digital imprints.

A number of noble Lords spoke about the future role and place of the House of Lords. I have already praised the expert and invaluable role of this House as a revising Chamber. I hope there is broad agreement that our overriding goal is to offer clear and candid challenge and scrutiny rather than to obstruct. As was said, we are a House of revision, not of opposition.

It is important that the way this House is constituted continues to reflect that role and the primacy of the other place as the elected Chamber. Every Government draw their authority from their ability to command confidence in the other place, which itself holds primacy in our Parliament on the basis that it commands the confidence of the electorate, expressed at a general election.

We do not propose any reform of your Lordships' House in this programme. The Government will not support any Bill that may come forward for piecemeal change this Session. We are committed in our manifesto to looking at the role of the Lords, but any reform needs careful consideration.

Some of your Lordships complain of the size of this House, although, as my noble friend Lord Strathclyde reminded us, even with remote voting, Divisions do not reach the fabled 600. It pains me to stray on to a sensitive area but, given retirements and other departures—and indeed the age of many Members—some new Members are essential to maintain the customary expertise and vibrancy of the Lords.

Your Lordships have a vital role in scrutinising and revising legislation, while respecting, as this House must, the primacy of the other place and the conventions between the two Houses. Last Session, fresh from your Lordships' struggles to obstruct Brexit, the House defeated an elected Government 96 times. As my noble friend Lord Strathclyde pointed out, this was, in a new Parliament's first Session, bookended by stunning electoral mandates for my right honourable friend the Prime Minister. This was the largest number of defeats for 45 years, and more than all the defeats your Lordships inflicted on the entire Government of Gordon Brown. No doubt, this is a matter on which some may reflect beyond today's debate.

Her Majesty's gracious Speech paints a bright future for the whole of this United Kingdom, including proud parts of our country that have been too long taken for granted and ignored. Outside the European Union, having turned the corner on the pandemic and with the economy tipped to grow this year at the fastest rate since the war, the Government will be able to target money for investment where it is needed most, to create a better future for overlooked families and communities that were in danger of being left behind. Our duty to those who are or who feel left behind involves us all in this House, and here I profoundly agree with the moving speech of the noble Baroness, Lady Merron. She touched the spirit, which we should always seek to do.

Again, I thank all noble Lords who have taken part in this debate. I hope that in the Session to come we will all join in our common aim to create a safer, healthier United Kingdom for generations to come and to project our values—which so many millions of our citizens proudly affirm—around the world. I look forward to discussing these and other matters further with your Lordships in the weeks and months ahead.

Debate adjourned until Monday 17 May.

6.50 pm

Sitting suspended.

Arrangement of Business

Announcement

6.55 pm

The Deputy Speaker (Baroness Henig) (Lab): My Lords, the Hybrid Sitting of the House will now resume. I ask Members to respect social distancing.

Covid-19 Update

Statement

The following Statement was made in the House of Commons on Wednesday 12 May.

“With your permission, Mr Speaker, I will update the House on our response to Covid.

The patience and hard work of the British people have combined with the success of the vaccination programme to reduce deaths and hospitalisations to their lowest levels since last July and, from Monday, England will ease lockdown restrictions in line with step 3 of our road map. This will amount to the single biggest step of our journey back towards normality. But after everything we have endured, we must be vigilant, because the threat of this virus remains real and new variants—including the one first identified in India, which is of increasing concern here in the UK—pose a potentially lethal danger. Caution has to be our watchword.

Our country, like every country, has found itself in the teeth of the gravest pandemic for a century, which has imposed heartbreaking sorrow on families around the world, with more than 127,000 lives lost in the United Kingdom alone. Our grief would have been still greater without the daily heroism of the men and women of our National Health Service, the protection of our vaccines—already in the arms of more than two thirds of adults across the UK—and the dedication of everyone who has followed the rules and sacrificed so much that we cherish.

Amid such tragedy, the state has an obligation to examine its actions as rigorously and as candidly as possible and to learn every lesson for the future, which is why I have always said that, when the time is right, there should be a full and independent inquiry. I can confirm today that the Government will establish an independent public inquiry on a statutory basis, with full powers under the Inquiries Act 2005, including the ability to compel the production of all relevant materials and take oral evidence in public under oath.

In establishing the inquiry, we will work closely with the devolved Administrations, as we have done throughout our pandemic response. My right honourable friend the Chancellor of the Duchy of Lancaster has this morning spoken to the First Ministers of Scotland and Wales, and the First and Deputy First Ministers of Northern Ireland, to begin those conversations.

Every part of our United Kingdom has suffered the ravages of this virus, and every part of the state has pulled together to do battle against it. If we are to recover as one Team UK, as we must, then we should also learn lessons together in the same spirit. We will consult the devolved Administrations before finalising the scope and detailed arrangements, so that this inquiry can consider all key aspects of the UK response.

This process will place the state's actions under the microscope, and we should be mindful of the scale of that undertaking and the resources required to do it properly. The exercise of identifying and disclosing all relevant information, the months of preparation and retrospective analysis, and the time that people will have to spend testifying in public—in some cases for days—will place a significant burden on our NHS, on the whole of Government, on our scientific advisers, and on many others. We must not inadvertently divert or distract the very people on whom we all depend in the heat of our struggle against this disease. The end of the lockdown is not the end of the pandemic. The World Health Organization has said that the pandemic has now reached its global peak and will last throughout

this year. Our own scientific advisers judge that, although more positive data is coming in and the outlook is improving, there could still be another resurgence in hospitalisations and deaths.

We also face the persistent threat of new variants, and should those prove highly transmissible and elude the protection of our vaccines they would have the potential to cause even greater suffering than we endured in January. In any case, there is a high likelihood of a surge this winter when the weather assists the transmission of all respiratory diseases and the pressure on our NHS is most acute.

I expect that the right moment for the inquiry to begin is at the end of this period, in spring 2022. I know that some in this Chamber and many bereaved families will be anxious for this inquiry to begin sooner, so let me reassure the House that we are fully committed to learning lessons at every stage of this crisis. We have already subjected our response to independent scrutiny, including 17 reports by the independent National Audit Office and 50 parliamentary inquiries, and we will continue to do so—we will continue to learn lessons, as we have done throughout the pandemic. None the less, no public inquiry could take place fast enough to assist in the very difficult judgments that will remain necessary throughout the rest of this year and the remainder of the pandemic. We must not weigh down the efforts of those engaged in protecting us every day and thereby risk endangering further lives.

Instead, this inquiry must be able to look at the events of the past year in the cold light of day and identify the key issues that will make a difference for the future. It will be free to scrutinise every document, to hear from all the key players, and to analyse and learn from the breadth of our response. That is the right way, I think, to get the answers that the people of this country deserve, and to ensure that our United Kingdom is better prepared for any future pandemic.

Entirely separately from the inquiry, there is a solemn duty on our whole United Kingdom to come together and cherish the memories of those who have been lost. Like many across the Chamber, I was deeply moved when I visited the Covid memorial wall opposite Parliament, and I wholeheartedly support the plan for a memorial in St Paul's cathedral, which will provide a fitting place of reflection in the heart of our capital.

I also know that communities across the whole country will want to find ways of commemorating what we have all been through, so the Government will support their efforts by establishing a UK commission on Covid commemoration. This national endeavour, above party politics, will remember the loved ones we have lost, honour the heroism of those who have saved lives and the courage of front-line workers who have kept our country going, celebrate the genius of those who created the vaccines, and commemorate the small acts of kindness and the daily sacrifice of millions who stayed at home, buying time for our scientists to come to our rescue. We will set out the commission membership and terms of reference in due course.

In telling the whole story of this era in our history, we will work, again, across our United Kingdom, together with the devolved Administrations, to preserve the spirit that has sustained us in the gravest crisis

[BARONESS HENIG]

since the Second World War, resolving to go forwards together and to build back better. I commend this Statement to the House.”

6.56 pm

Baroness Smith of Basildon (Lab): My Lords, the Prime Minister’s confirmation of a statutory inquiry into the Government’s initial and ongoing handling of the pandemic is welcome. I think that all of us, especially the bereaved families of the almost 130,000 people who have died and those suffering physical and mental health consequences, need answers, as well as assurances that, where there have been mistakes, everything that can be done will be done to ensure they are not repeated.

Yet the language in the Statement about when this process will even start could have come straight from the mouth of Sir Humphrey Appleby in a “Yes Minister” script. I quote: “when the time is right”, “in due course”. All that is missing is “in the fullness of time”. I appreciate that the terms of reference need to be agreed and the appointments made to conduct the inquiry and support its work, but why on earth would there be such a long delay even to start the process? I do not understand the logic in delaying for at least a year until—a very imprecise timescale—“spring 2022”. We have all watched Ministers squirm at the Dispatch Box as they try to explain what they really meant when they said that something would be ready by spring and it is not ready even though it is August.

The Prime Minister embraced a new watchword in his Statement. He said “caution”—which we do not often hear in statements from him and which we know is not a word that comes easily to him, but he is clearly very aware of the dangers of new variants mutating and of a third wave of infections next winter. Given that, why not start the inquiry process as soon as possible in order to learn the lessons as soon as possible? If it is the case that delays in implementing lockdowns or other measures meant that the virus spread or mutated more quickly, leading to more lives being lost and more restrictions being imposed for longer, including lockdowns, and if that will help avoid a third wave this autumn or at least help us understand how better to respond, surely the work of the inquiry must be undertaken as quickly as possible. The last thing we need now is a further pause in learning from any mistakes.

I hope that the noble Baroness does not repeat the reasons given in the Statement for this delay. The Prime Minister basically says that it because of the burdens that the inquiry would place on the National Health Service. I can understand that, but surely it applies more accurately to the wholesale NHS and public health reorganisation that the Government are about to embark on than to an inquiry which so many in the National Health Service support.

I hope that I am wrong on this—I have said that I want to be proved wrong—but can she give me an assurance that there is no attempt to delay the report beyond a general election, given that, at the same time, plans have been announced to repeal the Fixed-term Parliaments Act? If the noble Baroness is able to give an assurance on that, that would be really helpful and would give a lot of reassurance to colleagues.

The noble Baroness knows that there is increasing concern about a rise in cases of the so-called Indian variant of Covid within the UK, including the highly transmissible B.1.617.2, which has now spread rapidly in areas of the north-west of England and elsewhere. Can she tell the House something about the impact that this is likely to have on the Government’s road map out of lockdown, including the national restrictions that are due to be lifted next Monday?

Are Ministers considering a return to tiers and maintaining or increasing restrictions in Covid hotspots? She will understand why I am asking—it is deeply concerning to people living in these communities, many of whom, in the north-west at least, have remained subject to restrictions throughout most of the past 14 months.

Will she also say something tonight about the latest increases in surge testing and surge vaccinations? Are there now plans to extend this further than Bolton and, more recently, Blackburn? Until now, we have seen vaccines rolled out at the same pace across the whole of England, on the advice of the JCVI, but extra doses of the vaccines have now been given to Blackburn with Darwen in Lancashire to extend the vaccine rollout to all over-18s in the area. Is this part of a new surge vaccination programme to deal with the rise of the Indian variant, and will that be rolled out in other areas where the variant may crop up?

Could she also tell the House what assessment the Government have made of the impact that not adding India to the red list for international travel has had on the arrival of this variant in the UK? Why did the Government not implement a comprehensive hotel quarantine policy when the variant was evident in other countries that were transporting visitors to the UK?

The Government have repeatedly pledged to be driven by data, not dates—yet we do not yet know the full extent to which many variants, including those identified in Brazil, South Africa and India, impact on vaccine effectiveness. A lot of the information is very positive and encouraging, but it would be helpful to know what research the Government are doing and how accurate some of that information is. Is she also able to say what information and advice the Government have received regarding the potential risk? Can she update the House on the rollout of booster doses that will be available later this year?

On a related matter—she may want to write to me about this; I am quite happy with that—it would be helpful to have an update on the Government’s plans for addressing the persisting disparities in vaccination uptake among different ethnic groups. She will share our concern on this issue. It has particularly affected the social care workforce, which has had a lower take-up.

More broadly, with the World Health Organization referring to the shocking disparity in vaccination rates between countries, and Chris Whitty saying that the prevention of new variants involves the need to get on top of the pandemic, I ask what role the UK is playing in leading the global response? One Minister said very early on that none of us is safe until all of us are safe, and we obviously want to see an international rollout of the vaccine.

All of us are desperate to get to a place where the virus is behind us and we can accelerate the return to living and working more normally. However, we need to do this safely, and our understanding of what did and did not work at the start of this pandemic is an urgent and essential part of that process. So we welcome the inquiry and think that it is the right decision to take, but it needs to be started sooner than next spring.

Lord Newby (LD): My Lords, I begin by apologising to the House that, in order for me to get home tonight, I have to be on a train at King's Cross at 8.03 pm. Therefore, I may have to leave before the end of all the supplementary questions, for which I apologise. I will undertake to watch them tomorrow morning.

For some time, we on these Benches have been calling for a committee of inquiry to be established to examine the actions of the Government in handling the Covid crisis and to consider what lessons can be learned for the future, so the fact that the Government are now setting one up is very much to be welcomed. However, I am somewhat dismayed at the proposed timescale. In response to the Prime Minister's Statement, the relatives of Covid victims have strongly argued that we need to be learning lessons now, not at some distant future date—and they are surely right.

The Government's argument in favour of delay until next year is that we should not distract people who are

“in the heat of our struggle against this disease”.

However, without being complacent, by the autumn, unless the vaccines prove ineffective against any new variants that might by then emerge, we will not be in the heat of the struggle as we have seen it in recent months. In any event, there are many aspects of the inquiry—such as the planning, procurement or decision-making processes within government—that could easily be investigated now, without jeopardising the NHS's ability to manage a further wave. To delay starting the inquiry by a year is simply unjustified.

The lengths of public inquiries vary; the 69 held since 1990 have varied between 45 days and 13 years. The average was two and a half years. It is therefore highly unlikely that this inquiry will be conducted and concluded before the next election. This will mean that the Government will avoid any accountability for their actions, for by the time we get around to the following general election, people and events will have moved on. More importantly, such a long timetable will enable the Government to hide behind the fact that the inquiry is ongoing, and delay making the changes needed to avoid repeating some of the errors of the past 15 months.

The Government's mind is clearly made up on the timescale, but I wonder whether the noble Baroness the Leader of the House could be a bit more specific about some aspects of it. As the noble Baroness, Lady Smith, asked, when the Government say “spring 2022”, what is their definition of “spring”? Also, can the Minister specifically deny rumours from within Whitehall that civil servants working on the inquiry have been told to expect it to start next July? Have the Government any thoughts on how long the inquiry might last? Will they set even an indicative deadline for it to report?

Will they encourage the inquiry to produce interim reports on specific aspects of its work that could be completed first—an approach adopted in some other, analogous inquiries? For example, it would be sensible to know at the earliest possible moment what went wrong in the planning for the pandemic. We need those lessons to be learned before the next one arrives. It would also be sensible, and possible, to have an early report on procurement practices to ensure that the excesses of the last 15 months are never repeated. Can the noble Baroness give any indication of who might lead it? If she cannot, can she give us any indication of when we might know? Yesterday, it emerged that the Department of Health and Social Care has already concluded an internal inquiry which the Government are refusing to publish. Why is this, and will they now do so?

The urgency of the inquiry might not be so great if we felt confident that the Government had already learned the lessons of the past 15 months, but I am afraid that we do not. I will take just two examples. First, the delay in implementing the stricter measures that were urgently required in the autumn has been replicated by the delay in adding India to the red list. This has led to a large number of travellers from India entering the UK while the virus was rampant in that country, and to its inevitable importation here. We need a timelier approach to dealing with such new threats. The inquiry could explain why that has been lacking until now.

Secondly, the central test and trace system is now being disbanded, with most of the central PHE staff having been sacked, leaving open how any future surges will be managed. We need an ongoing, effective test and trace system to deal with new variants and localised outbreaks. The inquiry could shine a light on how that might be achieved.

Finally, on the creation of a UK commission on Covid commemoration, I completely agree that a national memorial in St Paul's Cathedral is a good idea, but I gently suggest to the Government that the best memorial of this crisis would be a commitment to paying properly those staff working in the NHS and social care, whose dedication has been phenomenal and without whose efforts the effects of the pandemic would have been even more destructive.

The Lord Privy Seal (Baroness Evans of Bowes Park)

(Con): I thank the noble Baroness and the noble Lord for their comments. I am afraid that I will not be able to go into the detail of the inquiry that both have asked for, but I will do my best to give the information that I can. The inquiry will begin its work in spring 2022. I do not know where the noble Lord got July from, but even I accept that that stretches the word “spring”. It will be funded by the Government.

The noble Lord asked about details. It will be for the chair of the inquiry to decide how to deliver it. They will be independent and will deliver it in line with the terms of reference and in accordance with the requirements set out in the Inquiries Act. That legislation sets out, for instance, that the chair will be appointed by the sponsoring Minister. It will all be done on a statutory basis, with full formal powers.

The noble Baroness and the noble Lord asked about timing. I am well aware of the differences of views on timing, and I understand calls for things to

[BARONESS EVANS OF BOWES PARK]

move forward. However, we believe that this is the right timescale, because the end of the lockdown will not be the end of the pandemic. The WHO has said that the pandemic has reached its peak globally, so we are certainly not through it. As the noble Baroness rightly said, we are uncertain about the effect of future waves, and new variants continue to present risks. We believe that a premature inquiry risks distracting the NHS, as the noble Baroness said, and Ministers, officials and departments from the ongoing response. An inquiry could not operate at sufficient pace to assist us in making the judgments that we might need to make in the medium term. So we believe that spring 2022, when we are on the other side of the pressures of this winter, which I hope will be far fewer than last winter, is the right time to start the inquiry. We are committed to that.

I will also say that we are continuously learning. While there has not been an inquiry, our whole approach in responding to the pandemic has been to draw up and develop plans based on experience. It is wrong to suggest that we are totally blind in what we are doing; we are learning lessons.

The noble Lord asked about the informal review. As is standard practice across departments, an informal lessons-learned review was carried out by DHSC officials to inform future working, so that we continually learn and improve our approach. It was not a formal or overarching review of the pandemic, but an internal, departmental ways-of-working review.

The noble Baroness rightly asked about the Indian variant. Cases have risen and we are watching it closely. We are assessing the threats but, at this stage, there is no evidence that the Indian variant is resistant to vaccines. This is something that we will keep under review. We are continuing to deploy surge and community testing efforts to find and isolate cases where there is evidence of community transmission, in addition to the comprehensive work under way to track and trace all contacts of cases.

The noble Baroness asked about the road map. At this stage, we are continuing with it and the next step is on Monday. We will keep things under review, but the road map remains the programme that we intend to follow, at this point. Having gone through the pandemic, as all of us have, I cannot make categorical commitments. All I can say is that the road map remains the programme that we are pursuing.

While we have been successful in closing vaccination disparities between different ethnic groups, I will write to the noble Baroness with the latest data, as she asked. I do not have it to hand.

The noble Baroness also asked about booster shots. As we complete the programme for first vaccinations, we are ramping this up. We are working with our current vaccine suppliers and new ones, such as CureVac, to work out which vaccines will be effective as boosters. We signed an agreement for a further 60 million doses of Pfizer, which will be part of the booster programme. That work is in train.

The noble Baroness also rightly asked about the global picture on COVAX. She and the House will know that we are one of the biggest donors to COVAX

and we are working through it to ensure global access to vaccines. We have contributed £540 million, which has helped over 70 middle-income and lower-income countries receive doses. At the virtual G7 meeting in February, we encouraged other donors to give more money. At the G7 summit later, we will continue to play that role.

The noble Lord rightly asked about nurses' pay and talked about the fantastic work that they have done during the pandemic. As he knows, we have committed to providing NHS staff a pay lift at a time when this has been paused in the wider public sector. We have given written evidence to the independent pay review, which is common practice, and we are now waiting to hear back its recommendations, which I cannot pre-empt. We will consider the recommendations when they are given to us.

7.15 pm

Lord Patel (CB) [V]: My Lords, the threat of SARS-CoV-2 causing a pandemic was first highlighted in this House on 22 January 2020. From the early days of scientific uncertainty related to the virus and its transmission, which possibly helped to drive much of the policy of managing the pandemic, science helped to identify drug treatments, sequence the changing genome and develop vaccines. Does the Leader of the House agree that the proposed inquiry should include as part of its terms of reference the UK's scientific ability to help manage and, importantly, prevent future pandemics, including the surveillance of likely emerging infections? The WHO independent panel report published on 12 May makes the same point.

Baroness Evans of Bowes Park (Con): I thank the noble Lord. I am sure that many of the issues that he raises will be part of the inquiry, but it will be up to the inquiry to determine its terms of reference, the scope of requests for evidence and who to call for evidence. We are clear that it will be a thorough examination, so I am sure the issues that the noble Lord talks about will be considered.

Baroness Sugg (Con): I congratulate the Government, the Vaccine Taskforce and, of course, the NHS on the amazing vaccine rollout in the UK, but as we know, in a global pandemic nowhere is safe until everywhere is safe. Yesterday, analysis from UNICEF showed that we could share 20% of our doses with countries less fortunate than ourselves and still vaccinate all adults in the UK by July. The Prime Minister committed three months ago to share our excess doses. My noble friend referred to our contribution to COVAX, which was made seven months ago. Time is of the essence and we need to start sharing doses now. When will our excess doses start to be shared? Will it be just signing over the supply or an additional financial contribution?

Baroness Evans of Bowes Park (Con): I thank my noble friend. She is right to keep the pressure on us to do this. The Prime Minister has confirmed that the UK will share the majority of any future surplus Covid vaccines from our supply with the COVAX pool when they are available, and that remains our commitment. We have been a leading donor to COVAX. At the virtual G7 leaders meeting in February we managed to encourage donors to commit a further \$4.3 billion.

This will be an important part of the discussions at the G7 summit that is coming up because we want to make sure that we have global access to vaccines, and that the people my noble friend rightly raises who need our help get it.

The Lord Bishop of Durham: The pandemic has highlighted the vital role that the faith and voluntary sectors play in our society, particularly in the poorest communities, but initially our engagement was not as well done as it could possibly have been. Will the Minister comment on how the Government intend to include the faith and voluntary sectors in the inquiry so that their role is guaranteed in the future?

Baroness Evans of Bowes Park (Con): I thank the right reverend Prelate. As I said, it will be for the inquiry and the chair to determine the scope of requests for evidence and who to call for evidence, but as it will be a comprehensive inquiry I am sure that the views of representatives from across society, including faith groups, will be heard.

Lord Hunt of Kings Heath (Lab) [V]: My Lords, can I take the noble Baroness back to the point made by my noble friend Lady Smith? Yesterday, the Prime Minister said that the reason for delaying the start of the inquiry was the disruption it would cause to health workers working in the middle of a pandemic. If that is the case, why are the Government insisting on bringing a NHS restructuring Bill to Parliament yet again? It is hugely disruptive and expensive at a time when NHS staff should be focusing on dealing with the backlog of patients who need to be treated. Will the Government delay the Bill?

Baroness Evans of Bowes Park (Con): As I set out in my response to the noble Baroness, there are a number of factors in why we believe that spring 2022 is the right time to start this inquiry. I gave them earlier. Of course the noble Lord is absolutely right that we need to tackle the worrying backlog of people needing care from the NHS, which is why we have committed billions of pounds to doing so, including £1 billion to tackle waiting lists by providing up to 1 million extra checks, scans and additional operations. We will continue to prioritise urgent and cancer care, as well as the recovery of non-urgent diagnostics and treatment so that patients receive the best healthcare as quickly as possible. That is an absolute priority.

Baroness Brinton (LD) [V]: The noble Baroness the Leader of the House did not respond to the point made by the noble Lord, Lord Newby, about the publication of interim reports from reviews and inquiries. The Hackitt review on the Grenfell fire and the Independent Inquiry into Child Sexual Abuse also produced interim reports in order to save lives and protect people. The Leader of the House has admitted that we know that the pandemic is by no means over. Surely an inquiry into the pandemic should also publish interim lessons learned to save lives and protect people. Can she make sure that that happens?

Baroness Evans of Bowes Park (Con): I am sure that, when a chair takes their place, views like that will certainly be put to them and it will be up to them to decide.

Baroness Wheatcroft (CB): My Lords, the inquiry is welcome, but we may be faced with another Covid crisis or similar long before it can deliver its learnings. For instance, the Prime Minister's Statement refers to a high likelihood of a surge this winter. We need to know which restrictions are necessary to curb infections and which are not. I declare an interest as chairman of the Association of Leading Visitor Attractions. Our members had to watch as non-essential shops were allowed to open but galleries and museums were prevented from doing so, even though social distancing is much easier to organise in those establishments. Could the noble Baroness the Leader of the House agree to publish the advice which led the Government to determine that visitor attractions should not be allowed to open while gyms, hairdressers and department stores could?

Baroness Evans of Bowes Park (Con): We have obviously been very clear about the tests we have put forward to be able to move forward with the road map. We have taken a whole range of advice from scientists, businesses and across government in order to come up with the road map, and we have published a lot of evidence to back up why we have taken our decisions.

Lord Lancaster of Kimbolton (Con) [V]: My Lords, as my noble friend Lady Sugg said, the UK has the potential of surplus vaccines. As one of the largest donors, the UK's commitment to the COVAX programme has been impressive, but COVAX delivery is stalling. Given the urgency of the situation in Nepal, can I simply ask my noble friend whether the Government will respond positively to the Nepali Government's request for 2 million vaccine doses via bilateral support?

Baroness Evans of Bowes Park (Con): As my noble friend says, we are a leading member of COVAX, and we are certainly doing everything we can to ensure global access to vaccines. We are looking to help all our global partners—one can obviously look at the support we have given India—and I am sure we are considering all the requests we receive from countries that need our help. I can certainly assure him and other noble Lords that we take our international responsibilities very seriously, and that is why we are a leading member of COVAX and are trying to push forward to ensure that we get global access to vaccines.

Lord Rooker (Lab) [V]: My Lords, this is a very important Commons Statement from the Prime Minister. Can I ask the noble Baroness the Leader of the House if she has watched, along with 17 million others, the video by Peter Stefanovic regarding the constant untruths uttered by the Prime Minister in the House of Commons? Why should we believe a word he says in this Statement?

Baroness Evans of Bowes Park (Con): No, I have not seen the video.

Baroness Sheehan (LD): My Lords, the only way to make ourselves safe is to make everyone safe. This means that the whole world must have access to Covid vaccines. The Biden Administration accept this logic and are supporting the TRIPS waiver proposal to the WTO for the temporary suspension of IP rights and other barriers to allow all countries—rich and poor—to

[BARONESS SHEEHAN]

produce their own vaccines. Can I ask the noble Baroness the Leader of the House whether the US has sought our support? If so, what response did it receive?

Baroness Evans of Bowes Park (Con): All I can say to the noble Baroness is that we are in discussions with the US and WTO members to facilitate increased production and supply of Covid vaccines. There are other issues—for instance, licensing agreements—which can also boost production. We are in discussions about a range of things that we hope might be able to make a difference.

Lord St John of Bletso (CB) [V]: My Lords, I agree that there is a persistent threat of new variants and support the necessity of Covid tests for international travellers, but the high cost of these tests has been well highlighted. What measures can the Government take to ease the financial burden on individuals and families trying to book a summer holiday after such a lengthy lockdown? Surely the Government should make all Covid tests VAT exempt.

Baroness Evans of Bowes Park (Con): The noble Lord is absolutely right. We recognise that the cost of tests can be high, which is why we are currently working with the travel industry and private testing providers to see how we can further reduce the cost of travel while ensuring that it stays safe. We are also closely monitoring the performance of private test providers to ensure that they deliver a high quality of service to customers. If they do not provide an adequate service they receive a five-day warning, and are then removed from the GOV.UK list of test providers if they do not improve. So we are cognisant of this issue and working hard to ensure that travellers can get lower-cost tests so that they can go and enjoy a summer holiday if they have booked one.

Lord Haselhurst (Con) [V]: My Lords, can the Leader tell us the current state of research into whether it is possible—or even advantageous—for a person's second jab to be given with a different vaccine from the first? Such flexibility might accelerate the rollout programme still further and keep us ahead of the virus and its worrying variants.

Baroness Evans of Bowes Park (Con): I thank my noble friend. He is right that research is currently ongoing; it has been backed by £7 million of government funding. We are expecting the first set of results soon; that will be the first outcome of this research.

Baroness Andrews (Lab) [V]: My Lords, I ask the Leader of the House first to answer the question put to her by the Leader of the Opposition about whether she can give a guarantee that this inquiry will finish before the next general election. My second question is: since the Prime Minister has made such a feature of the decision that this inquiry should involve all the devolved Administrations across the UK, can she tell me whether the leaders of those countries were consulted on the timetable for the inquiry, and did they agree that it should be delayed until next year?

Baroness Evans of Bowes Park (Con): I am afraid I cannot say anything further than that the inquiry will begin work in spring 2022. But I can certainly assure the noble Baroness that my right honourable friend the Chancellor of the Duchy of Lancaster spoke to all the First Ministers about the announcement of the inquiry, and we have pledged to work with them to establish it and ensure they are involved—so, yes, conversations have been had and will continue to be ongoing.

Baroness Tyler of Enfield (LD) [V]: My Lords, I searched the Prime Minister's Statement in vain for any mention of care homes or social care. We must never forget that during the first wave almost 20,000 care home residents died, representing 40% of all Covid deaths registered in that period—and that is likely to be an understatement of the true toll. So what assurances can the Leader of the House give to the bereaved families that the reasons for this catastrophic failure to protect our most vulnerable citizens will be fully investigated and the lessons learned, so that such a tragedy can never happen again?

Baroness Evans of Bowes Park (Con): As I have said, the inquiry will be a thorough examination across the breadth of our response. Obviously, the situation in care homes has been at the forefront of our minds throughout this pandemic. It is not for me to make commitments, but I cannot believe that this would not be something the inquiry looks at. I am sure that it will be and that relatives and those who work in care homes will be called to give evidence.

Baroness Finlay of Llandaff (CB): My Lords, I declare that I have been involved in the All-Party Parliamentary Group on Coronavirus. If this is to be a UK inquiry, can the noble Baroness confirm that the terms of reference will be developed with the devolved Administrations and that they will be involved, not just consulted; that they will be involved in the appointment of the chair, with a panel on which they are represented; and that they will be involved in the appointments of other members of the inquiry?

Baroness Evans of Bowes Park (Con): Decisions as to whether the inquiry will comprise a panel in addition to a chair will be made in due course, but I can certainly confirm that we want to learn the lessons of the pandemic as four nations together, just as we recover together. That is why, as I say, we have already begun discussions with the devolved Administrations, because we want this to be a UK-wide inquiry. We have gone through this together and we want to come out of it together.

Baroness Neville-Rolfe (Con): I congratulate the Government both on the vaccine rollout and on getting ahead with plans for an independent inquiry. I am, however, concerned by the Covid-related delays in medical treatment, both by GPs and in hospitals, with more people probably dying early or living in pain than actually dying from Covid. Will the Government ensure that the NHS returns to normal rapidly, that energetic efforts are made to reduce the backlog of operations and that all medical practitioners return to offering face-to-face consultations immediately?

Baroness Evans of Bowes Park (Con): I can certainly reassure my noble friend that we will prioritise, and are prioritising, recovery in NHS services to bring down waiting times and deliver the care that people need. As I have already said, this includes £1 billion to tackle waiting lists by providing up to 1 million extra checks, scans and additional operations. This is a priority and one we are working closely with the NHS to deliver.

Baroness Ritchie of Downpatrick (Non-Afl) [V]: Can the Leader of the House confirm the nature of the discussions with the devolved Administrations? Will their leaders be equal or secondary partners in driving this inquiry to get at the truth and to prepare for future pandemics?

Baroness Evans of Bowes Park (Con): As I have said, my right honourable friend the Chancellor of the Duchy of Lancaster has been talking to the First Ministers about this, and those discussions will continue.

Lord Sikka (Lab) [V]: My Lords, in 2010, 2.5 million people in England were waiting to start their NHS treatment. This reached 4.52 million in December 2019, with nearly 224,000 waiting for more than 52 weeks. Today, the number on the waiting list is 4.95 million, with 436,000 waiting for more than 52 weeks. Can the noble Baroness tell the House what the waiting list will be in six and 12 months from now, and when the Government will be able to reduce it to 2010 levels?

Baroness Evans of Bowes Park (Con): The noble Lord is right to set out the challenge, but I do not think it would be responsible of me to pluck a figure. “I do not know” is the obvious answer—I do not think anyone does. All I can say is that we are working hard with the NHS to tackle these backlogs. It is an absolute priority and we should thank our NHS staff for the incredible work they have done through the pandemic and what they will be doing to help us tackle this backlog.

Viscount Trenchard (Con): My Lords, in declaring my interests as stated in the register, I ask whether my noble friend is aware that organisers of festivals and other live events need more clarity now on the basis on which they can stage events planned for this summer. They are already having to meet planning and preparation costs, but they are exposed to cancellation risks for which no insurance is available on the market. Are the Government still considering setting up a Government-backed insurance scheme?

Baroness Evans of Bowes Park (Con): I thank my noble friend. We are obviously aware of the concerns raised about the challenge of securing indemnity for live events. Reopening when we are confident it is safe to do so will reduce the chance of cancellations and interruption, which is why the rollout of the vaccination programme is so critical. We also want to be sure that any investment or intervention would lead to an increase in activity. At the moment, for instance, we understand that social distancing remains one of the key barriers to activity. I can certainly reassure my noble friend that DCMS officials are working across government

and with the affected sectors to understand the challenges and are keeping the situation under review to determine the most appropriate and effective response.

Baroness Bennett of Manor Castle (GP) [V]: My Lords, in light of the difficulties Australia and New Zealand, with their excellent Covid control track records, have had in preventing breakouts of infection from quarantine facilities, can the Leader of the House tell me how many cases of infection have been traced to English quarantine facilities, an issue of particular importance given concern about the B16172 variant? If she is unable to answer this now, could she perhaps write to me later?

Baroness Evans of Bowes Park (Con): I will write to the noble Baroness.

Baroness Pidding (Con) [V]: My Lords, I welcome the Statement and the establishment of a public inquiry in a timely manner. However, we must be mindful that we are not out of this pandemic yet. What reassurance can my noble friend give that there will be capacity in the system for second jabs, potentially booster jabs in the autumn and the annual rollout of the flu jab?

Baroness Evans of Bowes Park (Con): I hope that I can provide that reassurance. As I said in response to the noble Baroness, Lady Smith, we are ramping up plans for the programme of booster shots. We are working with current suppliers but also new suppliers such as CureVac; we have signed an agreement for a further 60 million doses of the Pfizer vaccine to be used as part of the booster programme; and we are obviously working on the flu jab programme. This is very much in our minds. We are making plans and, at the moment, we are very confident that we will be able to deliver this and are taking steps to do so.

Lord Mackenzie of Framwellgate (Non-Afl) [V]: My Lords, I welcome the repeat of the Statement made in another place. The purpose of any inquiry must be to establish the facts of the pandemic and learn lessons for the future. Already, we have learned through tremendous scientific co-operation—both private and public—with the Government, who have produced and procured successful vaccines. Of course, all this is for naught if we do not combat the mass misinformation that reduces the effectiveness of the vaccination campaign. With over 127,000 bereaved families mourning their loved ones, can the noble Baroness say whether the important aspect of vaccine denial, particularly on social media, should be included in the terms of reference?

Baroness Evans of Bowes Park (Con): As I have said, the terms of reference will be published in due course, but the noble Lord makes an extremely important point. We can be proud as a country that we have done very well to stamp out some of these false stories. Take-up has been extremely high, which has allowed us to move forward with the road map and everything else. I am not saying that there are not still challenges, but a lot of work across communities, through local government and community groups, helped to ensure that we got out strong messages about the importance of vaccination, and we are seeing the positive effects of that.

Lord Moynihan (Con) [V]: My Lords, the Olympic Games are now just over two months away and, despite the current state of emergency in Japan and a low vaccination rate of just 3%, recent Olympic test events met all WHO guidelines and were a success. Given the bubbles that will be formed for our athletes in Tokyo, can the Government confirm that they intend to offer vaccinations to British athletes and their entourage well in advance of their departure? Is it also my noble friend's understanding that Team GB members will need to be tested and quarantined at home or in the place in which they are staying for 10 days on their return?

Baroness Evans of Bowes Park (Con): I can certainly reassure my noble friend that we are considering the matter and working closely with the British Olympic Association. We also note the offer from the IOC and Pfizer to support efforts in this area, so work is ongoing.

Baroness Stuart of Edgbaston (Non-Afl) [V]: My Lords, I welcome the Government's commitment to start tackling the NHS waiting list backlog created by

Covid, but can I urge Ministers not to lose sight of the extra demands that will be created by the consequences of long Covid? We do not yet know how extensive those demands will be, and we will not resolve and deal with Covid unless we also address such needs.

Baroness Evans of Bowes Park (Con): The noble Baroness is absolutely right. We have a number of ongoing research projects, and we are really only just beginning to see the effects of long Covid and understand its impact. She is absolutely right, and I can reassure her that research will be ongoing and we will look to ensure that we can tailor proper support and help as we increasingly understand long Covid and the traumatic and terrible effect it has had on many people.

The Deputy Speaker (Baroness Henig) (Lab): My Lords, all questions have now been asked.

House adjourned at 7.39 pm.