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Thursday
12 May 2022

PARLIAMENTARY DEBATES
(HANSARD)

HOUSE OF LORDS

OFFICIAL REPORT

ORDER OF BUSINESS

Lords wishing to be supplied with these Daily Reports should give notice to this effect to the Printed Paper Office.

No proofs of Daily Reports are provided. Corrections for the bound volume which Lords wish to suggest to the report of their speeches should be clearly indicated in a copy of the Daily Report, which, with the column numbers concerned shown on the front cover, should be sent to the Editor of Debates, House of Lords, within 14 days of the date of the Daily Report.

This issue of the Official Report is also available on the Internet at
https://hansard.parliament.uk/lords/2022-05-12

The abbreviation [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
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 or for the Lords spiritual.

House of Lords

Thursday 12 May 2022

11 am

Prayers—read by the Lord Bishop of Gloucester.

Adult Social Care Committee

Built Environment Committee

Children and Families Act 2014 Committee

Common Frameworks Scrutiny Committee

Communications and Digital Committee

Conduct Committee

Consolidation etc. Bills Committee

Constitution Committee

Delegated Powers and Regulatory Reform Committee

Economic Affairs Committee

Environment and Climate Change Committee

European Affairs Committee

Finance Committee

Fraud Act 2006 and Digital Fraud Committee

House of Lords Commission

Joint Committee on Human Rights

Hybrid Instruments Committee

Industry and Regulators Committee

International Agreements Committee

International Relations and Defence Committee

Justice and Home Affairs Committee

Land Use in England Committee

Liaison Committee

Joint Committee on the National Security Strategy

Procedure and Privileges Committee

Public Services Committee

Science and Technology Committee

Secondary Legislation Scrutiny Committee

Selection Committee

Services Committee

Standing Orders (Private Bills) Committee

Joint Committee on Statutory Instruments

Membership Motions

11.07 am

Moved by ***The Senior Deputy Speaker***

Adult Social Care Committee

That a Select Committee be appointed to consider the planning for and delivery of adult social care services in England, and to make recommendations; and that the following members be appointed to the Committee:

Andrews, B (*Chair*), Barker, B, Bradley, L, Campbell of Surbiton, B, Carlisle, Bp, Eaton, B, Fraser of Craigmaddie, B, Goudie, B, Jolly, B, Laming, L, Polak, L, Shephard of Northwold, B, Warwick of Undercliffe, B.

That the Committee have the 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 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 2022;

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

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 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.

Children and Families Act 2014 Committee

That a Select Committee be appointed to consider and report on the Children and Families Act 2014; and that the following members be appointed to the Committee:

Bach, L, Bertin, B, Blower, B, Brownlow of Shurlock Row, L, Cruddas, L, Lawrence of Clarendon, B, Massey of Darwen, B, Mawson, L, Prashar, B, Storey, L, Tyler of Enfield, B (*Chair*), Wyld, B.

That the Committee have the 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 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 2022;

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

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, Crawley, B, Foulkes of Cumnock, L, Garnier, L, Hope of Craighead, L, Keen of Elie, L, Mobarik, B, 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, Featherstone, B, Foster of Bath, L, Griffiths of Burry Port, L, Hall of Birkenhead, L, Harding of Winscombe, B, Lipsey, L, Rebuck, B, Stowell of Beeston, B (*Chair*), Vaizey of Didcot, L, Worcester, Bp, Young of Norwood Green, 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.

Conduct Committee

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

Blair of Boughton, L, Donaghy, B, Garnier, L, Hussein-Ece, B, Manningham-Buller, B (*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.

Consolidation etc. Bills Committee

In accordance with Standing Order 50 that the following Lords be appointed to join with a 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, Razzall, L, Rowlands, 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 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

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:

Drake, B (*Chair*), Falconer of Thoroton, L, Faulks, L, Fookes, B, Hennessy of Nympsfield, L, Hope of Craighead, L, Howard of Lympne, L, Howarth of Newport, L, Howell of Guildford, L, Robertson of Port Ellen, L, Sherbourne of Didsbury, L, Suttie, B, Thomas of Gresford, 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.

Delegated Powers and Regulatory Reform Committee

That a Select Committee be appointed:

(1) 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;

(2) 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

(3) 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:

Browning, B, Cunningham of Felling, L, Goddard of Stockport, L, Haselhurst, L, Hendy, L, Janvrin, L, McLoughlin, L (*Chair*), Meacher, B, Rooker, 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 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.

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 (*Chair*), Chandos, V, Fox, L, Griffiths of Fforestfach, L, King of Lothbury, L, Kramer, B, Layard, L, Livingston of Parkhead, L, Monks, L, Noakes, B, Rooker, 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 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, Chalker of Wallasey, B, Colgrain, L, Grantchester, L, Lilley, L, Lucas, L, Northover, B, Oxford, Bp, Parminter, B (*Chair*), Wellington, D, 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 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.

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, Kinnoull, E (*Chair*), Lamont of Lerwick, L, Liddle, L, Purvis of Tweed, L, Scott of Needham Market, B, 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 or its sub-committee in the previous session of Parliament be referred to the Committee or its sub-committee;

That the evidence taken by the European Union Committee in the 2019–21 session of Parliament be referred to the Committee or its sub-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:

Altrincham, L, Courtown, E, Davies of Brixton, L, Kennedy of Southwark, L, Lee of Trafford, L, Levene of Portsoken, L, Noakes, B, Stoneham of Droxford, L, Tomlinson, L, Vaux of Harrowden, L (*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.

Fraud Act 2006 and Digital Fraud Committee

That a Select Committee be appointed to consider the Fraud Act 2006 and digital fraud, and to make recommendations; and that the following members be appointed to the Committee:

Allan of Hallam, L, Bowles of Berkhamsted, B, Browne of Ladyton, L, Colville of Culross, V, Gilbert of Panteg, L, Henig, B, Kingsmill, B, Morgan of Cotes, B (*Chair*), Sandhurst, L, Taylor of Bolton, B, Vaux of Harrowden, L, Young of Cookham, L.

That the Committee have the 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 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 2022;

That the report 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:

Evans of Bowes Park, B, Gardiner of Kimble, L (*Deputy Chair*), German, L, Hill of Oareford, L, Judge, L, McFall of Alcluith, L (*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.

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:

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

(2) 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

(3) 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:

(1) 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

(2) 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:

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

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

(3) 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:

Chisholm of Owlpen, B, 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.

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, 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:

Agnew of Oulton, L, Allen of Kensington, L, Blackwell, L, Bowles of Berkhamsted, B, Burns, L, Cromwell, L, Donaghy, B, Eatwell, L, Hollick, L (*Chair*), Reay, L, Sharkey, L, Trefgarne, 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.

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, Gold, L, Hayter of Kentish Town, B (*Chair*), Kerr of Kinlochard, L, Lansley, L, Liddell of Coatdyke, B, Morris of Aberavon, L, Oates, L, Razzall, L, Sandwich, E, Udny-Lister, L, 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 in the last session of Parliament be referred to the Committee;

That the evidence taken by the International Agreements Sub-Committee of the European Union Committee in the 2019–21 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, Rawlings, B, Stirrup, L, Sugg, B, Teverson, L, Wood of Anfield, L.

That the Committee have power to appoint a sub-committee for the purposes of any inquiry under Section 3 of the Trade Act 2021;

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 or its sub-committee in the previous session of Parliament be referred to the Committee or its sub-committee;

That the evidence taken by the Committee or its sub-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 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.

Land Use in England Committee

That a Select Committee be appointed to consider land use in England, and to make recommendations; and that the following members be appointed to the Committee:

Bakewell of Hardington Mandeville, B, Borwick, L, Cameron of Dillington, L (*Chair*), Curry of Kirkharle, L, Goddard of Stockport, L, Grantchester, L, Harlech, L, Leicester, E, Mallalieu, B, Redfern, B, Watts, L, Young of Old Scone, B.

That the Committee have the 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 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 2022;

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

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:

Blencathra, L, Bradley, L, Collins of Highbury, L, Coussins, B, Davies of Oldham, L, Howe, E, Judge, L, Scott of Needham Market, B, Taylor of Holbeach, 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 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 have leave to report from time to time;

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

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:

Anelay of St Johns, B, Butler of Brockwell, L, Crawley, B, Dannatt, L, Hodgson of Abinger, B, Neville-Jones, B, Reid of Cardowan, L, Snape, L, Stansgate, V, 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 appoint specialist advisers;

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

Procedure and Privileges Committee

That a Select Committee on Procedure and Privileges 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, Harris of Richmond, B, Humphreys, B, Judge, L, Kennedy of Southwark, L, Mancroft, L, McFall of Alcluith, L, McIntosh of Hudnall, B, Newby, L, Quin, B, Sanderson of Welton, B, Sherbourne of Didsbury, L, Smith of Basildon, B, Stoneham of Droxford, L.

and that the following members be appointed as alternate members:

Alderdice, L, Browning, B, Collins of Highbury, L, 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, Porter of Spalding, L, Sater, B, Willis of Knaresborough, 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.

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, Brown of Cambridge, B (*Chair*), Hanworth, V, Holmes of Richmond, L, Krebs, L, Manningham-Buller, B, Mitchell, L, Rees of Ludlow, L, Rock, B, Sheehan, B, Walmsley, B, Warwick of Undercliffe, B, Wei, L, 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, De Mauley, L, German, L, Hanworth, V, Hodgson of Astley Abbotts, L (*Chair*), Hutton of Furness, L, Lindsay, E, Lisvane, L, Powell of Bayswater, L, Rowlands, L, Watkins of Tavistock, B.

Selection Committee

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, Coussins, B, Evans of Bowes Park, B, Jones, L, Judge, L, Kennedy of Southwark, L, Newby, L, Smith of Basildon, B, Smith of Hindhead, L, Stoneham of Droxford, L.

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, Clark of Windermere, L, Clement-Jones, L, Deech, B, Haselhurst, L, Howard of Rising, L, Judge, L, 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:

Finlay of Llandaff, B, Geddes, L, Jones, L, McColl of Dulwich, L, Naseby, L, Thomas of Winchester, 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;

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:

Beith, L, Chartres, L, D'Souza, B, Gale, B, Haskel, L, Newlove, 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): My Lords, these Motions appoint noble Lords to Select Committees and Joint Committees in this new Session. I beg to move.

Motions agreed.

Conduct Committee

Motion to Agree

11.07 am

Moved by ***Baroness Manningham-Buller***

That the Report from the Select Committee *The conduct of Lord Pendry* (8th Report, Session 2021-22, HL Paper 194) be agreed to.

Baroness Manningham-Buller (CB): My Lords, I draw the House's attention to Standing Order 68, which states that Motions on reports

"resulting from an investigation under the Code of Conduct"

[Baroness Manningham-Buller]
must be "decided without debate". I therefore cannot take questions.

The report upholds the findings of the Commissioner for Standards that the noble Lord, Lord Pendry, breached the Code of Conduct by bullying a member of staff in the Parliamentary Security Department. The committee considered an appeal by the noble Lord against this finding but dismissed it unanimously. The report recommends that he be suspended from the service of this House for a period of one week. The committee agreed with the commissioner that a sentence of suspension was proportionate and necessary in response to his conduct and the effect it had on the complainant. I beg to move.

Motion agreed.

Conduct Committee

Motion to Resolve

11.09 am

Moved by ***Baroness Manningham-Buller***

To resolve that, in accordance with Standing Order 11, Lord Pendry be suspended from the service of the House for a period of one week; and that, in accordance with Section 1 of the House of Lords (Expulsion and Suspension) Act 2015, in the opinion of this House, the conduct giving rise to this resolution occurred after the coming into force of that Act.

Motion agreed.

Queen's Speech

Debate (3rd Day)

11.09 am

Moved on Tuesday 10 May by ***Lord Sherbourne of Didsbury***

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 was addressed to both Houses of Parliament".

The Minister of State, Home Office (Baroness Williams of Trafford) (Con): My Lords, it is an honour and a pleasure to open this second day of debate on Her Majesty's most gracious Speech.

The topics that we are due to cover are wide-ranging. My speech will therefore take noble Lords on a journey that at times might feel somewhat circuitous, but there is a common thread running throughout: the Government's continuing commitment to deliver on the issues that really matter to the people of the United Kingdom. That includes, for example, fighting crime wherever and whenever it rears its ugly head, empowering those tasked with keeping us safe to do their critical work, delivering a criminal justice system that works in the interests of the law-abiding majority, and ensuring that our laws reflect the way that we communicate, consume and do business in the modern world.

National security is the foremost responsibility of any Government. It is an immense task. The scale and breadth of the threats that we face cannot be overestimated and, on that point, I take this opportunity to pay tribute to all those who work tirelessly to protect the public. For them to do their jobs effectively, it is vital that our laws keep pace with the ever-changing threat picture. The National Security Bill will deliver the biggest overhaul of state threat legislation for a generation. It will harden the UK's resilience against hostile activity from foreign states and ensure that our world-class law enforcement and intelligence agencies have the tools that they need to protect our national security. The Bill will reform espionage laws dating from the beginning of the 20th century, introduce new offences to tackle foreign-state-linked sabotage and interference, and enhance police powers to support these measures.

A registration scheme will be created to help combat damaging or hostile influence exerted by foreign states in the UK. This will be added post introduction so that we can take the time needed to ensure its effectiveness. As a tool of last resort, a new suite of state threat prevention and investigation measures will be introduced to manage those who pose a threat but have not met the threshold for prosecution. While the majority of the National Security Bill will focus on countering hostile threats from foreign states, the Bill will also include measures to prevent the exploitation of our civil legal aid and civil damage systems by convicted terrorists.

We must remain alert to the threat from terrorism. The Manchester Arena attack in 2017 has particular resonance for me but, whenever and wherever the atrocities occur, we owe it to the victims and their families to learn every lesson and, where necessary, to take action to enhance public safety. The Protect duty Bill will establish a new requirements framework which mandates those in control of certain public locations and venues to consider the threat from terrorism and implement appropriate and proportionate mitigation measures. The Government have worked closely with partners and victims' groups to develop these proposals, including Figen Murray, to whom I pay tribute, and the Martyn's law campaign team. Our message is clear: we will do what it takes to keep law-abiding citizens safe and to protect our national security.

The Public Order Bill, introduced in the House of Commons yesterday, will be familiar to noble Lords, as many of its measures were brought forward in January as amendments to the then Police, Crime, Sentencing and Courts Bill. Regrettably, noble Lords rejected the amendments, and the passage of time has served only to reinforce the pressing need for these measures. The Bill will ensure that the police have the powers that they need to prevent and reduce this kind of serious disruption to our transport networks and key national infrastructure which we have seen in recent months. It includes a number of new offences including ones relating to locking on, obstructing the construction of major transport works and interfering with the use or operation of key national infrastructure. The Bill also provides for serious disruption prevention

orders to target protesters who are determined to repeatedly inflict disruption on the public. The concern in January was that these measures had not been properly scrutinised. The new Bill will ensure that both Houses will have the opportunity to do just that. I hope that, having done so, we can then get these measures quickly on to the statute book.

I welcome the fact that the Police, Crime, Sentencing and Courts Act is now on the statute book. As I have said, towards the end of its passage the focus was on the public order measures, but we should not forget that it is a wide-ranging Act delivering new laws to protect the public, support our police and cut crime. The Government's focus now is on implementing the provisions of the Act as soon as practicable, with a raft of measures coming into force on 28 June.

The Government are bearing down on kleptocrats, criminals and terrorists who abuse our financial system. We will build on the recently enacted Economic Crime (Transparency and Enforcement) Act by bringing forward the economic crime and corporate transparency Bill to further strengthen the UK's reputation as a place where legitimate business can thrive while dirty money has no place to hide. The Bill will include reforms to Companies House, reforms to prevent abuse of limited partnerships, new powers to seize crypto assets from criminals, and reforms to give businesses more confidence to share information in order to combat economic crime. The Bill will support enterprise, enabling Companies House to deliver a better service, and maintain swift and low-cost routes for company creation. It will also boost the UK's defences against economic crime, including fraud and money laundering, delivering greater protections for consumers and businesses.

The United Kingdom was the first country in the world to enact legislation dedicated to tackling modern slavery, through the landmark Modern Slavery Act 2015, and we remain a world leader in these efforts. We have already made significant progress through the Nationality and Borders Act 2022, which provides clarity to victims and decision-makers on victims' rights, supports the early identification of possible victims and tackles abuses in the system, but we need to go further. When it comes to confronting the evils of modern slavery and human trafficking, we simply cannot afford to stand still.

The new modern slavery Bill will build on our existing legislation to strengthen the requirements on businesses with a turnover of £36 million or more to eradicate modern slavery in their supply chains. It will extend these requirements to public authorities, mandate the reporting areas to be covered in modern slavery statements, require organisations to publish their statements on a government-run registry and introduce tougher financial penalties for non-compliance. The Bill will also improve the effectiveness of court orders to prevent modern slavery offenders committing crimes, and improve the support system for victims. Ahead of the introduction of the Bill, we will publish an ambitious new modern slavery strategy setting out our approach to tackling this heinous form of criminality.

Falling victim to crime is a traumatic and often devastating experience. The impact is often profound and can stay with people for many years, even their whole lives. We must give them every possible chance of recovering. The victims Bill will guarantee that victims are at the heart of the criminal justice system and ensure that the right support is available at the right time. The Bill will place the victims' code into law, sending a clear signal about what victims can and should expect, and it will drive up standards by increasing transparency and oversight of victims' services provided by the criminal justice agencies.

I have discussed the need for reform of our immigration and asylum system on numerous occasions here. The Government's *New Plan for Immigration* set out our vision for what is a much-needed overhaul, and the Nationality and Borders Act, with which this House is very well acquainted, is the legislative vehicle for delivering that change. We are embarking on this effort at a time when the world is facing a global migration crisis. The United Kingdom has a long tradition of providing sanctuary to those in need. We are rightly proud of the way that our country stands up for what is right. Offering the hand of friendship to those in desperate need is what we do. It is what we will continue to do.

We cannot continue to operate a parallel system for those arriving in the United Kingdom illegally, having travelled through safe third countries. The world-leading migration and economic development partnership with Rwanda is part of our comprehensive overhaul of the asylum system. It will help to break the smugglers' business model and prevent loss of life. We are also stepping up our operations in the channel to tackle highly dangerous crossings. Border Force and Royal Navy officers and assets are working side by side, and their joint work will be supported by £50 million of new funding. There has been much debate about our approach, but the simple fact is that people are risking their lives attempting to reach the UK and we will not shy away from taking action to prevent further tragedies.

The world is united in horror at Russia's assault on Ukraine. Once again, this country's impulse, in the face of such a horrific situation, is one of compassion and support. Through the visa schemes we have set up and our wider humanitarian response, the Government have sent a message loud and clear: the UK stands shoulder to shoulder with the people of Ukraine. We will continue to do what is right.

Our desire to keep the public safe is not confined to what we might call the physical or offline world. Under the ground-breaking Online Safety Bill, tech companies will be accountable to an independent regulator to keep their users safe. There will not be a safe space for criminal content online. Platforms will have to quickly remove illegal content, including terrorist material and child sexual abuse and exploitation, and there will be a particular focus on protecting children from harmful or inappropriate content. The Bill also contains important safeguards for freedom of expression. We are committed to getting this right, and I am grateful to colleagues for their input so far. I am sure that the insight and knowledge across this House will be of great value as the Bill progresses.

We are more connected than ever before. Through the Product Security and Telecommunications Infrastructure Bill, we will make sure that these connections are fast and secure. We need our tech to work remotely and to be secure. Underneath all that, we need the digital infrastructure to support these connections.

[Baroness Williams of Trafford]
That is why this Government have made huge investments in digital infrastructure. To stay ahead of the game, this Bill is needed to keep transforming tomorrow's networks and securing ourselves against future threats.

The Government are also committed to establishing a new pro-competition regime for digital markets. The regime will introduce clear rules on how the most powerful tech firms should treat businesses and consumers when delivering key services, such as social media and online searches. The regime will be overseen by a dedicated digital markets unit, which will be housed in the Competition and Markets Authority. The unit will have robust powers to enforce the regime, including tough fines of up to 10% of a firm's global turnover for breaches. We will publish draft legislation in this Session and a Bill will be introduced as parliamentary time allows.

The UK's broadcasting industry is a global success story. We want our public service broadcasters to remain at the heart of that success. By delivering a major and much-needed update to broadcasting legislation, we will enable our broadcasters to compete and thrive in the 21st century. This will be good for audiences, for British-originated content, for our economy and for our ability to project British values globally.

International trade plays a vital role in our domestic economy but, due to existing laws, some of which date back to the 19th century, trade still relies on billions of paper documents, which is costly, inefficient and outdated. A proposed Bill will remedy this and provide businesses with more choice and flexibility on how they trade. Modernising the law and putting electronic trade documents on the same legal footing as paper documents is essential to remove the need for wasteful paperwork and needless bureaucracy. The Bill will allow businesses to use electronic trade documents when buying and selling internationally, making it easier, cheaper, faster and more secure to trade.

The Government will shortly set out proposals designed to create a data protection regime that is pro-growth and innovation-friendly while also maintaining the highest data protection standards. The proposed reforms will reduce burdens on businesses and scientists, improve enforcement of data protection breaches and make data protection law clearer. The Bill will also make good on the Government's commitment to legislate for other policies in similar subject areas, such as increasing industry participation in smart data schemes and enabling a secure and trusted digital identity market across the economy.

The Government were elected with a manifesto commitment to update the Human Rights Act and ensure that there is a proper balance between the rights of individuals, national security and effective government. We remain committed to the European Convention on Human Rights and are acutely conscious of this country's long and proud history of protecting and promoting freedoms. The Bill of Rights will enable us to build on that long-standing tradition by reinforcing freedom of speech, strengthening our common-law traditions, restoring public confidence in the system and curbing abuse of the human rights framework by criminals. Given the abundance of knowledge and experience within this House, I am anticipating an insightful and comprehensive debate.

As Her Majesty's Speech demonstrates, we are as determined as ever to change our society for the better and improve people's lives. Our mission is clear: to make the country safer, stronger and more prosperous. I assure the House that the Government's commitment to that endeavour is undiminished. I beg to move.

11.27 am

Baroness Merron (Lab): My Lords, I thank the Minister for introducing today's debate on the Motion on the humble Address. It is an honour to be opening for these Benches and significant for me personally, as I gave my maiden speech on the second day of the debate on the gracious Speech last year, which perfectly mirrors the timing of this debate. I start by expressing gratitude from these Benches to His Royal Highness the Prince of Wales for delivering the gracious Speech. We send our warmest wishes to Her Majesty the Queen, whose service to this country has been and remains extraordinary.

This debate covers hugely important areas of British life that we, as a nation, are proud of and that we on these Benches, along with Members from across your Lordships' House, are determined to protect. It covers everything from our justice system to our rights as individuals, including our right to dissent and to challenge when justice is not done, all the way through to our exceptional cultural sector, and the prospects and fortunes of our local football teams. My noble friend Lord Ponsonby will respond to the debate and focus in greater depth on the justice, constitutional and home affairs aspects, but I will make some opening remarks.

It is disappointing that so much of what is in front of us now has already been promised and announced time and again by Ministers—often multiple times over multiple years—but with a failure so far to deliver. On action for victims of crime, a Bill has been promised in not one, two or even three Queen's Speeches, but in four, as well as in three manifestos. Even now, the Bill we are again promised is only in draft form. National security legislation has been promised since 2019, after being recognised as a necessity through the cross-party Intelligence and Security Committee. For years, Members across the political spectrum have called on the Government to act against corruption and illicit Russian money being laundered through the UK. We welcome the inclusion of an economic crime Bill, but have to put the question: why has it taken an international crisis for this Government to act?

The much-delayed Online Safety Bill, which must be about recognising that in today's world online is the front line when it comes to keeping our children safe and protecting people from fraud and abuse, is finally before us, but with an outline that leaves very much still to be achieved.

On football governance, action is urgent. The Government's briefing says that governance has not kept pace with development and reform is needed, yet they have confirmed that they do not expect a regulator to be in place until 2024.

Your Lordships' House will of course work to scrutinise what is finally promised and to make the long-awaited legislation the best it can be, but it is disappointing to say the least to find that the Government

are playing catch-up on issues as vital as these as well as on many others. There is a continuous thread: the Government seem to have the wrong focus at the wrong time.

On the Home Office and issues of justice, victims of crime are being badly let down in this country, with record court backlogs, rising crime and low prosecution rates and a huge number of victims losing faith in the system altogether. Yet, for example, despite the very real level of public concern, there is no much-needed Bill to tackle violence against women and girls. Instead the Government plan to focus on reducing the British public's right to challenge when the justice system fails them.

Turning to DCMS, this is the Session when your Lordships' House will finally get to scrutinise the Online Safety Bill, but that legislation does not appear to be as fit for purpose as we hoped. The Joint Committee on the draft Online Safety Bill brought forward a series of important recommendations. Some have been incorporated into the current legislation but the Government need to go further if reality is to match many years of rhetoric. Sadly, the numerous delays to this legislation have in the interim allowed tens of thousands of children to be exposed to online abuse and millions of internet users to fall victim to online scams. With most of the provisions unlikely to enter into force until 2024 or beyond, those numbers are likely to increase further, something on which I hope the new chair of Ofcom, the noble Lord, Lord Grade, will wish to take a view.

Elsewhere, the Government are insisting on selling off a national asset in the form of Channel 4, despite widespread opposition within the creative industries and on the government Benches in both Houses of Parliament. We can remind ourselves that Channel 4 was established under the former Prime Minister Margaret Thatcher. It does not cost the taxpayer a penny. Despite the claims by DCMS, it is already able to compete with the likes of Netflix. It has developed the UK's most popular free streaming service and demand is likely to increase as paid-for services, such as Netflix, lose subscribers. The privatisation element of the media Bill will undoubtedly take up a significant amount of parliamentary time. If, as seems likely, the sale of Channel 4 leads to a lower volume of programmes being commissioned, the impact will be to level down the creative output and negatively affect jobs across the UK's nations and regions.

A wide range of smaller Bills has also been promised by DCMS, from data reform to digital markets and I look forward to seeing further detail on them. The Culture Secretary's fixation with Channel 4 means that other DCMS initiatives have had to be put on the back burner. An independent regulator for football will not be in place until 2024 at the earliest, as I have said, and we still wait to see the Government's plans for the reform of gambling regulation. Once again, there are many consequences to this. It is likely that the Government's inaction in these areas will mean that more football clubs, their fans and communities will suffer because of inadequate governance arrangements and ever more individuals, both children and adults, will be exposed to gambling-related harms.

On this latter point, we are in the middle of a perfect storm. The shift to online gambling, the increased cost of living and the continued financial impact of the pandemic have come together to create the conditions in which gambling harms to individuals and, by extension, to their loved ones unfortunately continue to thrive. I note that in 2020 the Government launched a welcome review of the Gambling Act, acknowledging, correctly, that too many people are experiencing significant harm from gambling while the industry has changed enormously since the passing of the Act in 2005, yet today we find that we continue to wait for something to be done while people's health and well-being are damaged, when we know that more could be done to tackle avoidable harms. An overwhelming majority of the public want action on sports governance and gambling while opposing government intervention in the affairs of Channel 4. In that sense, how can the Government possibly say that they are focusing on the priorities of the British people?

I know that your Lordships' House will do its very best, as it always does, to improve the Bills before it through scrutiny. That starts with this debate, which began yesterday and continues today. I look forward to hearing from noble Lords. However, this gracious Speech is notable not just for what is in it but more so for what is not. The Government had an opportunity through this gracious Speech to give people what they need to manage their day-to-day lives and to thrive. I am sorry, but this opportunity has not been taken.

11.38 am

Baroness Bonham-Carter of Yarnbury (LD): My Lords, I thank the Minister for her opening speech. I shall concentrate on DCMS matters. How excellent it is to have a Minister from that department responding. I remember a time when culture did not even make it as a subject for the Queen's Speech. You wait years and then seven DCMS Bills come along.

We support the thrust of the Online Safety Bill. It is very important, but the devil will be in the detail on the definition of harms, especially harms to our children, enforcement powers and the fine line between defending free speech while protecting citizens from online abuse and disinformation, which, as we have seen in the US, potentially undermines democracy itself. My noble friend Lord Clement-Jones will expand on this and other digital Bills.

We also welcome proposals for an independent football regulator and support Tracey Crouch's review. My noble friends Lord Marks and Lord Wallace will cover justice and the constitution. We have just heard from the Minister of State for the Home Office. The House will not be surprised to hear that I will be leaving legislation from her department to my noble and—I cannot resist a literary reference—brilliant friend Lord Paddick.

There is, however, one very important matter where there is overlap: the ability, or lack of it, of our creative artists to tour Europe. My noble friend Lord Strasburger has been leading a campaign on the quagmire that has ensued as a result of a no-deal Brexit fuelled by Home Office intransigence. It is interesting that the noble Lord, Lord Frost, chief Brexit negotiator, admitted

[Baroness Bonham-Carter of Yarnbury]
that a deal could have been done with Europe, but the Government were too purist about the issue. Does the Minister accept that this has been nothing short of a disaster for our creative sector? Does he not agree with the noble Lord, Lord Frost, that the Government should take another look at what he calls "mobility issues" and try to salvage the situation?

As we have heard, there is to be a media Bill. I start by thanking the Government for commitments to important reforms on prominence and listed events, but swiftly move to gloom at their attitude to public service broadcasting in general. The headline of the Queen's Speech is levelling up, so why are the Government determined to privatise Channel 4, the consequence of which, as the noble Baroness, Lady Merron, just said, will be levelling down?

There is nothing short of vandalism going on in removing the publisher broadcaster model. Channel 4 was conceived for a reason, to grow the UK independent TV sector, and that is exactly what it has done. Any impact assessment—has there been one?—would surely show that reducing commissions from independent companies from 100% to 25% will have a detrimental effect on the sector and, more specifically, on nurturing the small, independent producers and start-ups: levelling down.

Removing the requirement that a new owner operates offices outside London, the Government

"does not deem it appropriate to be prescriptive on … physical footprint",

yet the same Government insisted that Channel 4 relocate its headquarters to Leeds and creative hubs to Bristol and Glasgow, which has brought huge advantages to those and surrounding areas: levelling down. Reducing the required spend in nations and regions from 50% to 35% will lead to a potential loss of £85 million to those very areas that the Secretary of State purports to want to help.

On removing the requirements in relation to training and skills, Channel 4 has used both its cash and its leverage power to invest in and promote training, particularly of underrepresented groups. With no obligations and a new commitment to shareholders, does the Minister really see this continuing? It is levelling down again.

Contrary to what the White Paper claims, due to the imaginative expansion of its digital channels, Channel 4's demographic is young and diverse. Its figures show significant spend on original content and investment in indies. Advertising revenues have increased over the last two years. I hope the Minister accepts that the figures in the government paper need looking at again.

The big question is: why? The public do not want it. When the question of privatisation was put out to public consultation, 91% of respondents were opposed. Can the Minister explain the logic behind having a public consultation and then ignoring it? Is it not an insult to dismiss those who took part as campaign bots, when 91% certainly cannot have been?

As the noble Baroness, Lady Merron, mentioned, the Government say they want to protect Channel 4 from the streamers, but the fact is that it does not need protection. It is in rude financial health and does not need privatisation to prosper, while supposedly thriving Netflix faces financial woes, with a loss of 200,000 subscribers over the last three months. As the former chief executive, David Abraham, has said, privatising Channel 4 is

"a solution in search of a problem."

Channel 4 is just a part of a broader PSB ecology that lies at the heart of this country's extraordinary success in exporting programmes around the world, creating jobs in the creative industries across the UK and bringing UK influence to bear across the world—soft power. At the centre of this is the BBC, yet in its centenary year, after it contributed so much during the pandemic and is now doing so again through superb coverage of the war in Ukraine, this Government have chosen to freeze the licence fee, effectively depriving the BBC of more than £3 billion over the next five years. The Government are putting their determination to weaken the BBC before the national interest.

Turning to the wider cultural sector, I have heard the Secretary of State, in person, passionately and articulately expressing her belief in the need to level up through the spreading of the arts, culture and creativity, and all the benefits they bring, more evenly across the nation. So please listen to the regions and get this right. Do not employ a blunt instrument and destroy an admirable aim.

Here is an example. I declare an interest as a trustee of the Lowry in Salford, one of the 18 most deprived areas in England. For us, the Royal National Theatre is a crucial partner. Its commitment to touring, and the Lowry's role as its home venue in the north-west, have meant that audiences in that region have been able to experience some of the most celebrated theatre productions of the last 20 years. Is it not obvious that if funding for the NT is cut by 15%, it will inevitably entrench into its London base and reduce its touring commitments, and the regions will suffer? Encouraging locally produced work to flourish must be coupled with sharing what the rest of the nation has to offer. I think there is a misunderstanding of where deprivation exists. Large pockets are in London, whose cultural institutions have important outreach programmes.

The White Paper talks about a narrow skills base and how levelling up can address this, but the acquiring of a skill begins at school and successive Conservative Governments consistently and persistently undervalue and undermine arts education. STEM has been the mantra, but surely for education to

"help every child fulfil their potential",

as mentioned in the Queen's Speech, it should be STEAM. This Government say that arts subjects are not strategic priorities. The same Government's industrial strategy prizes the creative industries as a priority sector. Can the Minister explain the disconnect?

Finally, the UK's creative and cultural workforce still does not adequately reflect the diversity of the UK population. I hope that the Minister will pay attention to the report *Creative Majority* and that part of the levelling-up support, in particular the £560 million for youth services, will be available for cultural and creative activities.

To end, I say a big yes to levelling up but listen to the regions as to what they really need. When the Government say, as in the White Paper, that:

"Broadcasters and the wider media have significant potential to contribute",

they should recognise that this will not happen if they employ a wrecking ball to our PSBs. Listen to the words of Steve McQueen, possibly our greatest creative industry, at the BAFTAs last Sunday:

"We have great ideas … Other people have … more money — the Americans — but we have great ideas, that's what makes us who we are … we need the BBC and Channel 4 to help sustain that and our identity – because I don't want us to be, no disrespect, Yanks".

By the way, I am half Yank and I will accept no disrespect.

11.47 am

Lord Judge (CB): My Lords, listening to the gracious Speech I heard words that filled me with joy:

"Her Majesty's Government will ensure the constitution is defended."

Then I listened, as one does:

"Her Majesty's Ministers will restore the balance of power between the legislature and the courts",

and I thought, like the editor of *Private Eye*, "surely some mistake".

There is no balance needed. We legislate—we try to legislate with clarity—the courts interpret our legislation and, if we do not like the way the courts have interpreted the legislation, it comes back to us and we put them right. There is no difficulty about that relationship—perish the thought.

I thought the words were going to be, "Her Majesty's Ministers will restore the balance of power between the legislature and the Executive", because that is the relationship that needs to be addressed. Noble Lords have heard me bang on about Henry VIII powers. I just do not like a Minister by statutory instrument being able to revoke primary legislation, let alone secondary legislation. As for skeleton Bills, I find it absolutely extraordinary that we ever pass them. We say to ourselves: "Let us give the Minister powers before the Minister has the slightest idea how he or she is going to exercise them."

Two of the most important pieces of work in the last Session were the reports that we received from our Secondary Legislation Scrutiny Committee, *Government by Diktat: A Call to Return Power to Parliament*, and from our Delegated Powers and Regulatory Reform Committee, *Democracy Denied? The Urgent Need to Rebalance the Power Between Parliament and the Executive*. That is what I thought I heard, or at least what I hoped I had heard, during the Queen's Speech. I apologise for my disloyalty in thinking there may have been some misreading of what was in the text.

These were not a bunch of sparky students nor even eccentric academics. They were two of our own Select Committees repeating warnings that they have given and which the Constitution Committee has been giving us for years. They were cross-party and always unanimous. The noble Lord, Lord Hodgson of Astley Abbotts, will be speaking about his own committee's report in due course, but as we look at him—forgive me—do we see Wat Tyler or John Lilburne? Do we see Oliver Cromwell? Actually, no, that must be the noble Lord, Lord Blencathra. What about the noble Lord, Lord Lisvane? He is another of them. These are committees of this House carefully addressing a prime issue of constitutional importance.

As I say, the noble Lord, Lord Hodgson, will no doubt discuss his committee's report, but we have a response from the Minister. The Secondary Legislation Scrutiny Committee returns to the issue of the growing imbalance between Parliament and the Executive and, with commendable reticence, it notes that in the Government's response almost all of its recommendations were rejected. I bothered to read the Government's responses and I respectfully suggest to the noble Lord, Lord Hodgson, that the words that his committee used in response were very modest; I would say that it looked like hitting your head against a brick wall. There was no understanding or insight whatever into these major issues that the two committees have raised.

In the Conservative manifesto there was a promise that there would be a first-year commission on the constitution, democracy and rights. Where is it? Why are we not addressing the issue of this imbalance now in such a commission?

I am now about to be very courageous, particularly with the noble Lord, Lord Strathclyde, here: what is the point of us being here if, when we identify a serious constitutional problem, we never do anything about it except talk? We cannot keep doing that. I just want us to consider the possibility that the next time we have a Henry VIII clause in a Bill that has not been given careful explanation in advance, we chuck it out.

Noble Lords: Hear, hear!

Lord Judge (CB): This is where the noble Lord, Lord Strathclyde, is going to be very troubled. Is it not possible that some time, instead of a regret Motion, if a statutory instrument proposes the extension of undue power to the Executive, we throw that one out too? I am only asking your Lordships to consider the possibility—otherwise, why do we not just go on talking?

11.54 am

The Lord Bishop of Gloucester: My Lords, it is wonderful to be speaking in this debate on Her Majesty's gracious Speech. It is always a privilege to listen to the noble and learned Lord, Lord Judge, who is a very hard act to follow. I refer to my interest stated in the register as Anglican bishop of prisons.

As has been said, we know that people are increasingly experiencing hardship in our current climate. In the gracious Speech there was an emphasis on so-called levelling up and tackling disadvantage, whether rooted in education, health, a lack of appropriate housing or low income. Often those issues intersect.

In Old Testament scripture, in the book of the prophet Amos, we have the words "Let justice roll down like waters, and righteousness like an ever-flowing stream". I want to begin with justice, because layers of disadvantage are reflected in every aspect of our criminal justice system. In speaking of the criminal justice system, I pay tribute to the noble Lord, Lord Wolfson, who I greatly appreciated interacting with in his role as a Minister in your Lordships' House.

I was perturbed that in relation to criminal justice the gracious Speech referred only to keeping the streets safe. I urge Her Majesty's Government to pay good attention to preventive and rehabilitative measures rather than simply creating more prison places. We are

[The Lord Bishop of Gloucester]
failing both victims and perpetrators of crime, and indeed society itself. I wonder what happened to the plans for a desperately needed royal commission on criminal justice. The Police, Crime, Sentencing and Courts Act is not "job done".

The UK's current prison population is already the largest in western Europe and it just does not square with the aspiration of making our communities safer. I wonder if we know the statistic for those in prison who do not pose a major threat to public safety on the streets. Undoubtedly, many people who will occupy new prison places are those who are caught downstream because we have not looked upstream. So, I am encouraged to hear of an ambition for children with regard to schools and education, yet we must not forget the critical role of early years in order to keep a focus on giving children the best start in life for emotional and social development. This is upstream from the criminal justice system, and it includes appropriate support for parents and carers.

In light of that, unsurprisingly, I will continue to say that sending to prison mothers whose non-violent offending is rooted in multiple disadvantages is failing communities and haemorrhaging money, with at least 500 new prison places for women, if they are planned to be additional. That now rather jaded female offender strategy could still do much good to prevent women entering the criminal justice system, yet it is stuck.

The recent Public Accounts Committee recent report has revealed the gaps in governance and funding. Where is intervention reflected in the Government's plans? Upstream of men, women and children in custody, there is often a story of being impacted by the criminal justice system, of repeated family history and trauma. Perpetrators of crime are often victims of crime themselves who have experienced multiple disadvantages. Here we see the effects of the failure to level up.

I was encouraged to see in last year's prisons White Paper a recognition that families and good relationships are important aspects of rehabilitation and contribute to reducing reoffending. Where is the join-up with the context of the gracious Speech? I am pleased to hear that the provision of better-quality, safer homes is to be a focus for the Government. We know that the lack of appropriate housing is a driver for reoffending, and that female prison leavers face particular challenges. The reports and solutions are there; they just need willingness and drive for their implementation.

All of this is not simply about money. It is about how policies and structures enable strong human relationships. Connected and resilient communities in which people can build trust and fulfil their potential begin with relationships. Incidentally, that is usually at the heart of civil society, including the active involvement of churches and faith communities. Civil society needs to be integral to decision-making, government partnership and delivery.

Speaking of relationship and community, there is much that can be done in policy and legislation to enable people to inhabit healthier and safer views of themselves and neighbours. At this point, I will briefly say that I am pleased to see the inclusion of a modern slavery Bill. Assisting people in inhabiting healthier and safer views of themselves and others is particularly pertinent to the online safety Bill. Upstream from many mental health issues and eating disorders experienced by adolescents and adults is undue pressure online and in social media. User control of algorithms, minimum age limits on editing apps and tackling altered images in advertising would go a long way towards addressing body-image anxiety, and I hope that will be considered in the online safety Bill as well as regulation of those horrific suicide forums.

A levelling-up process must look upstream from the issues that we wish to address and the measures that could be taken now to prevent the problems downstream and to enable the flourishing of individuals, families and communities. I look forward to listening to the rest of this debate.

Noon

Lord Mackay of Clashfern (Con): My Lords, I am sure the House will appreciate that there are many things in the gracious Speech upon which I would like to speak. I am glad to associate myself with what the noble and learned Lord, Lord Judge, has said in that connection.

What I want to do this morning will be very brief. A little phrase in the Queen's Speech says:

"Legislation will also be introduced to ban conversion therapy."

I expect that that is absolutely clear to all of your Lordships but it is not at all clear to me. First, "ban" is rather ambiguous, because it could involve criminal responsibility or some other forms of banning. Then there is "conversion", a word with which I have been pretty familiar all my life. It was always regarded primarily as meaning that a person took more interest in religion at a particular stage in his or her life than they had taken before. On the other hand, it is also used in connection with moving from one religion to another and in connection with, say, changing a car from being dependent on petrol to electricity. The word is somewhat large in scope. Then we come to "therapy". I have always understood that therapy was about, if possible, making you better. You went along and hoped that you would get some sort of therapy that would make you better when you came out than when you went in, so I find this very difficult. However, it is not without precedent.

I have tried to understand this business over some months and have read an erudite legal report about it—the *Cooper Report*—which indicates the nature of the problem. I have studied that extremely carefully and think it is talking about a type of banning by criminal jurisdiction, by making something or other a crime. The question is: what is it that is to be made a crime? In that report, very learned and experienced people have set out a whole lot of illustrations. The passing from the one side to the other, from innocence to guilt, is quite difficult to make out from this great learning. I think I read that the definition is so difficult that it should be made a bit wider than what at first sight might appear to catch what may not be quite a crime under this idea.

It strikes me that, if you are starting to alter the criminal law, the last thing you want is to incorporate in crimes things for which nobody regards a criminal responsibility as arising. To make it wider, just in case

you cannot catch all that is in this definition, is surely a rather terrible scourge on the idea of a proper criminal situation. It is a mighty difficult subject which is covered by those three small words.

In recent times, the whole scope of this problem has been brought into relief by people asking: does it apply to a change of gender? I do not know the answer to that question because it is not me putting this forward, but it really is quite a question. There are other questions about it too. There was a big consultation and I took quite a lot of time to set out what I thought about it. I do not know that we have heard yet exactly what has been decided as a result, but it is certainly a tricky problem that those three words are supposed to expose.

There will be many other problems apart from that, and I would love to have time to get involved in them. The idea of moving the responsibility from the court to somebody else is always somewhat difficult. I agree that the courts may sometimes have the power to impose responsibility for expenditure on the taxpayer but, as the noble and learned Lord, Lord Judge, points out so clearly, if that is thought to be wrong the legislature can correct it quickly. It has a powerful correction mechanism for any such variation.

I put in a fairly detailed answer to the consultation on the Human Rights Act and, on the whole, I do not think it is moving very much. It is rather less in scope than your Lordships might think. However, my scope is finished, so I thank your Lordships for listening.

12.06 pm

Lord Hunt of Kings Heath (Lab): My Lords, it is a great pleasure to follow the noble and learned Lord. On conversion therapy, it seems that, if ever a Bill needed to be published in draft form and subject to pre-legislative scrutiny, this is it. It is a great pity that the Government decided not to go down that route, not least on the issue of gender, which the Government say they will not be dealing with. One of the big issues will be the role of doctors and what will be legitimate as advice to be given to them. The report by Hilary Cass into GIDS lays out some of the issues that need to be considered, particularly in relation to the drugs given to young people. I believe this warrants careful attention. Even now, I say to the Minister that surely this ought to be subject to proper pre-legislative scrutiny.

I want to talk about the Online Safety Bill. I absolutely understand the reasons why it has been brought forward and that we have to do everything we can to protect the safety of users from some of the vile abuse that appears online every day, causing suffering for people. My noble friend Lady Merron was absolutely right to point out the urgent need for action. But there is a paradox at the heart of the problem which the Government have been attempting to solve, for while social media companies have been slow to act against much of this vile online abuse, particularly some of the material aimed at children, they have been keen to impose their own social values on users of their services. In clamping down on legal but harmful content online, the Bill carries a risk to freedom of expression, since the Government are essentially legitimising the major tech companies to impose their values on us even more.

As the British and Irish Law Education and Technology Association told the pre-legislative scrutiny committee on the Bill:

> "In being asked to make determinations of legal speech, commercial platforms are being trusted with decisions on what is—or is not—permitted speech."

Big Brother Watch points out that platforms such as Facebook, Twitter and YouTube have become de facto arbiters of speech online, making judgments about the permissibility of citizens' speech without due process—and not only citizens but politicians of the highest office too.

The Government's proposal to remove offensive material is of course reinforcing the companies' powers and inclination to impose west coast norms on us and impede or ban perfectly legitimate debate. The risk here is that to meet the regulator's requirements on the "legal but harmful" provisions, and under threat of looming penalties, those tech companies will be quicker than ever to enforce censorious policies, with freedom of expression the victim and algorithms the final arbiter.

The Government argue that protections have been built into the Bill to give greater clarity about what harmful content is covered. Specifically, platforms will have to explain why they have removed content, with duties to protect journalistic and democratically important content. They also claim to have removed any incentives or pressures for platforms to over-remove legal or controversial content.

I draw Ministers' attention to analysis by Gavin Millar QC for Index on Censorship, which argues that, despite almost seven years of debate, there is still significant uncertainty about how the Bill will work in practice. As he said:

> "The Government is still not able to define terms at the heart of the legislation such as 'legal but harmful' or give … technology companies … clear guidance on how this landmark legislation should operate."

In summary, he found:

> "Harmful speech has no legal basis and risks restrictions on speech that are too broad and therefore open to abuse through selective enforcement."

The Minister's department has rejected that analysis out of hand. Could the Minister explain why? What is his response to the noble and learned Lord, Lord Judge, on the sweeping powers being taken by the Executive in recent legislation, of which this Bill is an example?

Can the Minister also comment on the advice of Professor Kathleen Stock, a former professor of philosophy at the University of Sussex? She has been subject to considerable abuse online because of her views about biology and the importance of women's rights and might have been expected to be emphatically in favour of attempts to remove what the Online Safety Bill calls "harmful communications" from the internet. Referring to the power of the safety service providers, however, she warns:

> "If their recent behaviour proves anything, it's that these online giants don't need another reason to crack down on content they think will distress certain groups of people. After all, they are already doing this, albeit in a way which reflects the priorities of Silicon Valley technocrats".

One example of this is Twitter's own policy, which does not accept that it is bound by the Equality Act in this country. Will that be put right in the Bill?

[Lord Hunt of Kings Heath]

The Bill hands huge powers to the Secretary of State through statutory instruments and codes of practice. It is unacceptable that the House should be asked to pass the Bill without knowing many more facets of what is included, and I hope it is subject to the kind of scrutiny that the noble and learned Lord, Lord Judge, requires.

12.12 pm

Lord Wallace of Saltaire (LD): My Lords, it is a pleasure from these Benches to follow the noble Baroness, Lady Bonham-Carter. I am always conscious that I was appointed early to this House after the untimely death of her father when my party needed a foreign policy specialist. I have now been here rather longer than I originally expected.

I want my speech to follow closely what the noble and learned Lord, Lord Judge, has said and his quoting of the fine but empty words of the Queen's Speech:

"Her Majesty's Government will ensure the constitution is defended."

We have all seen the drift away from the conventions and practices of constitutional government in recent years, which Members of this House and elsewhere need to resist vigorously. The balance between the legislature and the Executive, as the noble and learned Lord, Lord Judge, remarked, has been tipped further in favour of the Government and against their effective accountability to Parliament. I recommend to noble Lords the newly published book from the Institute for Government's deputy director Hannah White, *Held in Contempt: What's Wrong with the House of Commons?*, which sets out in detail the deliberate sidelining of the Commons by both Theresa May and Boris Johnson, and the decline in public respect for Parliament that has enabled them to go so far.

I recommend even more strongly the report by the noble Lord, Lord Hodgson, which was published two weeks ago and has already been quoted, *What Next? The Growing Imbalance between Parliament and the Executive*. I urge the Government Front Bench to arrange an early debate on it. The report identifies poor-quality legislation, restriction of parliamentary scrutiny, failure to provide impact assessments, inadequate explanatory memoranda and SIs regularly having to be corrected after they have been published.

More broadly, this raises the question of the role of the Lords as a revising second Chamber. We are here to ask the Government to think again. Our usefulness depends on the Government's willingness to listen to reasoned criticism and to respond with reasoned answers and, where appropriate, concessions. If the Government refuse to listen and respond to the Lords, we no longer have a useful role. Perhaps in this Session, as the noble and learned Lord, Lord Judge, suggested, we need to send back an SI or two to demonstrate that there are limits to what Ministers can get away with.

The size of the Government payroll vote in the Commons and their 80-seat majority, reinforced by the strength of their whipping, allows the Government to treat the Commons with contempt. Badly drafted Bills have been passed to the Lords with little examination since their introduction, and with no amendment. That has increased the pressures on the Lords for reasoned and effective legislative scrutiny. In many of the weeks so far this year, this formerly part-time House has met as a Chamber for longer than the Commons. MPs have briefly considered Bills in timetabled debates and hurried back to their constituencies, leaving us to struggle on.

I found the final stages of the last Session dispiriting. Conservative Peers were whipped as ruthlessly as MPs in the Commons, with threats of removal from committees or loss of the Whip if they exercised their consciences. I heard leading Conservatives dismissing the Cross-Benchers as a bunch of left-wing intellectuals rather than the experts and evidence-seekers they represent. Then, half the Labour Peers went home after one or two votes, rather than pressing the Government to concede on important points. The noble Lord, Lord Strathclyde, when Leader of the Opposition was far more determined to defend legislative authority against the Labour Government, pursuing ping-pong two, three or even four times when necessary. I congratulate the example that he set.

If the Lords can make only occasional and marginal changes to minor legislation, perhaps we should all go home and accept that in our current half-broken constitutional framework there is no useful role for a second Chamber. We depend on the Leader of the House to make the case to her colleagues in government that concessions to reasoned amendments in this House are a constitutional practice that Ministers should respect. We depend on Lords Ministers to persuade their colleagues from time to time to listen and to admit that they may have been mistaken. I wish I were more confident that Lords Ministers in this Government will do so in the face of this populist Prime Minister and his advisers.

The UK is now in a constitutional crisis, as the noble Lord, Lord Finkelstein, remarked in the *Times* some weeks ago. The union itself is shaky and will become shakier still if the threat to revoke the Northern Ireland protocol is acted on. The longer our current Prime Minister is here, the more likely it becomes that Scotland will in time drift towards independence. Public respect for Westminster and our central government is lower than in almost every other western democracy except the United States.

This is compounded by the political crisis created by our adversarial political system, which entrenches two established parties, both of which are deeply split, and the dangers to political stability of the aggressive rhetoric of the Government's dominant right wing. Our Prime Minister and the Australian and US Republican influences he follows, mean that No. 10 is superb at campaigning, but dreadful at governing. This is neither a constitutionalist nor a conservative Government.

I hope that all Members of this House will in this Session defend the constitution, as the Queen's Speech declared, and defend it when necessary against this constitutionally careless Government.

12.19 pm

Baroness Jones of Moulsecoomb (GP): I really have heard everything now: a former Lord Chief Justice of England and Wales, the noble and learned Lord, Lord Judge, calling for an uprising. I am right beside him.

The general trajectory of modern history has been away from oppression and towards human rights. It has been a pathway of liberalisation, more fairness, more opportunity and more freedoms—as well as less state power, greater checks and balances, and more accountability. However, this Government are obsessed with rowing back on that progress. We have a Cabinet and a Prime Minister who want more authoritarianism; they are trying to transform the whole state apparatus to hold them in power indefinitely. The Bill of Rights pushes on with the Government's repressive agenda. It is perhaps the first Bill of Rights in world history to curtail individuals' rights and allow the state to interfere with people in ways which are presently unlawful. Yet the first paragraph of the Queen's Speech says that the

"Government will play a leading role in defending democracy and freedom across the world",—[*Official Report*, 10/5/22; col. 2.]

apart from here in the UK, it seems.

The National Security Bill will grant unspecified new powers to the security services. This decades-long slippery slope continues: it is always more powers and less scrutiny; more spying and less privacy. The giant of the security state is never satisfied with its amassed power, so who knows what will be in that Bill, which we will be expected to pass this time.

The Public Order Bill brings back legislative proposals that were flatly rejected by your Lordships' House in the last Session. The Government say that this legislation is urgent in response to new tactics used by activists, but this is clearly untrue. The suffragettes and suffragists used methods such as locking on, even in this very Parliament building. Under this Bill, they would be criminalised and labelled as serious criminals, yet in the end they were proved to have been right to protest. Their actions were not popular at the time, but they eventually won the right to vote.

You can complain about Extinction Rebellion but, as a result of its actions, Parliament passed a declaration that we are living in a climate emergency—I must remind the Government that they passed this. Local campaigners blocking roads and equipment stopped the fracking industry bypassing local democracy and being imposed on residents by a top-down Government. In the last few days, a protester at a rally was not arrested there but later at her home by the police. The police explained that they did not want to arrest anyone at the rally, so they arrested her later. The Government want to stop any protest that might get noticed and be effective. They want to clamp down on peaceful, non-violent protest that people use to get attention. This is the crucial point: protesters are people. They are people who work, pay taxes, study or collect the pensions they have earned; people who see something wrong and want it to stop; people possibly like your Lordships, but definitely like me. I hope that, once again, we will reject this legislation. I honestly think that it will encourage protesters to be even more creative.

All this legislation is moving us in the wrong direction. We should be granting people more human rights, not fewer. This Government are absolutely incapable of making positive change; everything is regressive. At a time when more of us are sinking into poverty, the Government are not doing their job to promote the well-being of all. As Peter Walker from the *Guardian* pointed out, we have 38 government Bills, none of which helps reduce energy bills or deals with the climate emergency with a national programme of insulating homes. Instead, the only mention of insulating Britain is talking about locking up the campaigners who wanted action. On Twitter, an account called "The Secret Barrister" said:

"The criminal justice system has never been in more chaos. This government has defunded every element—from police to CPS to legal aid to courts to probation to prisons. There has never been a better time to be a criminal than under this Prime Minister and this Home Secretary."

It looks as if we are set for the busiest 12 months of scrutiny in the nine years I have spent in your Lordships' House. I hope that, together, we can do exactly what the noble and learned Lord, Lord Judge, suggested: try to insist to the Government that what they are doing is not legal. I have tabled a regret Motion. I wanted to table a Motion that repealed all of last Session's legislation, but apparently I was not allowed to do that, so I have tabled a regret Motion which is a series of complaints. It is a puny Motion, but it will come up at the end. I would like the Government to understand that, although I perhaps use more invective and rhetoric than other noble Lords, there are a lot of people—perhaps in this House, but definitely outside it—who would agree with me and would like the Government to be in more of a listening mode.

12.24 pm

Lord Hope of Craighead (CB): My Lords, I will concentrate on two themes in the gracious Speech. One was introduced by the declaration:

"The continued success and integrity of the whole of the United Kingdom is of paramount importance"

to the Government. The other is to be found in a passage that states:

"Ministers will restore the balance of power between the legislature and the courts by introducing a Bill of Rights."

I hope that the noble and learned Lord, Lord Judge, will forgive me for quoting the sentence in full.

A little more needs to be said on the first theme, beyond the reference in the gracious Speech to the undoubted need to support the Belfast/Good Friday agreement. While we can all agree on that, I fear the Government are entering into a very contentious area when they go on to say that their support for that agreement and its institutions will include

"legislation to address the legacy of the past."

I regret the absence of any mention here of the need to respect the position of the devolved Administrations—that was a missed opportunity. Their co-operation was severely tested during the last Session by the passing of the internal market Act and the Subsidy Control Act, both without the legislative consent of either Cardiff or Holyrood. Greater care needs to be taken, in the interests of the success of the whole United Kingdom, to see that this does not happen again this time.

As for

"legislation to address the legacy of the past",—[*Official Report*, 10/5/22; col. 3.]

the Constitution Committee, of which I am a member, referred in a report published in January called *Respect and Co-operation: Building a Stronger Union for the*

[Lord Hope of Craighead]

21st Century to the Northern Ireland legacy proposals that the Government published in July last year. They included ending all

"judicial activity in relation to Troubles-related conduct".

The Government's aim, which was no doubt well intentioned, was to obtain a broad consensus. However, they signally failed to do so. One of our witnesses, the leader of the SDLP, said that the Government

"had achieved the rare feat of uniting every political party and victims' organisation in Northern Ireland against its proposals."

As we said in paragraph 148 of our report, there was

"a clear lack of consent on that issue."

The original plans for the total amnesty have been abandoned, and new proposals are included in the draft legacy and reconciliation Bill—matters on which the UK Government are free to legislate as they wish. However, the concept of consent is of great constitutional importance in Northern Ireland—as it is in Scotland and Wales, but particularly so in Northern Ireland. I hope the Minister can assure the House that the Government will consult further to achieve as much consensus as possible this time before they proceed with these new proposals.

I recognise that the Government consulted widely on their proposals to introduce a Bill of Rights, but I cannot help thinking that this is a Bill that we could well do without. The manifesto commitment owes its origin to this Government's dislike of the Human Rights Act. One might say that it was an obsession, and obsessions are rarely a good start to anything. It all seemed so simple: "Let's restore the balance of power between the legislature and the courts by getting rid of that Act and replacing it with something else that tells the courts what to do". We must be grateful that the Government will remain a party to the European Convention on Human Rights and that the individual right of petition to Strasbourg, which it sets out, will remain unchanged, with all that that means. The proposals here are directed entirely to the position in domestic law.

However, the more you look at it, the more obvious it is that there is a serious risk that they will do more harm than good. It does not seem to have been appreciated, for example, that the usual way that convention rights are enforced in Scotland is not through the Human Rights Act but through the Scotland Act, which sets out the limits of the powers of the Scottish Parliament and the Scottish Government. This enables incompatibilities to be dealt with in a way which is not subject to the same procedural routes which the Government wish to change. Further, the proposals are likely to lead to an increase in human rights litigation in view of the uncertainties that they will create, to the disadvantage of a wide range of public authorities which will be drawn into the courts, and to an increased demand on the courts themselves.

By making it harder for individuals to obtain a domestic remedy, the proposals are bound to increase the number of petitions to Strasbourg, to each of which the Government will have to respond, irrespective of which public authority was involved. Further, there are some rather odd and quite unnecessary proposals, such as to enshrine in legislation the right to jury trial, a system based on the common law, which works perfectly well in England and Wales. Except in the case of the most serious crimes, there is no absolute right to a jury in Scotland, so why should that situation be changed?

I am sure that many of us will work very hard to improve the Bill when it reaches us but, given the uncertainties and extra expense that it will create and the absence of any compelling need for it, I really doubt that it should come here at all.

12.30 pm

The Lord Bishop of Southwark: My Lords, the late Sir Winston Churchill said:

"To build may have to be the slow and laborious task of years. To destroy can be the thoughtless act of a single day."

I consider that a useful maxim for any Government's programme, both to build up and, in modern speak, to level up. With that maxim in mind and looking at the Government's concern in relation to the Human Rights Act, I say that the recently introduced measures on migration and further proposals on public order will inevitably impact adversely on the welcome of refugees, including Ukrainians, and on legitimate protest. I regret that we did not hear of specific action to insulate homes to tackle the energy crisis and measures to alleviate rising poverty, not to mention action on the climate crisis—in particular, an end to new fossil fuels. We must not allow these vital changes to be eclipsed by the Russian military escapade and its consequences in Ukraine.

However, important as that all is, I wish to focus on those elements in the gracious Speech that promise to address the balance between the operation of the courts and the legislature and to do so through a Bill of Rights. I note with appreciation the comments of the noble and learned Lord, Lord Judge, and other noble Lords.

It is clear from the Government's own publications on this that, in our uncodified constitution, our enjoyment of rights is rooted in common law, the assertion of community rights and parliamentary supremacy. Indeed, it was the leadership of Archbishop Stephen Langton that gave focus to the grievances that wrought the Magna Carta from King John. Our 17th-century Bill of Rights of 1688, which purported to assert our ancient liberties, rather gloriously predates the American constitution by a century. The Bill of Rights was designed to prevent coercion by the Executive and ensure the rule of law, a term first used in that century. This Government, in their consultation last December on a modern Bill of Rights, make the point that those contained in the original Bill of Rights are

"generally framed as limitations on the government not as rights pertaining to individuals."

This is true, but it is also the case that the intense sense of grievance that preceded the Glorious Revolution was rooted not only in constitutional conflict but in specific injustices and fears experienced by so many. It was only later that it became established that Ministers required the active confidence of the House of Commons, and later still that the most effective way of achieving it was through fixed groupings of broadly similar views bound by interest and self-discipline to attain

majorities. Not until 1906 were the Standing Orders of the other place amended to give the Government control of the Order Paper to control the business of the House of Commons. Thus, in our system, the historic check of the legislature on the Government has always and continues to be a matter of dynamic friction, to put it in the most neutral way possible.

The Government's own independent review of the Human Rights Act, chaired by Sir Peter Gross, attests to the high regard in which UK courts are held. The incidents which have caused the Government so much concern in terms of so-called mission creep by UK courts or the European Court of Human Rights are not less than 10 years old. Governments must expect to lose cases. For example, the Law Lords rejected indefinite detention without charge or trial in terrorist cases for foreign nationals in 2004, but do we not acknowledge now that an appropriate balance was struck? Instead, we see increasingly in other systems the rule of law being suborned and the undermining of an independent judiciary. Edmund Burke put it well when he said:

"Liberty does not exist in the absence of morality."

Our legislature, our Government, our courts and indeed our constitution will flourish all the better if we nurture a determined respect for our institutions and commit to living out the highest ideals in their operation. A healthy democracy is not about the corralling of a majority but about how each and every one of our representatives behaves, including ourselves, and how they regard all other aspects of our common life. On occasion, that will involve a proper restraint on personal interests, and at all times respect for those of others, including those with whom we may disagree. I contend that intentional appreciation of our institutions, which of course includes those of government and Parliament and greater caution—not undoing checks and balances, nor the protections evolved for good reasons over centuries—would help to instil a stronger culture of both individual as well as of corporate responsibility. I believe that is Her Majesty's Government's avowed aim—certainly on good days. It would be a more laudable focus than a Bill constraining the courts in favour of the Government.

12.36 pm

Lord Wolfson of Tredegar (Con): My Lords, it is a great pleasure to follow the right reverend Prelate. I declare my interest as a practising barrister, in what is my maiden speech from the Back Benches. I do not know whether the convention against controversiality therefore applies to me, although as the formal Motion before the House is to propose a humble Address to Her Majesty, nothing can be less controversial, or indeed command more unanimous acclaim.

I would like to say a few words about the proposed measure to replace the Human Rights Act with a Bill of Rights. I am conscious that having done, let us say, a fair amount of work in this area while serving as a Minister, I feel a little like the expectant father who, having seen the 30-week scan, now paces anxiously outside the delivery room to see what on earth has happened in the meantime. I hope that the Bill will be delivered both safely and in rude health but, as we wait for it, a little historical context might be in order.

It might come as a shock to some commentators, but human rights did not begin in 1998 with the passage of the Human Rights Act. The UK signed the European Convention on Human Rights in 1950, and extended the right of individual petition to the European Court of Human Rights in 1966. What really changed in 1998 was the ability of individuals to vindicate their convention rights in the UK courts, rather than having to get a train to Strasbourg. As we have heard again this morning, the UK will remain a signatory to the convention, and convention rights will still be enforceable in our courts. One might therefore ask what all the fuss is about.

One answer is that, rather like the Judicial Review and Courts Act in the last Session—and I declare an appropriate interest there as well—too many commentators appear to work on the basis of, "Tweet first, read the Bill later". Others take it as axiomatic that anything emerging from a Conservative Government must be bad, although it was a Conservative Government who signed and ratified the European convention in the first place. The truth is that human rights remain controversial because the subject is often the place where law and politics meet—and I shall make four short points in that context.

First, human rights law is often seen as something which causes problems rather than provides protections. People moan about "human rights" in the way that they moan about "health and safety", although I suspect that the absence of either would cause them problems—they would miss both if they were not there. I do not put all our current constitutional problems at the door of the noble and learned Lord, Lord Falconer of Thoroton, who will speak next, although the rather attenuated role of the modern Lord Chancellor is one of them, but he might agree with me that, in retrospect, the language of "bringing rights home", used for the 1998 Act, was unfortunate because it cast human rights as a foreign implant in our legal soil, whereas in truth many of them actually have firm jurisdictional roots in this country and have been grafted on and become part of our common law tradition.

Secondly, as often with law, the issue is frequently not the rights themselves but the way they have been interpreted, a point made forcefully in several papers from Policy Exchange. That is because the Strasbourg court uses the living instrument theory when interpreting the convention, which ends up with that court deciding what additional rights it thinks a modern democracy ought to have, and which, necessarily, are not found in the text of the convention itself. So, the convention has been held to apply extraterritorially—for example, to British Army bases in Iraq—despite there being no basis in the text for that conclusion. Rights in the text are given a radically new meaning. Article 8, which was obviously intended to protect personal and family life from the surveillance of totalitarian regimes, is now found to extend to noise abatement issues, the legal status of illegitimate children and the non-payment of rent. Those issues are important, but my point is that in a democracy they are better resolved not in a courtroom but in a parliamentary Chamber.

That brings me to my third point. Law is sometimes messy, and politics, as I now know only too well, can be messier. But politicians—at least, some of them—are

[Lord Wolfson of Tredegar]
elected, while judges are not; politicians can be removed, judges cannot. I value our judges enormously, even when, perhaps especially when, they decide against my clients. But it is because of that respect that I do not want to see judges being pulled into what are essentially political or moral issues: these should be decided here and not on the other side of Parliament Square.

My final point is that debate is good, both here and in the public square, both the physical and the online public square. When the Bill of Rights is laid before Parliament, I want to see an energetic public debate. As has been said, free speech is the cornerstone of rights; the right, ultimately, on which all other rights depend. I therefore wait with interest to see how that proper emphasis on freedom of expression is to be squared with the apparent approach in the Online Safety Bill to limit speech which is deemed—I am not sure by whom, where or on what basis—to be entirely lawful but none the less harmful. I take the view that people need to know what the boundaries are, and those boundaries we call "law". Legal consequences should follow only when legal boundaries have been breached. That is, I suggest, part of a society governed by the rule of law.

We heard the prophet Amos quoted a few moments ago. I will conclude with the psalmist, for whom justice and law are the foundation of God's throne, of which Her Majesty's Throne in this Chamber is a constant reminder. I suggest that justice and law are, and should be, the foundation of our society as well.

12.44 pm

Lord Falconer of Thoroton (Lab): I warmly welcome the noble Lord, Lord Wolfson, to the naughty step. The precise nature of our misbehaviours may vary from time to time.

I agree with everything the noble and learned Lord, Lord Judge, said, in particular about the talking-shop blancmange collapsing at ping-pong. I think the Cross Benchers thought, when they were electing the noble and learned Lord as Convenor, that they were electing Gregory Peck—because of his looks and because of the fact that he played Atticus Finch. In fact, as his revolutionary sentiments this afternoon have indicated, they elected Jane Fonda without realising it.

This is a Government where power is focused on a small number of elected politicians, unconstrained by the law, because they control lawmaking; unaffected by parliamentary scrutiny, because they use their Commons majority to reduce scrutiny as much as possible; and fighting back against the courts, not by responding to judgments, but by making it clear to the courts that if they find against the Government in important cases, those judges will pay a political price. This is completely exceptional in my experience. I describe an elective dictatorship, possible because the Executive control Parliament.

We are a liberal democracy: not liberal in the sense of "progressive" but in the sense that the Government govern for all the people, constrained by law and constitutional convention. We are not a dictatorship democracy where, once elected, the Government can do exactly what they like and ignore the interests of those who did or might vote against them. The consequences of a dictatorship democracy, which we are moving towards, is a divided society; a politically corrupt elite running the country; and an incompetent Government, because they are never properly scrutinised. Our constitution is designed to stop this happening. The combined power of parliamentary scrutiny and the force of law are the main constraints. These constraints have been significantly undermined over the last decade.

The degradation of those constraints is going to be accelerated by the constitutional proposals contained in the gracious Speech. This has happened because of the character of the Government over the last 10 years. Of course, there is the position of the current Prime Minister, who exudes an utter disdain for Parliament, for the courts, for Scotland, for law and lawyers. Every constitution depends on the sensitivity of the head of Government to constitutional propriety. The current Prime Minister's attitude is brilliantly summed up by the noble Lord, Lord Hennessy, much revered in this place, who described him in an interview in January this year as,

"absolutely tone deaf to all the niceties of this. He hasn't got a single feel for either proper behaviour, proper procedure, not a single nerve end. He has got no sense of the restraints you need to make this work. If a bit of it annoys him or gets in his way, he tries to cast it aside, like proroguing parliament, like the Standards Committee".

But it goes much deeper, I say, than a PM who could not give a damn; it also involves a Government which deceive about their policies. If noble Lords have a moment, read the evidence of the noble Lord, Lord Pickles, before the Grenfell Tower inquiry, where he chides counsel for the inquiry for suggesting that the way we discover what the Government were doing was to look at the press releases of the Government at the time. These describe a policy of "two regulations out, one in", which they used to reduce fire regulations. The noble Lord criticised Mr Richard Millett QC, for suggesting to him that one should view that as an indication of what the Government stood for.

Priti Patel is currently doing Rwanda. She previously suggested she had a policy of push-back: asylum seekers were being pushed back in small boats. Court proceedings were begun. The courts insisted on getting a copy of the policy in writing. The Government said, "No—public interest immunity: you cannot have it." The courts rightly swept that aside. When the document was produced, it was revealed that the policy was explicitly not to apply to asylum seekers. It is wrong that we need the courts in order to discover what is going on in the Government. Part of this trend is the determination to reduce the basic rights of the citizens, their civil rights.

The gracious Speech, as many have said, refers to restoring

"the balance of power between the legislature and the courts by introducing a Bill of Rights."—[*Official Report*, Commons, 10/5/22; col. 6.]

We know what this means, because it is set out in the consultation paper the Government have issued. The Government take issue with the idea that legislation should be construed, as far as possible, to be consistent with the Human Rights Act. They attack the notion that the framework documents for citizens' rights should be living instruments that move with the times. They attack the notion that, for example, the law, through

the European convention, was able to eradicate the idea that, if you were illegitimate, it was acceptable for the state to discriminate against you; that it was acceptable for corporal punishment, the birch, to be used as an answer to crime; or that, if you were gay, it was possible to discriminate against you. All those were put right by the idea of a law being able to move with the times. This Government want to ensure that only the Commons majority can determine where we should be, and that would be only on the basis of a dictatorship democracy.

I agree with the words of my illustrious predecessor, Lord Hailsham, in 1976, when he railed against an elective dictatorship:

"My object is continuity and evolution"—

and so is mine—

"not change for its own sake."—

And so is mine—

"But my conviction remains that the best way of achieving continuity is by a thorough re-construction of the fabric of our historic mansion. It is no longer wind- or weather-proof. Nor are its foundations still secure."

With respect, I agree that those words apply now.

12.50 pm

Lord Marks of Henley-on-Thames (LD): My Lords, this was a depressing Queen's Speech, and nothing in it more so than the Bill of Rights proposal. The Government's briefing promises to

"end the abuse of the human rights framework and restore some common sense to our justice system".

The assumptions that our human rights framework is being abused and that our justice system lacks common sense rely on banal, populist assertions, unsupported by any evidence.

The so-called "main elements of the Bill" include

"restricting the scope for judicial legislation"

and

"guaranteeing spurious cases do not undermine public confidence in human rights".

These are vindictive and populist attacks on the Human Rights Act and on judicial review, unjustified, unfair to the judges and unworthy of serious politicians. As to what will be in the Bill, we are left to guess. Neither the briefing nor the Queen's Speech even mention the Human Rights Act. The Minister enlightened us no further. The Government claim to be committed to the ECHR, yet they say they will

"establish the primacy of UK case law, clarifying that there is no requirement to follow Strasbourg case law".

Can the Minister explain how that sits with Article 46 of the convention, which provides that:

"The High Contracting Parties undertake to abide by the final judgment of the Court in any case to which they are parties"?

If the UK is bound by decisions in cases to which it is party, how can our courts ignore Strasbourg decisions in other cases?

The truth is that the Human Rights Act has worked well for more than 21 years and still does, with great respect to eloquent points made by the noble Lord, Lord Wolfson. It is true that Governments may sometimes resent the Act, a point powerfully made by the noble and learned Lord, Lord Falconer of Thoroton, but then it often suits Governments to override human rights. That is precisely what the Act and the convention are there to prevent.

The Act amply fulfilled its promise to "bring rights home", enabling litigants here to enforce their convention rights in domestic courts. Can the Minister tell us the Government's true intention? Is it to repeal the Human Rights Act and replace it with this new Bill of Rights? Will UK residents be entitled to enforce convention rights here or must they travel to Strasbourg once again?

Nor does the Act undermine parliamentary sovereignty. If a court finds a statute incompatible with the convention, it cannot strike it down. It makes a declaration of incompatibility under Section 4. Parliament then usually legislates to remove the incompatibility. Certainly, by Section 3(1) courts must try to read legislation in a way that is compatible with the convention. So they should—we have an international obligation to respect convention rights. The section is sparingly and wisely applied; there is no evidence to the contrary.

We used to have a reputation for respecting our international obligations. This Government have cast that to the winds; witness their disrespect for the Northern Ireland protocol and the refugee convention. Such carelessness betrays a long Conservative history of honouring international obligations.

This Government established the Independent Human Rights Act Review in December 2020, with Sir Peter Gross as chair and a distinguished and varied panel. It was briefed to consider both the relationship between Strasbourg and our domestic courts and the Act's impact on the constitutional balance between government and judiciary, which is not the one that needs rebalancing, as the noble and learned Lord, Lord Judge, said, supported by the noble and learned Lord, Lord Hope of Craighead. The review's report made some detailed recommendations to make the Act work better—unsurprising after 21 years—but by and large the Act received a clean bill of health. The Government now threaten to ditch the review's findings. In so doing, they appear to ascribe to the British public an ill-informed and frankly bigoted approach to human rights, which I believe seriously misreads the fair-mindedness of the people of this country.

For Liberal Democrats, belief in human rights is at our core. We will defend the Human Rights Act in full and the right of all in the UK to enforce convention rights here. We will do so for everyone, without discrimination or prejudice, because the Act has shown that human rights are for everyone, in matters of education, housing, health, social care and freedom of expression as well, not just undeserving foreigners trying to stay unlawfully in the UK, as the Government seem to imply. I have faith that we will be supported in that campaign, across the House and among the wider public.

12.56 pm

Baroness D'Souza (CB): My Lords, I would like to take the opportunity of this House's humble Address to the Queen's Speech to touch on the issue of our constitutional monarchy and its role in limiting—or not—the power of the Executive. As we all know, the time cannot be too far away when the nation will have to witness the death of our beloved Queen. This distressing event will, however, allow us the first opportunity since 1952 to consider, as a nation, what

[Baroness D'Souza]
kind of monarchy might be appropriate in the 21st century and how far this should become a matter of public debate.

At present we have a constitutional monarchy, a role that the Queen has followed to the letter. Her Majesty has certain prerogative powers which theoretically exert a check on the executive branch of our political system and specifically on the Prime Minister as the head of an elected Government. It is a constitutional principle that these prerogative powers are rarely employed and the Executive remain effectively unchecked. If a future monarch chose to resuscitate these prerogative powers, there could be a constitutional crisis. Even were this not to be the case, should we as a nation automatically retain the status quo, or should we discuss and consult on the role of the Head of State in the current political settlement?

There have been moves in recent years towards a more slimmed down monarchic system, as evidenced, for example, by the Prince of Wales's stated intention to work towards this and the most recent decision that only working royals should appear on the royal balcony during the Diamond Jubilee celebrations. However, as a result of our largely unwritten constitution consisting of norms and conventions, there is still a lack of clarity on the role of the monarch as Head of State. The newly set up Commission on Political Power, of which I am a co-founder, intends to examine this particular aspect in some detail. The alternatives that will be considered include everything from the status quo to a presidential system. For example, although the monarchy has evolved in small steps over hundreds of years, the hereditary principle of primogeniture remains despite there being several alternatives.

Another alternative would be a purely ceremonial monarchy. The ceremonial role of the monarch and senior royals is not only greatly admired by millions but adds to the gaiety of nations and swells the UK Treasury through tourism and trade. The patronage of worthy causes is invaluable in raising funds and influence. The sense of unity and continuity derived from the monarchic traditions—the Christmas speech, the conferring of honours, state occasions such as the Trooping of the Colour—cannot be overestimated. But should a Prime Minister seek in future to push the boundaries of the UK political system, or should a future monarch wish to intervene in legislation that affects his or her financial or other interests, only a constitutional court or some such body could effectively resolve a crisis.

With a purely ceremonial monarchy, questions would also arise as to who should invest a new Prime Minister or read the Government's speech at the State Opening of Parliament—or, indeed, whether the monarch should read that speech at all. How would the work of this ceremonial role be funded, and who would set the limits? To what extent would this refashioned monarchy be accountable to the public, and indeed by what mechanisms?

As with all discourse of this kind, the UK constitution is a delicate system of intertwined shreds and patches—easily upset and resulting in unintended consequences. The tendency to keep things as they are is strong, with reason, as is the desire to proceed with extreme caution and delay. That said, many of us were shocked in 2019 when the Prorogation called by the Prime Minister, in the name of the Queen and ratified by her, was ruled unlawful. Maybe now is the time to at least put the question of what a modern, 21st-century UK monarchy could look like into the public arena.

1.01 pm

Viscount Bridgeman (Con): My Lords, I trust that your Lordships will forgive me for wandering slightly off piste in the context of this debate, because I wish to speak about the problem of marriages under sharia law in this country and, in particular, the fate of Muslim women seeking a religious divorce or being subject to a divorce by their husbands. At the outset, I pay tribute to the work of the noble Baroness, Lady Cox, who has been tireless in her efforts to improve the lot of this potentially vulnerable section of society. She is unable to speak in this debate as she has committed to speaking elsewhere in the debate on the humble Address.

This is not an insignificant issue. In 2017, a Channel 4 survey found that 60% of Muslim women who have had traditional Islamic weddings in Britain are not legally married. Of these, 28% are unaware of the fact that they do not have the same legal rights as someone with a civilly registered marriage. The absolute figures are alarming: as many as 100,000 couples in Britain are estimated to be living in religious-only marriages, and this number will only increase.

The roots of this most unsatisfactory state of affairs have been raised many times in your Lordships' House, but when it comes to Muslim women being subject to a divorce, cases of real cruelty become apparent. Let me mention briefly a few of the factors affecting this, the first of which is the largely unregulated use of sharia law. I understand that sharia courts can be set up with little formality by any member of the Muslim community, and it comes as little surprise that the application and interpretation of sharia law can vary widely. The problem can be exacerbated in the many cases where women may not be aware of their legal rights and may well have language problems. Then there is the extreme shame which a Muslim woman in a divorce situation can be subjected to, both within her family and in the community. I have to say that, regrettably, the police have sometimes not come up to their proper responsibilities because of their concern about race relations implications.

May I give an instance which is not atypical of the problems facing Muslim women seeking a divorce? It is not anecdotal. A Muslim woman, at huge risk to her family relationships, appeared at one of the landmark meetings of the noble Baroness, Lady Cox. A sharia court disregarded a British court order put in place to protect a woman and her children from a violent husband. When the sharia court arranged a mediation session, it heard the husband's testimony without requiring proof. By contrast, from the woman they required two witnesses to confirm her case, because, coming from only one woman, her testimony was seen as being worth less.

I now come to the position of my friends in the Government. The Government continue to claim that there is no need for a change in the law because all citizens can access their rights according to law, yet the

chasm between the de jure and the de facto is an abyss into which countless women are falling and suffering as a result.

We are not short of enlightened advice on this matter. The *Independent Review into the Application of Sharia Law in England and Wales* reported as long ago as February 2018. That perceptive document made a number of important recommendations, the most basic of which was that the Marriage Act 1949 and the Matrimonial Causes Act 1973 needed to be amended:

"The changes are to ensure that civil marriages are conducted before or at the same time as the Islamic marriage ceremony, bringing Islamic marriage in line with Christian and Jewish marriage in the eyes of the law."

This could not be clearer. Another helpful report echoing the same long-overdue need to bring British law into the 21st century

"to reflect the diversity of beliefs and practices"

in modern society has come from the Nuffield Foundation. I am pleased to note that the Law Commission will be taking that into account in its own report, which I understand is due in July.

The noble Baroness, Lady Cox, has been indefatigable in pursuing this matter for the past 11 years. She is to be congratulated on her creation of a not-for-profit organisation, Equal and Free, that seeks to champion the rights of British Muslim women who do not yet—I repeat "yet"—have the protection of legal marriage. A number of her Written Questions have received near-identical responses to the effect that the Government are awaiting the outcome of the Law Commission's wedding project—they cannot delay on this now—which I understand is due in July, as I have said. The nine Private Members' Bills she has introduced in the last 11 years, though receiving cross-party support, have not received a meaningful government response. Of these nine Bills, the Arbitration and Mediation Services (Equality) Bill did get as far as the Commons, where it ran out of time.

The issue of religious-only marriages has been raised by the Parliamentary Assembly of the Council of Europe and, surprisingly, the Grand Mufti of Egypt. In 2018, this Government committed in the *Integrated Communities Strategy* Green Paper to

"explore the legal and practical challenges of limited reform relating to the law on marriage and religious weddings."

So far, this commitment has not been followed by action. I therefore ask my noble friend the Minister for an assurance that the Government will not delay any further in acting on the Law Commission's report and will, in the next Session, bring forward legislation—the admirably simple template for which is the Marriage Act 1949 (Amendment) Bill, reintroduced in 2021 by the noble Baroness, Lady Cox, and awaiting a Second Reading. This is an open-clause Bill to:

"Amend the Marriage Act 1949 to create an offence of purporting to solemnize an unregistered marriage."

Its simple message is that all future marriages in the United Kingdom will require to be registered. What could be simpler than that?

Lord Sharpe of Epsom (Con): My Lords, I respectfully remind the House that the Back-Bench advisory speaking time is six minutes. Thank you.

1.08 pm

Lord Stevenson of Balmacara (Lab): My Lords, as the noble Baroness, Lady Bonham-Carter, noted when she spoke earlier, DCMS has six Bills in this Session for which it is the lead department, and one—the digital markets, competition and consumer Bill—for which it is joint lead with BEIS. This is a large and significant amount of activity, and it is good to see it coming from a department that has often not pulled its weight as much as its importance would suggest. I am sad that time limits mean that I cannot deal with much of what is to come, and I am going to restrict my remarks to the media Bill and the Online Safety Bill.

The appearance of the recent White Paper on broadcasting, *Up Next*, was a bit of surprise. We normally have to wait, sometimes for years, before getting insights into the Government's thinking on big policy issues, particularly if, as in this case, they deal with controversial issues not covered in their manifesto. In truth, this is more of a Green Paper than a traditional White Paper—perhaps a smoky green. There are some welcome decisions on policy on the future of public service broadcasting and on prominence and standards in the digital world, but flagrant disregard of the evidence received about the proposed privatisation of Channel 4 and an almost universal rejection of the arguments from experts, commentators, Select Committees and Conservative Back-Benchers in the other place—and indeed here, on Tuesday, rather bravely, by the second supporter of the humble Address, the noble Baroness, Lady Fraser. These suggest that the Government have got this wrong, so what on earth is it doing in the list of Bills?

Up Next gets right much of the history, thinking, careful policy development and past practice which has created our brilliant public service broadcasting system, which the Government admit is the envy of the world. Some of the changes proposed will build on that and can be supported. But the truth is that unless the Government radically change the carefully constructed remit for Channel 4, it will not sell, as no private sector owner could make the returns it will need to recoup its investment and then go on to make profits. That means that the distinctive public service remit and support of the creative industries that Channel 4 has delivered in recent years will be lost and with it will go the 100 years of public service broadcasting that the Government say they want to preserve. Up next? What next? If the Government proceed with this proposal, they will find that they have a battle on their hands. With Red Igor, as we must call him—sadly, the noble and learned Lord, Lord Judge, is not in his place—egging us on, who knows where we will go?

Like others, I welcome the changes the Government have made to the original draft of the Online Safety Bill, which has the potential to establish an effective framework for the regulation of social media companies operating in the UK. I suggest to the Government that they work with the considerable expertise that exists in your Lordships' House, including among those of us who served on the excellent Joint Select Committee which undertook the pre-legislative scrutiny of the Bill. This could get us to a much better place on a number of the key issues; we are not far apart.

[Lord Stevenson of Balmacara]

There are issues that would be the subject of early meetings and I shall suggest an agenda for the Minister to consider once this debate is over. The drafting of the Bill is overly complex. For example, while the objectives of the legislation now appear in the Bill, they are in Schedule 4. Given that they underwrite the Bill's safety duties, this seems a very bizarre choice that is likely to cause confusion. There needs to be a clearer separation of powers between Ministers and the regulator. The draft Bill takes far too many powers for the Secretary of State, particularly egregious being the Secretary of State's power to direct Ofcom to modify codes of practice to bring them in line with government policy—so much for an independent regulator.

The Bill quickly loses the clarity and focus of its earlier parts and much of the detailed material should be left to the regulator to determine. In particular, the proposed rigid categorisation of companies and the strictures on remediation for legal but harmful content surely have to flow from the risk assessments carried out by the regulator. This attempt to micromanage the legislation has meant that the Bill does not properly address the issue raised by my noble friend Lord Hunt: how to balance freedom of speech with the huge volumes of racism, misogyny, anti-Semitism, disinformation and misinformation that are not criminal but are oppressive and harmful.

The late, but welcome, decision to include scam adverts in the Bill raises the issue of how advertising is regulated more generally. The current ASA self-regulatory regime for the content of ads and the weakness of the penalties which can be applied need to be urgently reformed, but the whole system needs to be controlled by Ofcom. The regime described in the Bill could and should be employed by other regulators to make markets work better and offer more protection to the public. Surely this would be a good time to make sure that all regulators, including the Electoral Commission, have the statutory powers they need and ensure that joint action has full statutory backing.

Our Joint Committee felt strongly that there should be a continuing role for Parliament in this fast-moving and technically challenging area. A possible model here is the Joint Committee on Human Rights; perhaps the Minister could address this when he comes to respond. Finally, a glaring anomaly in the Bill is the complete absence of any systematic approach to ensure that consumer complaints and redress against social media publications are properly dealt with. Ofcom will have the power to ensure that there are systems in place, but despite the fact that there is already concern about this issue and the public expectation is that there will be action, nothing appears in the Bill. It is time for the Government to act.

1.14 pm

Lord Dholakia (LD): My Lords, the Government have pronounced that they will level up opportunities in all parts of the country. The need is most obvious in the criminal justice system yet the provisions for reforms are very scarce. Where is the provision for crime prevention and schemes for diverting as many young offenders and others from the prison system? It is not being soft, but we have to accept the low level of realistic contribution which the courts and prisons can make in reducing crime.

I draw attention once again to this country's overuse of imprisonment, as was so ably done by the right reverend Prelate the Bishop of Gloucester. The prison population of England and Wales currently stands at nearly 80,000. It is projected to increase to over 98,000 in 2026. We have 132 people in prison for every 100,000 people in our general population, compared with 100 in France and 70 in Germany, two of our closest European neighbours. The British people are not twice as criminal as the German people, yet our sentencing is twice as punitive.

Of the 41,000 people sent to prison in the 12 months to June 2021, 40% were sentenced to serve terms of six months or less. These short sentences do little to reduce crime. They are too short for any serious rehabilitative work to take place, yet they can result in offenders losing jobs and accommodation, which increases rather than reduces their likelihood of reoffending. Community sentences have significantly lower reoffending rates than short prison sentences for comparable offenders, yet their use has more than halved in the last decade. Sentences have become significantly longer for almost all categories of offence. The average prison sentence for an indictable offence is now 55 months, nearly two years longer than in 2008, when it was around 32 months. The average minimum term imposed on offenders receiving life sentences for murder rose from 13 years in 2001 to 20 years in 2020.

Offenders from minority-ethnic groups are disproportionately likely to receive custodial sentences. Estimates published by the Ministry of Justice in 2017 indicated that black people were over 50% more likely to be sent to prison for indictable offences at the Crown Court, even when higher not guilty plea rates were factored in. The same Ministry of Justice publication estimated that if the prison population reflected the ethnic composition of the general population, we would have over 9,000 fewer people in prison, the equivalent of 12 average-sized prisons. One recent survey found that only 7% of people thought that imprisoning more people would be effective in cutting crime.

Inspectorate ratings of purposeful activity in custody have seen a marked decline over the last decade, and were declining significantly even before Covid-19 restrictions were imposed throughout the prison system. Following the recent *Root and Branch Review of the Parole System*, the Government have come up with the astonishing proposal that the Secretary of State should be empowered in certain cases to overrule release decisions by the Parole Board. The Parole Board is a judicial body which makes judicial decisions. The proposal would line us up with dictatorships around the world in which politicians interfere with judicial decisions. It is difficult to see any serious argument for such a change. The proportion of prisoners released on parole who commit a further offence is less than 0.5%. No system based on human judgment could produce a significantly better result and there is certainly no reason to believe that the Secretary of State's judgment would be more accurate than the accumulated experience and expertise of the Parole Board.

In conclusion, I shall talk about how we should look seriously at ways of reducing crime. The Government should legislate for a presumption against short custodial sentences. They should take steps to increase the use of community sentences, which research has shown have significantly lower reoffending rates than short periods in custody. They should require the Sentencing Council to take the capacity of the prison system into account when it produces sentencing guidelines. Instead of devoting resources to expanding the prison system, they should plough them into the prevention of crime, support for victims and the rehabilitation of offenders. This approach would do far more to increase public safety than maintaining and reinforcing this country's reputation as the most punitive outpost in western Europe.

1.20 pm

Baroness Deech (CB): My Lords, the Queen's Speech quite rightly declared:

"Her Majesty's Government will ensure the constitution is defended."

I do not propose to address the substantive issues that will arise in future Bills. Instead, I want to put forward that the crumbling infrastructure of our legal system and its governance is an impediment to the proper delivery of the constitution and the upholding of the rule of law. If there are insufficient courts and judges, if the lack of legal aid makes access impossible and causes barristers to strike, and if there is no champion of the legal system and a constant succession of downgraded Lord Chancellors, we can have no assurance that the rights that people have can be enforced and protected. Justice delayed is justice denied.

There is such a backlog of cases that victims are being failed. The longer they wait, the more likely it is that the case will collapse. Even the funding that has been provided to reduce the backlog will still leave it too high. We do not have enough judges, lawyers and staff to support the criminal courts. The courthouses themselves are in a poor condition, as has been pointed out by the Lord Chief Justice. Magistrates have had their sentencing powers doubled in an attempt to reduce the backlog, but it has been suggested that this may lead only to more appeals to the Crown Court, which already has a number of outstanding trials. The criminal law barristers have started industrial action over concerns about legal aid funding. They demand—and should get—a 15% rise in rates for legal aid. The number of judges is insufficient. Despite the highest ever recorded number of rape offences, there have been only 1,557 prosecutions—fewer than in the previous 12 months—and prosecutions have fallen by 70% over the past four years.

To rescue the system there needs to be long-term planning and exploration of the assistance that might be rendered by data collection, technology and mediation, as well as, of course, the recruitment of more judges and proper support for barristers working in the criminal and family law fields. Looking back, one can see that none of the goals of the Legal Services Board in 2009 relating to legal aid and access has been achieved—now there is a quango ripe for abolition.

Family law in particular has suffered during the pandemic. I note that the time taken to deal with financial remedy cases in London is now at an intolerable level: two to three years. Judges' time is used on helping self-representing litigants, which is not the right use of their time.

The situation will be exacerbated by the introduction of no-fault divorce, which has already led to a sharp rise in cases. Advocates of this new law like to paint the system as smooth and amicable but, as has been widely pointed out, the most bitter and litigious elements of it are arrangements for children and for the resolution of financial splits. Couples will therefore pass swiftly through the divorce portal only to grind to a complete halt when it comes to finance and children. Mediation costs are subsidised when there are children and money disputes but this is no remedy for a thoroughly bad law on financial provision, so stereotyped, expensive and uncertain that it encourages litigation and dispute and leaves England out of line with the rest of most of Europe and the US.

For years I have pleaded for reform and, with the noble Baroness, Lady Shackleton, introduced Bills to do just that. The noble and learned Lord, Lord Keen, promised a review of the law, to be completed within three years—and that undertaking was given over two years ago. There has been no progress so far, but the only opponents of reform are the lawyers, who do so well out of the costs. It is shameful that this reform is not being undertaken immediately, and I look for an assurance from the Minister. There is an enormous challenge to be faced in view of the number of broken marriages and abandoned children. Making financial provision law a bit more no-fault and understandable would be the key.

At the root of all these problems lies the position of the Lord Chancellor. Before the reform of that post by Prime Minister Blair, whereby the Lord Chancellor became a Minister of Justice, the Lord Chancellor had been a senior figure with judicial experience, who had no more to prove, who was not seeking a higher office, who commanded the respect of the profession and the Cabinet, and who protected the judiciary and the entire legal system. That reform is now widely known to have been a mistake. We have had eight Lord Chancellors in the last 10 years; they move on so fast that they cannot be immersed in the job, and the legal profession, the constitution and the rule of law have no champion. In this House we have lost the noble Lord, Lord Faulks, the noble and learned Lord, Lord Keen, and the noble Lord, Lord Wolfson, from their key positions. I say: bring back the old-style Lord Chancellor.

1.26 pm

Lord Moylan (Con): My Lords, it is a pleasure to follow the noble Baroness, Lady Deech. I agree with much of what she said about the state of the courts and the justice system, and I particularly wish to echo her call for the Lord Chancellor to be restored to his former status.

I support the Motion for an humble Address. On the whole, I welcome the Government's programme and look forward to taking part in Bills as diverse as those on procurement, transport and HS2. However, I have serious concerns about some measures, particularly the Online Safety Bill, where I thought the case made by the noble Lord, Lord Hunt of Kings Heath, and

[Lord Moylan]
seconded, if you like, by my noble friend Lord Wolfson of Tredegar, was completely compelling. I have very serious concerns about that.

I am anxious to ensure that the conversion therapy Bill protects young people from irreversible surgical and chemical interventions. I also want to be clear that any measure to tighten the parole system, as referred to by the noble Lord, Lord Dholakia, does not delay the resolution of the continuing scandal of prisoners serving historic indefinite sentences for public protection.

However, I want to give the bulk of my remarks today to the question of Northern Ireland, on this day in which we are discussing our constitution. The noble Baroness, Lady Merron, said that she regretted a number of measures that did not appear in the gracious Speech. I deeply regretted the absence of a clear commitment to repeal the legislation putting the Northern Ireland protocol into effect. We have subsequently heard more about a Bill that did not appear in the gracious Speech than we have about any of the measures that did appear in it, but we still have no idea what that Bill might contain. It needs not to tinker with the protocol but to remove it.

Let me deal with two objections. The first is the "You signed it" argument, quintessentially ad hominem in character. Implicit in that is the idea that, if the Northern Ireland protocol is not working, the Brexit deal as a whole was a bad deal. That is far from the case. Any major project that might be undertaken, such as building yourself a house, may go perfectly well in a large number of respects but none the less have a flaw—you find the garage block roof is leaking. Of course, you can spend a very long time arguing about who was responsible for that, and you can even spend time litigating about it, but none of that actually fixes the problem. The focus of government has to be on fixing the problem—that is what the Government have to do. I hope we hear no more of that argument, which, as I say, is almost childish—a political point-scoring.

The second argument is that we may breach an international agreement. This was an argument advanced frequently and with vigour during your Lordships' debate of Part 5 of the Internal Market Bill, but I noted then that a number of noble Lords, not least those with judicial experience, said that there might be a case for doing so if a harm could be pointed to. With more than a year's experience, we can now point to the harms done by the Northern Ireland protocol. I shall not, because I do not have the direct experience, dwell on the harms done to the economy—perfectly predictable harms, as the European Union insisted on an almost overnight transition from the sourcing of the inputs of that economy from one market to another. I shall not expand on the split between the communities that has been sharpened and which now threatens the institutions of the Good Friday agreement and the peace process, because I do not have the intimate knowledge of Northern Irish politics that others bring to your Lordships' House.

I end by pointing only to the damage that the Northern Ireland protocol is doing to us and to our union—to our United Kingdom. We have discussed human rights a great deal today. How can we consider ourselves a United Kingdom when tax rates such as VAT are set in part of our United Kingdom by a foreign power with no representation by the people who suffer the incidence of that tax? How can the Government be said to be discharging their obligations to the welfare of all the people within their territory if some of those people are dependent for the supply of medicines on legislation passed unilaterally in a foreign Parliament? If the present situation continues, we will in effect have given up on the union.

We have not seen the Bill. As I said, I hope it is comprehensive. I say to my noble friends on the Front Bench that we will not get a third chance to put this right. A measure that goes off at half cock will simply not do.

1.32 pm

Baroness Chakrabarti (Lab): Like other noble Lords, I will focus on the Government's announcement of a Bill of Rights to restore the balance of power between the legislature and the courts. I declare my interest as a council member of Justice and one of those human rights lawyers for whom various Ministers regularly express open contempt.

I remind your Lordships that the legislature is not synonymous with the Executive, nor with the present incumbent of No. 10, notwithstanding the elective dictatorship analysis in the late Lord Hailsham's outstanding 1976 lecture, to which my noble and learned friend Lord Falconer of Thoroton referred. Executive domination is not the model of our unwritten constitution, whose overarching principles are supposed to be parliamentary sovereignty and the rule of law. Contrary to Orwellian spin, when the Government abused prerogative power in 2019 quite literally to shut down the legislature, it was to the courts that parliamentarians were forced to turn for redress. This is not the first time that, faced with executive overreach, Parliament and the courts worked together to restore legality.

I commend everything said by the noble and learned Lord, Lord Judge. Although a great deal of legislation contains sweeping executive powers ripe for abuse, now and in future, by accident or design, the so-called Bill of Rights presents the gravest threat of all by removing the ability of people and courts to ensure that powers are exercised compatibly with rights and freedoms and that abusers of state power are properly held to account. In reducing rights protections rather than enhancing them in our nations, instead offering greater impunity to the state, the proposed Bill would achieve the very opposite of any constitutional Bill of Rights. It is not a Bill of Rights in any sense of the English language, and that will be important when considering whether it really fulfils a manifesto commitment.

By contrast, the Human Rights Act was designed by a Labour Government after cross-party consultation to incorporate the European convention rights drafted by Conservative lawyers after World War II. It requires our courts to "take account" of Strasbourg jurisprudence while not being bound by it. This gives them primacy at home, including to disagree with the Court of Human Rights, but also ensures that they remain in constant dialogue with that court and others across the Council of Europe and contribute to rights protections there too.

We are told that this link is to be broken. Under the proposed Bill, our courts will not even have to "take account" of the decisions of the Court of Human Rights—an extraordinary signal to send to the Council of Europe when Russia's expulsion and Hungary's violations put that jurisdiction in flux. Yet, in a rather bizarre exercise of executive cake-eating and magical thinking, courts will be allowed to diminish rights expounded in Strasbourg but never "exceed" the protection of these decisions, which they are not required to read.

Just as the Human Rights Act achieves dialogue between domestic and international courts, so it preserves balance between Parliament and judiciary. It requires that all legislation be read compatibly with human rights so far as it is possible to do so. When the language of a statute is just too plainly incompatible, Her Majesty's senior judges make a declaration to this effect with only moral and persuasive force—that is it. It is suggested that these provisions will be jettisoned, as will duties on public authorities to exercise their powers with respect to human rights obligations, including positive obligations—for example, on the police to protect the public. What on earth will be left as enforcement mechanisms in this so-called Bill of Rights?

If that were not enough, redress could be limited to British nationals demonstrating "significant disadvantage" and "good behaviour". How many times in history have abuses of power been justified as trivial—such as Rosa Parks being ordered to the back of the bus—or directed at "suspect" people? Think of every Soviet dissident, or Mandela under apartheid. How does this square with past apologies to the Windrush victims or to those of every other miscarriage of administrative or criminal justice?

Noble Lords need no reminding that ECHR compliance is baked into all devolution settlements, which currently and rather precariously hold this kingdom together. This is especially grave in relation to Northern Ireland. The efforts of previous statespeople resulted in the Belfast/Good Friday agreement. This Government's approach to rights is better epitomised by the Maundy Thursday pact with Rwanda.

1.38 pm

Baroness Hamwee (LD): My Lords, the noble Baroness reminds us how much we owe to those who have challenged the system.

A new legislative programme does not mean that the last programme is done and dusted. Even if secondary legislation is not required, guidance and codes of practice will be, because how things are done matters. The Nationality and Borders Act certainly requires them. The relevant sectors have experience in every part of policy-making, and the Government should take advantage of them and involve them. I got the very clear impression that the sector was not consulted appropriately on the part of that Act relating to modern slavery—which, sadly, represented a very retrograde step—but advances working with the sector can be made without legislation.

Earlier this year, the then anti-slavery commissioner published a report on slavery and trafficking risk orders and prevention orders. Importantly, these do not require the support of victims. We know that victims can find it impossible to give evidence in a prosecution because of their experiences, but who is checking that orders are complied with? Monitoring as well as evaluation is necessary if measures are to be used effectively; I mention that as one example of what could be many.

Of course, the Immigration Rules are, as you might say, a law unto themselves. Another bunch came into effect yesterday. We are told—I quote from the Minister's letter, for which I thank her—that it is "necessary and proportionate" in connection with the UK-Rwanda partnership to ensure that they are applied. The letter says:

> "Given the anticipated deterrent effect of the Partnership on people smuggling, this will help to quickly reduce the number of dangerous journeys and save lives."

We on these Benches fear that the Government are actually creating more opportunities for people smuggling and trafficking. They are enlarging the smugglers' business model by adding the new market of asylum seekers removed from the UK to Rwanda and desperate to get away from there.

The place of new technology in our lives will feature in this Session. I am lucky enough to chair our Justice and Home Affairs Select Committee, two of whose members are in the Chamber at the moment. It is a splendid committee. Our first report was published in March. Though we are yet to receive the Government's response, the issues are so current and relevant that they are worth mentioning.

Our inquiry was on the use of new technologies in the justice system, particularly policing. Facial recognition is the best known but other technology is in use and development is fast. There are huge benefits, such as preventing crime, increasing efficiency and generating new insights that feed into the criminal justice system. However, there are a lot of "buts". In the words of one witness,

> "there has been so much excitement about the promise of big data that we have charged in and used tools just because we can."

Another said that

> "we should have a massive dose of humility about what the tools can tell us".

Public and government awareness have not kept up in this Wild West. Each police force can commission and purchase tools from companies eager to get in on the market—some with dubious selling practices. There is no mandatory training in this sellers' market and buyers know little about what they are buying because sellers insist on commercial confidentiality. Our committee calls for transparency through a mandatory register of algorithms used in relevant tools, as well as for a national regulatory body to set standards. We say yes to innovation with safeguards.

Localism in policing is really important but it is expecting too much for every force and police chief to be a well-informed and critical purchaser. Therefore, we say: certify, kitemark tools, and then forces can make reliable purchases. Clear principles with a legislative basis would allow regulation to support practice.

Criminal justice is high risk. Predictive policing sounds attractive but if the stats tell you that there is a lot of crime in a particular part of a city, you put extra police there and focus on it. You get more arrests. The stats go up so more resources are applied and so on. It

[Baroness Hamwee]
takes only a moment to think of inequalities, bias, the rule of law and fair trials. How would it feel to be convicted and imprisoned on the basis of evidence that you did not understand and could not challenge?

We should use technology; we should not defer to it.

1.44 pm

Viscount Colville of Culross (CB): My Lords, I rise to point out the essential contradiction in the Government's media and digital legislation.

I welcome the Online Safety Bill and look forward to its arrival in this Chamber in the autumn. I am a great supporter of its emphasis on the duty of care to be placed on digital platforms to ensure that they dramatically reduce the dissemination of hate and disinformation online. This will help combat the polarisation and fracturing across our society that has been facilitated, and even generated, for a decade and a half by the platforms' "attention economy" business model, which is designed to engage and enrage users.

However, the Government need to complement this legislation with massive support for the great institutions that not only combat polarisation with their universality of content but refute disinformation with a mandate to tell the truth: British public service broadcasters. Much of the media Bill and the Government's *Up Next* broadcasting White Paper, however, will weaken these bulwarks of the battle for an open society in the digital age.

Like the authors of the Online Safety Bill, I hope it will be a world-beating piece of legislation—a model for other countries to follow. The Government's acceptance of so many recommendations from the Joint Committee has improved it yet further. However, I fear it still holds a threat to free speech with the vague terms of the clause on

"priority content that … presents a material risk of significant harm to an appreciable number of adults".

It allows the Secretary of State, in consultation with Ofcom, to use regulations to update the definition of harmful content. As the noble Lord, Lord Stevenson, said, this gives the Minister enormous power to control content that many people would see as offensive but may be part of the debate in a lively democracy. In the aggressive culture wars that divide the western world, it is important not to close down content just because it is offensive. Likewise, the carve-out for journalism is welcome, but it includes content

"generated for the purposes of journalism".

This might need to be refined or it will allow all users to claim exemption as journalists. Perhaps a public interest defence could be included, as in the Defamation Act.

This legislation needs to go hand in hand with the rapid granting of statutory powers to the new Digital Markets Unit, so I am glad to read the Government's response to *A New Pro-Competition Regime for Digital Markets* and the draft digital markets, competition and consumer Bill. The DMU was set up over a year ago after an excoriating report by the Digital Markets Taskforce, which found that the dominance of the big platforms had led to an appalling lack of competition in many digital markets.

The new draft legislation has excellent proposals to enforce binding codes of conduct on large platforms to prevent them crowding out competition. This will be crucial in breaking open the shocking monopolies in the digital advertising market, uncovered by the Digital Markets Taskforce, and will allow news publishers to be paid for their content, giving a much-needed boost to our national and regional legacy media. However, it is only draft legislation. The DMU needs to be empowered to fight for competition online as soon as possible. Every week delayed means that another digital start-up is stifled. Can the Minister tell the House when the Government intend to go beyond the draft Bill and introduce legislation?

These two pieces of legislation on the digital economy will go far in controlling polarisation and disinformation on the internet, but I fear that they are not reinforced by the Government's media agenda. The Government claim that the reforms suggested for the BBC and Channel 4 in the *Up Next* White Paper and the media Bill will help make them fit for the digital age. Many of the reforms are welcome. The new prominence regime will ensure that PSB content is easy to find on designated platforms; it has long been called for by the industry. Equally welcome is the regulatory level playing field set out in the Bill for video-on-demand platforms. I look forward to supporting the Government in these important updates to the media regime.

However, I fear that many of the other reforms will damage the power and importance of publicly owned PSBs. The media Bill's prime purpose is to privatise Channel 4. The central issue is its remit for programming content. The Minister for Digital Infrastructure, Julia Lopez, has promised that the channel's programming under private owners will remain experimental and innovative and provide news and current affairs, which are central to the role of PSBs in the internet age.

Investigative journalism, however, is risky and expensive to produce. Programmes such as Channel 4's "Dispatches" and "Unreported World", as well as the hour-long news in prime time, must be preserved by the new owners. Noble Lords have only to look at the schedules of the commercial PSBs to see that shareholders' demands mean that content is safe and guaranteed to reach a big audience. In the interest of universality, it is important that the core programming remit includes news and current affairs, shown on the main channel. I worry that, in offering

"our public service broadcasters more flexibility in terms of how they deliver their obligations",

the White Paper will allow them to hive off public service programmes to obscure digital channels.

The *Up Next* White Paper will require the new owners to commission a minimal volume of programming from independent producers, especially in the regions and nations. As pointed out by the noble Baroness, Lady Bonham-Carter, there is a big danger that that remit will be reduced to make the channel more attractive to new buyers. As the noble Baroness also said, there has to be a remit for spending on training in the industry, which is crying out for skilled workers. How does this fit in with the Government's levelling-up agenda?

Likewise, the Government say they are supporting the BBC, the essential mission of which is to provide universal, available and reliable information; yet, after

30% cuts over the last 10 years and a 2% freeze in the licence fee, this measure can only further damage the corporation's core mission. The BBC is at a tipping point, where it just does not have the money to provide an eclectic enough range of content to be universal. I urge the Government to ensure that the BBC is put on the firmest financial footing, so that it remains a British beacon of reliable content in the rough seas of the internet. This country deserves an internet bound by a duty of care to its users and complemented by the PSB sector, which should be dedicated to giving reliable information and education to all the people of Britain and of the world.

1.51 pm

Lord Davies of Gower (Con): My Lords, this is a fascinating and enjoyable debate, much of it concentrating on constitutional matters, but I would like to speak a little on policing. I was very pleased to see that Her Majesty's gracious Speech contained several interesting Bills on law and order, which will affect policing. Like most people, I am pleased to see investment in more police. Police numbers have fallen over the last decade, so I am encouraged to see a steady increase to achieve the Government's ambition of 20,000 extra. I have often heard the cry from opposition Benches and other quarters, more times than I can remember, that police numbers have been cut drastically in the last decade. There may be some truth in that, but numbers are on the increase. However, these new appointments will be effective only if those officers are well-trained and properly managed. It is a point I will return to in a moment.

While not everybody's cup of tea, I was delighted to see that stop and search is up by 22% compared to 2019-20. Stop and search is the only really effective tool that police have in their crime-fighting tool-box. Without doubt, it helps to take weapons and drugs off the streets. With the appalling number of murders of young men we have seen in recent years, on the streets of London and in other UK cities, through knife crime, I contend that, when legitimately conducted, these stop and searches are operationally necessary. I hope that the £200 million 10-year youth endowment fund assists in reducing such dreadful offences.

I want to say one important thing on training and management, which is particularly relevant where there is an abuse of procedure by police on stop and search. There is certainly evidence of that. In recent years, we have seen a serious decline in training facilities. In the Metropolitan Police, Hendon Police College has all but disappeared. The centre of training excellence that once was higher command training at Bramshill has been abolished and the site sold. With reduced budgets, police forces have been forced to ensure that front-line policing is protected but, sadly, at the cost of training. We have the College of Policing, but it serves only those who are prepared to self-improve and fails to create an essential learning environment. It is no coincidence that the challenging issues faced by the Metropolitan Police and other police forces are the result of many years of neglect and a lack of funding for training.

Recently, Parliament passed a number of demanding pieces of legislation on criminal law. Looking forward to this Session, we are making further demands on the police with a new Public Order Bill to deal with disruptive influences in society. We are going to be asking a lot more of our police service and it must be match-fit for the task. If we are to succeed in putting more rapists behind bars under the rape action plan, we must have a detective force that is properly prepared and trained to achieve this. All this can be achieved only through a well-trained and a well-managed police service. My plea to the Government is that sufficient resources are available to enable this.

Changing tack slightly, I return to combating illegal channel crossings and the Government's new plan for immigration. There is only one solution to this and it is to remove the criminal gangs that organise these perilous journeys. This can be achieved only through partnership working with intelligence and investigative bodies on the other side of the channel. You can put as many Royal Navy frigates in the channel as you wish, but clearly we are fighting a losing battle daily, and it is not helped by the intelligence-sharing situation in which we find ourselves, post Brexit. I wonder if the Home Office understands the operational implications of this intelligence-sharing challenge.

We seem to have tried everything. We had a clandestine channel threat commander; when his role was announced, we were told that this was the panacea to the problem. He proudly proclaimed that he would stop these crossings. Tens of millions of pounds have been handed to the French authorities. This has all failed. The Nationality and Borders Act, the legislative framework for the new plan for immigration, became law at the end of April, aiming to deter illegal entry into the UK, break the business model of people-smuggling networks and speed up the removal of those with no right to be in the UK. I wait with interest to see how effective this will be, but very much hope that it will be. We need to welcome and protect those legitimately seeking asylum in the UK, but the summer months ahead will put this new Act to the test. I repeat that it is no substitute for cross-border intelligence-sharing. I very much hope that the Nationality and Borders Act assists in servicing this need.

I look forward to the introduction of the new criminal justice Bills. I have a particular interest in the Online Safety Bill, as somebody who suffered during the 2017 general election through criminals hiding behind anonymity. I look forward to the victims Bill, addressing a much-ignored section of the criminal justice system, and I look forward to the Public Order Bill. I will certainly play my part in their passage through your Lordships' House.

I return to the point that such legislation can be enforced only by a well-trained and well-managed police service. Based on my previous policing experience and from speaking to a great number of serving police officers, I know that these elements are somewhat lacking at present; government, and particularly the Home Office, need to pay attention to them and their resourcing.

1.57 pm

Lord Flight (Con): My Lords, I was particularly pleased to find a draft Bill of Rights included in the Queen's Speech this year. It is well time to end the abuse of the human rights framework and restore

[Lord Flight]
common sense to our justice system. The Bill of Rights will ensure our human rights framework both meets the needs of the society it serves and commands public confidence. The main benefits of the Bill of Rights should be to defend and support freedom of speech, to reduce unnecessary litigation and to avoid risk aversion for bodies delivering public services. It should protect against wokery and political correctness; to curb the expansion of a rights culture, a filter will weed out spurious human rights cases before they get to court.

The Bill of Rights will also tackle the issue of foreign criminals evading deportation or securing their release from jail because their human rights are given greater weight than the safety of the public. It will establish the primacy of UK case law and ensure that UK courts can no longer alter legislation contrary to its ordinary meaning.

The Bill of Rights will guarantee that doubtful cases do not undermine public confidence in human rights, so that courts focus on genuine and credible rights claims. It recognises that responsibilities exist alongside rights, by changing the way that damages can be awarded—for example, by ensuring that courts consider the behaviour of the claimant. The Bill of Rights will extend and apply across the UK.

1.59 pm

Lord Dubs (Lab): My Lords, I will speak briefly about Channel 4, and about the Human Rights Act, and then spend a little longer talking about refugees.

Many Members of the House have already criticised the Government's proposals on Channel 4 and I subscribe totally to those criticisms. I just want to ask the Government a question. As I understand it, if they get that far—and I hope they do not—the Government will put Channel 4 up for sale. In doing that, according to what they said earlier, they are willing to have anybody in the world bid for it—presumably not the Russians, but presumably some Americans. I simply ask the Government this: do they want to give up Margaret Thatcher's great achievement in setting up Channel 4 and allow a foreign company, maybe an American company, to buy it? Is that what we want? Do we want our media, an essential part of our democracy, to be owned by people abroad? Already quite a bit of it is owned by people abroad; we do not want any more to be.

I turn briefly to the Human Rights Act. I serve on the Joint Committee on Human Rights. We will in due course be able to provide the full results of our inquiries, but for now we are only taking evidence. I have one question for the Government. What assurances will the Government give us that they will not proceed with changes to the Human Rights Act unless and until the devolved Administrations have been consulted and have agreed to the proposed changes? We surely cannot have a position where one of the devolved Administrations is very unhappy about them. Human rights should surely apply equally and be equally accepted in all parts of the United Kingdom. Human rights are fundamental to the Good Friday agreement, and it would be a retrograde step if we moved away from that.

I very much regret that the Home Secretary seeks to criticise lawyers as if they are somehow opposed to the Government in principle. They represent their clients and surely, in a democracy, we want lawyers to be able to do that. Where does that not happen? It does not happen in Russia, in China, in Belarus. There, there is no idea that lawyers could represent people against the Government. It is part of our democracy, and it ill behoves the Home Secretary to criticise lawyers for what they do.

Briefly on refugees, it is clear that our willingness to accept Ukrainians and the British public's positive response are being undermined by the bureaucratic shambles emanating from the Home Office. There have been many examples of that, and it is regrettable because it is quite unnecessary. Turning to the issue of children, I want to talk about the particular case of a young girl, which is typical of what has happened. On 11 April, her mother applied for her to come to Britain. The sponsors were lined up, they and the school she was to attend had been vetted, the local authority was happy and all the safeguarding measures were in place. The Home Office suggested that the Ukrainian Government were not happy. However, I checked with the Ukrainian ambassador, and he was happy that this girl should come to her sponsors in Britain.

I fully understand why safeguarding measures for young people are critical—of course they are—and we would not wish to lower our standards, but what has happened? On 11 April, the application was made. At that time, unaccompanied children were able to come to the UK. By 16 April, the arrangement had been changed and the young girl could no longer come to the UK. I am told that her application is now on hold. Nevertheless, on the basis of the original position adopted by the Home Office, and the forms and so on, the girl left her mother, who is looking after her disabled son in a Russian-occupied part of Ukraine, and is now a bit further west, but still in danger in a war zone. She is 17 years old, and she is vulnerable. If the Home Office is saying that we must safeguard the position in the UK, which, as I have already explained, is gold-plated, surely, we must not leave a 17 year-old girl in a war zone where she could not be in more danger, her rights could not be weaker and her position could not be more vulnerable. The application was made in good faith, and Home Office has reneged on it. It now says that if it made a mistake, it might look at it again—although it did not say it quite as clearly as that.

This is not the only example. We should not be saying to unaccompanied children that we do not want them to come here because their position is insufficiently safeguarded. It is a shame on this country. We make pious statements about how much we want to support Ukrainians and how much we respect them, and then we turn our back on them in this shabby manner.

2.05 pm

Lord Beith (LD): Powerful words, my Lords. I shall return to a subject much discussed already. Let us imagine that at the end of this Government's term of office, we are reviewing their record and whether they have in fact defended the constitution. On the union,

the mishandling of the Northern Ireland protocol and the refusal to understand opinion in Scotland on many issues will tell against them.

I shall give just a few examples that will tell equally strongly against them. The first is the deliberate weakening of the Electoral Commission's authority and independence through one of the last Acts in the previous Session of Parliament; the second is the so-called Bill of Rights Act, which is intended to prevent the convention rights to which we are signatories being enforced effectively in UK courts. The Government claim that by this legislation they are restoring the balance of power between the legislature and the courts but, as the noble and learned Lord, Lord Judge, so wittily pointed out, it is the Executive who are seeking to gain from any rebalancing that takes place.

A third example is the Brexit freedoms Bill which, as the Government admit, is designed to enable secondary legislation to be used instead of primary legislation to change retained EU law in order to create or vary criminal offences, or to create new public bodies or new licensing regimes, for example. The Government claim that they are doing this in order to prevent these important measures

"taking decades of parliamentary time to achieve".

Decades? If statutory instruments are debated at all in the Commons, they usually get one and a half hours. In this House, the presumption, challenged by the noble and learned Lord, Lord Judge, has been that fatal Motions are not appropriate and that we should not decline to accept wholly or seriously defective legislation which would normally be enacted through primary legislation, or use our limited powers in order to do so. We should bear in mind that these are unamendable Motions—we cannot improve them, tidy them up or sort them out—on matters that are normally reserved for primary legislation. This is a profound and retrograde constitutional change so far as it affects retained EU law.

Fourthly, I must mention the planned reintroduction of severe restrictions on public protest which this House threw out in the last Session. Our streets will not be made safer by a new offence of locking on, that is, gluing yourself to public buildings. So far as I know, the only case of locking on going on at the moment involves the Prime Minister, who has glued himself to No. 10 Downing Street—and it would take more than glue solvent to extract him from there.

Powerful in their impact on the constitution as legislative changes are, just as great will be the impact of practices which have gone on under Boris Johnson's leadership. They set dangerous precedents for the tolerance of unacceptable conduct in public office, such as trying to change the rules governing MPs' conduct so that a close colleague would have escaped punishment; using the power to appoint to the House of Lords fundamentally to change its composition and to reward donors of millions of pounds to the governing party, without regard to any concept of fairness in appointments or to the House's declared wish to reduce its size and to follow a procedure for doing so, which the present Prime Minister, unlike his predecessor, is not prepared to do; and, finally, appearing to rule out entirely the resignation which used to be the constitutional consequence of criminal offences or of misleading Parliament.

It used to be assumed by many that our constitution derives strength from not being written or codified in a single document because it is built firmly on a foundation of a shared understanding of what constitutes sound and honourable government. I fear that we cannot say that any more.

2.09 pm

Lord Hastings of Scarisbrick (CB): My Lords, at Oral Questions in this House on 9 November 2020, my noble friend Lord Ramsbotham asked for the third time when Her Majesty's Government planned to announce the chair, the timeframe and the terms of reference for a royal commission on criminal justice. The now disappeared noble Baroness, Lady Scott of Bybrook, replied that

"the Government remain committed to establishing a royal commission on criminal justice."—[*Official Report*, 9/11/20; col. 798.]

That was of course promised in the manifesto in 2019 and committed in the gracious Speech of December 2019. On 7 July, the *Law Society Gazette* reported that the noble Lord, Lord Wolfson, our great friend who stood down on right principle, said that the Government

"are absolutely committed to the delivery of this key manifesto pledge."

We still have not seen it. Can the Minister put all of us who have been interested in this subject out of our misery and tell us whether a royal commission on criminal justice will or will not happen? If it is not going to happen, can he please tell us, so that we can stop fretting about it? If it is going to happen, there is not a lot of parliamentary time left in this Government's tenure, so when might it happen and how might it report?

This is incredibly important to those of us who care about not just victims but perpetrators. The Government say an awful lot about wanting to ensure that our streets are safer, and that the police are the ones who should make our streets safer. After 35 years as founder and chairman of Crime Concern and founder and vice-president of Catch22, I venture to suggest that it is not the police who make our streets safer; it is the public, who desist from crime and who look after one another in communities and neighbourhoods, who make our streets safer. The police often arrive after the event; it is before the event that we must be primarily concerned with, not after it, when holding inquiries.

In opening this debate, the Minister stated that this gracious Speech and its prospective legislation were about issues that matter to the people of the United Kingdom. That includes fighting crime. However, it seems that one section of the people of the United Kingdom do not matter. We have already heard the noble Lord, Lord Davies of Gower, who is no longer in his place, defend stop and search, saying that it is up by 22%. Those of us who are connected to the communities most affected by stop and search, notably black people, will tell you that it is a hapless injustice and has destroyed confidence in communities and confidence in the police, and has unsettled those who would be more inclined to support the law so that they are less inclined to participate in it.

It is worth noting that, on 5 July 2020, a British black Olympian gold medallist and her partner, Ricardo dos Santos, were dragged out of their car, leaving a

[Lord Hastings of Scarisbrick]
baby in the back, because police suspected that there was the smell of cannabis. That of course relates to the dreadful events around a child, which we have also discussed in this Chamber. Three days after what was almost, in a way, the terrible clubbing of those two—certainly they were handcuffed and dragged out of the car, leaving a baby abandoned—the hapless and now evaporated Ms Dick apologised for the abusive behaviour of the Metropolitan Police. Stop and search is massively, perpetually destructive and damaging, and anyone connected with minority communities knows what it does. If noble Lords wish to come with me to any of those communities, they will find that young men and women carry weapons to defend themselves against the police; often, because of the aggravation, they then get involved in aggravation that then involves unnecessary crime.

We must note the Home Office's continuing figures showing even last year that, despite the numbers being up by 22%—as was unhelpfully noted by the noble Lord, Lord Davies of Gower—80% of all those stopped and searched had no questionable behaviour. The damage done to their psyche, their sense of Britishness and well-being, and to the identity of their communities, is unparalleled and almost unhealable. It must end. A royal commission—in the same way I am sitting on a commission with the Legatum Institute at the moment—has concluded that stop and search is the great evil of the system. It must end. The Public Order Bill should prevent it, and it is about time that the police realised that this act of perpetual discrimination is vile and repugnant.

I have one further comment on the gracious Speech. Saying that we will make our streets safer by further empowering the police forgets the fact that so many people now locked up in prison unnecessarily and without proper appeal will, because the courts are stuffed up and cannot respond properly to their responsibilities for justice, come out of the system angry, instead of recovered in their well-being. If we do not deal with injustices in the system, we allow the possibility of vast numbers of people on our streets being furious with a system that has damaged them for ever. Getting this right is fundamental to the security of our community. Please, let us have the royal commission.

2.15 pm

Lord Murphy of Torfaen (Lab): My Lords, it is a pleasure to follow the noble Lord, Lord Hastings.

Last week's elections for local government and for the Northern Ireland Assembly reflected the way in which the landscape of British politics has changed dramatically over the last 10 or 20 years. In Northern Ireland, it is a mess. In Scotland, the SNP still dominates, despite not having as many seats as before. In England, the electoral outcome in different parts of the country is now totally unpredictable compared with many years ago. The only place where there is any stability is of course Wales.

The problem that many people have is that the devolved Administrations—our devolved country—have not been accepted by many people in government across the country. The Common Frameworks Scrutiny Committee, of which I am a member, has pointed out that there are many departments in Whitehall, of the British Government, that not only do not understand devolution but have not even accepted it yet. That has become a problem. However, the noble Lord, Lord Dunlop, and Michael Gove, have suggested in recent reports excellent ways in which the Governments of our islands can work together much more effectively, through an intergovernmental commission and so on.

In the time that I have left, I turn to the issue of Northern Ireland and the difficulties now faced there. A new Assembly has been elected. Sinn Féin, for the first time, now has the right to nominate the First Minister, and the DUP, although not gravely damaged, has been damaged sufficiently, but is entitled to nominate the Deputy First Minister. However, behind all this is what the noble Lord, Lord Moylan, and others referred to earlier: the issue of the Northern Ireland protocol. I do not agree with the noble Lord for one second about it. The people of Northern Ireland voted to stay in the European Union. Anybody would have thought that the protocol suddenly came down from the heavens and landed across the Irish Sea in Northern Ireland. It did not. The Northern Ireland protocol was devised, negotiated and created by the British Government. It really makes you wonder why they now propose, as I understand it, to bring in a Bill to deal with the Northern Ireland protocol and probably abolish it. It is the first time ever that a Government have brought in a Bill to abolish their own negotiated settlement.

I do not think that is the answer. I do not think that blunderbuss diplomacy and the heavy hand of an Act of Parliament which is doubtful in international law—despite today's pronouncement by the Attorney-General—will be the answer. What will it do? It will divide the West, when we are all supposed to be united against what is happening in Ukraine. The last thing that we want is some sort of international trade war with the European Union. This is the wrong way to establish a solution in Northern Ireland. There is only one way to solve the problems of Northern Ireland, and that is by intense negotiation, and not by the nonsense that we have seen over the last few weeks.

The noble Lord, Lord Alderdice, and I played some part in the formation of the Good Friday agreement. Indeed, he was the first Speaker of the Northern Ireland Assembly, and I am sure that he and others would agree that the problems we faced in bringing about that agreement were immense. The solutions to be found through negotiation were earth-shattering, so it is not really the case that people cannot resolve by negotiation the issue of the protocol. If we could resolve all those things—from prisoner release to the police to the establishment of the institutions, or whatever it might be—it is not beyond the wit of men and women to be able to do that.

Instead of going into international disagreements with the European Union, the Government should negotiate. For example, they should suggest to the Irish Government that perhaps the time has come for the European Union to ask the Irish Government to negotiate on behalf of the European Union. After all, Ireland and Britain are joint guarantors of the Good Friday agreement. They know the detail and the intricacies of Northern Ireland politics.

The other thing is to have a proper, intense negotiation, a round table, of all the parties in Northern Ireland, not by going to talk to individual leaders privately in separate rooms—it never works like that. It was not that long ago that the then Secretary of State for Northern Ireland, Julian Smith, did an excellent job in doing just that; he was able to bring people together. Why can that not happen again? I have no idea, but it is something they should certainly try.

The other issue is that the Good Friday agreement itself can be changed. The principles must always remain the same, but it is written into the Good Friday agreement itself that the detail can be changed. There is therefore an opportunity that we must not miss, because if we end up with direct rule and the collapse of the institutions again, we are in serious trouble.

2.22 pm

Lord Alderdice (LD): My Lords, it is a pleasure to follow my noble friend Lord Murphy. As he says, he and I spent a great deal of time together on the Northern Ireland question.

I remember listening as a 13 year-old boy to Captain Terence O'Neill, the Ulster Unionist Prime Minister, trying to set out to the people of Northern Ireland how there needed to be changes that would ensure a peaceful, reconciled future within the United Kingdom. More than 50 years later, another O'Neill, Michelle O'Neill of Sinn Féin, is in line to become the First Minister of Northern Ireland. She too wants to see changes, but they are changes to take Northern Ireland out of the United Kingdom.

Ulster is again at a crossroads, but not because of an outbreak of violence—rather, because of enormous changes in attitude of the people in Northern Ireland. It is not just that Sinn Féin is now the largest party; indeed, it does not have any more Members in the Assembly after the election than before. Perhaps the most striking change is the fact that the Alliance Party now has as many Members in the Assembly as the Ulster Unionist Party and the SDLP put together. That is because there has been a change of attitudes—yes, because of Brexit, but also because since the time of the Good Friday agreement a generation has grown up that has not experienced the same degree of violence and is committed not to staying in the United Kingdom whatever happens or to becoming part of a united Ireland whatever happens but rather to seeking the best socio-economic and stable future they can for themselves and their children.

There are not just two communities in Northern Ireland. I have said often in the last few years, including in your Lordships' House, that there are now three cohorts, and the evidence of this election is that there are three such substantial cohorts: yes, unionists and nationalists, but also others who do not conform to that and who see a different future.

Things can change. This debate is about home affairs, justice, culture, media and the constitution. When Terence O'Neill was Prime Minister, and shortly after that when Stormont was prorogued, there was one young part-time official in the Home Office responsible for monitoring Northern Ireland. His name was John Chilcot. Many years later he became the Permanent Secretary of a new government department, the ministry set up to address Northern Ireland: the Northern Ireland Office. He then went on to do many other things as well. That showed how much things can change constitutionally and structurally.

So many of the things that the noble Baroness, Lady Williams, mentioned as part of this debate—policing, the courts, administration of justice, the security services—were affected enormously by what went on in Northern Ireland over the years. Now, potentially the biggest constitutional change of all for the United Kingdom could be the beginning of its break-up because the people of Northern Ireland feel that there is no longer the same emotional attachment to them and that perhaps there might be a better future for them in another set of relationships in these islands. Even the question of culture in Northern Ireland is mentioned in the Queen's Speech, with the proposal for an Irish language Bill, which would be fundamentally about culture and also about media expression.

The thing is that the Good Friday agreement was agreed by referendum as well as talks, of course. Does that mean it cannot be changed? As the noble Lord, Lord Murphy, made perfectly clear, it can be changed. It was already changed, first because the Civic Forum that was part of it was allowed to lapse. It was changed because of the St Andrews agreement, which changed the appointments for the Executive. As the noble Lord, Lord Murphy, pointed out, the process of review is actually part of the agreement. Will Her Majesty's Government commit to a review, now that it is clear that the structures currently in place are no longer satisfactory? They are no longer satisfactory in their outworking or even in their representational function, in terms of the different parties in the Northern Ireland Assembly. Of course, it would have to be on the same principles as the Good Friday agreement and to be by agreement, but it would also require serious negotiation.

The negotiations then worked because of the quality and calibre of people appointed by the British Government, the Irish Government and the Northern Ireland parties to engage in the negotiations. One of the things I have to say is that, over the last few decades, the quality of people seconded from this part of the world to deal with things in Northern Ireland has changed dramatically, and not necessarily for the better. In the early days it was people of the calibre of William Whitelaw and Jim Prior—serious, big, heavy beasts in government. That has not been the case more lately. It is almost as though you get shoved off to that.

I appeal to the Government to see the need to address the protocol. The noble Lord, Lord Murphy, has made a suggestion that should be taken seriously: that someone from Ireland should represent the European Union, not someone who does not understand the nuances and significance. But it also requires an enormous commitment at the very top of Her Majesty's Government to ensure not that we do not return to violence—we are not in that business any more—but that we find a way forward for all our people, by agreement, that creates the stability as well as the end to violence we have already had.

2.28 pm

Lord Anderson of Ipswich (CB): My Lords, we are armed to the teeth against terrorism, but laws to counter the arguably more significant threat of hostile

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state activity are few, outdated and largely ineffective, so I welcome in principle the long-delayed National Security Bill published yesterday.

No doubt we will give careful scrutiny to the proposed state threats offences, but more striking, to my mind, is the omission from the Bill of two matters that were trailed in advance and formed the bulk of last year's consultation. The first is the foreign influence registration scheme—a tricky one to pull off, as demonstrated by its troublesome American precedent, the Foreign Agents Registration Act. The second is reform of the Official Secrets Act 1989, which would raise complex and sensitive issues including whistleblowing, the criminal liability of journalists and the question of a public interest defence. The noble Baroness, Lady Williams, indicated earlier that the registration scheme will be introduced during the passage of this Bill. Can the Minister tell us when? Can he confirm that reform of the 1989 Act will not be introduced to this Bill during its passage?

Then there is the Northern Ireland Troubles legacy and reconciliation Bill. The NIO proposals of July 2021 did not impress with their thoroughness or inclusivity, but with a new approach promised and a Minister with the understanding of the noble Lord, Lord Caine, we must hope for better things when the Bill arrives.

The DCMS will need to lose its habit of referring to the Online Safety Bill as a world-first online safety law, political agreement having been reached last month on the EU's Digital Services Act, now endorsed, rather surprisingly, by Elon Musk, whose views on free speech seem to be evolving rapidly. Seeking as it does to address abuses thrown up by a technological revolution, the Bill has been compared in its significance to the Factories Acts of the 19th century. The noble Lords, Lord Hunt of Kings Heath and Lord Wolfson, were right to point to some of its difficulties. We have some interesting debates ahead.

The so-called Bill of Rights will not live up to its grand title. The devolution settlement on the one hand and the trade and co-operation agreement on the other severely limit the room for manoeuvre where the ECHR is concerned—and a good thing too. I echo the view of the noble and learned Lord, Lord Hope, that most of the proposed changes to the Human Rights Act appear somewhere on the dial between "pointless" and "harmful".

The right honourable Sir Peter Gross and his expert panel—hand-picked by the Government, including from the ranks of Policy Exchange—produced a thorough, balanced and remarkably harmonious report on Human Rights Act reform that is a model of its kind, and the Lord Chancellor might have done well to heed it. I hope this House will ensure that the report's wise recommendations are not forgotten as we consider the Bill.

The data reform Bill also merits a degree of wariness. The benefits claimed for relaxing the GDPR regime, tempting as they may be, will need to be weighed against the complications for business of complying with a further set of rules, and against the risk that changes proposed in the consultation could imperil our precious adequacy agreement from the European Commission. The proposal to reduce the independence of the Information Commissioner's Office recalls debates that we had in the last Session about the independence of the office for environmental protection and the Electoral Commission and concerns expressed by the Joint Committee on the Draft Online Safety Bill about the independence of Ofcom.

The desire to increase the influence of government over nominally independent regulators is, unfortunately, not the only systemic abuse of executive power with which we are confronted in recent, current and promised Bills. Your Lordships, not least through last year's dramatically titled committee reports that have already been referred to, have grumbled persistently over the increasing tendency towards skeleton Bills and overbroad delegated powers. Our debate on this issue on 6 January revealed a striking unanimity of opinion. However, grumbling will get us nowhere. Today we have heard a stirring call to arms by that unlikely revolutionary, the noble and learned Lord, Lord Judge. I agree with him, the noble and learned Lord, Lord Mackay, and a growing list of other noble Lords in today's debate that we need to address this issue at source by rejecting the worst of these clauses when they are proposed. Perhaps the Brexit freedoms Bill, an executive power grab over the repeal and replacement of vast swathes of retained EU law, will by its sheer scale and audacity bring this issue to a head.

Finally, although this was not trailed in the Queen's Speech, it seems that we may once again be invited to breach, or to facilitate the breach of, the Northern Ireland protocol, which was freely concluded in October 2019 and has been binding in international law since it entered into force in 2020. It could surely not be right for this House to make itself complicit in a patently unlawful scheme even if, as I very much doubt, there were short-term diplomatic advantage in doing so. We emphatically rejected such an invitation in the internal market Bill, and I hope that if the need arises we shall do so again.

2.34 pm

Lord Mackenzie of Framwellgate (Non-Afl): My Lords, it is a great pleasure to follow the noble Lord, Lord Anderson of Ipswich. It will not surprise your Lordships that my speech will focus on matters of policing.

I declare an interest as the former national president of the Police Superintendents' Association. It is a public service of which I am still very proud and in which I spent 35 years of my life serving the public. It was an exciting time. I am saddened, to say the least, that the police service has had such a torrid time with reputational damage over the last few years, with a worrying fall in prosecutions of and convictions for rape and, in my judgment, an all-round generally poor performance in service to the public, culminating in the tragic murder of Sarah Everard by a serving police constable.

That left me wondering what the causes were. It is well known that the financial crash of 2008 led to austerity measures resulting in a reduction of police nationally from a high of 172,000 officers in 2010 to just 150,000 by 2017, a reduction of 22,000. It is not rocket science to understand that higher workloads due to increased road traffic, computer fraud, online

grooming, organised crime, drug trafficking and modern slavery, together with the slashing of police budgets, could lead to only one thing: a drastic reduction in ordinary community policing, which, as we in this House all know, is the backbone of policing by consent.

As a result, local police stations were closed, police visibility was reduced, response times have become a scandal and the investigation of burglary quite often amounts to the issuing of a crime number for insurance purposes. I have even seen a recent example of a valuable motor car being stolen from a gated property in Bury, with images of the theft taking place provided on CCTV by the victim, where the police could not even be bothered to examine it because of a lack of manpower. That is a disgrace.

To be fair, the Home Office is a large, diverse department of state and the Home Secretary is responsible to Parliament for the provision of police services. The task should have been made easier by the election of police and crime commissioners, but I will leave that issue to one side as I believe that, with many PCCs representing political parties, there is a risk of drawing police into party politics. It is manifestly clear that the Home Secretary should fight the police's corner, but unfortunately many officers feel that she has let them down. The Police Federation recently wrote an open letter expressing a lack of confidence in the Home Secretary, which shows how strained relations have become.

There is an understandable and strong belief that the police are not valued by this Government. That is perfectly clear when we see that, since 2010, workloads have increased dramatically while the police have seen a staggering real-terms pay cut of 20%. There is an independent pay review mechanism for the police, just as for Members of Parliament, yet when that review body recently announced a modest pay rise for police officers the Government announced a public sector pay freeze. It did not go unnoticed that the freeze did not apply to honourable Members in another place. Where is the fairness in that?

I will say no more about pay as the police service has closed ranks and is seeking a judicial review of the so-called independent pay machinery. This of course is a Government who illegally prorogued Parliament and openly admitted to being prepared to break international law. When Owen Paterson was found to have breached lobbying rules, the Prime Minister tried to change those rules—not to mention all the dissembling that has taken place by the PM on the protocol, which has already been mentioned. Of course, this Government do not like judicial review, as we have seen. I am tempted to join the revolutionary movement of the noble and learned Lord, Lord Judge, because clearly the changing balance is all in the Government's favour.

Moving on, you cannot make a silk purse from a pig's ear, and this applies to the recruitment of police officers. I am not talking about academic qualifications but about moral fibre, good judgment and probity. There has been quite a bit of publicity recently about a number of serving officers with criminal convictions. A serving officer was known to be committing indecent exposure, yet no action was taken. Serving officers have taken photographs of murder victims and there was a WhatsApp group in which Metropolitan Police officers expressed misogyny and homophobia. Wayne Couzens, the convicted killer of Sarah Everard, was nicknamed "the rapist" by colleagues while serving as a police officer.

There appears to have been an appalling fall in standards of recruitment. What has happened to the recruitment of mature ex-servicemen who already come packaged with maturity and discipline? I believe the necessity of probation training leading up to a degree qualification discourages many excellent people who simply want to be a police officer on the streets; they do not want to be an academic or in senior management.

Finally, we have seen a shocking pattern of conduct by the present Government, who should be setting standards of behaviour: breaches of the Ministerial Code, misleading the House of Commons and I dare not even mention partygate. I have concluded that it does not help to set standards when those expected to enforce the law see a Government whose conduct suggests that they clearly think they are above the law.

Does the Minister, a canny lad from the north-east, agree—I think he probably will—that the police should do better than this, and that the British people deserve a police service that is properly funded, remunerated fairly and one that they can trust, believe in and be proud of? In essence, a service that this country can—

Baroness Penn (Con): My Lords, it might be worth noting the advisory time limit. We are only half way through the debate.

Lord Mackenzie of Framwellgate (Non-Afl): May I just finish with one final question to the Minister? The gracious Speech stated that the Government will "support the police". In the noble Lord's reply to the debate, will he indicate when and in what way?

2.42 pm

Lord Bassam of Brighton (Lab): My Lords, it is a pleasure to follow the noble Lord, Lord Mackenzie of Framwellgate, but I want to shift the focus back to DCMS because we now, happily, have the DCMS Minister in front of us. The noble Lord has a tough gig in this Session with a near-record number of Bills to field badged under the DCMS banner. I give him fair warning that there is such a thing as legislative overload. When I completed my two-year stint at the Home Office, I had rather a nice letter from the Prime Minister congratulating me on taking through 19 Bills—apparently it was a record at the time. I warn the noble Lord that it comes at a cost, and I can see the noble Baroness, Lady Williams, nodding her head at that.

My focus today is on three measures in the DCMS package that have caught my eye: the fan-led review, Channel 4 privatisation and online safety. The first, the football fan-led review, which brings forward a regulator, is much welcomed by all sides of your Lordships' Chamber. It is long overdue and I am delighted to see it in the gracious Speech. Our concern will of course be the detail. Will the regulator be genuinely independent? What will its powers be? How will the fit and proper persons test be framed? Will it screen out the Abramovichs, Oystons and Ashleys of this world? Will the office be capable of protecting our rich heritage of clubs and stop the Burys of the football world going out of business?

[Lord Bassam of Brighton]

In the mid-1990s Brighton and Hove Albion, my club, was bankrupted by the owner of Focus DIY. It was forced to sell the ground, obliged to play home games 70 miles away in Gillingham and rescued only by a combination of the council that I led, the fan-led campaign and inspiring individuals such as Martin Perry and Dick Knight. Now, of course, we play in the Premiership and regularly beat teams such as Man U. We needed a regulator back then and we certainly need one now. Over the last 30 years a whole litany of clubs have faced bankruptcy, been pushed out of business and now find themselves in the lower leagues. We could have done with a regulator then. It took years to sort out.

The Online Safety Bill has also had too little attention from the Government in the recent past and has been too long coming, but it is here now. Some say that the Bill we will get this Session is too weak; others say it goes too far. My noble friends Lord Stevenson and Lord Knight spent a long time on the Joint Committee trying to get it right. My hope is that the redraft has not been filleted by the government lawyers to appease the big tech companies.

For our part on the Labour Benches, we will constructively engage to improve the Bill where weak and seek to achieve the right balance. We will follow the duty of care principles the Bill is supposed to enshrine. I agree with my honourable friend in another place, Lucy Powell, who argues for a systems-based approach on outcomes, which, as she says, should

"solve the free speech question"—[*Official Report*, Commons, 19/4/22; col. 102.]

and enable the strengthening of the Bill. I hope the noble Lord will commit to following that course.

Finally, I come to the cultural vandalism on an epic scale that is the Channel 4 privatisation. This measure has attracted criticism from businesses far and wide across the media world and its supply chain. It threatens, as others have said, the whole eco-structure of broadcast media. It makes a mockery of the Government's levelling-up agenda, of which Channel 4 is both an active proponent and an important part, and will do great harm to the creative industries in the UK, which, as most of us acknowledge, are one of our nation's great success stories.

On these Benches we will simply oppose that part of the media Bill. In bringing this forward, the Government have ignored the findings of their own consultation, ignored the cultural sector as a whole and simply chosen to follow an ideologically driven policy. One report suggests that, if this unpopular privatisation proceeds, 1,300 jobs and 140 companies could be at risk. Who believes the Government's bribe that they will reinvest the proceeds of the sale of C4 back in the sector?

Government Ministers say the move is designed to secure the future of the channel, but for whom? They say it will allow it to compete in the global media market with the likes of Netflix. At this stage in the market's development, that is not necessarily the best look. Channel 4 is not looking to compete with Netflix; it is a stand-alone success of its own, and profitable too. We should value it for what it is, just as we do the BBC. This privatisation is solution looking for a problem, when actually the problem is the solution. It is without even manifesto cover and has been rejected by three Conservative Prime Ministers. We in this House would do well to follow their lead. It is a measure without friends.

2.47 pm

Lord Rennard (LD): My Lords, this is a Government who have devalued many of the democratic principles that underpin our constitution. The claim that

"Her Majesty's Government will ensure the constitution is defended"

is one of which we should all be sceptical. Crucial to our constitution is the maintenance of balance between the powers of the Executive and the legislature. Perhaps not since Charles I has the Executive branch of government sought in peacetime to curb the powers of Parliament and to remove so many of the checks and balances in our constitution.

We saw this in the way Parliament was declared to be prorogued in 2019, illegally and dishonestly, in a clear attempt to avoid proper parliamentary scrutiny of what has turned out to be a terrible Brexit deal. We saw it in the way that courts and individual judges could be challenged for upholding the law concerning Parliament's role in triggering Brexit, and in the failure of the Government to defend the independence of those judges from attack by their media allies. We saw it in the last Session, with government Ministers taking effective control of the previously properly independent Electoral Commission.

The Prime Minister has also changed the election rules so that he can choose when to fire the starting gun in a race in which he is competing. The next general election will be fought on constituency boundaries using electoral registers that exclude around 15% of the people who should be included on them. This does not just deprive many people of the opportunity to vote; it means that more Conservative-leaning seats are being created by the Boundary Commissions and fewer seats are created where they are less likely to win.

The most obvious methods of getting everyone entitled to vote on to the electoral registers and enabled to vote are ignored, while new barriers are being put in the way of the 2.2 million who do not have the government-prescribed forms of photo ID. Unsurprisingly, the 2.2 million are less likely to vote Conservative and, based on the initial introduction of photo ID in Northern Ireland, 1 million people on the voting registers may be unable to vote at the next general election.

The Government also appear to be acting to block legitimate freedom of information requests, with a special unit advising on how to try to dodge replying. I will give an example. I and most opposition parties were suspicious about the basis of a sudden government ban on volunteers delivering leaflets in the run-up to last year's elections. It was strange that the then Minister for the Constitution suddenly announced the ban a year into the Covid pandemic, the nature of which must have changed suddenly for a dramatic change to the rules governing elections to take place. The ban on volunteers delivering leaflets primarily affected the opposition parties. There was no equivalent ban on existing commercial organisations distributing leaflets, primarily used by the Conservative Party.

Frequent Parliamentary Questions sought evidence to justify the strange distinction between different forms of campaigning that had similar levels of risk. But no evidence from any source based on scientific, medical or health advice was ever produced, so I turned to making a freedom of information request for this evidence in January 2021. Fifteen months after I made it, the Cabinet Office, after much obfuscation and contradictory responses, still refuses to disclose this information. I am still waiting, and the Information Commissioner is now also seeking answers.

Underpinning a democratic constitution is media freedom. We have relied in this country on excellent public service broadcasting to inform people about issues which help to determine their votes, but this Government have spent years trying to tame the BBC and prevent it being too critical of government policies such as Brexit by threatening the source of its income. Now they seek to privatise Channel 4, the only justification for which is that it has been a thorn in the side of the Government.

At the same time, we have seen government appearing to hand out taxpayers' money to sections of the newspaper industry without proper transparency. The *Byline Times* yesterday quoted Dominic Cummings claiming that the Government made "bungs" dressed up as Covid relief. He says:

"Newspapers negotiated direct bungs to themselves"

with the Prime Minister and that there were "no officials" present on these calls, but that the officials were subsequently told to send the money

"dressed up as 'COVID relief'".

The Government refuse to say how the money for the All In, All Together advertising in certain newspapers was distributed. There was a total of perhaps £50 million or even £100 million. Taxpayers will in effect have been giving money to some of the billionaires who control too much of our press, and perhaps buying favourable coverage for the Government.

Finally, important questions about party financing are raised today by an article in the *New York Times* showing how £450,000 was transferred to the Conservative Party prior to the last general election from the account of a pro-Russian politician in Ukraine. A basic principle of a democratic constitution is that it should not be for sale.

2.54 pm

Lord Brown of Eaton-under-Heywood (CB): My Lords, many speeches have already touched on the promise—or do I mean threat?—of a new human rights Bill. I proposed to focus on just one topic that I fear may feature in such a Bill: the role of a Parole Board.

Shortly before we prorogued, the Justice Secretary published a document, *Root and Branch Review of the Parole System*. I confess to having found that a difficult, not to say alarming, document, not least for the IPPs—that unfortunate group of prisoners, many of whom remain detained 10 or 12 years after serving their due punishment, and indeed 10 years after the whole discredited regime was abolished in 2012. One such high-profile IPP prisoner was Tracey Connelly, Baby P's mother, who in 2009 got such a sentence with a five-year tariff for not preventing that most ghastly and tragic of deaths. I hold no particular brief for the mother, but I do hold a brief for the Parole Board.

In 2013 the mother was released on licence but two years later, in 2015, she was recalled for an unspecified breach of licence conditions. She then failed successive Parole Board reviews until at last, in March of this year, the board decided to release her, subject to stringent licence conditions. At this point Mr Raab, adopting what one can see only as an essentially populist stance, intervened, as I accept was his right. He sought a reconsideration of that release decision by a Parole Board member, a retired judge, arguing—as he had to—that the decision was irrational. Perhaps unsurprisingly, the challenge failed, and the mother, having served in all some 11 years, is now finally to be released on conditions. Is that approach, one wonders, now to change?

During the last 30 years, it has been clearly established that under the Strasbourg convention—the human rights convention—in indeterminate sentence cases it is for the judiciary, not for the Executive, as it always used to be, to determine both the appropriate tariff term for punishment before parole can even be considered, and also the time when the prisoner should finally be released on licence. It is the Parole Board, an independent quasi-judicial body, which has the latter role. Is that now to be changed?

In the root and branch review, Mr Raab said that the Government would introduce "a precautionary principle" into the assessment of risk and a

"Ministerial check on release decisions"—

later called an oversight—in cases involving

"those who have committed the most serious crimes".

These, the "top-tier cohort", are those convicted of murder, rape or terrorism and

"Causing or Allowing the death of a child".

As to these, Mr Raab said that

"the Justice Secretary will have the power to refuse release, subject to judicial challenge, on … clearly prescribed grounds, in the upper tribunal."—[*Official Report*, Commons, 30/3/22; col. 831.]

Well, I fear that we are in for an ever-increasing prison population.

When I went on the High Court Bench, almost 40 years ago now—although not as long ago as the noble and learned Lord, Lord Woolf—the average term served by murderers was roughly some 12 years. It is now often more than double that. For the remaining IPP prisoners, unless the grave injustice that they are already suffering is to be increased yet further by some newly introduced "precautionary principle", they need the Parole Board to exercise some measure of understanding and compassion. Let us hope that the report on IPPs, now awaited from the House of Commons Select Committee on Justice, will see it that way too.

2.59 pm

Baroness Bryan of Partick (Lab): My Lords, I congratulate the noble Baroness, Lady Fraser of Craigmaddie, on her excellent speech seconding the Motion for a humble Address, which included many references to Scotland and reminded us that she likes to highlight Scotland at every opportunity. This House can be an odd place for Scottish Peers, as previously much of the legislation that had an impact in Scotland was dealt with in the Scottish Parliament, while most of the legislation scrutinised in this Chamber was

[Baroness Bryan of Partick]
applicable to England. In the past two years this has changed. Whether you describe it as a power grab or not, we have certainly seen incursions into devolved areas of competence, and I think we will see even more in the programme outlined in the Queen's Speech.

Like others, I hoped that in this Queen's Speech we would hear about steps to bring our constitution into line with 20-plus years of devolution; instead, we have a stand-alone Bill to abolish the Human Rights Act and replace it with a so-called Bill of Rights. Because the business of devolution has not yet been completed, the role of the devolved parliaments is not acknowledged in making fundamental changes to our constitution, such as introducing a Bill of Rights. No other nation with devolved Administrations has such a centralised system as the UK. Does the Minister recognise that drafting a Bill of Rights should be done jointly with the devolved Administrations and, of course, consulting much more widely in civic society?

The Human Rights Act was adopted just at the point when devolution was being put in place and is central to the relationships between the different parts of the UK. Will the Government take notice of the concerns expressed by all three human rights commissioners about scrapping the Act? The Joint Committee on Human Rights report on 13 April 2022 stated that:

"The HRA plays a unique role in the constitutional arrangements of the devolved nations. The role played by the ECHR and the HRA has helped embed a human rights culture in the devolved nations and plays a particularly important role in the peace settlement in Northern Ireland."

Part of the relationship between Westminster and the devolved Administrations was based on the assurance that the ECHR would be integrated into the devolved settlements. The Good Friday agreement binds the UK internationally to the multi-party deal, which was endorsed in joint referenda on both sides of the Irish border. This agreement was lodged as a treaty with the United Nations. The section of the agreement guaranteeing the rights of minorities states that the British Government commit to

"complete incorporation into Northern Ireland law of the European Convention on Human Rights … with direct access to the courts, and remedies for breach of the Convention".

Can the Minister assure us that this will remain the case?

Northern Ireland's ambiguous situation in terms of the protocol will be further undermined by this Bill. This is not just a discussion about the niceties of international treaties; we must remember the daily experience of violence that existed before the Good Friday agreement. The HRA is also woven directly into the fabric of Scotland's constitutional settlement. The Scottish Government believe that changes to the existing statute will have very real implications for devolved institutions; therefore, no changes affecting Scotland should be made without the explicit consent of the Scottish Parliament.

Before the Queen's Speech, the Welsh Government appealed to the UK Government to abandon these proposals and recommit to the retention of the existing HRA. They stated that, as many of the Bill's provisions will impact on the operation of devolved responsibilities, they will bring forward a legislative consent Motion. I have argued on a number of occasions that this Government have no understanding of devolution, and probably very little support for it. However, they are in real danger of making people from the devolved nations so alienated that separation would seem the most obvious response. Can the Minister give any reassurance that they will take the legislative consent process more seriously on this occasion than they have recently?

3.05 pm

Lord Farmer (Con): My Lords, the gracious Speech prioritises growing and strengthening the economy and helping to ease the cost of living for families. This will require strengthening families. The Centre for Social Justice established that family breakdown—divorce and separation, father absence and dysfunctional family relationships—is not just a consequence of financial hardship but drives poverty and financial stress. As well as leading to much emotional and physical harm and significant health costs, it undermines individuals' productivity and creativity, which has a knock-on effect on the economy.

During the pandemic, parents who had never needed help with the practicalities of family life, as well as in their relationships with their children and each other, began to reach out to local services and charities because they were at breaking point. Their significant financial and other anxieties have not receded but increased. That is why, in the Government's efforts to level up and support more people into work, their policy on family hubs is particularly important and needs cross-departmental collaboration. Family hubs help to ensure that children have the best start for life and help parents to get out of debt, address substance misuse and get into employment. They could support the separated families in which one-third of all children grow up, and of which almost two-fifths are involved in acrimonious court proceedings.

The levelling-up Bill will place a duty on the Government to set missions and produce an annual report on their delivery. Action for Children's suggested measures for levelling up for children include investment in education and for a number of children who are school-ready. I would make requirements on the number growing up with both their parents, a regional version of the family stability indicator that was part of the Government's social justice strategy. Nationally, around a quarter of families are headed by lone parents, where children are particularly at risk of poverty and disadvantage. In 2013, the CSJ took the most local view possible and published an analysis of lower super output areas across England and Wales. Ranking all LSOAs by levels of lone parenthood, the top area had 75%, and in the top 10 the proportion was around 66%. Others, such as the Commission on Race and Ethnic Disparities, acknowledge such differences in family structure among factors driving inequality of children's outcomes.

Reducing regulation on businesses must include farming. Freedom from European regulation may have come in the nick of time, because our farms must perform to the max, given the ugly spectre of world famine that stalks the war in Ukraine. Agricultural innovation is urgently needed to build a more sustainable future but, in the developing global food crisis, particularly

for grain, the Government must prioritise food production instead of imposing any new restrictions—for example, on fertilisers and pesticides.

Turning to justice and home affairs, I very much applaud the speech of the right reverend Prelate the Bishop of Gloucester, who talked about prevention upstream and downstream. Numbers of victims will continue to increase and streets will not be safer unless crime is prevented, including by improving rehabilitation. Considerable attention is paid to the plight of women in the criminal justice system. My review pointed to the abuse and violence many have suffered as potent criminogenic factors. A similar narrative would fit the reality of many men and boys in trouble with the law, but no one is articulating it. There are roughly 77,000 men and 3,800 women in prison—a stark difference. Yet, given our swollen male prisons, this is an area where significant changes are needed.

On criminalisation, the Government should tread very carefully—I am backing my noble and learned friend Lord Mackay here—when introducing an offence spanning non-physical conversion therapies intended to change sexual orientation. The Government will need to be crystal clear what they mean by "conversion" and "therapy", so that when under-18s explore their sexuality with their parents, or perhaps a youth leader in a faith organisation, such people who are sincerely motivated by young people's welfare are not unintentionally criminalised. A wide spectrum of responses exists between unquestioningly affirming their sexual orientation and rejecting it out of hand. Treating young people's transgender issues separately is right, but many of the same concerns are relevant to sexual orientation and should not be batted away as homophobic.

Finally, much has been said about the Online Safety Bill and that it might curtail freedom of speech. However, there is much disquiet about children's and young people's access to pornography. Moreover, responses to "tractorgate" in the other place reveal how adults, as well as children, suffer when abusive, violent, misogynistic and racist porn is prolific because it is so addictive. As with gambling, libertarian arguments sound very hollow when the utter human misery associated with porn addiction becomes apparent, from the inability to form relationships and/or perform sexual functions because of its effects, to the social isolation and financial burden. This is not about making moral judgments, but recognising insidious and very real harm.

3.12 pm

Lord Stephen (LD): My Lords, to participate in this debate is a great privilege. However, I will concentrate my remarks on an issue much too ignored in the gracious Speech: the constitution of the United Kingdom and, mostly but not exclusively, the situation in Scotland. There are other major constitutional issues of great importance: the much-neglected and much-needed reform of this House; the need for electoral reform; Ireland and the historic changes in Northern Ireland, so eloquently addressed by my noble friend Lord Alderdice; and the need for a full, written constitution and to rebalance the powers of the Executive and Parliament to strengthen the position of Parliament—something which is very far from the Bill of Rights being proposed. These are all neglected largely, mostly or entirely in the gracious Speech.

Scotland also deserves specific comment and attention because, we must remember, the SNP remains committed to holding an independence referendum before the end of 2023. I believe that it should not happen and that the SNP should be held to its own pledge, given at the time of the 2014 referendum, that this should be a "once in a generation" event. It should be no surprise that this commitment has been ditched by the SNP. What is surprising is that the UK Government refuse to rule out another referendum, using some formulaic words about "evidence of support" to avoid giving a simple no. Will the Minister use this one simple word this evening in his summing up and make it clear that the United Kingdom Government are against this second referendum happening?

Perhaps Ministers in London believe that this issue is now on the back burner. I give them this warning: do not underestimate the laser-like focus of the SNP and the Scottish Government, which is always on this issue. Equally, do not underestimate the ability of the SNP to attempt to turn its own efforts to hold another referendum into a divisive and damaging debacle all of its own, from which it will attempt to extract the maximum political advantage.

According to the opinion polls, support for independence has twisted and turned up and down since the 2014 referendum. Ironically, the high point in favour of independence was just after the referendum. More recently, during the Covid debacle, with partygate and the performance of Boris Johnson and his Government, support for independence increased. It is perhaps ironic that support has now declined based on a war taking place in Ukraine. However, one thing remains clear and constant: this continues to be a damaging and divisive issue in Scotland—now every bit as much as it was back in 2014. Never believe that somehow the 2014 independence referendum was some sort of outpouring of civic good will, democracy and constructive, eloquent debate, contrasted so often by the SNP with what it describes as the bitterness and disgraceful tactics of the Brexit referendum. There is no such contrast to be made. I sense that the next 12 months will become increasingly tense, confrontational and difficult—and manufactured to be so.

The good news is that, according to the latest polls, less than 30% of people in Scotland want to hold this referendum in 2023, far less vote for independence. Therefore, it is not the settled will of the Scottish people even to hold a second referendum, far less to vote to leave the United Kingdom. What people want is a Scottish Government focused on better education, getting to grips with the backlog in the NHS and tackling the cost of living crisis. Instead, we have seen the attainment gap widening. Drugs-related deaths in Scotland have tripled, and our maths and science education has slipped to an all-time low in international comparisons. As a former Education Minister, that last statistic especially pains and appals me, in the land of James Watt, Alexander Graham Bell, John Logie Baird and Alexander Fleming.

I will stop here, although there is much to be tackled on the constitution. I wish that the gracious Speech had tackled some—rather than none—of these issues. Some decade of this century, there will be great reforms. However, I now fear that it will not be this

[Lord Stephen]
decade. I make one final, brief plea: we really need to tackle the centralised nature of government in this country. I cannot overemphasise the importance of reform and much greater decentralisation. This is best done by introducing a federal structure for the government of these islands, one which must surely tackle the issue of a federal structure for England. This would be good, healthy and positive for Scotland, Wales and Ireland—and very good for England as well.

3.18 pm

The Earl of Clancarty (CB): My Lords, I will talk about the arts, arts education and levelling up. There was no mention of the creative industries in the Queen's Speech. This is a serious omission as it has become increasingly clear in recent years that these industries will play a major part in the future of this country. However, I too am glad that a DCMS Minister is responding.

The term "creative economy" is mentioned in the detailed document, in relation only to public broadcasting and the proposed privatisation of Channel 4 in particular. I will say no more about that, other than to ask the Minister to take particular note of the point about foreign ownership made by the noble Lord, Lord Dubs, and to speculate whether Channel 4 would not be eventually swallowed up by one of the giants with which the Government misguidedly would like our public broadcasters to compete.

As we emerge from the pandemic, the arts in particular should play a significant part in this process, in terms of creativity, opportunities, access, education, community and the financial returns which, in normal times, should benefit not just the country as a whole but our regions as well. The arts sector has of course been grateful for the necessary help provided during the pandemic, but the fear is that we will return to the cold reality of longer-term cuts. This is evidenced by the National Campaign for the Arts *Arts Index* survey of 2020, which showed that public funding for the arts per head of population fell by a huge 35% since 2008 and, interestingly, that business sponsorship of the arts has fallen by 39% since 2013. Further cuts would be destructive at a time when the arts are still struggling to get back on their feet, including on the repayment of emergency loans. This fear includes London, where there is huge concern over the 15% reduction of funding the Arts Council has been instructed to make on its NPOs, some of which may fold as a result.

As the noble Baroness, Lady Bonham-Carter, pointed out, the principle of levelling up across the country is important, but robbing Peter to pay Paul is not the right answer. It is a policy that ignores the importance of the interactive cultural relationship between London and the regions. Earlier this year Sadiq Khan said that this will damage the UK's—not just London's—recovery from the pandemic. He also said:

"London has some of the most deprived communities in the country. Cutting arts funding for these communities is the opposite of levelling up".

Of course, what we actually mean by funding is investment.

We have a Brexit freedoms Bill but, as UK Music pointed out in its helpful briefing, we should not ignore the importance of Europe as a market and a partner. For the music industry, which was worth £5.8 billion to the economy pre-pandemic, there continue to be concerns about touring in Europe. We need an UK-EU visa waiver agreement. Dual registration will not solve the cabotage problem for orchestras. The answer has to be a cabotage exemption from the TCA. I ask the Minister: what progress has been made on Eurostar becoming a CITES-designated port and will the Government explore a cultural exemption for ATA carnets in relation to the non-portable instruments and equipment? In the other direction, because of hold-ups and increasing red tape, there are now real concerns about whether visa-national acts, booked for festivals in the UK this summer, will be able to meet their engagements. This is something the DDCMS should perhaps keep an eye on.

The higher education Bill, the Levelling-up and Regeneration Bill and the Schools Bill ought to overtly recognise the importance of the creative industries. The idea that there should be

"a school system that works for every child, regardless of where they live"

is excellent, but it will work only if there is a properly balanced education that seeks fulfilment for every child, and that must include the arts. School should be a place where children want to be, and they will want to be there if there is something that interests them. Boredom is an acknowledged major cause of absenteeism in both primary and secondary schools. The creativity crisis—as it has now been dubbed—in schools should be the first thing that the Government address. It is a crisis that has been exacerbated by the pandemic, as shown by this year's University of Nottingham Art Now survey for the teaching of art and design. This means, in the long term, the scrapping of the EBacc and proper funding for the arts in schools. A good place to start would be to reintroduce the arts premium that the Government promised previously. Taking music as an example, research by the Incorporated Society of Musicians found that departmental mean budgets for independent schools are about five times greater than those of either maintained schools or academies. This is unacceptable and it does not need a Bill to move schools away from the narrower, more academic road they are going down—an approach that does not suit all children.

There are also concerns about the arts in higher education and what it will mean in practice when the Government talk of

"improving the quality of higher education".

The cuts to funding arts courses and the fixation on maths and English as being key to higher education will doubtless make an impact on those who wish to pursue careers in the arts, including drama.

Levelling up should not just be about local business or the nature of the planning system. I go back again to funding. The Institute for Government found that there has been a 37% real cut in central government grants to local authorities between 2010 and 2020. The pandemic has stretched councils even further in the last couple of years. These cuts need to be reversed so that our local theatres, libraries, museums, public spaces and other community assets can thrive again, and local people can be proud of their environment. At the local and regional levels, that is what levelling up is about.

3.25 pm

Lord Mann (Non-Afl): My Lords, a rabbi, an imam and a bishop walked into a bar—or rather, they will next Tuesday. There will be no alcohol served at Yorkshire County Cricket Club, for it will be the first ever Eid Milan celebration to be hosted by the club. It is a significant moment in the progress of the cricket club and I hope—as I see a DCMS Minister here, although I do not expect a response today—that the opportunity for Yorkshire County Cricket Club to reach out and involve all communities, not least through an expanded and effective training centre in Bradford at the old Park Avenue cricket ground, will be deemed worthy of government support in every sense. This kind of initiative seems to me to define levelling up.

To anyone who thinks that racism in cricket is a purely Yorkshire problem, and purely to do with the Muslim community, let me say—without going into greater detail—that although its impact is not as great, the anti-Semitism at Yorkshire Country Cricket Club over the decades is as shocking as the anti-Muslim prejudice. The sexism and sexist behaviour have been as damaging as that done to the Muslim community. Anybody who thinks that Yorkshire is an outlier simply does not know what has been going on across English cricket. I would go as far as to say that Yorkshire is not even the worst offender. But something has been done; it would be smart of the Government to remain on board, as they have been, in the journey—as it is called—towards opening up and making that great game of ours accessible to all communities. We might even start winning a few Test matches if we did so.

It is not just in cricket where the Government have a potential story to tell. I am amazed that the Government have not been celebrating the successes of the youth hostel movement in its DCMS Youth Investment Fund, and the DCMS Youth Investment Fund. The NCS engagement with Youth Hostel Association has already proven a big success. The YHA is a body perhaps best exemplified by the King George VI Memorial Youth Hostel—it is not the only King George VI Memorial Youth Hostel but the one in Buttermere has the finest location—which has been used for 66 years by vast numbers of young people from all faiths, creeds and backgrounds. They use it to this day. It would be smart of the Government not just to take more credit but to ensure that more resources go into the YHA, because the hit it took from Covid means that fewer young people can get out into the countryside and fewer school kids get life-transforming residential trips in the great outdoors. Support for this would be worthy of any Government. The opportunities are already there.

The third issue I want to raise is football. I am pleased to report to the House that, for the first time in the history of our football, training is being given in contemporary anti-Semitism to professional football clubs. There is a keenness there to learn. That has happened in recent months and is going to be expanded, because there is a big demand across professional football, but perhaps even more importantly, it will be expanded into grassroots football, where it will make a very big difference. There is nothing the Government specifically need to do—there is no request for funding; football can sort that out—but again, there is an opportunity. If I were a Minister, I would be saying that I might need to go along and see this, report back and steal the example for our other hatreds, both in football and in other sports. Those great sports, not least football, could be used to get out to the masses—the football supporters, for example, whether spectators or online—that others can never reach.

When it comes to regulation in football, I just caution the Government. I am not generally in favour of creating laws, because laws are static, whereas negotiation and agreement—let us call it MoUs—can be more effective. If the Government want to redistribute income across football, legislation will be needed and there will never be consensus there. On such issues as safety, it is vital, but when it comes to governance of a sport, far more effective is a flexible model that, crucially, can change in the future without the interference of politicians. That is what I would do, and I hope there is good dialogue on that over the next year.

3.31 pm

Baroness Kennedy of The Shaws (Lab): My Lords, it should surprise no one in this House that I am going to speak on the Government's disgraceful plans to remove rights, undermine vital citizens' protections and attack liberty, while at the same time pretending to be great champions of freedom. The background briefing to this part of the gracious Speech about creating a Bill of Rights describes meeting the needs of society, commanding public confidence, protecting the human rights framework from abuse and imbuing the justice system with a dose of common sense. The pens of spin doctors must have been very busy, because it will do none of those things—none.

We have a justice system, as others have mentioned, that is falling apart. We have seen the destruction of legal aid; the demolition of the probation service; the de-professionalising of the legal profession; the overpacking of prisons; attacks on our judges; disrespect for lawyers who act for the poorest—and we hear not a word about addressing the massive backlog of tens of thousands of cases waiting to be tried. Weasel words are uttered about creating a new law for victims. How do you help victims when they have to wait years for the resolution of their cases? This should come as no surprise, as this Government have shown so brazenly their contempt for law and rules, whether regulations on parliamentary conduct, national statutes or international laws. They can put in place Covid regulations carrying policing penalties one minute, and breach them the next. They can have their name on a UN convention, such as the genocide convention or the refugee convention, and ignore their obligations. They can sign a treaty on our departure from the European Union one minute, and seek to unilaterally dismantle it the next. They can make strong statements about eradicating bullying from Parliament one minute, yet when one of the Cabinet cohort is found guilty of chronic bullying, it carries no consequences. The arbitrators and victims are the ones who end up out of jobs.

Rules exist about not profiteering from being a parliamentarian, yet when one of the Government's loyalists is found to have contravened the rules repeatedly, the Government try brazenly to rewrite the rules. Of course, for some, the law is to constrain just the little people. Populist Governments the world over do not

[Baroness Kennedy of The Shaws]
want rights to be equally available to everyone: that is one of their hallmarks. What this Bill of Rights pursues is a society in which not everyone is equal in their access to justice; where the Government can act in ways that undermine people's rights without fear of oversight by the courts; a place in which the state does not owe a duty to safeguard our rights, whether in the everyday circumstances we all experience or in the extreme situations that we hope will never happen to us or to our children. This is about an abject undermining of the rule of law, let us be clear, yet the United Kingdom wants to be recognised throughout the world as the great protector of the rule of law.

Not all of your Lordships who are members of the Conservative Party condone this behaviour. Quite a number of your Lordships are disgusted by it but, sadly, too few of you speak out. I pay tribute to those of you who do. Unfortunately, however, the hard right has control of your party. This is a callous, swaggering Government of the hard right, full of notions of entitlement and motivations of power and greed—and, let us be clear, a disregard for law—and they are capable of shocking disregard for truth. The country is facing potentially cataclysmic financial problems and yet the Government have no answers to that. Their lethargy regarding the desperate hardships so many are facing is astounding, yet they are quick off the mark to savage the right to protest, one of the fundamental rights in a democracy, and quick to reduce human rights. Make no mistake—that is what the Bill of Rights plan is set to do.

There are also serious questions. How can you possibly diverge from the jurisprudence of the European court and remain part of that framework? What will the impact be on Northern Ireland when it was fundamental to the Good Friday agreement and the peace process that there would be the human rights protections of the European Convention on Human Rights? What is the response to the Scottish and Welsh Government's opposition? I do not think the Government have given much thought to the impact on the devolved nations and how it reinforces the message that Westminster does not give a hoot about their concerns or desires. This is of course all about giving red meat to their own hardliners. Will the Minister commit to a robust pre-legislative scrutiny process as recommended by the JCHR? Will the Government publish the Bill beforehand so that we can all have the opportunity to scrutinise it, and will there be a rigorous equality impact statement?

This Queen's Speech is a pathetic response to a real and serious set of crises facing this country—the economic, criminal justice, NHS and care, energy and climate crises—but at the heart of it is an even more serious crisis: a crisis of our politics and the absence of ethics at the heart of government. That is the scandal we are now facing. This Bill of Rights is a supreme example of levelling down. Shame on you.

3.37 pm

Baroness Fox of Buckley (Non-Afl): My Lords, 38 Bills—surely this raises the question about whether legislation is being overused, a technocratic substitute for moral authority. I was struck by the contribution of the noble Lord, Lord Sherbourne of Didsbury, when he wittily moved the Motion for the humble Address, quoting the then Lord Mancroft from 70 years ago:

"we have been … over-legislated … glutted, filled … and stifled with legislation."—[*Official Report*, 4/11/1952; cols. 4-9.]

I have to say, I empathise. Is the only way for society to show disapproval to resort to banning or criminalising, or the only way to endorse certain behaviours or social norms to set them in legal stone, avoiding the harder job of winning hearts and minds? For example, I have always been a critic of the boycott and divestment movement. I think we should vigorously argue against academic arts organisations and councils boycotting specifically Israel, and I will point out how discriminatory and censorious such policies are. However, do we need a Bill to ban boycotts? It just seems such an illiberal way of confronting anti-Semitism in public bodies.

Similarly, as someone who for years has been raising the alarm about the increasing cancel culture on campuses, I have often faced gaslighting denials, even in the face of, for example, gender-critical academics being driven out of their jobs and increasing numbers of speakers at universities being no-platformed. Yet I still feel queasy about the Higher Education (Freedom of Speech) Bill; a law to ban campus censorship just sits uneasily and could easily be used to avoid tackling deeper cultural trends, such as the bullying of many students to conform to the orthodoxies of identity politics such as being told that they have to repeat the mandated mantras of language codes such as the use of pronouns, the eradication of the word "woman", and so on.

In the context of this concern about overlegislation, the Brexit freedoms Bill is to be heartily welcomed: at last a chance to roll back unnecessary laws retained from the UK's EU membership. However, an email I received yesterday from the European Movement alarmingly declared that this Bill epitomises "the calamity of Brexit" and strips back all our rights. Surely this confuses political rights with laws. I should like to see the spirit of the Brexit freedom Bill expanded: that we look at scrapping all those stifling laws that we do not need here at home, not only those drawn up in Brussels. That rights become a matter for civil society, not the law courts, would be my aim.

The legalistic mindset also seems to inform much of the response to the replacement of the Human Rights Act by an updated and slimmed down Bill of Rights, but I welcome the move, which recognises the dangers of a dependence on lawyers as the main guarantors of rights and welcome an antidote to judicial overreach. The incremental increase in litigiousness as a political tool can be and is used as a barrier to enacting decisions made democratically by the elected Government of the day, even when it is not a Government that the majority in this unelected House voted for or that the majority in the legal profession voted for.

I have heard this new Bill of Rights sneeringly dismissed as bowing to populism, as though being popular with the voting public should be a badge of shame, but there is something chilling about human rights lawyers suggesting that the only defence of rights is an Act that was brought in only in 1998 by Tony Blair. It is as though all those hard-won rights achieved by rank-and-file activists, trade unionists and all those who have fought for racial and sexual

equality for decades before the HRA existed are irrelevant. These rights were not gifts handed down from on high and will not disappear without the HRA.

I urge that we burst the myth that we need to rely on the law to defend freedom, a point viscerally illustrated recently. Where was the HRA or its advocates when we saw the widespread suspension of all civil liberties during the lockdown period: people dragged before the law courts for social gatherings and inhumanely denied rights to visit loved ones locked away in care homes or dying in hospital? Indeed, under the HRA, we have seen increasing criminalisation of speech.

So I welcome Dominic Raab's emphasis on using the Bill of Rights to guarantee free speech. How refreshing to hear a government Minister of any party prioritise codifying the importance of free speech in enhancing public debate. As a director of the Academy of Ideas, which organises such public debates, I say "Hear, hear." But as we have already heard so well-articulated by the noble Lord, Lord Hunt, another piece of legislation might well cancel out any free-speech gains of the Bill of Rights.

The Online Safety Bill should really be renamed the online censorship Bill. The ministerial boast that the Bill will make the UK the safest country in the world online uses "safety" as it is used by safe space warriors at universities, as a synonym for censorship and silencing. Of course it is proportionate for the law to tackle protecting children from pornography, those vile suicide sites, online grooming and harassment, but the bulk of the Online Safety Bill targets adults' freedom to say and read lawful but harmful speech, as explained by the noble Lord, Lord Wolfson of Tredegar. Surely it is legislative overkill when the law is used to curtail lawful expression and a non-legal term such as "harmful" is expanded into the subjective category of psychological. To note, in today's free-speech wars, that equals offensive speech some deem traumatic.

We are told the Bill will empower users, but instead it will empower—indeed, incite—big tech to remove what it decides is misinformation. But what is misinformation? The Wuhan lab leak? The biological fact of sex? Passages of the Bible? Who decides? The Higher Education (Freedom of Speech) Bill is, we are told, designed to ensure that academic staff feel safe to question and test received wisdom and put forward controversial and unpopular opinions. Good, but is that open-ended approach to ideas allowed only for academics? Surely all citizens should be equally free to question received opinion and have access to controversial views, yet the Online Safety Bill will deny them that equal right under the law.

To conclude, the law cannot guarantee free speech or freedom, but it can be used to curb and criminalise these liberties. We in this House must be wary of this when scrutinising the contradictory legislative priorities contained in the Queen's Speech.

3.44 pm

Lord Hodgson of Astley Abbotts (Con): My Lords, it is always a pleasure to hear from the noble Baroness, Lady Fox of Buckley, whose contributions are always interesting, direct and not uncontroversial. Those Members of the House who were here for the opening speeches will have heard the brilliant exposé from the noble and learned Lord, Lord Judge, of the inadequacies and weaknesses of the current arrangements for scrutinising secondary legislation and, indeed, the increasing imbalance in power between Parliament and the Executive. I entirely agree with and support what he said. He went on to suggest that, as chairman of the Secondary Legislation Scrutiny Committee, I should be cast in the role of Wat Tyler. For those noble Lords who are not familiar with the details of our history, Wat Tyler was stabbed to death by members of the Executive—in this case, the King—at Smithfield on 15 June 1381. I think I had better get to my case quickly, before my noble friend sends the heavy mob here.

Several noble Lords have been kind enough to refer to the SLSC's November report, *Government by Diktat: A Call to Return Power to Parliament*—the title really says it all—as well as the report from our sister committee, the Delegated Powers and Regulatory Reform Committee, *Democracy Denied?* This issue of scrutiny has been a problem for some years, but it is a problem, a weakness, which the conditions of modern life and the practices of the Government in recent years have made starker. Our committee followed up with a further report two weeks ago, *What next? The Growing Imbalance between Parliament and the Executive*, following on from what we said in November. A number of noble Lords have referred to it—the noble Lord, Lord Wallace of Saltaire, in particular—and I do not want to go through it. It is available in the Printed Paper Office for those who wish to consider this in more detail. However, among the most important things are the failure to provide impact assessments or examples of an actual consultation, poor-quality explanations of the purposes of the regulations and, last but not least, a continuing failure to distinguish between guidance, which is advice, and regulation, which is the law. Overall, I respectfully suggest to your Lordships' House that this whole approach shows that the Government have insufficient respect for and understanding of the powers and privileges of the two Houses of Parliament.

Noble Lords will remember that, a few moments ago, I said that our latest report was entitled *What next?*. The Queen's Speech outlines at least two examples which, if enacted as forecast, will represent a further power grab by the Executive—the Government. The first is the sexily titled Brexit freedoms Bill. The Government appear to plan to take wide-ranging powers to rescind, amend or alter legislation arising from our membership of the European Union and to do so only by secondary legislation, with all the inadequate scrutiny procedures that that implies. This will not be so much a Bill with Henry VIII powers and clauses; it will be a Henry VIII Bill in its entirety. I am not sure that those of us who voted for Brexit, as I indeed did, understood that "taking back control" did not mean taking back control but transferring it from Brussels to Whitehall without any parliamentary input along the way.

The second example is the Online Safety Bill, which I think my noble friend Lord Parkinson of Whitley Bay will have the pleasure of taking through your Lordships' House very shortly. It is not my role to get involved in the delicate balance and trade-offs between free speech and censorship. The noble Lord, Lord Hunt of Kings Heath, made a very far-ranging exposé

[Lord Hodgson of Astley Abbotts]
of this. However, a 226-page Bill, which leaves all the key policy details to be filled in later by secondary legislation, cannot be an appropriate way to proceed.

What is the answer? It is not—I repeat, not—to scrap the whole system and start again. First, the system works perfectly adequately in respect of negative SIs, the less controversial ones, and they account for over 70% of the work carried out by the SLSC. However, there is an important need for government departments generally to up their game on timeliness, assessing impact, consultation, clarity and a greater readiness to respond to and engage with concerns raised in the two Houses of Parliament. Where they are unable to do that, the instrument should be withdrawn until the department is able to respond properly.

But thirdly, and most importantly, Governments argue now that the rate of change in modern life outpaces the ability to bring forward primary legislation fast enough and therefore that secondary legislation must fill the gap. I have some sympathy with that view but, if you are going to grab a little, you have to give a little. Therefore, the challenge for us all now—Back-Bench Members of both Houses, the Government, Her Majesty's loyal Opposition and the other opposition party Front Benches—is to devise a system to identify those key clauses and establish a new procedure to scrutinise, examine and, where necessary, amend them, including increasing the ability of external bodies and individuals to make their views known. Will it make the Government's job easier? No, it will not—but it may well mean better law. Above all, obtaining a proper degree of parliamentary and public consent is a key element in maintaining general confidence in our democratic system.

3.51 pm

Lord Parekh (Lab): Lady Fox? No? My Lords, I am sorry—there seems to have been some confusion, because there is a speaker before me in the list, but I had not realised that she was not going to turn up.

Anyone who cares about Britain is bound to be disturbed by the current state of inequality and injustice in our country. Inequality between individuals is too obvious to need spelling out—for example, the vast inequality of incomes between some who earn millions and some who starve—and the figures are too well known for me to retell. The recent case of a woman who travelled by bus all day to avoid having to spend money on heat is too well known and is emblematic of what actually goes on.

We have inequality not just of individuals but also of regions. As a recent survey by the Institute for Fiscal Studies pointed out, Britain comes out as the worst of 27 nations that it studied. Even the Prime Minister said that Britain is

"one of the most imbalanced societies and lop-sided economies",

and, as he said, even well-designed policies will take decades to produce results. We have not even started with any of the policies which will help us to resolve these inequalities.

The cost of living is rising, and inflation is higher than ever before—it is certainly higher than in the 1960s. This inequality, as it continues to grow, becomes a source of a lot of unease in society. Society then breaks up into different communities, each going its own way. There is arrogance at one end of the social spectrum and anger at the other, and there is instability and a great degree of smouldering unease.

If these inequalities are going to be tackled, we require systematic, equal opportunities. We have to start in early childhood—which one sees very little mention of in the Queen's Speech. Inherited disadvantages are perpetuated over generations and congeal into even stronger and deeper disadvantages. The class of birth is also the class of death; as many surveys have shown, social mobility in England has been rather low. When people protest against this growing inequality and the suffering it causes, the Government seek restrictions on what protest is allowed. These restrictions —far more than ever before, in fact—mean that a lot of people get arrested and that our prisons are fuller than ever before, becoming a training ground for future prisoners with more serious crimes.

As a result of that sort of situation, the legitimacy of our laws and political system is questioned. When that is questioned, there is a culture of cynicism. Our laws and political system are seen as instruments of oppression and repression, not of emancipation or law and order. No politician is trusted. They are exposed for breaking rules that they want ordinary citizens to follow. Public discourse becomes rather coarse and crude as a result. I find it impossible to believe that, when the Prime Minister gets up every morning, the references to him that one would find rather obnoxious—"He's a liar", "He's this", "He's that"—do not destroy his confidence. Hardly any Ministers are referred to in a manner that one would regard as acceptable. I am not interested in what is true and what is not true; I am interested in how an individual is constantly referred to and how they might feel about it.

The result of all that, where every Minister is denigrated and treated as a cheat, is that the press becomes partisan. This was wonderfully discussed by Professor Brooks in his recent book, *The Trust Factor*. He points out that trust is the lifeblood of democracy. He says:

"We know no system is perfect".

We know that no problem has only one answer—we all recognise that—but, as Professor Brooks says,

"we expect our leaders to be honest"

and dependable. However, when that does not happen and leaders are not honest, straightforward or transparent in their answers, we tend to become nihilistic and suspicious and fall for any story that is going round about any politician. Abusing and dehumanising opponents through simplistic stereotypes and clichés becomes a common way of referring to them.

This kind of situation, where you justify and suppress inequalities so that you can not only tolerate them but aggravate them, restricts liberty and, through that, results in the destruction of the very political system in which we take pride. This simply cannot go on. The problems of the legitimacy of our system and the inequality within it are urgent. Therefore, the remedy must also be urgent. We do not seem to realise even remotely what is happening to us.

3.57 pm

Lord Foster of Bath (LD): My Lords, the responsibilities of the Department for Digital, Culture, Media and Sport have an impact on all our lives in both our

leisure activities, from sport to theatre, and our working lives, with the crucial reliance on communications and data. The creative industries boost our economy and the BBC boosts our standing overseas. However, despite all this and much more, it is an undervalued and under-resourced department. As a result, opportunities are missed, such as the role that the creative industries could play in rural areas to help the levelling-up agenda.

Of course I accept that the department is doing things, including reforms in areas such as data, media, digital competition and online safety. However, even in some of these areas, it is simply not going fast enough. For example, I am pleased that the Government recognise the need to tackle tech giants' anti-competitive practices and say that action is urgent but, instead of enacting the proposals for the Digital Markets Unit, we are offered a draft Bill—hardly urgent action.

I have spoken many times in your Lordships' House about the need for urgent action to reform gambling; I declare my interest as the chairman of Peers for Gambling Reform. This is yet another area where we have seen dither and delay—sadly, that delay is costing lives—while gambling companies make multi-billion-pound profits. We have well over a third of a million problem gamblers; amazingly, 60,000 of them are children. Some 2 million people are impacted by it all and, sadly, more than one gambling-related suicide occurs every single day. We cannot continue as we are, with outdated legislation designed before the advent of the smartphone. Can the Minister at least tell us exactly when the much-delayed White Paper will be published?

There are many gaps: there are no measures to improve the protection for our world-beating creative, design and brand industry, the success of which is continually threatened by digital piracy and counterfeiting. It is now 18 months since the Government's Digital Markets Taskforce recommended solutions, so can the Minister tell us whether the Government plan to progress these recommendations and, if so, when?

Our world-leading sports industries rely on income underpinned by intellectual property rights, yet their digital rights are poorly protected and their TV rights are now under threat, as we increasingly see drones feeding TV pictures to the betting community without the permission of the organisers. Bizarrely, this is entirely legal at present. Sporting bodies have developed sensible proposals to rectify the situation, so will the Minister at least agree to meet them?

The Government claim they are prioritising improvement in intellectual property protection in those countries with which we are negotiating trade agreements, yet industries that rely on IP are not convinced. They point to the CPTPP, from which it is clear that, rather than a rule-maker, we will be a rule-taker and there will be little deviation from the existing agreement with its poor IP protection. That is hardly prioritising intellectual property in trade negotiations.

Even over Brexit, because the DCMS lacks any clout in Whitehall, it was ignored when the deal was being negotiated. As a result, BEIS failed to protect our second-largest sector, the creative arts, which covers one in eight businesses. The perfectly sensible cultural visa waiver scheme offered by the EU was rejected for mistaken ideological reasons. The consequent increase in complexity and red tape for touring musicians and other performance artists will not be fixed, as the Government try to claim, by what my noble friend describes as the "quagmire" of differing bilateral deals with individual EU countries.

Finally, given that so much needs to be done, can the Minister explain why vital legislative time is to be used to provide a solution where there is no problem and no public support? The Secretary of State claims that the privatisation of Channel 4 is necessary because the current ownership model has "serious challenges", yet your Lordships' Select Committee, like many others, stated:

"We are not convinced … by those who claim that privatisation is an urgent necessity".

I will not repeat the many eloquent arguments made by other noble Lords, but will ask just one question. The remit of Channel 4 includes several quotas, such as the percentage of production that should be made outside London. But Channel 4 committed to exceeding them and Ofcom confirms that it has. The broadcasting White Paper specifically says:

"The government will require this new owner to adhere to ongoing commitments, similar to those Channel 4 has today".

Can the Minister explain whether this means that a new owner must maintain the quotas Channel 4 has achieved or the lower ones set out in the remit? Surely, if it is the lower ones, this totally contradicts the Government's promise that they expect the new owner to continue to

"deliver outcomes in line with those we see today".

With so much else that needs fixing, I fail to understand why an underresourced and undervalued department is wasting time on an unnecessary and unpopular project.

4.04 pm

Lord Green of Deddington (CB): My Lords, it was suggested earlier that Cross-Benchers are a bunch of left-wing intellectuals. I do not think I have ever been accused of being left-wing and certainly not an intellectual. That may explain why I intend to strike a very different note.

I intend to tackle a subject that many of your Lordships love to hate. You have guessed it: immigration and, in particular, its impact on and consequences for the future of our society. I will do that in about four and a half minutes, I think.

This Government promised at the last election to take back control of immigration and to reduce it. Regrettably, they have failed to do so. The truth is that, quite apart from the chaos in the channel, which I shall leave aside, immigration in its normal sense is running out of control. Last year more than 800,000 long-term entry clearances were issued, the highest total since 2005. How many migrants left in that year? We do not know. Why not? It is partly because Covid disrupted travel patterns, as we all know, but also because the official statisticians chose to abandon key parts of the International Passenger Survey, even though they had nothing reliable to replace it with. What we see is a rapid increase in the inflow and no reliable information on the outflow in the past year or two.

Looking back over the past 10 years, we know that the Conservative Government who promised in 2010 to reduce net migration to fewer than 100,000 a year

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allowed it to rise to an average of 230,000 over that period. Looking back over the past 20 years, three metrics illustrate the impact of immigration on such a scale. They are not very often referred to but they are not in doubt and they are not challenged. First, the UK population has grown by nearly 8 million and 80% or more of that increase was due to immigrants and their subsequent children. Secondly, the share of births to one or more foreign parent has almost doubled in England and Wales to about 35%. Thirdly, the ethnic minority population of Great Britain—I include in that migrants from the EU—has almost doubled to 21%. We now find that in London immigrants by that definition are 56% of the population—a majority. Birmingham at 48% and Manchester at 43% are not far behind.

What of the future? The share of ethnic minority children in state-funded schools is now about one-third. Twenty years from now, on reasonable assumptions, they could well become the majority in our schools. Meanwhile, on a wider scale, three well-known academic projections have put the white British population 40 years from now at between 55% and 65%. That means, whether you like it or not, that our grandchildren would, in their lifetimes, have become a minority in what I would call their own country. Just think about that for a minute. Is it really what we want to see for the future of our country? Some will say yes, but an awful lot of people, especially the less rich and the less comfortable, would not welcome it at all.

We are already seeing the impact of these very rapid changes on our political system. I will not say much about that as it is really not my business, but all parties are increasingly concerned to attract the immigrant vote. As a result, the Immigration Rules, already under pressure from industry, have been steadily weakened. We are getting close to the point where there is no effective control. Meanwhile, although the salience of the matter varies with time and with what else is going on, in 2021 a YouGov poll found that 55% of the public said that reducing immigration should be a high or medium priority for the UK. As I have pointed out before in this House, that amounts to about 30 million adults. The Lib Dems do not like that, but it is the case.

It is no use blaming the white British. The noble Baroness, Lady Casey, in her recent comprehensive study of immigration into the UK, put it rather well. She said this:

> "It isn't racist … to say that the pace of change from immigration in recent years has been too much for some communities … People are understandably uncomfortable when the character and make up of a town change out of all recognition in five or 10 years."

That was her view, and I happen to share it.

To conclude, this massive, continuing inflow could well lead to serious social tensions in Britain, as we are already seeing in France. Even in Sweden there have been serious riots. Indeed, its Prime Minister said recently that integration is failing and that certain communities in Sweden live "in completely different realities". Noble Lords may think that some places in the UK are similar. I hope that in the coming Session this House will turn its attention to the crucial impact of current levels of immigration on the whole future of our society. It is not too late to act, and policies are available. What is needed is the political will to address an issue that so many have preferred to avoid.

4.11 pm

Baroness Goudie (Lab): My Lords, the Government propose to move away from human rights to a Bill of Rights. One is bound to ask: what is wrong with human rights? Why is there a distancing from human rights in the title?

After the horrors of world wars, an international approach and reaffirmation of human rights principles were needed. In Europe these have never been more necessary than at present. The European convention and the establishment of the European Court of Human Rights were supported across the board from the United Kingdom. Largely, what was done was to embody and import common-law principles. These are complicated and reflect the principles we have enjoyed since the Magna Carta. The United Kingdom can be proud of its achievement.

Building on this, the Human Rights Act 1998 was to bring convention rights home. We should regard as a success the crucial task of enabling and ensuring the effective enforcement of those rights. It has withstood the test of time, skilled in the balance it struck between the important principles of the sovereignty of Parliament and the independence of the judiciary.

Decisions of the Strasbourg court are to be taken account of, no less and no more, but in the case of primary legislation, even the power of the UK court does not go beyond making a declaration of incompatibility. The rule of law is maintained. It is not broken and so does not need to be fixed. On the contrary, it is not to disrespect the role of democracy and of the majority to ensure that minorities are included and not abused or oppressed. Civilised conduct is promoted and totalitarianism is confronted. Democracy does not accept a lack of constraint and restraint upon executive access. The public interest criteria and the collective interest are not neglected in striking a proper balance.

When appropriate, the UK courts decline to follow Strasbourg cases. They do not do so slavishly, and they explain why. The Government have failed to make a case for departing from the recommendations of the Gross report, which was a well-reasoned and persuasive analysis.

Finally, and importantly, in parallel with our Human Rights Act there has been the peace process in Northern Ireland, to which the human rights convention made a significant contribution. At a time when the process is under threat, not only from the consequences of Brexit but from the Government's attitude to the Ireland/Northern Ireland protocol—to which they agreed, as an international treaty—it is crucial that human rights are not thwarted.

4.14 pm

Lord Thomas of Gresford (LD): My Lords, I want to take up the last point made by the noble Baroness, Lady Goudie, about the protocol in Northern Ireland. Page 447 of the 2011 edition of *Erskine May* states:

> "By long-standing convention, observed by successive Governments, the fact of, and substance of advice from, the law officers of the Crown is not disclosed outside government. This convention is referred to in paragraph 2.13 of the Ministerial Code."

In a complete reversal of that convention, the current Attorney-General has announced in the *Times* today that she has been advised that legislation to override the Northern Ireland protocol is legal because the EU's implementation of the protocol is disproportionate and unreasonable. That is no doubt intended to trigger and justify the Brexit freedom Bill that is part of the Government's programme. The public are entitled to know who gave that advice and what the standing of that person is, whether a Civil Service lawyer employed as a member of her staff or specialist counsel. In either event, the Attorney-General gives political cover to her advisers and takes the responsibility. She cannot get away with a breach of the convention by saying, "It wasn't me, guv".

The charge that the EU's implementation of the protocol is disproportionate and unreasonable is of course pure Lewis Carroll; like the rest of this Government, it is Boris through the looking glass. Far from being intransigent, the EU has sought to keep Boris to his promises. He signed the deal. Everything was "oven ready". Last October, Maroš Šefčovič, the EU negotiator, put forward four papers with proposals to mitigate some of the practical problems that have arisen. Those have been rejected out of hand. He has indicated that he is open to further talks.

The truth is that this Government have deliberately misled the public about the meaning of the protocol. I shall give a clear example. The Government have suggested almost from the beginning that Article 16 provides a mechanism for the UK to walk away from the protocol. "Invoke Article 16!" is the cry. But Article 16 is a commonplace dispute resolution mechanism providing that, in the event of difficulties, one or other of the parties may suspend the operation of the protocol for a temporary period in order to remedy a precise situation by way of agreed measures—measures that will least disturb the wider operation of the protocol. If invoked, Article 16 does not blow up the protocol; it continues to be in force. It is not an escape hatch.

Yet this Government's rhetoric has misled the main unionist party into fighting an election last week in Northern Ireland on a totally false basis, and to maintain its intransigence even now after it has suffered a historic defeat. In the face of that, the Attorney-General is advising that an Act of Parliament pushed through by a Conservative majority can break treaty obligations undertaken and recognised in international law. The sovereignty of this Parliament depends upon the rule of law, and the doctrine of sovereignty cannot possibly justify unlawful acts.

Noble Lords should not take it from me. When he resigned last September, the noble and learned Lord, Lord Keen of Elie, an exceptionally experienced and competent lawyer—said to be the best in Scotland, or at least the most expensive—said in his resignation letter:

"Over the past week I have found it increasingly difficult to reconcile what I consider to be my obligations as a Law Officer with your policy intentions with respect to the"

internal market Bill.

"I have endeavoured to identify a respectable argument for the provisions"

in question

"but it is now clear that this will not meet your policy intentions."

Sir Jonathan Jones, the chief government lawyer, had already resigned for the same reason. The noble Lord, Lord Wolfson of Tredegar, has 50 more reasons—in the Covid tickets issued today—for his resignation last month. He said then that

"the scale, context and nature"

of the Covid breaches in government was

"inconsistent with the rule of law".

The Attorney-General is embarked on a course which can lead only to lengthy proceedings once more in the Supreme Court. When the Government lose, no doubt they will squeal, as they have in the past, that the judiciary is getting involved in politics. Protecting the rule of law is not politics. The Lord Chancellor swore to protect the rule of law on his appointment, and the Attorney-General herself swore that she would

"duly and truly minister The Queen's matters and sue The Queen's process after the course of the Law, and after my cunning".

On 17 January 2019, I said that Brexit would lead to the breaking-up of the United Kingdom, and I repeated the point in September 2019. If the Government continue in their confrontational way to destroy the protocol, I fear that that is precisely what will happen.

4.21 pm

Baroness Henig (Lab): It is a great pleasure to follow the noble Lord.

A previous speaker referred to the "fine but empty words" of the Queen's Speech. I would rather describe it in the graphic language I heard a lot of when I lived in the north, as "All fur and no knickers." Yes, we have headline-grabbing proposals—a British Bill of rights, a Brexit flexibilities Bill—but what are they actually going to achieve in practice, other than to bypass parliamentary scrutiny even more, as we have already heard, and further enhance executive power? One looks in vain for concrete measures to deal with the escalating cost of living, with the problems that people are actually grappling with in their daily lives—help for local communities. It is all headline stuff, and there is so much that the Government could and should be doing to address mounting threats and problems.

First, I turn to an issue high on the Government's agenda: making our streets safer. I should in doing this draw the House's attention to my interests as set out in the parliamentary register, and in particular to those relating to private security. For a decade and more, leaders across the private security industry have campaigned for licensing of companies as a major part of a strategy to drive up standards across the industry. This is a key issue for public safety; in the last 10 years, nearly 20,000 police officers have disappeared from our streets, and it is private security that has taken on more and more of the responsibility of policing public spaces and private venues. So it matters to all of us that security guards on the front line are properly trained, effectively deployed and supervised, and paid at least the national minimum wage.

Ministers in this House as long ago as 2015 assured us that regulation of private security companies was a priority. The noble Lord, Lord Bates, declared it to be something that they were committed to and said that it would happen early in the next Parliament. Really? I must have missed it. No, these were empty promises;

[Baroness Henig]
no measures were actually introduced. Then five years ago the Manchester Arena bombing happened, along with other terrorist attacks—and once again we were promised urgent action. Thanks to the persistent campaigning of Figen Murray, the Government were pushed into consulting on the Protect duty—but it has taken five years. I saw no mention of a Protect Bill in the Queen's Speech, but the Minister referred this morning to a draft Bill. Its introduction is long overdue, and I look forward to hearing more about its provisions. It is far more important to have a Protect Bill than to target peaceful protesters, but such a Bill will require extensive action. Probably around half a million or more premises and venues up and down the country will need to be risk assessed, and there will have to be regulation of companies carrying out safety recommendations to ensure adequate public protection. So I await with impatience further information about the proposals in the draft Bill.

I turn now to the fan-led review of football—because, again, we see the same pattern. We see headline proposals for establishing an independent regulator for football, but no actual Bill. There are a lot of issues raised in the Crouch report that the Government accept, such as on corporate misgovernance and incompetence, the need for fans to have input into decisions that affect them and their clubs, and also, of course, the importance of football clubs for local communities.

We know that without urgent action there will be more football clubs going into liquidation: more Oldhams, Burys and Macclesfields. What happens to local football clubs matters to local people. As times get tougher, people will live even more of their lives through their local football club. I know this as I have supported my local football club, Leicester City, for over 65 years, through thick and thin—interestingly, along with the noble and learned Lord, Lord Judge, who is not in his place but who has supported them for more than 70 years. My point is that our football heritage matters to people, which is why the Government, through DCMS, should be taking urgent action to implement the sensible and pragmatic proposals of the Crouch review, not putting them off and instead pursuing the vindictive privatisation of Channel 4, which makes no sense either economically or culturally.

Finally, I turn to the pervasive issue of fraud. In this digital age, we are all at risk of internet, computer and mobile phone fraud. Not surprisingly, the number of victims of fraud across the country has rocketed; 40% of all crimes committed now are crimes of fraud. However, many people are so ashamed they have been taken for a ride that they do not tell anybody about it, so the crime is probably underreported. What are the Government proposing to do to tackle this epidemic of fraud? Not very much, it seems. There is a reluctance even to acknowledge fraud as a crime. When the Prime Minister declared recently that crime levels were going down, apparently he left out fraud cases, which seems rather surprising.

Your Lordships will be reassured to hear that a Lords Select Committee is now on the case. Under the dynamic leadership of the noble Baroness, Lady Morgan of Cotes, the Fraud Committee, of which I am honoured to be a member, is busy uncovering the true extent of the problem, and it will come up with a range of suggested measures to tackle it by the end of the year. I just hope that we are more successful in getting a positive commitment to urgent action from the Government than the members of the fan-led review of football. We need to do something to tackle fraud. Undoubtedly, this crime is going up and up and something needs to be done about it.

4.27 pm

Lord Ramsbotham (CB): My Lords, it is always a pleasure to follow the noble Baroness, Lady Henig. I have three points to make. First, as other noble Lords have said, I deplore the number of times we were asked by the Commons response to our amendments to a number of Bills in the previous Session to break the rule of law. The noble Lord, Lord Wolfson, did the decent thing and resigned from the Government over the issue. I suggest that the Government Whips and those who voted in favour of the Commons rejection of our amendments ought to examine their consciences to see how happy they are to have voted for so many breaches of the law.

Secondly, in the gracious Speech, mention is made of a Bill of Rights. Are the Government really happy about this, when the Secretary of State for Justice, who is presumably responsible for its introduction, has expressed the view that human rights should not apply to prisoners?

Thirdly, my noble friend Lord Hastings of Scarisbrick referred to a question I asked a number of times in the previous Session. My noble friend indicated that, in the 2019 Queen's Speech, mention was made of a royal commission into the criminal justice system. As successive Ministers have made clear, this is obviously not going to happen—no announcement has been made of either the name of the chairman or the terms of reference, and the team formed inside the Ministry of Justice to handle the royal commission has been broken up. Surely, the Government should now do the decent thing and apologise to Her Majesty for asking her to make an announcement which they had no intention of implementing.

4.33 pm

Lord Clement-Jones (LD): My Lords, I shall focus mainly on the Government's digital proposals. As my noble friend Lady Bonham-Carter, the noble Baroness, Lady Merron, and many other noble Lords have made clear, the media Bill and Channel 4 privatisation will face fierce opposition all around this House. It could not be clearer that the policy towards both Channel 4 and the BBC follows some kind of red wall-driven, anti-woke government agenda that has zero logic. The *Up Next* White Paper on PSB talks of

"embedding the importance of distinctively British content directly into the existing quota system."

How does the Minister define "distinctively British content"? Is it whatever the Secretary of State believes it is? As for the Government's response to the consultation on audience protection standards on VOD services, can the Minister confirm that Ofcom will have the power to assess whether a platform's own-brand age ratings genuinely take account of the values and expectations of UK families, as the BBFC's do?

Having sat alongside the noble Lord, Lord Stevenson, on the joint scrutiny committee on the draft Online Safety Bill, I agreed with all his remarks today. I welcome the fact that its provisions are directed primarily at the business model of the social media platforms—in particular, the inclusion of scam advertising within the Bill and the inclusion of pornographic sites—but it is vital, if we are to have privacy protecting age verification, that principles for age assurance are included in the Bill. I welcome the intention to legislate for the new criminal communications offences recommended by the Law Commission, but without these being passed into law, the Bill will be completely defective, and we must incorporate the hate crime offences too.

But there are key issues that will need dealing with in the Bill's passage through Parliament. As we have heard from many noble Lords, the "legal but harmful" provisions are potentially dangerous to freedom of expression, with those harms not being defined in the Bill itself. Similarly, with the lack of definition of children's harms, it needs to be clear that encouraging self-harm or eating disorders is explicitly addressed on the face of the Bill, as my honourable friend Jamie Stone emphasised on Second Reading. My honourable friend Munira Wilson raised whether the metaverse was covered. Noble Lords may have watched the recent Channel 4 "Dispatches" exposing harms in the metaverse and chat rooms in particular. Without including it in the primary legislation, how can we be sure about this? In addition, the category definitions should be based more on risk than on reach, which would take account of cross-platform activity.

One of the great gaps not filled by the Bill, or the recent Elections Act just passed, is the whole area of misinformation and disinformation which gives rise to threats to our democracy. The Capitol riots of 6 January last year were a wake-up call, along with the danger of Donald Trump returning to Twitter.

The major question is why the draft digital markets, competition and consumer Bill is only a draft Bill in this Session. The DCMS Minister Chris Philp himself said in a letter to the noble Baroness, Lady Stowell—the Chair of the Communications and Digital Committee—dated just this 6 May, that

"urgent action in digital markets is needed to address the dominance of a small number of very powerful tech firms."

In evidence to the BEIS Select Committee, the former chair of the CMA, the noble Lord, Lord Tyrie, recently stressed the importance of new powers to ensure expeditious execution and to impose interim measures.

Given the concerns shared widely within business about the potential impact on data adequacy with the EU, the idea of getting a Brexit dividend from major amendments to data protection through a data reform Bill is laughable. Maybe some clarification and simplification are needed—but not the wholesale changes canvassed in the *Data: A New Direction* consultation. Apart from digital ID standards, this is a far lower business priority than reforming competition regulation. A report by the New Economics Foundation made what it said was a "conservative estimate" that if the UK were to lose its adequacy status, it would increase business costs by at least £1.6 billion over the next 10 years. As the report's author said, that is just the increased compliance costs and does not include estimates of the wider impacts around trade shifting, with UK businesses starting to lose EU customers. In particular, as regards issues relating to automated decision-making, citizens and consumers need more protection, not less.

As regards the Product Security and Telecommunications Infrastructure Bill, we see yet more changes to the Electronic Communications Code, all the result of the Government taking a piecemeal approach to broadband rollout. I do, however, welcome the provisions on security standards for connectable tech products.

Added to a massive programme of Bills, the DCMS has a number of other important issues to resolve: the AI governance White Paper; gambling reform, as mentioned by my noble friend Lord Foster; and much-needed input into IP and performers' rights reform and protection where design and AI are concerned. I hope the Minister is up for a very long and strenuous haul. Have the Government not clearly bitten off more than the DCMS can chew?

4.39 pm

Lord Woolf (CB): My Lords, I am the latest in what I will call the pack of former senior judges who have addressed this debate. I do not propose to do more than to indicate that I agree with everything that they said. On those subjects, I have nothing to usefully add.

However, I feel that I should also mention just one or two of the other speakers who are not members of the pack, but who have also made contributions. I specifically endorse what was so ably said by the right reverend Prelate the Bishop of Gloucester about a subject very close to my heart: overindulgence in the use of prisons. On that subject, we also heard from the noble Lord, Lord Ramsbotham, and I particularly thank him for what he had to say throughout his period as Her Majesty's Chief Inspector of Prisons. Ever since, he has been magnificent in the way he has fought for a very important cause.

The next person I wish to thank is the person who came to the help of the profession. I am referring to the noble Baroness, Lady Deech. As she explained, at the present the time the legal profession has real concerns about its position. The action it has taken is unprecedented so far as I know during my career in the law. I believe it was taken only after it was felt that unless it took action that was inconsistent with the normal practice of the Bar, it would never see the redress that is needed to try to deal with the problems of legal aid and fees for those appearing in the criminal justice system. Criminal justice is extraordinarily important to this country, and our reputation with regard to the quality of the justice we provide is the highest. It would not be of that high level if it were not for the quality of those who do not go in for highly paid work in the commercial field but instead devote their skills to the great difficulty of ensuring the defence of those who are charged, whether correctly or not, with criminal offences. I strongly urge the Government to seek the first possible opportunity to assist in resolving that problem.

One of the great things about our legal profession so far as my experience goes—it is long experience, but not necessarily as wide as I would like—is that most of

[Lord Woolf]
the time, the relationship between the profession and the Government has been cordial and appropriate. That should be maintained, because more can be achieved in improving the quality of the justice provided in a period when relations are cordial than when another situation exists.

Finally, I shall mention just one matter in order to assist a noble Lord who fell into the difficulty I fell into on a recent occasion. If you do not turn up in time for the opening of a debate, whether you have a good excuse or not, and whether you have caused any inconvenience or not, your name as a speaker is removed and no matter how strongly you protest, you cannot get it restored. If that person had spoken, he would have urged those responsible for the consultation on the Government's proposal for a modern Bill of Rights to publish a report on the consultation before the introduction of the proposed Bill.

4.44 pm

Lord Austin of Dudley (Non-Afl): My Lords, it is a pleasure and privilege to follow the excellent speech of the noble and learned Lord, Lord Woolf, and to be speaking in this debate. I start by saying that of course it is possible to be concerned about the impact of immigration without being racist, but the speech of the noble Lord, Lord Green, was not about pressures on schools and hospitals in poorer parts of the country. It was mainly—and let us be honest about this—about the colour of people's skin. It could have been made by people opposed to Jewish immigration to Britain before the war; by Enoch Powell and his supporters in the 1960s and 1970s; or by anyone, throughout the years, who wants to pretend that they are not a racist but are speaking up for the concerns of ordinary people in poor areas—a group he knows very little about. He is on completely the wrong side of history. People in Dudley, where I live, and places like it are not bothered about the colour of people's skin any more and do not share this miserable obsession with what people look like.

I welcome the measures the Government set out in the Queen's Speech to tackle crime and improve law and order. We live in a democracy—of course people have the right to protest, and I have been on plenty of protests over the years—but there is a huge difference between a properly organised march against a war or a protest against racism and bringing motorways or city centres to a standstill. People do not have a right to prevent hard-working people getting to work or patients getting to hospital. The freedom of the press is one of the pillars on which a free society and democracy depend, so people do not have the right to blockade printing presses either.

The Government also say they will bring forward measures to tackle economic crime, which are very much needed. When I was contacted by people in Dudley as a Member of Parliament, I was shocked by the terrible response that victims of fraud received. Recent figures show that just one in 500 frauds is prosecuted by police, despite an increase in this crime of 20%. Overall, the number of arrests and prosecutions are down; just one in 16 crime suspects was taken to court last year. The rate of offences that lead to a charge is at a record low, so the Government need to deliver on their promise in the Queen's Speech to make the streets safer.

Given this commitment, there is one issue I want to raise. I want to speak about Dea-John Reid, a 14 year-old lad from Birmingham who was killed by a gang in the city last year. What can the Government do to secure justice for him and his family? It is a shocking story. One evening in May last year, after an altercation between two groups of teenagers, Dea-John was chased down a busy street by five males, including two grown men—adults—shouting racist abuse. One of them, who was 14 years old at the time, killed him with a knife. A 14 year-old black boy was chased by a gang and stabbed to death. His mum, Joan Reid, said he was

"hunted by a lynch mob reminiscent of … Mississippi Burning".

Following the earlier altercation, the boy who killed Dea-John had phoned 38 year-old George Khan, who was drinking in a pub with 35 year-old Michael Shields. They collected the three boys in Khan's car and "set off", the court was told,

"to hunt down the Dea-John group … Khan carried the plan to seek retribution forwards and actively encouraged the attack",

the prosecuting barrister said. According to witnesses, Khan pointed and shouted "Oi, you n-word". Dea-John and his friends ran, but he went a different way to get away. Khan and the defendants ran after him. A witness said that the men had their tops off, used them to cover their faces and were carrying weapons. One was carrying what looked like a screwdriver. Khan allegedly shouted, "Bang him out" and—I apologise for this—"f-him up" to one of the teenagers. They were grown men. If that is not incitement, what is? This 14 year-old boy had asthma, ran out of breath, was caught, stabbed and killed. Imagine it: he was chased by a racist mob, cornered, stabbed and killed on the streets of Birmingham last year.

This is incredible. Four of the five defendants, all of whom chased him, were found not guilty by an all-white jury. The fifth, now aged 15, was convicted of manslaughter and will be free in less than three years. The judge said that, if he had been an adult, he would have been on trial for murder.

Someone in Birmingham said to me, "A gang shouting racist abuse—a black boy stabbed. What lessons have we learnt?" I remember Birmingham in the 1980s and how failings in the criminal justice system resulted in riots on the streets. There can never be any justification for that. His Mum, Joan Reid, called for calm in the black community in Birmingham—and they listened because they trusted the authorities. But the deal is justice for Dea-John and his family, so why are those men walking free?

I want the Government to look at what measures in the Queen's Speech can secure justice for this boy and his family. Will Ministers look at this and will the Attorney-General refer it to the Court of Appeal? I know that obviously we cannot have political direction of the police and courts, but this cannot be allowed to stand—not in Britain in this century. So will Ministers call in the chief constable and the CPS in the West Midlands to find out what has gone on here? Are there other charges that could be brought, such as affray or racially motivated assault? I want to know what the Government can do to secure justice for that little lad

and his mum. I want Her Majesty's Government to address the concern that I have raised in the legislation they propose to bring forward in delivering on the gracious Speech.

4.51 pm

Baroness Thornton (Lab): My Lords, it is of course an honour to speak in the debate on the gracious Speech. I rise to speak about women and equalities, and the effects this Speech will have in that area. I fear that the Queen's Speech, unfortunately, will do nothing to make Britain a more equal place. By failing to deliver for women and disabled people, making no mention of LBGT+ people and having no plan to break down the barriers that black, Asian and minority ethnic people face, it holds our whole country back.

More immediately, the Government are breaking the promise to ban all forms of conversion therapy. Ignoring the advice of experts from the BMA, the mental health charity Mind and many others, they are ploughing ahead with an absurd consent loophole that will make a mockery of any ban and discriminate against trans people. And disabled people barely get a mention anywhere, even though they are far more likely to bear the brunt of the cost of living crisis.

Turning to the record of the Home Office and the Department of Justice on women and equalities, the brief to which I am turning my attention as a member of the Opposition's women and equalities team, I want to raise the rights Bill, as other noble Lords have, and the long-awaited victims Bill that were in the gracious Speech. These changes seem to me—I speak, of course, as a non-lawyer and not part of the club—to have an adverse effect, and possibly adverse impacts, on victims of crime, particularly of crimes of violence against women and girls and similar offences against men. That seems contrary to the Government's policy of ending violence against women and girls—the latest strategy is very welcome—and having a justice system that works for victims.

What the Government propose at present seems to remove the ability of victims to assert their rights. Can the Minister assure the House that this is not an unintended consequence, since surely the Government intend to enhance victims' rights, not reduce and damage them? The draft rights Bill contains the potential loss of positive obligations, which is a most serious issue for victims of crime, as my noble friend Lady Kennedy said in her speech. Positive obligations require the state not to breach human rights and also impose an obligation on the state to be active in protecting people's human rights.

I thank the Victims' Commissioner's website for this example of positive obligations, because it seems obvious. One of the best-known instances of the use of violence against women victims, and the obligation to protect them, was the claim brought against the Metropolitan Police concerning the taxi driver rapist John Worboys' victims. The Supreme Court held that the police's significant failure properly to investigate Worboys' actions had breached the state's obligation to protect the women from inhuman and degrading treatment—that is, rape—within Article 3 of the European Convention on Human Rights. The question I have to ask the Minister is: would the Worboys case be possible under the Government's proposals as they stand?

That becomes even more pertinent when one reflects on the Government's abject failure to protect women and girls from sexual assault. We know that 20% of women have been raped or sexually assaulted as an adult, yet rape convictions continue to decrease. There were 1,917 fewer rapists convicted in the year December 2019 to December 2020 than in 2016-17—a decline of 64%—although the percentage of victims dropping out of increasingly lengthy investigations and trial processes has rocketed from 25% five years ago to 43% in 2020. The murders of Sarah Everard, Sabina Nessa and many others have reignited the national conversation about the safety of women and girls in Britain. That begs the question of the Minister: does this Queen's Speech seriously address those concerns?

Let us look at women in prison. The right reverend Prelate the Bishop of Gloucester, who spoke about the imprisonment of women with children for non-violent offences, was absolutely correct to say that it is costly, counterproductive and cruel to them and their families. The Ministry of Justice's 2018 Female Offender Strategy has been critiqued by the National Audit Office, and more recently the Public Accounts Committee, for its lack of value for money, lack of effectiveness and lack of durable change. Given the shortfalls of implementation to date, what steps will the MoJ take to respond to ensure that its strategy is successful in meeting its aims in the future?

Her Majesty's Inspectorate of Prisons yesterday published a report on HMP Bronzefield, Europe's largest female prison, finding that 65% of inmates released from there did not have sustainable accommodation when they were released, thereby increasing the likelihood that they would end up back in prison.

Black, Asian and other ethnic minority young women face greater barriers in accessing safety and support, and overlapping forms of stigma and discrimination put them at greater risk of criminalisation. Can the Minister say when Her Majesty's Prison and Probation Service will release its new young women's strategy, and what resources will be dedicated to its implementation and delivery? What steps will the Government take to reduce the risk of increasing levels of racial inequality and disproportionality in future, as part of their current and future legislative programme?

Finally, in this proposed legislation, will there be a scrutiny that can depend on equality impact assessments that we can see in advance? Across this House we will certainly be looking for that.

4.57 pm

Lord Strathclyde (Con): My Lords, in her speech the noble Baroness, Lady Smith of Basildon, gave us the theme of the constitutional importance of the House of Lords, which is one of the things I wish to discuss today.

I listened carefully to the noble and learned Lord, Lord Falconer, who made a great speech. He prayed in aid Lord Hailsham of years ago and his "elective dictatorship", and I recognised the speech, because it is one I have made many times—or at least a version of it. The noble Lord, Lord Wallace of Saltaire, prayed me in aid when he talked about my being involved in ping-pongs three or four times—not for many years

[Lord Strathclyde]
now. Then the noble and learned Lord the Convenor of the Cross Benches himself talked about Henry VIII powers, skeleton Bills, rebalancing Parliament and the Executive and the constitutional importance of understanding that balance, and the complexity of legislation. Surely the noble and learned Lord is the inheritor of the late noble and learned Lord, Lord Simon of Glaisdale, who placed such importance on these issues. Who would disagree with the noble and learned Lord? I would not, and I suspect that most of the House would agree with him that some of these things need to change. The question is how to do it.

Occasionally, we need reminding that the Government have no majority in this House—and nor should they. The Government can be defeated here on virtually every Division. That adds a responsibility on us not to do that, but to pick our targets with care where there is support in the party in government in the House of Commons and where there is a chance that the Government might listen. On the other hand, here is how not to do it. In the last Session of Parliament, there were 129 government defeats. There were 12 in one night on the borders Bill and, on 17 January, 14 in a day on the police Bill. The previous record for that number of defeats was in 1975-76. Of the 12 government defeats on 4 April, the Cross Benches voted 61 against the Government, no doubt independently and not en bloc, as a pack or all together.

Increasingly, on Lords consideration of Commons amendments, which should be a small, short procedure, we instead hear noble Lords rather pompously say, "I think we should ask the Commons to think again, one more time". Then away it goes, back down to the House of Commons, to be soundly defeated and returned here a few hours later, utterly pointlessly. Speeches are repeated at length. So much self-discipline has—

Lord Falconer of Thoroton (Lab): We have heard this speech before.

Lord Strathclyde (Con): Well, the noble and learned Lord has been repeating some of my speeches.

The more we defeat the Government because we can, the more the Government will ignore us and look at ways to stop us. It will not be the old debate on who should sit here. We tried that 25 years ago, with the Government who the noble and learned Lord, Lord Falconer, supported so much. It did not do us much good then and it will not do so now. Instead, this time, they will turn to what my noble friend Lord McNally used to call a wing-clipping exercise and look at our powers. It would be a terrible mistake and one that I would deprecate, but this is the route we are heading down: reducing the Parliament Act delays, limiting the times an amendment can be rejected or opposing a limit of a few weeks to return a Bill to the House of Commons, leading inevitably to guillotines in this House. We should never have this in the House, but this is exactly what will happen if we continue in the way we are.

It sometimes feels as if we have developed a kind of anarchy in the House of Lords—an incontinence of Divisions. I understand that, during the period of lockdown, it was too easy to just press a button from a deckchair in your garden, but this kind of thing needs to stop. We are at last returning to voting in the Division Lobbies, so if we had 13 Divisions in a day, we would not move out of the Lobbies very much at all.

We also need to remember that here in the Lords we do not represent anybody. We have no responsibility or accountability. We have the huge privilege of being legislators here, but we have not been elected. We have constitutional purpose; it is quite limited, but it is important. A lesson is that you can never win a general election from the House of Lords. We scrutinise, revise and debate the great issues of the day. Of course we can defeat the Government, and we should vehemently argue against them and oblige Ministers to come forward and explain what they are doing, but we must always remember that the House of Commons is elected and we are not.

The Government, for their part, need to improve the quality of legislation.

Noble Lords: Hear, hear.

Lord Strathclyde (Con): I completely agree with that. We also need to have clearer instructions to Ministers and officials, and not try to solve every problem with unnecessary and burdensome legislation. On the question of statutory instruments, I thought that the Convenor of the Cross Benches, the noble and learned Lord, Lord Judge, spoke with great sense: if we do not like how we think secondary legislation is going to be used, we should make the Government justify why they should have it in the first place and, if they do not, consider voting against them.

My noble friend Lord Wolfson of Tredegar explained how we live in liberty under the law. He is right, and I hope that the noble Baroness, Lady Jones of Moulsecoomb, will reflect on his words and think carefully about pressing her amendment to a Division.

5.05 pm

Lord Paddick (LD): My Lords, this has been a long and interesting debate, covering many varied and important issues across a range of portfolios. There have been a number of memorable speeches, to which I have listened intently and of which I have taken note—but the noble and learned Lord, Lord Judge, will be relieved to hear that I will not single out any particular revolutionary from the rest of the pack.

From my perspective, there appears to be a consistent and worrying theme that runs through the Her Majesty the Queen's gracious Speech, undermining the preservation of long-standing institutions; a central tenet of conservative philosophy has been sacrificed for short-term political expediency: the exercise and retention of political power by the Executive. The Government appear to be clamping down on dissent and challenge, whether it is through the privatisation of Channel 4, the Bill of Rights or the Public Order Bill, which copies and pastes the parts of the Police, Crime, Sentencing and Courts Act that relate to the policing of protests and which this House, with good reason, rejected in the previous Session. Let me say to those who feel that the Government have been defeated too many times that, the more controversial and unreasonable the legislation, the higher the number of government defeats will be.

It is interesting to note that, in the Government's background briefing on the Queen's Speech, the section on cutting crime is subtitled "Making the Streets Safer". By this, the Government, like the Prime Minister, mean that crime is down 13% for the year ending December 2021 compared with December 2019—but that is only if you exclude fraud and computer misuse. Just because criminals change their modus operandi, it does not mean the Government can simply exclude these types of crime from the statistics. Including these offences, crime actually went up, but where in the Queen's Speech—indeed, where in the history of this Government—are the effective legislative measures that are needed to prevent and detect this increasingly large proportion of crime committed in the UK, which predominantly affects the old and the vulnerable who can least afford the sometimes considerable losses involved?

Yesterday, the Home Secretary claimed in the other place that the Conservatives were the party of law and order. There was some dispute in the other place about the crime statistics, so let me use the statistics that the Government placed in the background briefing to the Queen's Speech. Homicides are up 14%; violence against the person offences are up 13%; sexual offences were up 22% last year compared with the year before. The offences that have the biggest impact on individuals are all increasing, according to the Government's own figures. Stop and search is also up 22%, which raises the question of how effective it is compared with the damage that it causes. Last year, 80% of burglary investigations were closed without a suspect being identified. More than 90% of thefts from vehicles and bicycle thefts went unsolved. Crime is rising because, eight times out of 10, the thief gets away with it.

Making sure that victims are told quickly that their case is going nowhere is not the right response. We are not interested in empty rhetoric; we are interested in evidence-led measures that are proven to work, such as restoring a uniformed presence on our streets and restoring the support staff who help to solve crime.

Where in the Queen's Speech are measures to tackle old people being conned into transferring their life savings into criminals' accounts; to tackle violence, particularly male violence against women; and to address the misogyny that is everywhere, from the Houses of Parliament and the police service to the streets—misogyny that makes it unsafe for women to go jogging on their own and makes female Conservative MPs feel uncomfortable when sitting on the green Benches?

Instead, we get the return of the draconian clampdown on protests, which the Minister described as measures to prevent protestors using "guerrilla tactics", meaning protestors attaching themselves to each other, to objects or to buildings, as the suffragettes did to secure votes for women—exactly the same measures that this House has already rejected.

The noble Baroness, Lady Evans, the Lord Privy Seal said on Wednesday:

> "I have no doubt that this ambitious programme will, as ever, benefit from your Lordships' wisdom and expertise, and that your Lordships will help to ensure that the legislation can be as effective as possible." —[*Official Report*, 10/5/22; col. 17.]

If only that were the case. The reality, not only on crucial aspects of the Police, Crime, Sentencing and Courts Bill but on other legislation last Session, was more accurately described by the noble Baroness, Lady Smith of Basildon, who, in the same debate, remembered a conversation with a former Minister who recalled being able to take issues back to his department, where he would be listened to if he made a case for change, though not since Boris Johnson became Prime Minister. Modesty forbids me naming names, but this House has expertise in policing protests that was not listened to. Not even serving police officers have been listened to. The majority of those consulted by Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services say that it was not a lack of legislation that was hindering their ability to police protests effectively but a lack of police officers.

The Government's attempts to bring police officer numbers closer to what they were a decade ago are running into trouble, with the temporary leader of the UK's largest police force saying that they are struggling to meet recruitment targets. Even if they succeed, thousands of police community support officers, a crucial visible uniformed presence on the streets, and thousands of support staff, who enable police officers to be released from back-office roles, will not be replaced. Part of the Government's public order proposals is to introduce serious disruption prevention orders, effectively banning people from being able to exercise their rights under Articles 10 and 11 of the European Convention on Human Rights, the right to freedom of speech and the right to assembly.

I found it breath-taking that, in the space of a minute, the Minister talked about deporting refugees to Rwanda and government compassion for those fleeing war in Ukraine. Having successfully undermined the rights of genuine refugees fleeing war and oppression, through the passing of the Nationality and Borders Act, the Government now seek to further undermine the rights of UK citizens to protest, and other rights enshrined in the Human Rights Act, seeking to replace the latter with a Bill of Rights.

If people have misunderstood what the Bill of Rights is about, that is the fault of government hype. The ability of individuals to challenge infringement of their rights will be made more difficult by, for example, the proposed requirement that the claimant prove significant disadvantage before a case can be heard in court. I know from personal experience that already most requests for judicial review are turned down on the papers, and many are refused at hearings in person, with very few getting through to a full hearing. The reasons for needing a Bill of Rights are spurious.

The Online Safety Bill is welcome but falls short of the Government's aim to make the UK the safest place in the world to be online. The issue of legal but harmful content has yet to be effectively addressed and the protections for children from pornography, self-harm and grooming all fall short of the standard the Government have set for themselves. To think that short cuts in data protection will reap a Brexit dividend ignores the potential impact on the data adequacy certification that the EU requires to enable the exchange of personal information, essential to both the security of the UK and its economic well-being in relation to its dealings with the European Union.

[Lord Paddick]

There is also the privatisation of Channel 4, a jewel in the crown of this country's broadcasters, which supports independent producers throughout the UK and has headquarters in Leeds. It is the very model of levelling up, is in the rudest of rude financial health and does not cost the taxpayer a penny. Not only does Channel 4 commission a diverse range of award-winning content but it is fiercely independent, making it altogether different from any other broadcaster. Its privatisation will make it altogether the same as any other commercial broadcaster.

I have two sentences on banning conversion therapy. No one should be pressured into being someone they are not. Everyone should be helped to be who they really are.

Many on the Benches opposite talk about the conventions of this House. By convention, Governments listen to the wisdom and expertise in this House and respond positively. By convention, Governments do not change primary legislation by statutory instrument and, by convention, this House does not pray against them. It is not us on these Benches who are undermining these conventions; it is this Conservative Government.

This Government are not listening. They are not listening to the police, to victims of violent crime, particularly women, or to the vulnerable, whether victims of scams, harmful online content or the cost of living crisis. They are not listening to the millions who watch and enjoy Channel 4 or those who cherish the BBC. This Government are not listening to the wisdom and expertise in this House. It is a very dangerous path for the Government to go down. They need to stop and think very carefully before they go any further.

5.17 pm

Lord Ponsonby of Shulbrede (Lab): My Lords, it is a privilege to close today's debate, which has indeed been long and interesting, from the Opposition Benches.

I will go through the Bills fairly sequentially, starting with the draft victims Bill. Under the Conservatives, the criminal justice system is failing too many victims and letting criminals off the hook. Chronic underfunding and broken promises mean that victims are denied justice and have lost faith in a system that was set up to protect them. Since 2019, crime is up by 18% but prosecutions down by 18%. The number of arrests has dropped by 35,000. Anti-social behaviour is rife and fraud is soaring. The victims Bill has been promised in four Queen's Speeches and three manifestos but not delivered. Even now it is only a draft Bill because the Government are failing to find adequate time. Meanwhile, many thousands of victims drop out of the criminal justice system because they do not see a route to justice.

The Labour Party has a ready-made Bill ready to go to end violence against women and girls, clear the backlog by increasing Nightingale courts and fast-track rape and sexual violence cases. The Government have listened to the Labour Party on strengthening rights of victims elsewhere, including victims of anti-social behaviour, but rejected making misogyny a hate crime. It has taken six consecutive Justice Secretaries to bring the victims Bill forward to this draft stage. Victims are still waiting for the Bill but we in the Labour Party will work constructively to make it a reality.

I move on to the proposed reforms to the Human Rights Act, the so-called Bill of Rights. Many noble Lords spoke about this: the noble and learned Lords, Lord Judge and Lord Hope, the noble Lord, Lord Beith, my noble friends Lady Chakrabarti, Lady Kennedy of The Shaws and Lady Goudie, and my noble and learned friend Lord Falconer of Thoroton. They all spoke critically of the proposals in this Bill.

However, we in the Labour Party ultimately believe that this is a short, short-sighted and weak distraction technique which distracts from the fundamental problems currently besetting our criminal justice system, and that it should be viewed in this context. We cite the following three cases where ordinary people's rights have been protected through the Human Rights Act: first, the quashing of the original Hillsborough inquest verdicts; secondly, the "Do not resuscitate" orders which were wrongly placed on Janet Tracey without discussing it with her first; and, thirdly, the black cab rapist case, where two women complainants won their case because the police failed to properly investigate their cases. This was mentioned by my noble friend Lady Thornton.

The noble and learned Lord, Lord Brown of Eaton-under-Heywood, spoke about the *Root and Branch Review of the Parole System*, which I presume will be in this Bill but am not actually sure. It is a very important review, and I take the point he makes about the potential effect on IPP prisoners. Nevertheless, if we want to keep more people out of prison, we need a Parole Board and parole service which are absolutely on top of this game—as they were before they were put through so many reorganisations over the last decade.

In this House, we have three principal legal eagles: the noble Lord, Lord Pannick, the noble and learned Lord, Lord Hope, and the noble and learned Lord, Lord Judge—Pannick, Hope and Judge. I sometimes think that that is some sort of commentary on the Government's approach to human rights reform and constitutional issues. I pay tribute to my noble friend Lady Thornton for thinking up that joke.

I turn next to the Public Order Bill, which was introduced in the House of Commons yesterday, as we have heard. The Government could have legislated to protect women by requiring specialist rape and sexual offence units in every police force area and by creating a national register to monitor serial sex offenders. They could have backed Labour's plans to make it easier for police to close drug dens and introduce a national register for those convicted of county lines drug offences. They could have consulted on options to increase arrests and deal with the record low charge rate. Instead, having already completed one Bill on protesters' rights, they are now simply doing the same thing again by reintroducing measures which they tried to tack on to the Bill last year. We will look at the detail of all legislation in the Queen's Speech, but we have been calling for the Government to work with the police to use their existing powers, such as injunctions, to deal with people who block access to motorways. This point was made by the noble Lord, Lord Paddick.

I now turn to the National Security Bill. The legislation has been promised since 2019. It was requested in the *Russia* report, but the Government have failed to bring it forward despite significant concerns about

threats from states such as Russia and China, especially after the Salisbury poisoning. We believe, as I am sure all noble Lords do, that legislation must keep pace with the changing threats to the UK, and we welcome moves to update the law to keep us safe from state-backed sabotage. The Labour Party will scrutinise the Bill to ensure that the introduction of a foreign influence register scheme will be robust enough to deter and disrupt state threat activity in the UK.

I turn to the economic crime and corporate transparency Bill. This Bill must finally end Britain's role as a global hub for dirty money and set a new standard for transparency and probity, while supporting honest businesses to trade and flourish. I might just point out that many Russians whom I know came here because they wanted an honest environment in which to work and a banking system and a legal system in which they could trust. The Labour Party's amendments to the last economic crime Bill would have brought in reforms to Companies House and left oligarchs with nowhere to hide. We are relieved that the Government have finally taken action to increase enforcement powers over crypto assets and on information-sharing around economic crime. We welcome the efforts to broaden the Registrar of Companies' powers.

On the modern slavery Bill, I agree with the points made by the noble Baroness, Lady Hamwee, who asked about the checking procedures to see whether the requirements of the Bill are actually being observed. We think that legislation is long overdue, since it could be argued that the UK is no longer a world leader in this type of legislation. We would certainly welcome moves to strengthen protection and support for victims. We in the Labour Party previously tabled amendments to the Nationality and Borders Bill to ensure that victims were given the protection they need. In my experience as a youth magistrate, where the provisions of the Modern Slavery Act are very commonly invoked, it is a massive source of delay in getting cases through the youth system so anything that could be done to speed up those procedures would be welcome.

I turn to the draft Protect duty Bill, sometimes called Martyn's law. We would back this Bill. I think my noble friend Lady Henig spoke about this. We will seek to ensure that it is clear where responsibility lies. There are multiple groups and the host areas have a proper duty to ensure that people are protected from potential terrorist attack.

On the Online Safety Bill, which is a carry-over Bill, I agree with my noble friend Lady Merron when she described this area as the new front line. Any noble Lords who have teenagers or even children who are in their 20s or 30s will know that young people spend a huge proportion of their time online. The Bill was first mooted a decade ago and it is nearly four years since it was promised. We will support the Online Safety Bill and look at ways of improving it as it proceeds through our House.

In conclusion, we believe that the Government have the wrong priorities. They are focusing on the Human Rights Act while crime rises, victims lose faith in the justice system and rapists go free, and on Channel 4 privatisation instead of online harms, gambling and protecting people from fraud. We believe that the Government have turned up late on all the key issues. We have been waiting for years for action on victims, children's safety online, football governance and dirty money being laundered in the UK. The Government have failed to keep up with a changing world, and this programme is them playing catch-up.

I am proud to be British for lots of reasons, not least because of the cultural sector, but I want to be proud of our criminal justice system as well. I spend a lot of my time working in that system, but I feel that we let people down. I know that is absolutely not the intention of anyone who works in the criminal justice system, but we really need to try to build up the rights of all those who find themselves in the criminal justice system. That should be the prime objective of this Government.

5.28 pm

The Parliamentary Under-Secretary of State, Department for Digital, Culture, Media and Sport (Lord Parkinson of Whitley Bay) (Con): My Lords, I echo the thanks that have been raised by many noble Lords to His Royal Highness the Prince of Wales for delivering the gracious Speech on behalf of Her Majesty, supported by His Royal Highness the Duke of Cambridge, in their capacities as Counsellors of State. I am sure that this year in particular we all want to send not just this humble Address but also our warmest wishes and our ever-deepening gratitude to Her Majesty, particularly as we prepare to celebrate the momentous occasion of her Platinum Jubilee, a unique event which it is the privilege of DCMS to help the country to mark. It is also one of the topics that was discussed at a meeting of the Cabinet today in Stoke-on-Trent along with the many ways in which the legislative programme outlined in the gracious Speech will help to make that part of the country and the rest of the UK safer, stronger and more prosperous.

Noble Lords have rightly noted that there are more DCMS Bills in this Session than ever before, and I look forward to spending a lot of time at this Dispatch Box in the company of your Lordships. It speaks to the huge contribution that DCMS and the sectors that it has the privilege of representing have to play in extending the prosperity and well-being of our nation. I pay tribute to its Ministers past and present and to the officials who have worked on the Bills that we will consider this Session so far.

The noble Baroness, Lady Merron, wanted to see even more DCMS measures. I note that the Opposition in another place did not select culture, media and sport as a topic for a debate on the gracious Speech, so I am very glad that we have had the opportunity to make good that omission today in a debate that has reflected, as ever, the breadth of expertise and wisdom of your Lordships' House. Indeed, I see that today's debate has attracted the largest number of speakers in any debate on the humble Address, so I will do my best to cover as many as possible of the points that have been raised.

Not for the first time, many of the speeches today dwelt on the role and nature of your Lordships' House. The noble and learned Lord, Lord Judge, may or may not have been in revolutionary mood, but he was certainly in an existential one, and he was far from the only noble Lord feeling that way. I have had the

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privilege of being in your Lordships' House for only two and half years, but this is my third Queen's Speech and, even in the short space of time that I have been here, I have seen multiple examples of the ways in which your Lordships amend, scrutinise and improve legislation. I had the privilege of speaking on what is now the Counter-Terrorism and Sentencing Act and the Domestic Abuse Act—two important legislative measures which are far better for having gone through your Lordships' House—so I am not as gloomy as the noble Lords, Lord Paddick and Lord Wallace of Saltaire, and others about the difference this place can and does make. However, I agree with my noble friend Lord Strathclyde that there are also occasions on which your Lordships' House must accept, however reluctantly, that it has not persuaded another place to think again and must recognise the mandate the elected House has for the legislation it sends this way.

I hope that one such incidence in this Session will be the measures in the Public Order Bill which were noted by the noble Baroness, Lady Jones of Moulsecoomb. The Government fully support people's right to engage in peaceful protest, and we recognise that that is a cornerstone of our democracy, but guerrilla tactics by a small minority of protesters cause misery to the public, cost millions of pounds in taxpayers' money and put lives at risk. We cannot have sections of our transport and other key national infrastructure brought to a halt by small groups of protesters. Nor can we have the sort of scenes we saw in the pandemic, when people who were on their way to get their vaccinations or to visit sick relatives were prevented from doing so.

The Public Order Bill will criminalise the dangerous and disruptive protest tactics of locking on and obstructing major transport construction works. A key concern raised by noble Lords in January, when these measures were being considered in the context of what is now the Police, Crime, Sentencing and Courts Act, was that they had not been subject to proper scrutiny in another place. That place will now have an opportunity to do so. In the meantime, the actions of Just Stop Oil have provided further evidence of the need for these measures.

The noble Baroness, Lady Jones, rightly talked about the long-standing rights to freedom of expression and assembly. Articles 10 and 11 of the European Convention on Human Rights set out that everybody has the right to freedom of expression, assembly and association. However, these rights are not absolute, and they have to be balanced with the rights and freedoms of others. These new measures will balance the rights of protesters with the rights of others to go about their business unhindered. The measures will achieve this by enabling the police to manage highly disruptive protests and, as with existing public order powers, the police will need to act compatibly with the human rights of protesters when using them.

The European Convention on Human Rights was mentioned by a great number of noble Lords in their contributions on the Bill of Rights. I echo the plaudits of the right reverend Prelate the Bishop of Gloucester and others for my noble friend Lord Wolfson of Tredegar, who showed again with his contribution today his great sense, shrewdness and good humour—things which will be very much missed on the Government Front Bench, but we are very glad to have his continued participation today. He was absolutely right to point out that human rights did not begin in 1998, that the United Kingdom will remain a signatory to the European Convention on Human Rights—which was signed and ratified by a Conservative Government—and that convention rights will remain enforceable in our courts.

I think it was the noble Lord, Lord Marks of Henley-on-Thames, who asked about Article 46. We fully acknowledge our international obligation under Article 46 of the European Convention on Human Rights to abide by an adverse judgment of the European court against us, but the Human Rights Act 1998 has been in force for almost a quarter of a century. It is entirely right that we should look at it again to see whether there is a need to update this important area of law.

The Bill of Rights will ensure that our human rights framework continues to meet the needs of the country and society it serves. We have a long and proud history of protecting and extending freedom in this country, and our proposals aim to build on this noble tradition. In doing so, we want to strengthen the credibility of and support for human rights, so that they are not dirty words in the minds of the public. As the introduction of our Magnitsky sanctions regime shows, this Government will continue to champion human rights, both at home and abroad.

The noble Lords, Lord Hastings of Scarisbrick and Lord Ramsbotham, asked about the work to establish a royal commission on criminal justice. Understandably, that work slowed at the onset of the pandemic, as the Ministry of Justice stood up significant work and investment to keep our criminal justice system moving. That point was raised by the noble Baroness, Lady Deech, as well. More than £1 billion has been allocated to boost capacity and accelerate recovery from Covid in Her Majesty's Courts and Tribunals Service. In this financial year, we expect to get through 20% more Crown Court cases than we did before Covid-19.

The noble Baroness, Lady Deech, asked about no-fault divorce. In April, the Government commenced the Divorce, Dissolution and Separation Act, the biggest change to divorce law and practice for nearly half a century. Now that we have implemented the Act, we have turned our minds to consideration of the legislation surrounding financial provision on divorce. We deliberately kept that as a separate issue, and we will be announcing our intentions for the work in due course.

I welcome the support from the noble Lord, Lord Anderson of Ipswich, and others for the National Security Bill. As he pointed out, our espionage laws date back to 1911 and do not account for how threats to the UK's national security have evolved and diversified in the more than a century since. Russia's action in Salisbury, China's attempts to interfere in our democracy, and persistent efforts by foreign actors to steal intellectual property generated in the UK demonstrate why we need new laws to help the intelligence agencies and police to detect, disrupt and prosecute state-threat actors who seek to harm the United Kingdom. This legislation will support the extensive previous and ongoing cross-government efforts to counter state threats, including the recent economic crime Act, in the light

of the Russian invasion of Ukraine, and the economic crime and corporate transparency Bill, which is also being introduced in this Session.

The noble Lord, Lord Anderson, asked when we would introduce a registration scheme. We will do that after introduction of the Bill, so we can take the time needed to ensure its effectiveness and that it properly protects the interests of the UK. He asked also whether it was our intention to reform the Official Secrets Act 1989. We have heard the strong views and concerns raised on the 1989 Act and reform of it in our public consultation; we need to take the time to give proper consideration to those concerns, so while the Bill will address the provisions of the 1911, 1920 and 1939 Official Secrets Acts, we are not proposing to reform the 1989 Act through this Bill. It is clear that reform in this area is complex and engages a wide range of interests; it is only right that proper consideration should be given to the views expressed in the consultation. Moreover, in light of the ongoing situation in Ukraine, we need to prioritise a wider package of measures to tackle state threats in order to ensure that our law enforcement and intelligence partners have the tools they need to keep us safe.

I was very glad to hear the support of the noble Baroness, Lady Henig, and others, for the Protect duty Bill. I was pleased, too, to hear her entirely justified tributes to Figen Murray, the mother of Martyn Hett, one of the many people and groups whose lives have been scarred by terrorism, with whom the Government have been working to develop proposals to improve security and ensure robust yet proportionate measures at public places. These are being considered further, in light of consultation responses, alongside other things, including the first volume of the Manchester Arena inquiry report—but the Government remain committed to the Protect duty and will bring forward legislative proposals as soon as parliamentary time allows.

Of course, those on the very front line of keeping us safe are the police, as the noble Lord, Lord Mackenzie of Framwellgate, my noble friend Lord Davies of Gower and others pointed out. We have now recruited more than 13,000 additional officers and remain on track to deliver 20,000 additional officers by March 2023. The Government are also giving the police the resources they need to fight crime and keep the public safe, which is why in February the Government published a total police funding settlement of up to £16.9 billion for the financial year 2022-23, an increase of up to £1.1 billion when compared to the previous financial year.

My noble friend Lord Bridgeman and my noble and learned friend Lord Mackay of Clashfern raised sensitive but important topics. My noble friend Lord Bridgeman discussed sharia marriage. The law has long made provision for couples, including Muslim couples, to marry in their place of worship in a way that gives them legal rights and protections. The Government share the concern that some people may none the less marry in a way that does not, and without appreciating the consequences. We will continue to explore limited reform and non-legislative options in this area with the greatest of care. This work will be informed by the forthcoming reports from the Law Commission on weddings and from the Nuffield Foundation on religious weddings.

My noble and learned friend Lord Mackay, as well as others, addressed the conversion therapy Bill. The purpose of that Bill is to ban conversion therapy practices that are intended to change someone's sexual orientation. It will stop abhorrent practices which do not work and cause extensive harm, and will protect people's personal liberty to love who they want to love. It will do so by strengthening existing criminal law, ensuring that violent conversion therapy is recognised as a potential aggravating factor on sentencing, and by introducing a criminal offence banning non-physical conversion therapies to complement existing legislation which protects people from acts which inflict physical harm.

This offence will protect people under the age of 18 regardless of circumstance and people over the age of 18 who do not consent and who are coerced or forced to undergo conversion therapy practices. We are conscious of doing this while protecting freedom of speech, ensuring that parents, clinicians and teachers can continue to have candid and important conversations with people seeking their support. This is, as noble Lords noted, a complex area, but some 16 countries have placed some sort of nationwide ban on conversion therapy practices, including Canada, France, Germany and New Zealand, so there are examples to which noble Lords will be able to turn when scrutinising this Bill. Recognising the complexity of the issues and the need for further careful thought, we will carry out separate work to consider the issue of transgender conversion therapy in further detail.

The noble and learned Lord, Lord Hope of Craighead, raised the no less complex issues of legacy in Northern Ireland. The Northern Ireland Troubles legacy and reconciliation Bill will address the legacy of Northern Ireland's past by focusing on information recovery and reconciliation, providing better outcomes for victims, survivors and their families, delivering on the Government's commitment to veterans and helping society to look forward. In line with the Sewel convention and associated practices, the Government will continue to work constructively with the devolved Administrations to secure their legislative consent where that is achievable and appropriate.

The noble Lord, Lord Stephen, raised the spectre of a second Scottish independence referendum. People across Scotland, quite rightly, want to see both of their Governments working together on issues that matter to them, including driving down NHS backlogs, protecting our long-term energy security and supporting our economic recovery so that everybody has opportunities, skills and jobs. That is the priority of Her Majesty's Government.

I turn now to the bumper crop of DCMS measures in this Queen's Speech, beginning with the Online Safety Bill, which attracted the attention of most noble Lords. The Bill had its Second Reading in another place on 19 April. This ground-breaking legislation delivers on our manifesto commitment to make the UK the safest place in the world to be online. For the first time, tech companies will be accountable to an independent regulator to keep their users, particularly children, safe. At the same time, the Bill will protect and defend freedom of expression and the invaluable role played by our free press. We are entering a new

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age of accountability for tech to protect children and vulnerable users and to restore trust in this important industry. The Bill will defend freedom of expression and the vital role of a free press, while unleashing a new wave of digital growth by building trust in technology businesses.

The noble Baroness, Lady Fox of Buckley, the noble Lord, Lord Hunt of Kings Heath, and others dwelt particularly on the importance of protecting freedom of expression, and the Bill contains strong safeguards for this. No platforms will be required to remove legal content and all services will need to have regard to freedom of expression when implementing their safety duties. Under the Bill, major platforms will no longer be able arbitrarily to remove content just because they deem it controversial or offensive. If users feel that their post has been taken down unfairly, for the first time they will have the right to appeal. Major platforms will also have to protect journalistic and democratically important content, to protect the free press and political debate. Ofcom will also have to ensure that all codes of practice it prepares are designed to reflect the importance of freedom of expression.

The noble Lord, Lord Stevenson, asked about the role of Ofcom, which will have a range of powers at its disposal to help it assess whether companies are fulfilling their duties. These powers will help ensure that Ofcom is able to effectively assess whether companies are fulfilling their regulatory requirements, including in relation to the operation of their algorithms. If companies fail, Ofcom can make them take specific actions to improve their services, including using proactive technologies to identify and remove illegal material and stop children seeing harmful content.

The noble Lord also asked about post-legislative scrutiny for the Bill. I commend his optimism and enthusiasm for seeing it on the statute book. Having benefited greatly from the pre-legislative scrutiny provided by the Joint Committee of both Houses, we are keen to use the expertise in both Houses of Parliament to deliver post-legislative scrutiny as well. We will welcome further views during the passage of the Bill on the best way to achieve this, but I should say that we do not support the creation of a Joint Committee with a wider remit on digital regulation more broadly. Such a committee would cut against the work of existing parliamentary committees which are already well placed to scrutinise digital regulation.

The noble Lord asked about Twitter and the Equality Act. For activities which are carried out in Great Britain and fall within the sphere of the Equality Act—for instance, employment and the provision of services—Twitter would not be exempt from compliance with the Act. I will happily discuss his concerns further with him if he wishes.

A number of noble Lords touched on the media Bill. The UK's broadcasting landscape is a domestic and international success story. Our public service broadcasters are at the heart of that success. This Bill will allow our broadcasters to continue to thrive in an age of rapid technological change and fierce competition, particularly from global platform giants. We want to find a new owner for Channel 4 so that it can become bigger, better and stronger in that rapidly changing industry.

This Bill will enable our broadcasters to thrive. That will be good for audiences, who will be able more easily to access and enjoy quality British-originated content, good for our economy and good for our ability to project British values globally. The noble Viscount, Lord Colville of Culross, was right to point to the work of our public service broadcasters in providing high-quality impartial content which is accessible to all. This is more important than ever in that changing media landscape.

The noble Baroness, Lady Bonham-Carter, raised a number of issues. First, on the importance of Channel 4 to independent production companies, it has played a crucial role in supporting the growth of our independent production sector. Thanks to that, the sector is now booming, with revenues growing from £500 million in 1995 to £3 billion in 2019. Independent production companies are less reliant on Channel 4 as they increasingly benefit from commissions from other sources. We want Channel 4 to have the resources to be able to continue to commission the very best content for its viewers. Channel 4 still has a part to play in supporting independent production and the creative economy. Our plans do not compromise our commitment to the independent production sector.

The noble Baroness asked also about Channel 4's important role across the United Kingdom. The Government greatly value Channel 4's role in supporting the growth of a creative economy right across the UK. I had an example of that during the Prorogation break in Bradford, when I met Channel 4 as part of my visits to the four shortlisted cities for the 2025 UK City of Culture. I should at this point mention County Durham, Wrexham and Southampton, which are the other three. There is no reason why Channel 4's important role in supporting our creative economy across the UK should change. Its work with creatives up and down this country has made it the success that it is today, and we would expect a new owner to want to grow and develop those relationships. Channel 4's network outside London and its ability to speak to such a diverse range of audiences is an attractive asset to nurture and develop for any potential buyer.

The noble Lord, Lord Clement-Jones, asked about quotas. Channel 4's existing obligations in terms of regional production outside London and England will be maintained, as will its remit to provide distinctive, educational, innovative and experimental programming which represents the breadth of our society, and the obligations to show original programmes and provide news and current affairs.

The noble Lord, Lord Dubs, in a rare Thatcherite moment, asked about the potential for sale to a foreign investor. We expect a lot of interest in purchasing Channel 4 from a range of buyers. The right buyer for Channel 4 will be one who wants to build on Channel 4's strengths and help accelerate and unleash its potential. Bids will be assessed carefully, and any new owners will have to pass Ofcom's fit and proper persons test.

The noble Viscount, Lord Colville, spoke about the draft digital markets Bill, and, as I see from the *Official Report*, so did my noble friend Lady Stowell of Beeston in yesterday's debate. Digital technologies make a huge contribution to our economy and the

Government are committed to unlocking their full potential. The new regime will put in place clear rules for the most powerful tech firms and robust new powers to enforce those rules, including significant fines for breaches. The noble Viscount and my noble friend Lady Stowell asked why this is only draft legislation. This regime will tackle technical and complex issues and have an impact across our economy, so it is vital that we address the far-reaching market power held by a small number of firms which is harming consumers and businesses. The regime must also be proportionate and pro-innovation. The UK should be the best place to start and grow a technology business. The draft measures will allow interested parties to continue to engage on the details of the regime to ensure that the legislation strikes the right balance, and that is why we will publish draft legislation in this Session ahead of introducing legislation as soon as parliamentary time allows.

The noble Lord, Lord Bassam of Brighton, and others mentioned the fan-led review of football. The new independent regulator will be given the task of applying an enhanced owners' and directors' test, both ahead of the acquisition of the club and on an ongoing basis. This replaces the existing tests and will include a new integrity test for all owners and executives, and enhanced due diligence, including sources of funding on acquisition. Further details will be set out in the White Paper, which we will publish this summer.

Coming very soon is the gambling Act White Paper. As the noble Lord, Lord Foster of Bath, knows, this is the most thorough review of gambling laws since the 2005 Act and we need to get it right. In the coming weeks we will publish a White Paper setting out our conclusions and vision for the sector; it will set out our policy proposals and we will work with others, including the Gambling Commission, to implement the changes as soon as possible.

The noble Earl, Lord Clancarty, and others asked about touring for artists. The UK took an ambitious approach during our negotiations with the European Union, which would have ensured that touring artists and their support staff did not need work permits to perform in the UK. Regrettably, this was rejected by the European Union. Our trade deal with the three EFTA countries was based on the very same offer and shows that it is workable and that we are fighting to help musicians and performers to tour abroad. The Government are committed to supporting this important sector to adapt to the new arrangements, and we are working with the sector and directly with member states to clarify what creative workers need to do to continue touring in these important industries.

The noble Earl, Lord Clancarty, asked specifically about the work to designate the St Pancras station for Eurostar as a CITES point of entry. Defra is working with the Incorporated Society of Musicians, the Association of British Orchestras, the Musicians' Union and others who are undertaking surveys to gauge numbers likely to use St Pancras as such a point of entry if it were to become CITES-designated. The results are due soon and once received Defra will work with Border Force to understand the operational implications of designating St Pancras. We will provide further updates in due course. I am grateful to the noble Earl and to Deborah Annetts from the Incorporated Society of Musicians for their engagement on this important issue.

I am close to the end of time. I have not had a chance to touch on the data reform Bill, the electronic trade documents Bill, or the Product Security and Telecommunications Infrastructure Bill, but taken together, the legislation in this gracious Speech is an ambitious legislative agenda which will support households by delivering economic growth, up and down our country. We will deliver on our promise to level up the United Kingdom. Our policies will deliver economic prosperity by giving local leaders the power they need to rejuvenate their communities by providing every part of England that wants a devolution deal with one by 2030. We will bring forward media legislation to boost that important sector and promote British-originated content. Our post-Brexit freedoms will enable us to make key data reforms to our regulatory environment which will promote growth and innovation and create a truly global Britain. In the face of growing international threats, we will also enhance the protection afforded to our people, our networks and our infrastructure against risks arising from insecure smart products. Our programme will deliver pioneering legislation, ensuring economic safety and security for this country, both online and on our streets. I look forward to debating much of it with noble Lords over the Session ahead.

Amendment to the Motion

Tabled by ***Baroness Jones of Moulsecoomb***

At end to insert "but regret the failure of Her Majesty's Government to provide for a constitutional convention to create a 21st century democracy where every vote counts; instead seeking to further concentrate power in the executive by weakening judicial oversight of government decisions and undermining the right to peaceful protest; and further regrets Her Majesty's Government's failure to provide safe and legal routes for people to claim asylum in the United Kingdom".

Baroness Jones of Moulsecoomb (GP): Very grumpily, not moved.

Debate adjourned until Monday 16 May.

HM Passport Office: Backlogs

Commons Urgent Question

5.55 pm

The Minister of State, Home Office (Baroness Williams of Trafford) (Con): My Lords, with the leave of the House, I will repeat the Answer to an Urgent Question asked earlier today in the other place:

"Due to Covid-19, over 5 million people delayed their passport applications in 2020 and 2021"—

I do know how to clear a Chamber. The Answer continues:

"With demand for international travel having returned, Her Majesty's Passport Office is currently receiving a higher number of passport applications than ever

[Baroness Williams of Trafford]
before. Some 9.5 million applications are expected in 2022, compared with approximately 7 million in a normal year.

Since April 2021, 500 new staff have joined and a further 700 will join by the summer. As a result, the vast majority of passport applications are being processed within the 10-week timeframe and over 90% within six weeks. Less than 1.4% of the passports printed last week for UK applications had been in the system for longer than 10 weeks.

With a record number of applications in the system, customer inquiries have increased accordingly. However, the passport advice line, which is run by Teleperformance, is not currently meeting the needs of passport customers. Clearly, this is not acceptable. The Home Office has clear standards for the level of service that suppliers are expected to provide.

Her Majesty's Passport Office has engaged with Teleperformance at its most senior levels to emphasise the need to significantly improve performance as soon as possible. Alongside steps to bring the operation of the passport advice line, email and call-back functions within the required standard, Teleperformance is urgently bolstering staff numbers in response to the recent surge in customer contact, with 500 additional staff due to be added by mid-June.

We recognise that colleagues will wish to raise cases and queries on behalf of their constituents. HM Passport Office staff have therefore been deployed to answer passport-related inquiries to the Home Office's dedicated MPs hotline and, for the most urgent cases, they will also be available to conduct in-person passport surgeries at Portcullis House.

While we acknowledge that there have been issues with customer contact that must and will be resolved, I take the opportunity to recognise the work of HM Passport Office staff who continue to ensure that the vast majority of passport applications are processed in under 10 weeks. Their efforts, alongside the extensive work that went into preparing for record demand, have ensured that passport applications continue to be processed in higher numbers than ever before.

Across March and April 2022, HM Passport Office completed the processing of nearly 2 million applications. As this output demonstrates, HMPO staff are firmly focused on maintaining a high level of service and are fully committed to ensuring that people receive their passports in good time for their summer holidays."

5.59 pm

Lord Ponsonby of Shulbrede (Lab): My Lords, I thank the Minister for repeating the Answer to the Question in the other place. I start with an anecdote: last Monday, a friend of mine showed me a picture of an 11 year-old Ukrainian boy in Wandsworth in his brand-new school uniform. He started at Southfields Academy, in Wandsworth, on Monday; I understand that so far it is going very well. He was standing there, proud as punch, in his new school uniform. My friend said that Wandsworth Borough Council has been very helpful in setting up all the various measures they had to put in place to host this family. I will not try to claim that as a Labour success, given that it happened only on Monday.

I thank the hard-working staff at the Home Office for trying to deal with this backlog. We believe that this is a problem of leadership and planning, not of the staff themselves. We also believe that the surge in applications for passports was wholly predictable. Too often, we have to come to this House to ask about delays—on passports, on Ukraine visas and on asylum claims, including those of Afghan interpreters, for example. The costs to the people involved in this application process are difficult to describe because of the extremity of the situation in which they find themselves. Does the Minister believe that the management and leadership process in the Home Office is fit to deal with the current shortcomings and future requirements that will be made of it?

Baroness Williams of Trafford (Con): First, I join the noble Lord in being happy about his story of the Ukrainian schoolboy standing proudly in his school uniform on Monday. I praise the noble Lord for not trying to claim it as a Labour victory; whenever these things happen, we are all happy that they turned out well.

It might be helpful to outline the context in which we find ourselves. As I said, HMPO processes 7 million passport applications in a normal year. Due to Covid, only 4 million applied in 2020 and 5 million in 2021. That means that more than 5 million people delayed applying for a British passport throughout 2020 and 2021. Therefore, the unprecedented figure of 9.5 million applications is forecast for 2022.

As I said, some of the problems with phone lines are completely unacceptable, but I think HMPO staff have performed to their best. In this context, 90% of applications being issued within six weeks, between January and March this year, is an excellent figure. In fact, over 98% were processed within a 10-week timeframe, but I am not going to stand and deny that there have been snags in the system. As I outlined, we are working very hard to resolve them.

Baroness Doocey (LD): My Lords, the Minister is aware that, far from enjoying exactly the same benefits as members of the EU, our citizens must now have three months' validity on their passports. The Government should have been more concerned with the process of issuing passports than with what colour they are. Have there been any discussions between the Government and EU countries about relaxing the three-month rule while the UK sorts out this dreadful crisis?

Baroness Williams of Trafford (Con): I can take that point back. I may be completely wrong here but I thought the EU insisted on six months. I am glad someone is nodding, so I am not going mad: the EU insists on six months. There might be a pragmatic solution. We are probably undergoing a hump in the process and things will smooth out, particularly by engaging more staff.

Lord Young of Cookham (Con): My Lords, my noble friend mentioned that the performance of the contractor answering the telephone lines was unacceptable.

Does the contract with Teleperformance have any penalties, so that there is a financial consequence to the company if standards are not maintained?

Baroness Williams of Trafford (Con): As always, my noble friend asks a very good question. I do not know the answer to it. I know that we have been engaging with the contractor and outlining that what is happening at the moment is utterly unacceptable, and I know that steps are being taken to rectify that.

Baroness Hamwee (LD): My Lords, I hope that commercial confidentiality will not be cited as a reason for not replying to the question asked by the noble Lord, Lord Young. Following my noble friend's question, have the Government had any discussions with the travel industry to ensure that passengers who are unaware of either these problems or the need to have a period remaining on their passport are alerted to the issue?

Baroness Williams of Trafford (Con): In relation to this issue, I know that HMPO has sent nearly 5 million text messages to UK customers who hold an expired or soon-to-expire passport to advise them to allow up to 10 weeks when next applying—so communications are going out from our side. I do not know about other countries.

Lord Dholakia (LD): My Lords, how many additional civil servants have been taken on to deal with the backlog? Is Prime Minister Boris Johnson, who criticised the Passport Office so bitterly, now satisfied with the work of this organisation?

Baroness Williams of Trafford (Con): HMPO's staffing numbers have increased by 500 since last April, and it is in the process of recruiting a further 700 people. In total, as of 1 April this year, there were more than 4,000 staff in passport production roles.

The Earl of Erroll (CB): First, I am reassured. The reason I knew it was six months—I will point out another wrinkle in this—is that I was going abroad in March, so I anticipated this issue and sent my application off early. It was very efficient and I got my passport back really quite quickly. The only problem was that the courier kept trying to deliver it to the wrong address because of the postcode—but do not worry about that. There was no way of putting in an extra message for the delivery driver saying, "Please go to the gate at something or other"—because I live in the countryside. Anyway, leaving that aside, the process was very efficient.

But there is another wrinkle. Normally, when you renew early in the UK—I realise that this particularly concerns us Scots, who worry about money—that extra period is put on to your passport. The expiry date is taken from when the current passport expires. The EU counts it from when it arrives—that is, the renewal date—so be careful, because you lose that bit that you used to get credited with on your passport under the old British system. Personally, I think that it is unfair. I am delighted that the passport can just put it on, but you do need to warn travellers that they might need to add a bit more on.

The thing I really want to ask, though, is this: what plans are there to deal with the extra 1,200 staff who have been specially recruited to deal with the problem? That is quite a swelling of the Civil Service at a time when I thought we were trying to economise and cut back. Are these people full-time staff that the Civil Service will have to retain for ever and somehow find other employment for—or what plans have we for downsizing again when the crisis is over?

Baroness Williams of Trafford (Con): Again, the noble Lord makes a good point. I will inquire as to whether we have recruited permanent staff or agency staff. If they are permanent full-time staff, they can of course be flexible to meet the needs of other parts of the Civil Service.

Lord Paddick (LD): My Lords, at the end of 2020, when the Passport Office realised that it was 2 million short of its normal applications, why did it not encourage people to apply early, anticipating the problems that we now see?

Baroness Williams of Trafford (Con): I do not know the answer to the question of why we did not encourage that. Obviously, we project numbers each year, but those numbers clearly did not transpire last year and we are now facing 9.5 million applications this year.

The Deputy Speaker (Baroness Henig) (Lab): The time allowed for this Question has now elapsed, so we will go on to the next business.

Hong Kong: Arrests

Commons Urgent Question

6.10 pm

The Minister of State, Department for the Environment, Food and Rural Affairs and Foreign, Commonwealth and Development Office (Lord Goldsmith of Richmond Park) (Con): My Lords, with the leave of the House I shall now repeat the Answer to an Urgent Question given in the other place by my right honourable friend the Minister of State for Europe and North America, James Cleverly. The Answer is as follows:

"The Hong Kong authorities' decision to target leading pro-democracy figures, including Cardinal Zen, Margaret Ng, Hui Po-keung and Denise Ho, under the national security law is unacceptable. Freedom of expression and the right to peaceful protest, which are protected in both the joint declaration and the basic law, are fundamental to Hong Kong's way of life.

We continue to make clear to mainland Chinese and Hong Kong authorities our strong opposition to the national security law, which is being used to curtail freedoms, punish dissent and shrink the space for opposition, free press and civil society. In response to the imposition of the national security law, as well as to wider recent developments in Hong Kong, the UK took three major policy actions. First, on 31 January 2021, we launched a bespoke immigration route for British nationals overseas and their dependants. Secondly, we have suspended the UK-Hong Kong extradition

[Lord Goldsmith of Richmond Park]
treaty and, thirdly, we have extended the existing arms embargo on China to cover Hong Kong. China remains in an ongoing state of non-compliance with the joint declaration, which it willingly agreed to uphold.

As a co-signatory to the joint declaration and in the significant 25th year of our handover we will continue to stand up for the people of Hong Kong, to call out the violation of their rights and freedoms and to hold China to its international obligations. The Foreign Secretary is in regular contact with her international counterparts on issues relating to Hong Kong, and we continue to work intensively within international institutions to call on China to live up to its international obligations and responsibilities. As the Foreign Secretary set out in the latest six-monthly report, published on 31 March, the UK will continue to speak out when China breaches its legally binding agreements and when it breaks its promises to the people of Hong Kong."

6.11 pm

Lord Collins of Highbury (Lab): My Lords, I thank the Minister for repeating that Answer. Of course, John Lee, Beijing's handpicked choice as chief executive, as Hong Kong's top security official, oversaw the Government's strong-handed response to the 2019 pro-democracy protests and the first year of its national security crackdown. Lee has already indicated his intention to bring further restrictions on Hong Kong's freedoms and suggests that these arrests will not be the last. When this issue was raised in the Commons, James Cleverly was unable to explain why the Government have not yet implemented Magnitsky sanctions against Hong Kong and Chinese officials responsible for these serious breaches. Will these arrests bring a change of approach by the UK Government? Will we see speedier action? The Minister in the other place was also unable to confirm whether any urgent representations had been made to the Chinese embassy on this matter. I hope the Minister can assure us today that this has happened.

Lord Goldsmith of Richmond Park (Con): My Lords, on 9 May we released a joint statement with our G7 partners and the EU underscoring our grave concern over the selection process for the chief executive in Hong Kong as part of a continued assault on political pluralism and fundamental freedoms. Together, we urged the new chief executive, John Lee, to respect protected rights and freedoms in Hong Kong, as provided for in Hong Kong's own Basic Law. The current nomination process and the resulting appointment are clearly a stark departure from the aim of universal suffrage, as set out in Hong Kong's Basic Law. This further erodes the ability of Hong Kongers to feel or be legitimately represented.

On sanctions, on 6 July 2020, the former Foreign Secretary announced the global human rights sanctions regime, which was welcomed across both Houses. We will continue to consider designations under the global human rights sanctions regime, but I am not able to speculate—and nor should I—on who may be designated in future. That would undermine the impact of those designations, but I note the noble Lord's comments.

Lord Purvis of Tweed (LD): My Lords, I agree with the Minister when he says that this is unacceptable and I support the three measures, but while these gross breaches of human rights are being carried out, the UK is actively promoting financial direct investment from Hong Kong authorities into the UK and UK investment into Hong Kong. Investment from the UK to Hong Kong has gone up by 8.6% and from Hong Kong to the United Kingdom by 31%. I have been trying to pursue this with the Government. Are there any triggering mechanisms on human rights abuses that the Government would act on to close market access for Chinese investment into the UK? We are not acting strongly enough.

Lord Goldsmith of Richmond Park (Con): My Lords, the Government monitor the operation and functioning of the financial sector and its participants on a regular and ongoing basis, across a wide range of matters. Fundamentally, it is for businesses themselves to make their own judgment calls and the Government do not comment on issues relating to individual companies. The sentiments and the message of the noble Lord will have been heard by colleagues in the Foreign Office.

The Lord Bishop of Southwark: My Lords, given that the 612 Humanitarian Relief Fund did little more than fund legal aid for protesters from the 2019 pro-democracy movement and closed its operations in 2021, is it not an outrage that one of those arrested, along with other trustees, should be 90 year-old Cardinal Joseph Zen? With Cardinal Zen being, as the noble Lord, Lord Patten, has said,

"one of the most important figures in the Catholic Church in Asia",

I ask the Minister to state in his own words, as clearly as possible, that this is utterly unacceptable and further undermines the rule of law in Hong Kong. What interventions have been and will be made to protect religious freedom or belief in the territory?

Lord Goldsmith of Richmond Park (Con): My Lords, I strongly echo the right reverend Prelate's comments. I know that any government Minister would willingly do so as well, were they standing at the Dispatch Box. What has happened to Cardinal Zen is truly appalling on every conceivable level. It fundamentally undermines every aspect of the agreement we reached with China at the handover and any sense of plurality or freedom of religion in Hong Kong. We are committed to defending freedom of religion for all and promoting respect between different religious and non-religious communities. Freedom of expression, religion or belief is explicitly included in the joint declaration, which China agreed to uphold. China is in clear breach of that declaration. We have seen its use of the national security law to curtail freedoms and suppress any dissent.

Baroness Falkner of Margravine (CB): My Lords, I am sure the House will welcome the integrity shown by the noble and learned Lord, Lord Reed, and Lord Hodge in no longer legitimising Hong Kong's broken judicial system by continuing to sit on those courts. Other Members of this House continue to give cover to it by continuing their connection, and we wait for them to reconsider their roles.

My brief question to the Minister is this: will the Government consider the report by Hong Kong Watch that proposes to conduct an audit of UK assets owned by Hong Kong officials and lawmakers? According to Hong Kong Watch, five officials and six lawmakers who are complicit in these ongoing human rights crackdowns hide their wealth in this country. If we are to prepare for future Magnitsky sanctions, we need to start conducting that audit now.

Lord Goldsmith of Richmond Park (Con): I thank the noble Baroness for raising an important point. On 14 March this year, the current Foreign Secretary issued a statement on the unjustifiable action taken against the UK-based NGO Hong Kong Watch. The action is clearly an attempt to silence those who stand up for human rights in Hong Kong. Attempting to silence voices globally that speak up for freedom and democracy is unacceptable and will never succeed. I will of course convey the noble Baroness's request back to colleagues in the FCDO.

Baroness Kennedy of The Shaws (Lab): My Lords, I too roundly condemn the arrest of the five members of the humanitarian support fund. So that the House knows, they have been charged with an offence under the national security law, the new law that has concerned this House in previous debates. The allegation is that they have been in collusion with foreign forces, which means that many of us who would want to be in contact with people are not because we are fearful, as parliamentarians in this country, of in any way putting in difficulty people in Hong Kong who are pro-democracy. I strongly endorse what the right reverend Prelate said about the cardinal, which is a shameful business.

Margaret Ng is a world-renowned rights defender—a great lawyer and barrister, and for 18 years a parliamentarian. As a great democrat, she is celebrated for her work and honoured for it globally. Only in 2019 were she and Martin Lee honoured by the International Bar Association as senior counsel in Hong Kong. Judges from this jurisdiction should no longer be sitting in Hong Kong and I hope that the Government will make a statement about their position. We should also now be calling a halt to, or pause on, trading negotiations with Hong Kong and China until the situation in Hong Kong improves.

Lord Goldsmith of Richmond Park (Con): My Lords, we have repeatedly stated our very strong opposition to the national security law and will continue to voice our concerns about the legislation, which is in clear breach of the joint declaration. I think it is not a coincidence that the four people about whom we are having this urgent debate were arrested. These are people who have stood up for democracy; they are therefore standing up for Hong Kongers as a whole. The authorities there have made a decision, which is clearly unacceptable, to target those leading pro-democracy figures. The right to peaceful protest, which is protected in both the joint declaration and Hong Kong's Basic Law, is fundamental to Hong Kong's way of life. We will continue to raise our concerns at every opportunity.

Baroness Kennedy of The Shaws (Lab): Before the noble Lord sits down, I did not ask my question. Will there be sanctions against—

Lord Alton of Liverpool (CB): My Lords, I declare my interest as a patron of Hong Kong Watch and vice-chair of the all-party parliamentary group on Hong Kong. Is it not outrageous that this has happened to a venerable and holy 90 year-old man, with immense global moral authority, and his fellow trustees? Is it not a terrible indictment of the CCP, illustrating the fear that has led it to criminalise most forms of dissent under the national security law, which was introduced by Carrie Lam and John Lee? I say to the House that as someone who, along with the noble Baroness, Lady Kennedy of The Shaws, has been sanctioned by the CCP, I find it passing strange that Carrie Lam and John Lee have not already been indicted under Magnitsky sanctions, even though the Minister cannot name them as people who will be, given their responsibility for the destruction of "one country, two systems".

I agree with what was said about the need for an asset audit, which I have previously called for, on CCP apparatchiks who own property assets in London. I hope that the Minister, who has said that he will take this back to the department, will do so as a matter of urgency. Given that the UK trade and economic deals through JETCO were suspended in response to the national security law, and with human rights in freefall, does the Minister agree that there can now be no possible reason to suspend the prohibitions on those trade arrangements?

Lord Goldsmith of Richmond Park (Con): My Lords, again, I strongly endorse the noble Lord's comments on Cardinal Zen. Arresting a 90 year-old person of any standing, but particularly someone of his standing, is obscene. It has been condemned, and rightly so, across both Houses and the world. I suggest that the noble Lord wears his own proscription by the CCP as a badge of honour. I cannot go into any more details around the sanctions regime but I assure him, and others here today, that I will convey the strong feelings of the House to colleagues in the FCDO.

House adjourned at 6.23 pm.