

Vol. 822  
No. 13



Tuesday  
7 June 2022

PARLIAMENTARY DEBATES  
(HANSARD)

# HOUSE OF LORDS

## OFFICIAL REPORT

*ORDER OF BUSINESS*

Questions	
Ukraine: International Conference.....	1077
Food Insecurity: England.....	1080
GP Access.....	1084
Ukrainian Asylum Seekers and Refugees.....	1087
House of Lords (Peerage Nominations) Bill [HL]	
<i>First Reading</i> .....	1091
Coroners (Determination of Suicide) Bill [HL]	
<i>First Reading</i> .....	1091
North Sea Oil and Gas Producers: Investment Allowances	
<i>Commons Urgent Question</i> .....	1091
Identity and Language (Northern Ireland) Bill [HL]	
<i>Second Reading</i> .....	1095
Immigration (Restrictions on Employment and Residential Accommodation) (Prescribed Requirements and Codes of Practice) and Licensing Act 2003 (Personal and Premises Licences) (Forms), etc., Regulations 2022	
<i>Motion to Regret</i> .....	1123

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/2022-06-07>*

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:

<b>Abbreviation</b>	<b>Party/Group</b>
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.

© Parliamentary Copyright House of Lords 2022,  
*this publication may be reproduced under the terms of the Open Parliament licence,  
which is published at [www.parliament.uk/site-information/copyright/](http://www.parliament.uk/site-information/copyright/).*

# House of Lords

*Tuesday 7 June 2022*

2.30 pm

*Prayers—read by the Lord Bishop of Chichester.*

## Ukraine: International Conference Question

2.36 pm

*Asked by Lord Cormack*

To ask Her Majesty's Government what plans they have, if any, to convene an international conference on Ukraine.

**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, the UK Government have been at the heart of the international response to the Russian invasion of Ukraine. We have played a prominent part in international co-ordination, including conferences convening key humanitarian donors and contributors of military support. As well as providing direct support to Ukraine, we continue to work closely with international partners, particularly through the G7, to co-ordinate our sanctions and economic measures on Russia and our wider diplomatic backing for Ukraine.

**Lord Cormack (Con):** My Lords, I thank my noble friend for what he said and acknowledge what has been done by this country, but he did not answer my Question. The convening of an international conference could do much to bolster President Zelensky. It could indicate that we would in no circumstances contemplate an inch of Ukrainian territory that was occupied by Ukraine on 24 February going anywhere else, but also that we are deeply disturbed by the massive destruction and increasing loss of life. We should tell President Zelensky that we need to agree what is achievable, and then do everything in our power to achieve it, for a defeat of Ukraine is a defeat of us all.

**Lord Goldsmith of Richmond Park (Con):** My Lords, I acknowledge that I did not directly answer my noble friend's question, but that is partly because it is very hard to answer. There are any number of international events, some of which we have co-ordinated and convened; others have been convened by allies and partners. This is a continuous process. At the G7, we took the unprecedented step of taking away Russia's most favoured nation status at the WTO. At UNGA, the UK led 141 states in condemning Russia's invasion; 140 voted with Ukraine on a separate humanitarian resolution. I could spend the rest of the 10 minutes detailing events that have happened internationally, many of them convened by the UK, where the message has been sent as loudly and clearly as possible that we support Ukraine in its battle against Russia and that we will absolutely stand up for Ukraine's territorial sovereignty and integrity.

**Lord Browne of Ladyton (Lab):** My Lords, security guarantees in some indiscernible form continue to be referenced as a major issue in ending the war in Ukraine. We understand that Kyiv is now in discussion with the Quad about them. Yesterday, the Prime Minister met President Zelensky and No. 10 briefed the press that they had discussed security guarantees. When will the Government make a Statement to Parliament about what is being discussed and the implications for us, the United Kingdom, of these guarantees?

**Lord Goldsmith of Richmond Park (Con):** My Lords, the UK position has not changed. We have been providing support continuously since the beginning of this grim episode. I think it is true to say that we are the second largest contributor of military equipment and the second largest supporter of Ukraine through humanitarian efforts. We have always maintained that, although it is for Ukraine to determine the final settlement, arrangements or agreement, if such an agreement is reached with Russia, our support is unambiguously with Ukraine.

**Lord Craig of Radley (CB):** My Lords, the Minister mentioned sanctions. What assessment have the Government made of the effectiveness of the sanctions so far imposed, and will they continue to be imposed even if there is a ceasefire?

**Lord Goldsmith of Richmond Park (Con):** On the second point, I am afraid I cannot answer; it is not for me to discuss future policy in relation to sanctions. However, there have been a number of assessments of the effect of the sanctions. We believe that the sanctions have had an inhibiting effect in relation to Mr Putin's ability to mobilise his forces. For example, several weapons manufacturers have had to suspend their activity as a result of lack of access to parts, and defence company capabilities have been restricted, limiting Russia's ability to replace advanced tech, including drones. Russia's domestic vehicle sales have dropped by around 80%, partly due to lack of components. It is also forecast that Russia's GDP is shrinking by anything between 8% and 15% this year, with the IMF expecting its economy to shrink further next year. As I said, it is not appropriate to speculate on specific future designations as that would undermine their impact, but there is no doubt that the sanctions are having an effect.

**Lord Purvis of Tweed (LD):** The President of Senegal, as chairperson of the African Union, met representatives at the EU summit last week. He warned of the collateral damage that is putting between 8 million and 13 million people in Africa—especially in central Africa and the Horn of Africa, which I will visit next week—in imminent danger of absolute hunger. There is a great need for urgent international co-ordination between the IMF, the World Bank, the G7, the EU and the UK. Will the Minister consider a London summit on humanitarian relief for the collateral damage being inflicted on the most innocent and vulnerable in the world, through no fault of their own, as a result of Putin's aggression?

**Lord Goldsmith of Richmond Park (Con):** My Lords, it certainly is the case that Russia, and in particular Vladimir Putin, has used hunger as one of the weapons

[LORD GOLDSMITH OF RICHMOND PARK] in his war against Ukraine, with effects not just for people in the region but across the whole world, as the noble Lord said. The UK has announced additional finance as an immediate relief for those countries most affected. For example, we are addressing, through investment, food insecurity in the Horn of Africa and Yemen. We have pledged £286 million to meet needs in Afghanistan. Over the next three years, we will direct £3 billion to the most vulnerable countries and people to help them recover from the crises. In addition, the World Bank has announced \$30 billion to address food insecurity globally over the next 15 months, much of which—although not all—is a response to what is happening in Ukraine.

**Lord Collins of Highbury (Lab):** My Lords, I want to pick up the last point the Minister made, on the global food shortages caused by the failure to get grain out of Ukraine. What is the Government's response to the EU President's strong backing at the Security Council this week for UN Secretary-General Guterres's efforts to get a package agreement that would allow grain exports from Ukraine and ensure that Russian food and fertiliser have unrestricted access to global markets? What are we doing to work in concert with the EU on this important area?

**Lord Goldsmith of Richmond Park (Con):** I believe that the EU and the UK are completely aligned on this issue. Yesterday, the Prime Minister spoke to President Zelensky, and freeing up Ukraine's grain supplies was top of the list of priorities in their discussion. However, I am afraid that I do not have a precise readout of their discussion, other than to say that this was a key focus of it.

**Lord Bellingham (Con):** My Lords, does the Minister agree with me that the one requirement that Ukraine has above all others is more heavy weaponry and artillery? What more can the UK do, and what discussions has the Minister's department had with our EU allies and counterparts?

**Lord Goldsmith of Richmond Park (Con):** My Lords, alongside our allies and partners, we are supporting Ukraine to defend itself against Russia. We have committed £1.3 billion so far in military support for Ukraine. As of 25 May, we have sent 6,900 anti-tank missiles, including NLAWs and Javelins; air defence systems, including Starstreak anti-air missiles; 1,360 anti-structures munitions; and 4.5 tonnes of plastic explosives. We sent over 200,000 pieces of non-lethal aid—helmets, body armour and so on—and on 22 April the PM announced that we will send Challenger 2 main battle tanks to Poland to backfill and thus enable Poland to give tanks to Ukraine. As we have made very clear, our support will continue for as long as necessary.

**Lord Tyrrie (Non-Aff):** My Lords, Ukraine's economy is under severe strain. Does the Minister agree that the leading western economies of the world are well capable of providing the necessary economic support to stabilise the Ukrainian economy? Do the Government have any plans to organise a meeting or a conference to

ensure that that support is put in place, so that it can demonstrably be seen by Ukraine's main adversary that we will continue to support the economy in whatever way is necessary?

**Lord Goldsmith of Richmond Park (Con):** My Lords, we have given £74 million to support the Ukrainian Government's day-to-day spending. We have given a £100 million three-year package to reform energy supply and to support their energy independence moves. The Foreign Secretary has reiterated that we stand ready to guarantee up to a billion dollars in government loans. We have instructed the UK export credit agency to retain £3.5 billion of financial support for trade with Ukraine, and on 9 April, the Prime Minister announced an additional half a billion dollars in World Bank guarantees to support Ukraine's economy. As the noble Lord will know, the UK is absolutely not standing alone here. World leaders are discussing what the final support package will have to look like in order to help Ukraine rebuild and stand up again. We fully expect that Russia should be required to contribute significantly to that cost.

## Food Insecurity: England

### Question

2.47 pm

Asked by **Lord Wood of Anfield**

To ask Her Majesty's Government what assessment they have made of the causes of food insecurity in England.

**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, food prices are driven by many factors, including agricultural and manufacturing costs. We take food insecurity seriously, monitoring household spending on food closely and working with industry to mitigate any friction in the supply chain that may drive up prices. The Government are of course aware that food price increases are playing a part in a wider rise in the cost of living. Recent increases in energy prices, however, which are the predominant pressure on households, mean that people have less money to spend on food, regardless of its price.

**Lord Wood of Anfield (Lab):** I thank the noble Lord for that answer. The recent Food Foundation report on food insecurity was truly alarming. Over seven million adults, over 2.6 million children and nearly half of all families on universal credit have experienced food insecurity in recent months. The Government have the free school meals scheme, the Healthy Start scheme and the holiday activities and food programme to enable a very targeted way of providing a nutritional safety net for the children who are most in need. Can the Government promise to increase funding to these targeted programmes to ensure that the shocking emergence of a generation of poorly fed, poorer children does not become endemic in our country?

**Lord Goldsmith of Richmond Park (Con):** I thank the noble Lord for his comments, and he is right: tackling poverty in all forms is a key priority for this and any Government. The Chancellor recently announced a new £15 billion support package to help families with the cost of living, building on measures worth nearly £22 billion that the Government have already announced. That brings the total support for households this year to £37 billion, which will be targeted in any number of ways but is particularly designed to help those who are most vulnerable.

**Baroness McIntosh of Pickering (Con):** My Lords, given that our food security and self-sufficiency is lowest in fruit and vegetables, what progress has been made on issuing work permits for people to come and pick our fruit and vegetables in the season which is just about upon us?

**Lord Goldsmith of Richmond Park (Con):** There has been a lot of talk about self-sufficiency, so I looked into this to see what changes there have been in recent years. We have a high degree of food security in the UK: we are largely self-sufficient in wheat production, growing 88% of all the wheat we need; we are 86% self-sufficient in beef; we are fully self-sufficient in liquid milk—I am making a point that I hope is interesting; we produce more lamb than we consume; and we are close to 100% self-sufficient in poultry. The Ukraine situation has certainly added pressure, but our situation vis-à-vis self-sufficiency has not altered measurably in the last 20 years.

**Baroness Boycott (CB):** My Lords, two years ago the Government conducted an internal review into drivers of food bank use—everyone in this House would agree that that use has gone up. A commitment was given by Ministers at the DWP to publish this in 2020. In February this year, in the other place, Jacob Rees-Mogg said that a further commitment would be given to publish this review this year. Where is it, and when are we going to see it?

**Lord Goldsmith of Richmond Park (Con):** I understand, and the Government accept, the data limitations in monitoring food security. From April 2021, we introduced a set of questions to the Family Resources Survey to measure and track food bank usage specifically. I am told that the first results of these questions are due to be published in March 2023, subject to the usual quality assurance.

**Baroness Bakewell of Hardington Mandeville (LD):** My Lords, the public are increasingly concerned about how they will feed themselves and their families. It is not just about reading the supermarket signs saying that sunflower oil has been replaced by a similar or equivalent oil in products; it is about the exponential rise in staple food product prices. A small bag of oranges used to be £1.20 for 10; this has now increased to three fruits for £1. Can the Minister say whether all government departments, including the DWP and the Treasury, are working together to find solutions?

**Lord Goldsmith of Richmond Park (Con):** The noble Baroness is right that there has been year-on-year food price inflation, with rises of 6.7% in April, up from

5.9% in March. She mentioned supermarkets, and Defra has been engaging with the supermarkets very regularly to discuss cost of living issues and the steps they can take to help address them. We will continue to explore a wide range of measures they can take to ensure the availability of affordable food, for example by maintaining value ranges, price matching, price-freezing measures and so on. This is a priority for Defra and, as she implies, is a cross-cutting issue on which departments are working together.

**Baroness Jones of Whitchurch (Lab):** My Lords, the Dimpleby *National Food Strategy* report was published in July 2021, which is nearly a year ago. It sets out recommendations on many of the food insecurity issues that we are raising today. Given its significance, is the Minister embarrassed by the length of time the Government have taken to respond to that report?

**Lord Goldsmith of Richmond Park (Con):** My Lords, I first acknowledge the work that went into that report. It was a brilliant piece of work and I am grateful to the team behind it, not least Mr Dimpleby. I hope, as I know the noble Baroness does, that the Government will provide a proper and comprehensive response, as soon as possible.

**Lord Krebs (CB):** My Lords, I quote from a government report that came out in July 2021. It reported that the data show that promotions of food in supermarkets “increase consumer spending by encouraging people to buy more than they intended to buy in the first place.”

In light of that, does the Minister agree that it is time to stop these promotions, as part of the contribution to helping people to manage their food budgets more effectively?

**Lord Goldsmith of Richmond Park (Con):** My Lords, I am aware of the study the noble Lord cites, but I do not pretend to be an expert in this area. The Government's view is that the proposed policy to inhibit, for example, “Buy one, get one free” offers has been postponed to provide immediate relief for those people facing acute food insecurity and poverty. The policy has not been abandoned; it has simply been parked.

**Lord Anderson of Swansea (Lab):** Is the noble Lord aware that recruiters are forced to go further and further afield in an effort to find pickers—even to Nepal and the West Indies? Is this a result not only of the war in Ukraine but of Brexit, and therefore could it have been foreseen?

**Lord Goldsmith of Richmond Park (Con):** The noble Lord makes an important point. The department that I am representing is working closely with the Home Office to ensure we have the labour we need to pick and collect the food that is produced in this country.

**Lord Naseby (Con):** Is my noble friend aware that the families and men and women who go shopping in the UK are well able to make a judgment on their own part and welcome promotions that reduce the price of the produce they want to buy?

**Lord Goldsmith of Richmond Park (Con):** My noble friend makes a good point, and I refer him to my previous answer.

**Baroness Bennett of Manor Castle (GP):** My Lords, I am sure the Minister is aware of the crisis in the supply of infant formula in the United States, which is associated with an extremely oligarchic concentration of production and ownership of supplies. What assessment have the Government made of similar risks to supplies of critical products in the UK?

**Lord Goldsmith of Richmond Park (Con):** My Lords, the UK has a resilient food supply chain. The preparations we were required to make in the event of a no-deal exit from the EU ensured that the UK made preparations that otherwise perhaps would not have been made. In a very real sense, the possibility of a no-deal exit led to an audit of our supply chains, which has resulted in a much more resilient system than we might otherwise have had.

**Lord Purvis of Tweed (LD):** My Lords, given that farms are reporting that only 25% of seasonal workers have received their visas, would the Minister have another attempt at answering the question from the noble Baroness, Lady McIntosh of Pickering, as to why there is a delay in visas for seasonal workers?

**Lord Goldsmith of Richmond Park (Con):** I refer the noble Lord to my previous answer. Defra is working very closely with the Home Office to ensure we have the labour we need to collect the food grown in this country.

**Lord Walney (CB):** Further to that, what are the Government doing to increase the number of people from the UK who are potentially available to work? Welfare-to-work schemes to bring people off inactive benefits in circumstances such as these have always been important to reduce poverty in this country. It is of particular importance now that the EU labour market force has been reduced.

**Lord Goldsmith of Richmond Park (Con):** The noble Lord makes an important point. There are many job vacancies, not least in the area we are discussing. This is an area of focus for the DWP and, indeed, for the Department for Environment, Food and Rural Affairs.

**Lord Sikka (Lab):** My Lords, the biggest cause of food insecurity at the family level is poverty. Some 22 million adults in the United Kingdom survive on an annual income of less than £12,570. Will the Minister commit to give an immediate increase of 15% to universal credit and the state pension? If not, can he commit to live on £12,570 for a year?

**Lord Goldsmith of Richmond Park (Con):** The noble Lord knows that I cannot commit to any such thing, but I reiterate that the Chancellor has pulled together a package amounting to £37 billion specifically to tackle the immediate crisis in the cost of living faced by people in this country. That money will go a very long way to alleviating the suffering of those people at the bottom of the economic ladder in this country.

## GP Access Question

2.58 pm

*Asked by Lord Hunt of Kings Heath*

To ask Her Majesty's Government what steps they are taking to address the delays experienced by patients trying to access their GP.

**Lord Hunt of Kings Heath (Lab):** My Lords, I beg leave to ask the Question standing in my name on the Order Paper, and I remind the House of my interest as a member of the General Medical Council.

**The Parliamentary Under-Secretary of State, Department of Health and Social Care (Lord Kamall) (Con):** The Government remain committed to improving access to general practice. This will be done by increasing capacity to deliver appointments. We spent £520 million to improve access and expand general practice capacity during the pandemic. This was in addition to £1.5 billion announced in 2020 to create an additional 50 million general practice appointments by 2024. To help manage demand and help patients to get timely access, we have improved the telephone system available for all practices. This improved functionality has helped them to free up existing phone lines for incoming calls and is available at no additional costs to practices until the end of April 2023 while we work on long-term solutions.

**Lord Hunt of Kings Heath (Lab):** My Lords, the Minister's Answer seems a long way from the reality. Every day, patients have great difficulty in getting access to their GPs. It is also clear that the profession is highly demoralised, with many wanting to retire early. Only a few weeks ago, this House voted to ask the Government to develop a long-term workforce strategy, funded for the NHS. Why did the Government consistently turn that down?

**Lord Kamall (Con):** I am sure the noble Lord will remember from the debates on the Health and Care Bill that that Act provides for workforce plans every five years. In addition, Health Education England has been commissioned to do work on workforce needs of a much more decentralised nature, rather than top-down from Whitehall and Westminster: at the trust level and the CCG level and, in future, at the ICS level to look at needs and the mix of skills that are needed to serve local populations.

**Lord Patel (CB):** My Lords, following on from the Question asked by the noble Lord, Lord Hunt, does the Minister agree that there is a need to rethink the model of primary and community care in the light of shortages, and considering that more and more GPs are now providing only private healthcare—at the last count, there were 1,500 of them—and 57% of GPs are working three days a week or fewer?

**Lord Kamall (Con):** There are indeed a number of challenges. One is that many GPs are nearing retirement age and some are worried that their pension will be affected if they carry on working. Also, as an IPPR report recently said, the nature of illness and patient

expectations have changed but the model of care has remained the same throughout. We expect five-minute appointments with referrals, but what we need in primary care is a much more networked model, with GPs, nurses, mental health officials, pharmacists, link workers and charities providing a joined-up service so that it does not always have to be the GP.

**Baroness Jolly (LD):** My Lords, since 2016 the number of GPs in Devon has fallen by 7%, whereas the number of patients has increased by 14%. When does the Minister expect the 2016 GP/patient ratio to be the norm?

**Lord Kamall (Con):** I apologise, I did not exactly get the nature of the noble Baroness's question, but I understand about some issues in Devon. Clearly, there are areas of the country where there is more of a challenge. One solution being looked at is how we make sure that doctors are trained close to areas where there are shortages. Research has shown in some cases that people tend to stay in the area in which they were trained, and we have opened new medical schools. However, that will not be an overnight solution as we have to wait for doctors to be trained. Some solutions will be short-term and some will be long-term.

**Baroness Blackwood of North Oxford (Con):** My Lords, I am pleased to see that since last July there have already been 1 million scans, tests and checks delivered by the new community diagnostic centres. Can the Minister give us some idea of how these centres are going to improve capacity and the quality of care in our GP services, which we have already heard are under so much pressure?

**Lord Kamall (Con):** I thank my noble friend for that question and for highlighting the role of community diagnostic centres. When we look at the backlog and the waiting lists, about 80% of the waiting list is for diagnosis, not necessarily surgery. Of course, once they have been diagnosed, some of those people will require surgery. After that, about 80% of those who require surgery will not require an overnight stay. They can be daily in-patients, as it were. The role that CDCs will play in trying to tackle that backlog is to encourage more diagnosis in the community, so rather than people having to go to NHS settings, diagnosis will go to the people in shopping centres and football stadiums.

**Baroness Wheeler (Lab):** My Lords, this is national Carers Week, and I am sure the whole House will want to pay tribute to the tremendous work our 6 million unpaid carers do, often at great cost to their own health and well-being. This week's Carers UK survey highlights the alarming neglect by carers of their own health, be it mental health conditions, long-term illness or disabilities, or putting off treatment because of their caring duties, like the carer who delayed a hysterectomy for five months because of the urgent care needs of the loved one she was caring for. The Carers UK survey shows that only 23% of carers are offered health checks for themselves when they phone the GP's surgery to make their loved one's appointments. Rather than just flagging up on the system that a person is a carer, what action will the Government take to ensure that GP surgeries are able

to do much more to monitor carers' health and well-being and what guidance will be issued on this important matter?

**Lord Kamall (Con):** The noble Baroness raises a very important point, as does the noble Baroness, Lady Pitkeathley, who frequently champions the role of unpaid carers. The new model of primary care is taking on some of the services that were previously provided by secondary care, and it will be a more modern, networked service. Clearly, part of that mix, not only in primary care but at the ICS level, will be how we make sure that we have a proper integrated health and care system and how we can help carers and make sure that they are looked after while they provide a service for people.

**The Lord Speaker (Lord McFall of Alcluith):** My Lords, we have a virtual contribution from the noble Baroness, Lady Masham of Ilton.

**Baroness Masham of Ilton (CB) [V]:** My Lords, is the Minister aware that many GPs' surgeries made it clear during Covid-19 that they did not want patients who might have coronavirus coming to them? Does the Minister realise that many early diagnoses of seriously ill patients, including those with cancer, have been missed, putting extra pressure on everyone involved at present?

**Lord Kamall (Con):** The noble Baroness makes an important point. Because of the focus on Covid and making sure we were keeping everyone safe, especially before we had a vaccine, precautions clearly had to be put in place. Of course, at the time it seemed eminently sensible to make sure that doctors and patients were protected. As the noble Baroness rightly highlights, the unintended consequence of this has been a backlog in seeing other patients. One of the things we are doing is making sure that, as we roll out these community diagnostic centres and modernise primary care, we can see patients in a more timely way. The GP does not necessarily have to be the first point of contact.

**Lord Stirrup (CB):** My Lords, how are the Government measuring and reporting retention levels of clinical staff in the NHS? This is one of the ways that will enable us to assess the effectiveness of the measures the Minister has said the Government are putting in place.

**Lord Kamall (Con):** I thank the noble and gallant Lord for the question. The important point is that sometimes the assessment is done at a local level, sometimes it is done at an overall level and sometimes the department gathers the statistics. As we modernise and digitise the system, a lot more of that information will be able to be processed centrally, so that we can understand where we need to have better planning and to redeploy resources to meet the needs in certain areas.

**Baroness Altmann (Con):** My Lords, my noble friend mentioned pensions. I urge him to speak to his colleagues in the Treasury about the own goal being created by the pension rules. Doctors are being hit with an annual allowance, but the lifetime allowance is then driving

[BARONESS ALTMANN]  
early retirement, with a simple 20-times multiple making it worth while for them to retire in their 50s, as soon as they can, rather than wait for a penal tax charge on a higher pension later.

**Lord Kamall (Con):** I thank my noble friend for the question. A request I have often had at this Dispatch Box is to go and speak to my colleagues in the Treasury. We understand that early retirements are a key factor impacting GP retention. If you look at the demographics of the workforce, there are people close to retirement age who are saying, “I’m burnt out after Covid, and therefore I want an easier life.” Clearly, the other issue we are looking at is the lifetime allowance. There are some instances where the GPs may be better off staying in, but we have to make that quite clear. There has not yet been communication. We continue to engage with the Treasury on a variety of issues, and I hope to continue doing so.

**Baroness Brinton (LD):** My Lords—

**Lord Winston (Lab):** My Lords—

**The Lord Privy Seal (Baroness Evans of Bowes Park) (Con):** My Lords, it is the turn of the noble Baroness, Lady Brinton.

**Baroness Brinton (LD):** My Lords, over the last five years the number of registered patients in England has increased, while the number of GPs has dropped by 5%. That has now resulted in a 12% increase in the number of patients per GP. No wonder there is pressure. I return to the original Question from the noble Lord, Lord Hunt: when will the Government provide proper workforce planning for GPs?

**Lord Kamall (Con):** I acknowledge the noble Lord for giving way to the noble Baroness, Lady Brinton, and at the same time I welcome the noble Baroness in person. I hope I will not regret saying that. We had these debates on the workforce during the passage of the Health and Care Act. In that Act there are provisions for workforce planning. At the same time, Health Education England is also putting together plans, and at a local level—rather than a top-down, almost Soviet-style planning system—we are looking at local workforce challenges.

## Ukrainian Asylum Seekers and Refugees

3.09 pm

*Asked by Lord Dubs*

To ask Her Majesty’s Government how many Ukrainian asylum seekers and refugees have arrived in the United Kingdom since the invasion of Ukraine by Russia.

**The Minister of State, Department for Levelling Up, Housing and Communities and Home Office (Lord Harrington of Watford) (Con):** I thank the noble Lord for his Question. As of 29 May, 65,700 people have successfully come to the UK from Ukraine. That includes 23,100 on the Ukraine family scheme and 42,600 under our Homes for Ukraine sponsorship scheme. We are now operating at about 5,000-plus applications per week. The visas take between two and

three days, if there are no problems attached to them; I said 48 hours at my first outing at the Dispatch Box in this House. The number of applications awaiting conclusion is about 19,000, which includes applications at various stages of the caseworking process and with different levels of complexity.

If I may, I will briefly mention to the noble Lord, Lord Dubs, unaccompanied children—the second part of his Question. As he is aware—we have discussed this many times—our policy has been not to accept children on their own, in keeping with the Ukrainian Government’s policy, unless of course they are reuniting with a parent or legal guardian here. As a result of his questions, many discussions with MPs, noble Lords, officials, the Ukrainian Government, local authorities and—oh, sorry.

**Lord Dubs (Lab):** My Lords, the Minister is confirming that we are not taking any unaccompanied children from Ukraine—a clear statement of government policy—even if the host family has been fully vetted, despite the fact that when they applied it was okay for them to apply for a visa as unaccompanied children. The Government have banned it subsequently. The Home Office said on May 6:

“Where we are made aware of an individual being provided with incorrect advice, we will of course take action”.

How can the Government justify leaving vulnerable, unaccompanied children frightened in a war zone? We cannot do that.

**Lord Harrington of Watford (Con):** I was about to explain to noble Lords our policy on children who have parental consent or that of a legal guardian as accepted by the Ukrainian Government. I hope to announce a policy change in the days to come. Regarding the children the noble Lord is referring to, it is very much government policy to help the agencies helping children on the ground in Poland, Moldova—where I have been—and Romania.

**The Earl of Kinnoull (CB):** My Lords, one possible result of the Ukraine family scheme is the delivery of a physical biometric residence permit to the successful applicant in the post. This is a free process and I thoroughly applaud it. What plans do the Government have to extend that to the EU settlement scheme?

**Lord Harrington of Watford (Con):** I am not aware of any plans the Government have to extend that to the EU settlement scheme.

**Lord Paddick (LD):** My Lords, at a Home Affairs Select Committee meeting on 11 May, a senior Home Office official said that undocumented people who travel from Ukraine to the UK could be considered for removal to Rwanda and the Minister refused to say whether Ukrainians who arrive in the UK across the channel by boat could also be sent to the central African country. If, out of desperation because of the significant delays the Minister has just told the House about—19,000 applicants are still awaiting an outcome—these people arrive in the UK without a visa, could they be sent to Rwanda?



**Lord Harrington of Watford (Con):** I can assure the noble Lord that there are two very good legal channels for refugees from Ukraine to come to this country. There is therefore no reason at all for them to be sent to Rwanda or anywhere else other than, I hope, back to Ukraine when the political and military situation allows.

**Baroness Chakrabarti (Lab):** My Lords, with respect, the Minister did not quite answer the question asked by the noble Lord, Lord Paddick. If such a person arrived from Ukraine without a visa, might they be considered for being shipped off to Rwanda?

**Lord Harrington of Watford (Con):** I can assure the noble Baroness that there is no reason at all why they should come here without a visa. It takes 48 hours to get a visa and there are very good legal routes for them to come here.

**Lord Alton of Liverpool (CB):** My Lords, does the Minister recall that I drew to his attention the procedure I saw in Vilnius for arriving Ukrainian refugees? Every single arrival was asked individually about what they may have witnessed or seen on the ground in places such as Bucha, Mariupol or some of the other places subjected to war crimes and atrocities. Has the noble Lord been able to put similar procedures in place in the United Kingdom? Does he not accept the importance of collecting evidence while it is fresh in people's minds, especially as there are now court cases taking place in Ukraine and the International Criminal Court is also considering proceedings?

**Lord Harrington of Watford (Con):** The noble Lord makes an excellent point and, I must say, one that I had not considered within my remit. I think it is something the Government should be doing, however, and I assure him that I will make inquiries about it. Perhaps I could write to the noble Lord in the next few days.

**The Lord Bishop of Chichester:** My Lords, what assessment have the Government made of the number of Ukrainians currently here on economic or student visas who may soon be at risk of overstaying their visa and may be unable to return home, and of the sort of support that they might require and be given?

**Lord Harrington of Watford (Con):** Again, that is an excellent question. We do not know the number of visas that are running out but I know that we have measures in place to make sure that when those visas—student visas, work visas and other types—run out they will be extended in this country and there will be no need for those people to return to Ukraine should they not want to do so.

**Lord Soley (Lab):** The Government are rightly focusing on Ukrainians, but can the Minister tell me whether the Government have any policy towards the several hundred thousand Russians who have fled Putin's Russia and will be very important for a post-Putin Russia? They are scattered all over Europe and surrounding areas. What attention do the Government give to those people and the enormous asset they can be to the West generally in its battle against Putin?

**Lord Harrington of Watford (Con):** I fully accept that those people could be a major asset to this or any other country. I am not aware of a separate policy for them. Of course, they could claim asylum as refugees and there are all the other routes to come into this country, but I will look into it.

**Lord Kirkhope of Harrogate (Con):** My noble friend will no doubt remember the United Nations scheme for Bosnian refugees. I was the Minister responsible for that in the 1990s. Can my noble friend confirm whether the categories relating to Ukrainians coming here could have the support of the United Nations behind them, so that we have a scheme specifically put aside and the treatment of those people coming from Ukraine avoids some of the tougher things said recently by Ministers?

**Lord Harrington of Watford (Con):** I reiterate what I have said before to my noble friend: we have a system for Ukrainian refugees to come to this country legitimately. It is my duty and honour to make sure that scheme works and that as many Ukrainians as possible fleeing the misery and all the terrible things happening there come here.

**Lord Campbell of Pittenweem (LD):** My Lords, may I refer the Minister back to an answer he gave a little while ago? Can we accept from what he said that there are certain circumstances in which those fleeing war zones may be sent to Rwanda—yes or no?

**Lord Harrington of Watford (Con):** I reiterate that refugees from Ukraine are perfectly welcome to come here and there is absolutely no reason why they should be sent to Rwanda. They are welcome here, we have accommodation for them, local authorities are paid to look after them and we have already welcomed nearly 70,000.

**Lord Ponsonby of Shulbrede (Lab):** My Lords, in the case of children accompanied by a parent or a legal guardian, should the children always be treated the same way? The reason I ask is that a case has been brought to my attention in which the parents and the elder child received visas in the normal way but the family had to travel a substantial distance to get a visa for the younger child. What possible explanation could there be for this? Surely this is just a source of delay for the family travelling to safety in this country.

**Lord Harrington of Watford (Con):** The noble Lord makes an excellent point. There is a source of delay where there has been an identification problem with the youngest child. I hope the new system we have in place now means that that is not necessary. If they have to go to a visa centre—I have observed this happening in Warsaw and elsewhere—it is only because there is no way we could identify that very young child with the parent. We look for the lightest possible method of identification. In fact, I have seen a letter from the doctor who delivered a baby being considered acceptable. We have to satisfy ourselves that young children are indeed who the mother or relative says they are. I accept that it has led to hardship where there has been a big delay and I hope that will not happen again.

**House of Lords (Peerage Nominations)  
Bill [HL]  
First Reading**

3.21 pm

*A Bill to make provision for the appointment of a Commission to advise the Prime Minister on recommendations to the Crown for the creation of life peerages; to establish principles to be followed in making recommendations; and for connected purposes.*

*The Bill was introduced by Lord Norton of Louth, read a first time and ordered to be printed.*

**Coroners (Determination of Suicide)  
Bill [HL]  
First Reading**

3.21 pm

*A Bill to require the coroner, following an inquest, to record an opinion as to the relevant factors in a case of death by suicide; and for connected purposes.*

**The Lord Bishop of St Albans:** My Lords, in moving the Bill, I declare my interest in the register as a vice-president of Peers for Gambling Reform.

*The Bill was introduced by the Lord Bishop of St Albans, read a first time and ordered to be printed.*

**North Sea Oil and Gas Producers:  
Investment Allowances  
Commons Urgent Question**

*The following Answer to an Urgent Question was given in the House of Commons on Monday 6 June.*

“Less than a fortnight ago, my right honourable friend the Chancellor set out a series of measures to help British people at what we know is a difficult time. The oil and gas sector is making extraordinary profits, not as a result of recent changes to risk taking, innovation or efficiency, but as the result of surging global commodity prices, driven in part by Russia’s war. The Chancellor reassured the House that the Government

‘will make sure that the most vulnerable and the least well off get the support they need, and we will also turn this moment of difficulty into a springboard for economic renewal and growth.’

He also made the point that it

‘is possible to both tax extraordinary profits fairly and incentivise investment’.—[*Official Report*, Commons, 26/5/22; cols. 449-50.]

That is why we have introduced the energy profits levy—a new 25% surcharge on the extraordinary profits that the oil and gas sector is making. At the same time, the new 80% investment allowance will mean that businesses will get a 91p tax saving for every pound that they invest, providing them with an additional, immediate incentive to invest. That nearly doubles the tax relief available, and means that the more investment a firm makes, the less tax it will pay.

The levy took effect from 26 May this year, and will be legislated for via a Bill to be introduced shortly. It will be phased out when oil and gas prices return to historically more normal levels, with a sunset clause written into the legislation. The levy will raise about £5 billion in revenue over the next year, so that we can help families with the cost of living in the shape of significant, targeted support to millions of the most vulnerable.”

3.22 pm

**Lord Tunncliffe (Lab):** I would like to follow up on the questions posed by the shadow Chancellor in the House of Commons yesterday but not answered, particularly now that the Government have had time better to digest them. First, how much will these tax breaks cost? When will the Government make their analysis public? How can the Government be sure about how much this new levy will raise when the Chancellor has added what is, in essence, a get-out clause? Why are the Government continuing to incentivise fossil fuels rather than renewables, which do not benefit from the tax breaks in this announcement?

**Baroness Penn (Con):** My Lords, the energy profits levy is expected to raise around £5 billion in the first 12 months, and that factors in the investment allowance designed into it. The Government will publish a tax information and impact note alongside legislation to introduce the levy, which will come before Parliament shortly, and the OBR will take account of the levy, including the allowance, at its next forecast.

On the noble Lord’s point about renewables, no, they will not benefit from the investment allowance, because they are not subject to the additional levy, but I reassure noble Lords that we are absolutely committed to increasing investment in renewables. We have R&D tax credits, the super-deduction and a number of other schemes in place to support them.

**Lord Teverson (LD):** My Lords, at Glasgow COP 26, it was agreed that there should be a continued deceleration and decrease in public subsidy of fossil fuels. In February this year, our own Climate Change Committee wrote to the Government saying:

“An end to UK exploration would send a clear signal to investors ... that the UK is committed to the 1.5°C ... temperature goal.”

How does the Minister reconcile this announcement about investment incentives, which will not in any way improve energy supply in the medium term, with COP 26—of which we are still the president?

**Baroness Penn (Con):** My Lords, the Government’s position on not having fossil fuel subsidies remains the same, and we use the IEA’s definition of subsidies in assessing that. Of course, the investment allowance is part of the energy profits levy, an additional levy on oil and gas producers which are experiencing extraordinary profits at this time. In terms of investment in North Sea oil, we have set out in our energy security strategy that the North Sea will still be a foundation of our energy security. It is right that we continue to encourage investment in oil and gas; this is consistent with our transition to net zero. The noble Lord will know that

we have gone the furthest and fastest so far in the G7 on decarbonising our economy; I am sure that this is a record on which we will continue to build.

**Lord Deben (Con):** I declare my interest as chair of the Climate Change Committee. Will my noble friend the Minister accept that there is considerable misunderstanding about this matter and that the Government must be very clear about it? Will she also accept that this will not lower the price of gas? The only way to lower the price of energy is to have more of the cheapest form of generation, which is offshore wind, onshore wind and photovoltaics. Will she also accept that we ought to have a ring main so that we can bring the offshore wind onshore, and not put vast quantities of pylons across some of the most beautiful countryside in Britain?

**Baroness Penn (Con):** I absolutely agree with my noble friend that this measure will not lower the price of gas. In fact, it is by that measure that it is not a subsidy to fossil fuels, but it will provide us with part of the funding to ensure that households across Britain which cannot cope with the extraordinary increase in energy costs at the moment get more support. I also agree with my noble friend that our investment in renewables so far has allowed us to have some cheaper forms of electricity—something we need to continue to build on.

**Baroness McIntosh of Pickering (Con):** My Lords, has my noble friend the Minister calculated what the income raised by the Treasury has been from excise rates and VAT from North Sea oil and gas produce in the last 12 months?

**Baroness Penn (Con):** I do not have that number with me for my noble friend, but I might be able to write to her on it. In terms of VAT receipts, there has not been a VAT windfall this year because every extra pound spent on energy at 5% VAT is not a pound spent on other things where VAT is at 20%. So the net effect of increased energy prices in terms of the Exchequer take for VAT is actually negative.

**Viscount Stansgate (Lab):** My Lords, the Statement says that the levy

“will be phased out when oil and gas prices return to historically more normal levels”.

Can the Minister tell the House what a “historically ... normal” level is?

**Baroness Penn (Con):** My Lords, that is something which we will judge as we get to it, but I reassure the noble Viscount that there will be a sunset clause in the legislation to ensure that that judgment cannot go on indefinitely.

**The Lord Bishop of St Albans:** My Lords, will the Government, first, reveal the calculations they have made on why we are giving these subsidies, rather than putting the money into renewables? This has come at a time when we have seen massive increases in gas imports. Indeed, if we had done this some years ago, and been able to move and shift much more quickly, we would not be in half the mess we are in now. What

is the basis on which the Government are deciding to subsidise the oil, rather than putting this extra financial incentive into renewables?

**Baroness Penn (Con):** As I have explained to the House, this is not a subsidy, but an investment allowance which is part of an additional levy on oil and gas producers. Therefore, they receive the investment relief attached to it. As I have said to the House—and I am really happy to say it again—we are absolutely committed to increasing renewable energy in this country. We agree that it is cheap and clean, and an essential part of our path towards net zero.

**Lord Grocott (Lab):** My Lords, the Minister has been talking about an energy profits levy, which she says will raise about £5 billion a year. We have been talking, as she knows, about a windfall tax, so can she explain to the House the difference between a levy and a tax?

**Baroness Penn (Con):** One of the crucial differences is the investment allowance we have just been discussing, to ensure that the levy we have in place does not disincentivise investment in the North Sea, which will be really important to longer-term energy security if we face similar situations in future. Another difference is that this levy will raise about £5 billion, allowing us to give around £1,200 to the most vulnerable households, unlike the plans from the party opposite, which would have raised around £2 billion to £3 billion, giving £600 to the most vulnerable households.

**Lord Bellingham (Con):** My Lords, the Minister gave a very good reply to the question asked by my noble friend Lord Deben, but she did not address the point about the need for an offshore transmission network. Without that, there are going to be more pylons going through various parts of the country, which will do huge damage to the environment.

**Baroness Penn (Con):** My noble friend is absolutely right. That went slightly beyond the energy profits levy investment allowance, but I would be happy to write to him with more details.

**Lord Rooker (Lab):** The Minister has twice referred to the fact that onshore and offshore wind power is the cheapest possible form of energy. That can be the case only if we ignore intermittency. We have intermittency with offshore. If we do not cost that in, we will be in real trouble comparing energy sources in the future.

**Baroness Penn (Con):** The Government absolutely recognise the importance of consistent baseload power as well; that is why we are committed, for example, to more investment in nuclear.

**Baroness Bennett of Manor Castle (GP):** The OECD last year calculated that UK support for fossil fuels, through tax breaks and subsidies for exploration and research and development, totalled £10 billion. Can the Minister tell me what the new figure will be with the 80% investment allowance? Moreover, last January the noble Lord, Lord Grimstone of Boscobel, told me

[BARONESS BENNETT OF MANOR CASTLE]  
that the Government were seeking to ensure that free trade agreements included an end to fossil fuel subsidies. How is that going?

**Baroness Penn (Con):** I believe that it is going very well. As I have explained to the House, according to the IEA's definition of fossil fuel subsidy, the UK is subsidy-free and will continue to be so. We are happy to offer investment allowances to companies investing in the North Sea: it is a key part of our energy security strategy and consistent with our path to net zero. I reassure the noble Baroness, that those investment allowances can be used to support the decarbonisation of upstream activities, which could include electrification, making it a cleaner form of energy.

## Identity and Language (Northern Ireland) Bill [HL] *Second Reading*

3.33 pm

*Moved by Lord Caine*

That the Bill be now read a second time.

**The Parliamentary Under-Secretary of State, Northern Ireland Office (Lord Caine) (Con):** My Lords, I apologise at the outset if my voice is a little croakier than normal: it is entirely down, I think, to four days of singing "God Save the Queen".

Before turning to the Bill, I would like to make two brief observations. First, I associate myself and the Government with the outrage and abhorrence expressed throughout Northern Ireland in recent days at the vile videos circulating regarding the tragic killing of Michaela McAreavey in 2011. The actions of those responsible are contemptible beyond words; they are in no way representative of unionism or loyalism, and our thoughts are very much with the McAreavey and Harte families at this very difficult time.

Secondly, and on a more positive note, Northern Ireland, like the rest of the United Kingdom, has just spent four days celebrating the glorious reign, devotion to duty, integrity and selfless leadership of Her Majesty the Queen. I would like to thank all those responsible for planning events and activities that I know were enjoyed right across the community. The fact that I had messages at the weekend from people of a nationalist background expressing their admiration for the Queen is testimony to Her Majesty's unique ability to unite people and bring them together.

The context of the Bill before the House this afternoon is the collapse of devolved government from 2017 to 2020 and the intensive efforts over almost three years to restore it. Although issues around language and identity were not the prime reason for the collapse in January 2017, during the subsequent Assembly election and beyond the capacity of these issues to poison debate and paralyse politics in Northern Ireland became all too apparent. It quickly became clear that without substantial progress on them, there was little prospect of seeing a return of the institutions that are such an integral part of the Belfast agreement that we in this Government staunchly support and uphold.

I will not detain the House with the details of the multiple phases of talks that took place during those three years. As one who played a role in the majority of them as a government adviser, I can say that it was a deeply frustrating experience that I do not look back on with any affection. It was proof, if any were needed, that it is far easier to pull down the institutions in Northern Ireland than it is to build them.

Eventually, following the 2019 general election, in January 2020 the UK and Irish Governments were able to present the document *New Decade, New Approach* to the main Northern Ireland parties as the basis for reforming the Executive, which duly happened. Of course, integral to *New Decade, New Approach* were commitments, principally though not exclusively in Annexe E, on identity and language, based on the discussions of the previous three years. Crucially, the document contained a commitment in part 2, paragraph 25 to

"respect the freedom of all persons in Northern Ireland to choose, affirm, maintain and develop their national and cultural identity and to celebrate and express that identity in a manner which takes into account the sensitivities of those with different national or cultural identities and respects the rule of law."

As set out in *New Decade, New Approach*, the provisions on identity and language were to be taken forward by the restored Executive through three separate pieces of legislation, the main contents of which were published in Annexe E and in the three draft Bills prepared by the Office of the Legislative Counsel in Northern Ireland at the request of the UK Government, to support a successful conclusion to the ongoing political talks to restore the Executive. Once passed, these Acts would then become new, dedicated parts of the Northern Ireland Act 1998, reflecting the importance and significance of these issues to many people right across society.

It was always the Government's intention and very clear preference that these provisions would be delivered by the Northern Ireland Executive and Assembly, as they are devolved matters. Regrettably, however, by the autumn of last year it became clear that this was unlikely to happen any time soon, and my right honourable friend the Secretary of State for Northern Ireland decided to take these matters forward in this sovereign Parliament of the United Kingdom. The Bill before the House today honours that commitment. It represents a balanced package of measures that faithfully implements in one piece of legislation Annexe E of *New Decade, New Approach*, recognises Northern Ireland's rich diversity of identity and language, and benefits both Irish language speakers and those from the Ulster Scots and Ulster British tradition.

It comes in addition to a number of other steps being taken by the UK Government under *New Decade, New Approach*, as set out in the annexe on UK Government commitments to Northern Ireland. Last year, therefore, we announced £2 million in funding for Northern Ireland Screen's Ulster Scots and Irish language broadcasting funds to help deliver more high-quality Irish and Ulster Scots broadcasting in Northern Ireland. In May of this year, the Government officially recognised Ulster Scots as a national minority under the Council of Europe's Framework Convention for the Protection of National Minorities. At the same time, under the

section of *New Decade, New Approach* titled, “Addressing Northern Ireland’s unique circumstances”, we made available £4 million to the Irish Language Investment Fund to support capital projects associated with the Irish language.

Turning to the Bill, Clause 1 amends the Northern Ireland Act 1998 to make provision for national and cultural identity principles and requires specific public authorities to have due regard to them when carrying out their functions. To summarise, these principles affirm the freedom of everybody in Northern Ireland to choose, affirm, maintain and develop their national and cultural identity within the law. They establish the important role of public authorities in promoting reconciliation, tolerance and parity of esteem. The clause also establishes a new office of identity and cultural expression to promote awareness and to monitor and encourage compliance with the principles outlined above. It will be a statutory body and its director will be appointed by the First and Deputy First Ministers of Northern Ireland, acting jointly. It will be able to provide funding to groups and organisations in support of the cultural and linguistic heritage of Northern Ireland.

Clause 2 amends the Northern Ireland Act to make provision for the official recognition of the status of the Irish language and the appointment of an Irish language commissioner to enhance and protect its use by public authorities when they are providing services. The commissioner, who will be appointed by the First and Deputy First Ministers, acting jointly, will develop standards of best practice to which public authorities must have due regard. These standards, intended to be “reasonable, proportionate and practical”, will have to be approved by the First and Deputy First Ministers before they can take effect. The commissioner will also monitor and promote compliance with approved standards and investigate complaints where it is claimed that a public authority has failed to comply with its obligations.

Clause 3 makes provision for the appointment of a commissioner for the enhancement and development of the language, arts and literature associated with the Ulster Scots and Ulster British tradition. They will, for example, promote awareness of Ulster Scots services provided by public authorities and provide and publish advice, support and guidance in respect of language, arts and literature. Reflecting the Government’s recent recognition of Ulster Scots under the framework convention, this advice will also cover the effect and implementation of certain named international instruments. The commissioner will also be required to investigate complaints that a public authority did not have due regard to guidance relating to facilitating the use of Ulster Scots in the provision of services to the public.

The Government are of course mindful of the potential impacts of these three new public authorities on Northern Ireland’s carefully balanced constitutional framework, including the north-south language body and human rights institutions. For that reason, all three new public authorities will be able to co-operate with and, as they deem fit, consult the various language bodies and human rights institutions in Northern Ireland as they go about their work, such as the

Ulster-Scots Agency and Foras na Gaeilge, which I met in Belfast last week. This reflects the vision set out in *New Decade, New Approach*.

Clause 4 will repeal the Administration of Justice (Language) Act (Ireland) 1737 so that provision for the use of languages other than English in proceedings will be a matter for the Northern Ireland Courts Service to determine as and when it deems necessary. I should point out to those who might still be concerned about this that the equivalent legislation for England and Wales was repealed by Lord Palmerston in 1863.

Clause 5 amends the Education (Northern Ireland) Order 1998 to place a duty on the Department of Education in Northern Ireland to encourage and facilitate the use and understanding of Ulster Scots in the education system. Clauses 6 and 7 contain important concurrent powers and powers of direction for the Secretary of State to ensure the implementation of the commitments in this Bill. Finally, the remaining Clauses 7 to 11 deal with consequential and general provisions.

The Bill is an important milestone in the delivery of *New Decade, New Approach*, which was so instrumental to the restoration of devolved government in January 2020. It takes forward commitments on identity and language for the whole community in Northern Ireland. In doing so, this Government recognise the rich tapestry of identities, languages and culture which enhance, enrich and strengthen, rather than weaken, our United Kingdom.

This legislation complements and underpins this Government’s vision of a Northern Ireland which is open, inclusive and tolerant and embraces people from all parts of the community regardless of their religious belief, political opinion or racial group. This Government are and will remain steadfast in their belief in the union and Northern Ireland’s integral place within it, but recognise that, if the union is to prosper and endure, it must work for everyone. I believe that this carefully balanced piece of legislation achieves just that. In that spirit, I commend it to the House. As they say in Irish, *sin é. I beg to move.*

3.44 pm

**Baroness Goudie (Lab):** My Lords, I thank the Minister for going through the Bill so clearly with us today; he has answered a number of questions. This is a good Bill and it is part of the Good Friday peace agreement. It has taken a long time to reach this stage. A new approach is welcome, but we must have timelines in the Bill if it is to succeed and move forward. I thank all the organisations that have been in touch with me for their information and helpful advice. I look forward to working with them, and with the Government, in the passage of this Bill. I will be putting down amendments with my colleagues over the next few days.

I am worried that the Democratic Unionist Party, which is committed to the Bill, has not yet committed—for different reasons, as we know—to setting up the Northern Ireland Executive. That is vital for the Bill to move forward. Further, it is important that the committees and commissioner that will be set up by the Bill should have 50:50 representation of men and women. Let me tell noble Lords that, as they know, there are plenty of good women in Northern Ireland who will apply to sit

[BARONESS GOUDIE]

on the various committees. I really feel that this is an important move in going forward with this new approach. The Good Friday agreement, in many ways, has made this possible, and we have seen it as we have gone forward. This is really important.

What might the timeframe for this legislation be once the Northern Ireland Executive is set up, including the timeframe for putting the adverts out and getting the committees in place? Furthermore, the current list of public authorities should be expanded to include the National Health Service, the Driver and Vehicle Licensing Agency, all the education departments throughout Northern Ireland, et cetera. These are vital for moving this forward. There should be much more public consultation, although we know that the number of people who can speak Irish and want their children to speak Irish is very high. I grew up in a family where some of my relations and my parents could speak Irish, and I know how important this is to the culture of Ireland—and to understanding and keeping the peace there. I would be pleased if the Minister could give me assurances on these matters. I will be asking further questions with my noble friend Lady Ritchie in Committee.

3.47 pm

**Baroness Suttie (LD):** My Lords, the Liberal Democrat Benches broadly welcome the Bill in the context of delivering on the commitments set out in *New Decade, New Approach*—an agreement that, we should recall, was agreed by both the DUP and Sinn Féin, as well as by the majority of the other political parties in Northern Ireland. However, I deeply regret the context and political circumstances that mean it has proved necessary to pass the Bill here in Westminster. I appreciate that the Minister and his department are not directly responsible for negotiating changes to the Northern Ireland protocol, but the lack of progress in that regard and the sense of distrust that now pervades is hampering his department's abilities to make progress on all matters of Northern Ireland politics.

It is the Government's incompatible promises and their choice of the hardest possible Brexit that have taken us to this point, and it is the current absence of trust that is not allowing us to move forward and make progress. It is hard not to reflect that if it was possible to bring sufficient levels of trust to bring about the talks that led in the 1980s and 1990s to the Belfast/Good Friday agreement, it is surely possible to do the same today in finding a practical way forward on the protocol. I have spoken privately to the Minister about finding someone all sides respect to act as a facilitator in this regard, and I sincerely hope that, behind the scenes, more is being done to resolve the stalemate on the protocol than currently appears to be the case. The people of Northern Ireland voted in good faith last month to have a functioning Assembly and Executive to tackle the many strategic, economic, healthcare and education issues that are so much in need of attention. The Government must leave no stone unturned in moving on from this current stalemate.

I turn to some specific aspects of the Bill, which, as I said earlier, we broadly welcome. As a Scot and a linguist who studied French and Russian at university,

I am extremely aware of the importance of language to identity and culture. Indeed, I come from Hawick in the Scottish Borders, where we have our own very independent and distinct version of Scots and hold on fiercely to the cultural and musical traditions that stem from that powerful linguistic identity.

Embracing cultural and linguistic diversity should not, however, lead to prejudices against "the other". Can the Minister confirm that "sensitivities" of others will not be interpreted as encompassing the prejudice or intolerance of others to another's national or cultural identity? Can he also confirm that the provision should be read as a qualification only on cultural expression when interfering with the recognised rights of others?

Regarding the Irish language commissioner, can the Minister explain the rationale for placing in the Bill ministerial approval by the First and Deputy First Ministers of the Irish language standards produced by the Irish language commissioner? Can he further say whether consideration has been given to the risks that this provision could be used to frustrate the purpose of the commissioner? I believe there is a risk that this could result in unnecessary delays and so I ask the Government to reflect on whether this provision is really necessary.

The Committee of Experts—COMEX—which oversees compliance with the European Charter for Regional or Minority Languages under the auspices of the Council of Europe has also broadly welcomed the commitments in the Bill. It has, however, assessed the package as falling short of fulfilment of the broader range of treaty-based obligations towards the Irish language entered into by the UK. Can the Minister say what further steps the Government plan to ensure that those international obligations are met?

Finally, can the Minister say why there was no consultation with Ulster Scots speakers prior to the Secretary of State's Ministerial Statement that accompanied the introduction of the Bill? I welcome that he said he met them himself last week. The Bill moves away from a focus on Ulster Scots speakers as a linguistic minority to UK recognition of Ulster Scots as an ethnic group. The Minister will be aware of the Northern Ireland Human Rights Commission's concerns and recommendations about conflating Ulster Scots as a recognised linguistic minority with Ulster British as a political identity. He will know that Ulster Scots speakers are from across the community in Northern Ireland. Will he please give us some reassurances in this regard when he concludes?

3.52 pm

**Lord Bew (CB):** My Lords, I support the Bill and I thank the noble Lord, Lord Caine, for his excellent introduction. I felt his pain when he recalled the many hours and days he had spent working on this in a previous life, and I enormously respect that.

The noble Lord, Lord Caine, laid a lot of stress on this as the outgrowth of the NDNA agreement. He is quite right, but the noble Baroness, Lady Goudie, was also quite right to say that the roots of this approach lie in the Good Friday agreement. There is reference to the Irish language in the Good Friday agreement; I can recall the Thursday night before Good Friday when

the special adviser to the noble Lord, Lord Kilclooney, Dr Steven King, played a key role in the negotiation of those sections. It is rooted in the Good Friday agreement and it was quite right for the noble Baroness, Lady Goudie, to remind us of that.

I will say something about what the noble Baroness, Lady Suttie, just said about trust, but I do not want it to be taken in the wrong way. Trust is a good thing if you can get it but, actually, political agreement between bitter opponents does not depend on trust. I recall very little of it in 1998—I see the noble Lord, Lord Kilclooney, nodding. That agreement did not come about because of an outburst of trust on one side or the other; it was based on narrow, hard-headed political calculations. So it will be with respect to the protocol, the EU and relations between the parties in Northern Ireland. Trust is desirable but it is not an essential feature of agreements. The essential feature is that people make a rational assessment of where their interests lie and think they could go with that particular agreement.

However, I believe very strongly, just as both speakers before me have emphasised, in the tremendous importance of the Good Friday agreement here. We tend to forget about the international agreement that accompanies the Good Friday agreement and imposes on the sovereign Government—in this case the United Kingdom Government—a responsibility to look after the economic and cultural rights of Northern Ireland. It says that this power—it is a power—should be exercised with “rigorous impartiality” and “respect” for the cultural rights of the people of Northern Ireland, and that there should be an attempt to provide

“just and equal treatment for the ... aspirations of both communities”.

This what the Bill is about. It has to be admitted that enthusiasm for it is far greater in the nationalist community than in the unionist community. That is a simple fact; there is an attempt to find a degree of balance but essentially, in most cases, support for the Bill comes from the nationalist community. I make the same point about the Bill that the Government will shortly be bringing to this House and to Parliament as a whole with respect to the Northern Ireland protocol—which responds more to a demand from the unionist community. The sovereign Government have a difficult balancing act to perform. That is what we are seeing here and what we will see with the Bill on the Northern Ireland protocol.

You cannot flout these opinions. You cannot say that nationalist communities should not be so keen on the Irish language—for lots of good reasons; it just will not wash—and you cannot say about the unionist communities, as the recent American delegation did, that their concerns about the protocol are “manufactured”. You just have to accept these realities and then try to work with them. It will be an act of great subtlety and difficulty for the UK Government but this is demanded by the Good Friday agreement, the prior international agreement; this is how it says that the British Government—the Government with sovereign power in the area—should behave. They must accept that obligation under the agreement; it is the prior agreement.

This is the view not just of this Government but of the May Government. The noble and learned Lord, Lord Keen, in this House in March 2019, as well as the

then Brexit Secretary, stated that the prior international agreement was the Good Friday agreement. The UK Government believed that they had a case in international law to disapply elements of the protocol to the withdrawal agreement in the unlikely event that these should conflict with the working of the Good Friday agreement. The lonely hour of that unlikely event has arrived fully and is now upon us, with the institutions down and, east-west, north-south, the strands not working at all.

Returning to the language Bill, I am sure that before the debate ends people will talk about Wales and Scotland as comparators and it is entirely correct that they should do so; but in the case of Northern Ireland the truth is that the most important comparator is language policy in the Republic of Ireland. There is a paradox here. In 1947, De Valera told the British ambassador that the Irish people, having gained their political freedom, were no longer so interested in the language. Those who fought for Irish freedom would be amazed by the low number of people in the Irish Republic who filled in their census forms in Irish; that was not what they thought it was all about. It was a central part of the cultural certainty and definition that led to Irish independence, but just not how things have actually worked out in practice.

On the other hand, one aspect did work out in practice. I refer to the words of Myles Dillon, son of the last leader of the great Irish Parliamentary Party in this Parliament, John Dillon. Myles Dillon was the greatest Irish language scholar of his generation. Like his father, he was an Irish language enthusiast. In 1958, he said, it had become an “instrument of discipline” as a means of excluding Protestants from key jobs and cultural institutions of the country. He spoke of this as arising from the Catholic nationalist tradition, and found it horrifying. He said this bluntly and clearly. He said that this factor destroyed the value of the Irish language as a means of building up an Irish national identity.

We cannot approach this problem without realising what the real history of the Irish language has been in the Irish Republic. That is not to say that there are not, for example, many people who love the language, speak it as a first language and so on—there are—but there is a darker side to the history of the Irish language in the Irish Republic. It is therefore inevitable that unionists looking at this Bill will feel somewhat wary.

One thing I would say is that, the more deeply a man or woman loves the Irish language, the less inclined they are to use it as a political instrument against others. Myles Dillon, probably the greatest Gaelic scholar of his generation, is an example. I therefore question the role of the commissioner and argue that it would be the best of all worlds if we could have a good, deep Irish language scholar who passionately loves this beautiful language. The more one gets somebody of that sort for the job—I am not drawing up the ads—the more this legislation will be progressed in the right and correct spirit.

I have one final word to say about the reference to the Ulster-Scots/Ulster-British tradition in this agreement. I note that the commissioner has a purview with respect to the media; the Explanatory Notes state this

[LORD BEW]  
explicitly. In Northern Ireland, there is a growing danger of parochialism, particularly in the local media. For example, in the 1990s BBC Northern Ireland used to have regular coverage of this House and Northern Ireland Questions in the House of Commons; for some time, they were really quite interesting. There is no such coverage now.

In March 2019, the then Brexit Secretary, with the authority of the Attorney-General, stated a thesis that the Good Friday agreement was the prior international agreement and that, in international law, the UK Government had a case that conflicted with the protocol—although they hoped it did not. As far as I can see, that was never reported in Northern Ireland. A very significant moment in government life just passed by. Now, we have the idea that, when a position is returned to in part by the current Government, it is seen as something new. It is not new at all; British Governments of different hues have been stating it for some time.

To take another recent example, I watched BBC NI's coverage of the local election results for three days. There were endless hours of discussion but not one of the pundits referred to the fact that, on the Thursday morning, senior London journalists had published a great deal of detail on the Government's proposed legislative programme for Northern Ireland. Nobody referred to it. They might as well have been whispering in a box, because people in Northern Ireland do not read London journals any more. The local commentariat does not do so either.

There is a role here for the Ulster-Scots/Ulster-British commissioner with respect to the media, as is stated. The role is this: the increasingly great danger in Northern Ireland is parochialism. We know from the horrible example given in the opening remarks of the noble Lord, Lord Caine, that sectarianism has far from gone away; it is a horrible, ugly example that brings shame to everybody connected with it. I am very glad that he made that reference. We know that sectarianism is the greatest evil. I am not saying that parochialism is an equal evil—it most certainly is not—but it is one of the growing evils in Northern Ireland. It is therefore my hope that the Ulster-Scots/Ulster-British commissioner will not see this role as an attempt to be an exciting driver forth on the intricacies of the Ulster-Scots dialect, but will see it in its broader terms, which are about requiring the sort of settlement that reflects both identities: the Irish nationalist identity and the British unionist identity in Northern Ireland.

4.04 pm

**Lord Browne of Belmont (DUP):** My Lords, first, I add my condemnation of the vile footage regarding the McAreavey family, which was wrong and hurtful.

I speak against the backdrop of an ongoing political crisis in Northern Ireland. Regrettably, this is not the first time I have uttered that phrase in your Lordships' House. Although Northern Ireland has seen much progress in recent years, there has now been a considerable period of uncertainty, in large part due to the issues regarding the Northern Ireland protocol. It is challenging to discuss any new legislation on Northern Ireland

without first acknowledging and discussing the impact of the protocol and how we have arrived at this point. Beyond costing the Northern Ireland economy £100,000 per hour, the protocol has driven up haulage costs between Great Britain and Northern Ireland by 27%. It has facilitated a divergence between Northern Ireland and the rest of the United Kingdom by virtue of a border in the Irish Sea.

I welcome recent comments and proposed action from Her Majesty's Government, who have now accepted the very real harm the protocol is doing. I will support all attempts to find solutions to the protocol through negotiation and through legislation which respects Northern Ireland's position as an integral part of the United Kingdom. I will also support new legislation which enhances and protects the integrity of the United Kingdom's single economic market.

As regards the Bill, my party, the Democratic Unionist Party, originally re-entered the Executive in 2020 based on the agreement reached called *New Decade, New Approach*. That agreement included a range of measures dealing with various issues and respecting different cultures and identities. However, at the heart of *New Decade, New Approach* was a commitment to safeguard and protect Northern Ireland's place within the internal UK market. To legislate on one or two parts of this agreement without urgently addressing this key element would be to approach *New Decade, New Approach* in an unbalanced fashion. That would not be the way to prioritise support for the Belfast agreement and its institutions.

We all want a devolved Government who deliver for everyone in Northern Ireland and who can build on stable foundations for the future. I believe in devolved, fair and workable government. For a Government to work in the long term, they must be based on the foundations of mutual respect. The Democratic Unionist Party indicated clearly in 2017 that it could not support legislation for Irish on a basis that would elevate the Irish language above English or reduce career opportunities for those who do not speak the language. Although those overt provisions are not included in the Bill, there exists a clear imbalance in status granted under the proposals to Irish and Ulster Scots.

My party has made it clear that we do not object to people speaking in the Irish language or having their children educated in the Irish language if that is their wish. Indeed, the Northern Ireland Executive have in the past contributed many millions of pounds in funding towards the promotion of and education in the Irish language. We have, however, objected to, and do object to, the politicisation of any language which means that these issues have, regrettably, at times, seemed to be divisive.

Looking at some of the specific proposals in the Bill, there seems to be no reciprocal requirement for public authorities to provide an action plan on how they will fulfil their obligations to the Ulster-British tradition, whereas this is required in respect of Irish language best practice standards. It is unclear from the Bill whether the office of identity and cultural expression would be able to fund single-identity projects, and it would be preferable if that was specifically referenced in the Bill.



In order to maintain the confidence that unionists have in the Government on this Bill, it is crucial that the Government deliver on the parallel provisions in *New Decade, New Approach* on the Armed Forces Act and on rolling out the Armed Forces covenant across all parts of the United Kingdom. In dealing with all these issues, there must be fairness and equality in delivering for all people, regardless of their community background or tradition, and based on the principles of equality, fairness, respect and consent. Respect and consent are key words in all this, and all this can be achieved if there is the will.

I am sure there will be additional opportunities to scrutinise the details of the Bill and move any necessary amendments in Committee. Her Majesty's Government must be balanced when addressing these issues, and must take into account the concerns and views of the unionist community as well as the concerns of others. To date, the concerns of others have been addressed. As a unionist, I value and cherish my British identity and respect all those who value and cherish their Irish identity. All the pro-union supporters in Northern Ireland ask in return is that others respect their values, too.

4.11 pm

**Lord Moylan (Con):** My Lords, we all know that language and politics are frequently bound up, even in some of the strangest places. I recently discovered that even the small and relatively homogenous country of Norway, when it became independent from Sweden in the early 20th century, fell immediately into a long and furious row about what the written version of Norwegian should be. For historical reasons, the language of administration in Norway had been Danish until that point. Two candidates presented themselves, both somewhat artificial—a Norwegianised version of Danish or a sort of *mélange* of Norwegian dialects from different parts of the country. As far as I know, this remains unresolved and two versions of written Norwegian still exist—so even there, there is no consensus.

It is obviously a privilege to speak after the noble Lord, Lord Browne of Belmont, but it is truly intimidating to speak after the noble Lord, Lord Bew, with the knowledge he showed of language—the Irish language in particular and its use north and south of the border. I was going to start by making a few comments that will sound quite domestic and jejune compared with what we heard from the noble Lord, Lord Bew, from my own experience.

My mother's family has been on the west coast of County Clare for the best part of at least 200 years. While I am sure in the early to mid-19th century they would have spoken or been able to speak Irish, certainly by the late 19th century that had largely gone. My grandmother, whom I remember well, was born in the 1880s and had no Irish at all. Later, of course, it became a mandatory school subject, which ensured that absolutely nobody spoke it, because it was both hated as an imposition and badly taught.

So you can wander around County Clare and not find any Irish at all whereas, if you cross the Shannon estuary and go over to County Kerry, part of the Gaeltacht is there—an area of preserved Irish language, which has taken the concept so far that, a few years ago,

they started to prohibit road signs and directions from appearing in English. Noble Lords will understand that, in the greater part of the Republic of Ireland, road signs are in both English and Irish, but there is no English down there on the Dingle peninsula. Of course, the Dingle peninsula is one of the most famous and important Irish tourist attractions, but it is now absolutely impossible to read the words “Dingle peninsula” on a road sign and the Irish—I am not going to attempt to pronounce it—bears no comparison or relationship with the words “Dingle” or “peninsula” in the way it is either written or spoken.

So one ends up with a degree of absurdity, but this is common in areas where language is sensitive. None the less—this was the crucial point that the noble Lord, Lord Bew, made—the sting has been taken out of all of it. Shopkeepers and the tourist industry get annoyed about the absence of road signs in Kerry. In County Clare, around where we are in Liscannor Bay, the biggest annoyance is that some bureaucratic zealot up in Dublin keeps sending down road signs changing the customary spelling of the village of Lahinch to Lehinch, which is the Dublin-approved way of spelling it. We will not have any of that, and these road signs are regularly amended by spontaneous night-time activity so that the “a” is put back and the “e” is not there—and even then, I have to tell noble Lords that Lahinch is not the proper Irish name of the town, which is something quite different again.

But this is all managed. There is an element of civilised behaviour in all this. In Northern Ireland, sadly, the question of language is still more political and weaponised. There are genuine concerns: you might lose your way in County Kerry but you will not lose your job because of the language you speak, and nor will you lose your identity. These issues are real. I do not claim a great qualification in entering into them, because what I want to move on to talk about, rather more seriously and less anecdotally, is the question of the Good Friday agreement itself.

Since the Good Friday agreement was entered into, I have always regarded it as not only an international agreement and a compact between communities but, if you like, a foundational constitutional document for the devolved Government of Northern Ireland on the basis of consent in a constrained and managed but none the less democratic framework based on community consent. As other noble Lords have said, the crucial thing is that the whole question of identity and language rights, and their legal basis, are rooted in the Good Friday agreement—no Good Friday agreement, no language rights, no rights to identity.

So it behoves everybody participating in this debate, on the Front and Back Benches, to put the protection of the Good Friday agreement right at the top of their agenda, because everything flows from it. My question is: are we doing that? I do not think we are. We are not protecting the Good Friday agreement; we are undermining it in a number of ways.

The first is that it cannot be the case, with this Bill and other legislation we have passed, including the imposition of abortion—a devolved matter—on Northern Ireland without the consent or agreement of the Executive and the Assembly, that we are strengthening the Good

[LORD MOYLAN]

Friday agreement. It can only be the case that we are weakening it if, every time a difficult matter comes up that local communities or their political leaders do not wish to face in the context of the structures they have agreed to, it is taken away—I am not disputing the lawfulness of doing so—by the Government and passed through this sovereign Parliament. We have to take the Good Friday agreement seriously as the basis of legislation. If we were doing this in relation to Scottish or Welsh devolution, the anxieties and upsetness, especially on opposite Benches but all around the House, would be very serious. We are in danger of turning this into something routine and in doing so we undermine the Good Friday agreement.

The second way in which it is being undermined—the noble Lord, Lord Browne of Belmont, referred to this—is through the existence and operation of the Northern Ireland protocol. Now, one can have an argument about whether checks in the Irish Sea are doing damage, what sort of damage and what quantum of damage—both to the economy, in material terms, and to the identity of the unionist community in, so to speak, psychological terms—but there is one way in which it is definitely doing damage to the Good Friday agreement: legally, it has effectively displaced the Good Friday agreement as the foundational constitutional document, because it takes priority over it.

Every time there is a conflict between the Good Friday agreement and the Northern Ireland protocol, the Northern Ireland protocol comes first. We know that, first of all, because we legislated to amend the consent mechanism in the Good Friday agreement to allow the Northern Ireland protocol to be agreed in the first place. We did that here in this Parliament; I was not a Member of your Lordships' House at the time. It has the legal effect that the Good Friday agreement remains, if you like, the foundational constitutional document except when it has to give way to the Northern Ireland protocol. In other words, the Northern Ireland protocol takes priority and is replacing it as the fundamental document on which the country is governed.

The second way in which the Northern Ireland protocol affects this is that this is all happening without any consent—not even consent under one mechanism or another. No consent mechanism has been tested in Northern Ireland for the imposition of this agreement upon it. There will be a mechanism and means of testing it in the course of next year and subsequently, but none the less the offence of introducing it and forcing people to live under it without any consent cannot be easily remedied and explains why the Good Friday agreement is not being supported in the way we would want by so many communities at the moment.

It goes further, because it is not merely the Northern Ireland protocol that has been imposed without consent. Periodically, amendments to existing European Union laws that are issued by Brussels have direct effect in Northern Ireland, although the people of Northern Ireland have no say in the democratic institutions that in other ways operate as a check and a mechanism for controlling those legal changes. This is a form of living under law that nobody in the Irish Republic would accept for themselves. Indeed, it would be wholly incompatible

with its constitution, but we expect the people of Northern Ireland to live in this fashion. It really is quite infamous.

While the Bill sets up commissioners for the Irish and Ulster Scots languages, I am increasingly of the view that we actually need a commissioner for the protection of the Good Friday agreement. I look around and wonder who is actually speaking for the Good Friday agreement and its primacy. If we do not keep that at the forefront of our minds, as I have said, we will lose that agreement and all these rights, and this whole business of identity and language, which is so important to so many people, will be thrown back into a flux.

4.23 pm

**Baroness Hoey (Non-Aff):** My Lords, the Second Reading of the Bill is an opportunity to put it into context, to look at why and how we got here and to look at some of the myths and propaganda that have been around it over the last year or so. It is called the identity and language Bill, but despite anything that anyone says, including the Minister, it is widely known as the stand-alone Irish language Bill, with a little Ulster Scots put on at the side as a bit of a sop to the small but articulate Ulster Scots group in Northern Ireland.

It is also very clearly a ransom payment to Sinn Féin for holding Northern Ireland hostage for three years when it brought down the Assembly. That was supposedly because of the “cash for ash” scandal, but very shortly afterwards—with the support of the Irish Government and unfortunately, I have to say, the support of our then Secretary of State—the demand for an Irish language Act became the ask before it would go back in. This then went into *New Decade, New Approach*. As has been said by the noble Lords, Lord Moylan and Lord Browne, it is very interesting that parts of *New Decade, New Approach* seem to get priority. Maybe I am a little biased, but it seems that they are always the bits that Sinn Féin wants and not the bits that the pro-union community wants, such as the internal market Bill and now, very importantly, dealing with the protocol.

However, a myth has grown up, which we have seen in the tweets and articles recently, that somehow withholding this kind of Irish language Act has anything at all to do with the withholding of minority human rights. “Human rights” and “Irish language Bill” are almost intertwined. Of course, it does not. The Irish language can be learned, spoken, written and taught by anyone or by any non-governmental group in Northern Ireland. Any picture of a part of the population being prevented by law from connecting with their ancestral linguistic culture in private or public is like a cartoon from the past, like the days of hedge schools.

There are even Protestants in some areas learning Irish, in loyalist neighbourhoods, and who have formed a society for doing this, so Gaelic is freely accessible to all in Northern Ireland, and everyone is already English-speaking. Irish is taught in state-subsidised Catholic schools and there are many small and medium Irish schools at primary and post-primary level. Some of them were opened with very small numbers and allowed to stay open with very small numbers even though other smaller country state schools were closed. Let us get rid of that myth.

Yet the numbers of those who choose to speak the Irish language as a second language—no one is unilingual in Irish in Northern Ireland—in their daily life or on special occasions is miniscule. No one turns up in court, or transacts with officialdom or government, able to speak only Irish and needing translation from the English to explain, defend or conduct themselves. No one is legally or socially deprived by living in an officially English unilingual society. Were this a precondition of linguistic representation in the courts and government offices, Polish and Cantonese speakers in Northern Ireland would, by dint of population and numbers speaking those languages, have prior claims.

I hope that Members of your Lordships' House will also not have any belief that an Irish language Act has anything to do with the protection of an endangered language, because it does not. We are not speaking here of Manx or Cornish. Irish is read or spoken by pockets of Irish, as has been mentioned by the noble Lord, Lord Moylan, in the widespread Irish diaspora. These are not declining outlying pockets of native speakers but rather pockets of the educated and motivated who wish to keep alive their Irish heritage. There are many speakers and readers of Irish in the Republic of Ireland and a thriving publication of books in Irish, and even though only 1.7% of the Republic's population chooses to speak Irish outside the classroom, despite a century of government promotion, compulsion and lavish subsidisation, it cannot go extinct because of the Republic's constitutional commitment and the linguistic requirements in government employment. However, there is absolutely no need for a comparable constitutional commitment in Northern Ireland, for Northern Ireland, since its beginning in 1921-22, has never been an ethnically based country with a native language, unlike the Irish Republic. A key point of the 1921 settlement was that both sides of the border had a right to be different.

What I have just said is crucial to understanding the Irish language Act campaign in Northern Ireland. Irish is perceived by most Catholic nationalist Irish people as inextricably connected with Irish nationhood. This is a token or passive perception for many people in Northern Ireland of a nationalist background, but most language activists wish that inextricability to be extended to Northern Ireland, to aid the eventual absorption of Northern Ireland, with an official bilingualism as one rationale, into a 32-county Republic of Ireland.

People also say that if you do not support the campaign for an Irish language Act you do not respect the Irish language and those who speak and study it. As the noble Lord, Lord Bew, made very clear, there are many who genuinely love the language apolitically and personally and of course that means having respect, but that respect already exists in Northern Ireland. For example, the BBC broadcasts regular programmes in Irish. Indeed, commentators have pointed out that the BBC's coverage of a recent Irish language protest with a few thousand people on the streets was far more extensive than its coverage of the recent Northern Ireland centenary celebration with hundreds of thousands of people on the streets. Which event, which cause, was more disrespected?

Irish language campaigners must also respect and understand why those in Northern Ireland who are not from an Irish language background—that is, non-Catholic, non-nationalist, non-ethnic Irish—withhold respect. They are too aware of the political culture the Irish language occupies and of the open-ended, ongoing, unceasing campaign by republicans to have Northern Ireland detached from the monarchy of the United Kingdom and annexed by the Republic of Ireland. Some people will say, "Look at Wales and how it does the Welsh language". The loudest proponents of the Welsh language do not tirelessly seek dissolution of the jurisdiction, see Welsh as the iconic medium of their political work or have a recent history of using violence in their cause. That is the difference. Because of the politics involved, an Irish language Act will further divide the people of Northern Ireland into Irish and British, territorially by neighbourhood and district through signage and language initiatives, and the momentum will be with Irish language activists. So there are cultural as well as pragmatic reasons for an Irish language Act not being welcomed by all in Northern Ireland, particularly those whose identity is British and whose object of allegiance is the Queen and country.

Of course, there are other pragmatic reasons. One very important one, which never seems to get mentioned, is the cost. The Explanatory Notes state:

"In accordance with the commitments on identity and language contained in the New Decade, New Approach agreement ... the Identity and Language (Northern Ireland) Bill will remain a matter for the Northern Ireland Executive and Assembly to administer, support and fund."

I am sure that a lot of people in Northern Ireland have no idea what is coming down the road in terms of finance. We just have to look at what happens in Quebec, where language has become hugely political. The costs there have been shown very clearly by people who have written about it. Professor John Wilson Foster, the author of 12 scholarly books on Irish literature and culture, has written extensively about how what is happening in Quebec could very similarly, but for very different reasons, happen in Northern Ireland.

I want to make a couple of points on the specifics of the Bill. It is a stand-alone Irish language Bill that will be inserted in the Northern Ireland Act 1998, a constitutional statute, and will thus benefit from all the enhanced constitutional protections. This should concern your Lordships' House. Why is one cultural tradition in Northern Ireland being given enhanced status in the constitutional statute?

There are many legal problems with the Bill, and I hope to have amendments in due course. I shall point out just two and perhaps the Minister will want to comment at a later stage. New Section 78F(2)(a)(ii) in new Part 7A, on national and cultural identity, states that a public authority must have due regard to the principle that everyone can

"express and celebrate that identity in a manner that takes account of the sensitivities of those with different national and cultural identities and respects the rule of law".

I am sure that, on the face of it, that sounds attractive to most of your Lordships' House, but what does taking account of sensitivities mean? In Northern Ireland, unionists have been subjected to a decade-long cultural war, with the right to fly the national flag

[BARONESS HOEY]

challenged, and the Orange and marching band tradition, and traditional well-maintained bonfires, all under constant attack by contrived nationalist residents' groups and lobbying organisations. The cultural warfare follows a familiar pattern, with contrived grievances and sensitivities that are deliberately weaponised in an effort to target unionist culture and every vestige of British identity.

From a legal point of view, this would seem to be a different test from that which applies to public bodies under Section 6 of the Human Rights Act. I know that the Bill says that it has been passed as being okay with the Human Rights Act, but that Section 6 requires public bodies to act compatibly with convention rights, which includes freedom of expression and of assembly, as set out in Articles 10 and 11 of the European convention. As the Minister will know, the scope of Articles 10 and 11 in particular was examined by the Supreme Court in the Ziegler case, and this provision would seem at the very least to confuse that. In any event, it plainly invites contrived grievances.

New Part 7B requires by law not only the promotion of the Irish language but its enhancement. In addition, this all-powerful commission can set standards for public bodies, standards which will keep expanding as part of the duty of continued enhancement. That will embolden efforts by some republicans to use the Irish language even more as a political weapon.

The most worrying part of all is the new powers that the Secretary of State purports to take for himself, giving him the power to disapply once again the key cross-community protection in Section 28A of the Northern Ireland Act 1998, and the ministerial code, should he wish to do so. The noble Lord, Lord Moylan, raised concerns that many in this House will have felt about how the Belfast agreement is being treated. We are told that it is sacrosanct—an international treaty that cannot be unilaterally amended. Yet here we are again, with the Secretary of State trying to override its key protections lest they be utilised by unionists, in this case. There is also an important and related point. That the Secretary of State feels it necessary to disapply Section 28A and the ministerial code is proof that competing obligations cannot in and of themselves cause such key provisions to be set aside. That is very interesting—and Members from Northern Ireland will understand it very well—because it entirely validates the approach of Edwin Poots, the Minister, in recently ordering a halt to the Irish sea border checks because of the then primacy of Section 28A and the ministerial code.

Those are some of the points that we will be able to look at in Committee. It is a pity that the Committee is not being held in the Chamber, because too often Northern Ireland debates and subjects get waylaid into just a small number of the same people. It is part of a problem with Northern Ireland that we are far too often simply left as a bit of an aside to be dealt with when necessary—and, one hopes, when people are not being angry.

The campaign for an ILA and this Bill is driven chiefly not by practical need, symbolic equality or hunger for a human right currently withheld but by a

political strategy. Sinn Féin election posters keep up the momentum, and Irish unity conveniently identifies the strategy and the destination. The medium-term goal is to transform Northern Ireland culturally in pursuit of a constitutional end. No one in this House should feel that being a friend to the Irish language is incompatible with opposition to Sinn Féin's stark politicising of the indigenous language. Of course, there are numerous formal and informal encouragements of the Irish language that could be done and practised, without bankrupting the Treasury in Northern Ireland, inconveniencing and alienating the population, and advancing one political party's project to undo Northern Ireland. This Bill is not one of them.

4.39 pm

**Lord Hay of Ballyore (DUP):** My Lords, first I add my words of condemnation of the footage that is doing the rounds at the moment, which is vile and has deeply hurt the McAreavey family. There is no place in society for such action.

It would be foolish to disregard the current political situation in Northern Ireland as we debate this Bill. The current situation, brought about by the Northern Ireland protocol arrangements, is deeply regrettable. The protocol lacks cross-community support and fundamentally undermines the core principles which underpin the democratic structures in Northern Ireland. That makes it impossible for power sharing to operate on the basis of cross-community consensus. We have even had Tony Blair in the last few days saying very clearly that the protocol was a bad deal which is undermining the Belfast agreement and peace in Northern Ireland. In the last few days, the noble Lord, Lord Trimble, has said much the same words. They are very much architects of the Good Friday agreement and are saying very clearly that the protocol is now causing serious damage to the Belfast agreement.

In respect of the Bill before the House, I criticise the Government for introducing the Bill before dealing with the concerns about the current operation of the Northern Ireland protocol. The *New Decade, New Approach* agreement of 2020 was entered into in good faith. But it was a package that was agreed. The introduction of a Bill that cherry picks one element of the agreement while ignoring the commitment to protecting Northern Ireland's place in the UK internal market from the carnage of the protocol is both ill-judged and imbalanced. It totally undermines devolution in Northern Ireland.

We have seen over and over again with one party's wish-list that, if it does not get it through Stormont or the Executive, it brings it here. Usually, the Government do what needs to be done to get whatever has to be got through this House and the other. That creates a problem for devolution in Northern Ireland and how it can be delivered, not only in the future, but also for all the people of Northern Ireland. There has also been no attempt to build consensus towards this Bill at a time when confidence in the Government and devolution has been eroded to the point of being on life support.

Everyone in Northern Ireland should feel comfortable expressing their national and cultural identity. This includes those who cherish the Irish identity. I want to say something briefly about identity, which I have

raised several times with government Ministers. I hope at some point to raise it in this House through a Motion. Here is one example: people who were born in the Irish Republic, have moved to Northern Ireland and lived there all their life—paid their taxes and national insurance, voted, and all of that—find it very difficult to apply for and get a British passport. In fact, the cost of applying for a British passport through the whole process, which will take six months to one year, is £1,300, which many people in Northern Ireland cannot afford. It is an issue I want to raise in this House at some point because it creates a problem for people who want to have a British identity and passport and to be British. At this moment it affects around 40,000 people in Northern Ireland; that is a huge number of people who find it difficult to get British identity in Northern Ireland. The only reason is because they were born in the Irish Republic. I will leave it at that, but that is a very serious issue that needs to be addressed when it comes to culture and identity.

The way forward in our approach to legislation must be fair and balanced to each tradition, recognising and reflecting the balance of the community it relates to in Northern Ireland. Unfortunately, there are aspects of this Bill that are certainly not balanced. There needs to be a lot of work done to get this Bill where we need to get it to and to get the balance within the Bill, which is not there at this minute in time.

We all want to see the institutions up and running, but progress can be made only with the support of unionists and nationalists in Northern Ireland moving forward together for the future. It is important that, during the passage of this Bill and especially in Committee, consideration is given to the inaccuracies of this particular Bill. For example, on the whole issue around funding and the rollout of this Bill on the ground, how is it going to work? The noble Lord, Lord Moylan, talked about weaponising the Irish language, and that is a real fear within the unionist community. How will the language be used by certain people in and around public bodies and in and around courts? All of that is very serious for the unionist community.

On the whole issue of funding which I have alluded to, we do not know the cost of all of this. At the minute, the Irish language gets about £170 million a year from the Executive. You would nearly think the way some people are talking they were getting nothing. Is that figure going to increase? Quite obviously it is going to increase. The Bill is silent on funding.

Another issue in the Bill is that the Secretary of State will take powers so that, if he feels that a Minister or a department is not doing what they should do, he can intervene. Once again, to me that undermines devolution in Northern Ireland.

I will leave it there. I want to say to the House: do not underestimate the situation in trying to get the Assembly up and running. It will be a very difficult job to get it up and running if the protocol and the issues around it are not resolved.

4.47 pm

**Lord Morrow (DUP):** My Lords, I wish to make some comments in the gap. At the outset, I would just like to come alongside what the noble Lord, Lord Caine,

has said in relation to the McAreavey and Harte family. I visited the Harte family at the time of that great tragedy, along with three of my colleagues Peter Robinson, Arlene Foster and Nelson McCausland. We wanted to assure them of our support. The Harte family come from the same village where I lived the first 16 years of my life, Ballygawley. I also want to assure the Minister that he was not alone in singing the national anthem many times over recent times. I too had a hoarse throat and I am putting it down to my rendering of the national anthem on many occasions.

I have many questions for the Government about the Bill before us today, but in the limited time available I will be able to touch only on one or two of them. New Section 78H(1)(d) refers to the following principal aim:

“to support, and promote the celebration of, the cultural and linguistic heritage of all people living in Northern Ireland.”

However, there is not one reference in the entire Bill to any languages other than Irish Gaelic and Ulster Scots, apart from a passing reference to English. Is this credible? Does the remit of the Ulster Scots commissioner refer only to Ulster Scots, or does it include Hiberno-English as spoken in Northern Ireland?

The provision of two commissioners—one to have regard to the interests of the unionist community as they relate to Ulster Scots, the other having regard to the interests of the nationalist community as they relate to Irish—seems like a balanced expression of commitment to parity of esteem. But it seems to me that they have been designed very differently such that they will be destined to have very inequitable impact. The Irish commissioner has a clear function in terms of facilitating the use of Irish in public service provision, while the role of the Ulster Scots commissioner is far more opaque both in terms of what the commissioner will do and who will be engaged by them. Whereas all public authorities which provide public services can obviously be engaged in terms of the languages in which they provide their services, it is completely unclear that the development of the Ulster Scots language art and literature will engage anything more than a tiny number of public authorities.

In this context, while the Irish language commissioner looks to have a very big impact on Northern Ireland, the Ulster Scots commissioner looks destined to have a much more limited impact. The latter does not even have any monitoring or enforcement powers—how does this demonstrate parity of esteem? In addition, the drafting of the Bill seems to suggest a blatant inequality: the Ulster Scots commissioner for the unionist community is given a role that engages various international legal conventions because Ulster Scots is a minority language, whereas the nationalist community is afforded a commissioner whose language is apparently not deemed a minority language. Put another way, the Bill lays the foundation for normalising the sense in which the concerns of unionists should be legitimately regarded as a minority interest, whereas the concerns of nationalists should not be. As such, this feels like a Bill drafted not by the UK Government but, indeed, by the Irish Republic Government, set on breaking up the United Kingdom and placing Northern Ireland in a nationalist state. I think this is an attempt to assimilate Northern Ireland with the Irish Republic. We are always told

[LORD MORROW]

that the status of Northern Ireland will not change without the consent of the people—in other words, without a referendum—and the Bill goes far past that.

The protocol has been mentioned and I will finish on this matter. The protocol has driven a horse and coach through the Belfast agreement. Sadly, however, I do not hear from the opposite Benches the cry to deal with this issue. I plead with your Lordships' House today that the protocol must be dealt with; it is stymying devolution and its return.

4.51 pm

**Lord McCrea of Magherafelt and Cookstown (DUP):** My Lords, no one can deny that the Irish language has been weaponised by Sinn Féin and the SDLP. Those of us who live in the west of the Province are fully aware of that fact; it is in our face every day. It is a way of marking out territory by republicanism. The context and content of the Bill fail to acknowledge that those who consented to the *New Decade, New Approach* agreement did so in the belief that it would be implemented by facilitation rather than imposition. The introduction of this legislation cherry picks one element of the January 2020 agreement, while ignoring the commitment to protect Northern Ireland's place in the United Kingdom's internal market from the carnage of the protocol. It is both ill judged and imbalanced.

It is clear that there has been no attempt to build consensus towards the legislation at a time when confidence in government and devolution has been eroded to the point of being on life support. Clauses 6 and 7 would implicitly override the integral cross-community safeguards at the heart of the Belfast and St Andrews agreements, which would normally require controversial decisions in the devolved areas of culture and language to be made by the Executive in the future. This disregard for the democratic process in Northern Ireland is disgusting and will be clearly seen as a deliberate attempt to denigrate the concerns in particular of the unionist community. Of course, this is not the first time that the Government have done this; on each occasion, they have done this to placate the three demands of Sinn Féin and one of them—the final one—is being carried forth today.

Can the Minister tell your Lordships what measures Her Majesty's Government have taken to override the authority of devolution in Scotland or Wales? At the whim of republican demands, devolution has been totally—perhaps irreparably—damaged in Northern Ireland. Although the implementation of the protocol continues, compounding the cost of living crisis, there is an irony—but also a sadness—that the Government have reserved action for those in Sinn Féin and the nationalist community who shout the loudest, despite this legislation offering no tangible or practical benefits for hard-pressed families across our Province. Some suggest that the publication of the legislation concerning the protocol in another place this week will address the situation of the protocol, and that should somehow placate or satisfy unionists and get Stormont up and moving again. I remind this House that this is foolish thinking.

The latest poll today reveals that the vast majority of the unionist population support the Democratic Unionist Party's stance on the protocol and the stand

it is taking on the restoration of devolution. Let me make it clear: I do not support this legislation and it will not command the support of the unionist community from which I come. This was not to be taken in isolation; it was to be a total, comprehensive deal, and this is only one part of it, while the Government seem to forget the rest.

4.55 pm

**Baroness Harris of Richmond (LD) [V]:** My Lords, so far, I have found this debate rather depressing. The Bill has been a long time in the making. Only now we see it because the Government are utterly fed up, as are we all, with the lack of any meaningful movement on part of the DUP to engage in the formation of a new Northern Ireland Executive. The Government have therefore decided to pre-empt this impasse and require commissioners to be appointed to oversee and promote the language and culture associated with the Ulster Scots and Ulster British tradition for the Irish language, and to establish the office of identity and cultural expression. I can only hope that the powers that be will get on with these appointments as soon as possible. Can the Minister give me a timescale for this to be achieved? Through what process will these positions be appointed?

This legislation was largely based on the DUP/Sinn Féin agreement, back in 2018, which went into the 2020 *New Decade, New Approach*—or NDNA—deal. Three Bills were proposed, as we have heard: one on the Irish language; one for a commissioner, which I mentioned; and one to establish an office of identity and cultural expression. The DUP, having initially agreed this approach, quickly changed its mind. No doubt, it had its reasons. The UK's international obligations were to consult the public on these proposals, but in reality the only consultation to have taken place has been on the Irish language. Can the Minister explain why this is the case? Why has consultation not taken place on the other proposed Bills? Why did the Government not fulfil their undertakings under the European Charter for Regional or Minority Languages, under the 2006 bilateral St Andrews agreement, to implement the Irish Language Act at that time? There was an obligation on them to do so.

The UK Government gave a clear warning in June last year that if legislation on the Irish language had not been introduced into the Assembly by September, they would introduce it into the UK Parliament by October 2021. The DUP has, once again, blocked its passage. We are under a duty to legislate so that we meet treaty-based obligations. The UK Government, under the Good Friday agreement, has competence to legislate in these matters and this legislation will amend the Northern Ireland Act 1998. Importantly, we see in Clause 7 that the powers can set aside the St Andrews veto, which can be used to prevent Northern Ireland Ministers taking controversial or significant decisions.

One area of possible discord might be that the Office of the First Minister and Deputy First Minister, OFMDFM, would seek to approve the Irish language commissioner's standards. We have already heard from my noble friend about this. Can the Minister explain why that has been inserted into NDNA and retained by the current Bill? Surely, that would interfere with

the commissioner's independence. Will he also clarify something else for me? Under paragraph 2 of Schedule 1, the office of identity and cultural expression will also have a director and officers. These posts, it would appear, are to be appointed by the OFMDFM. If these persons are not in place and the Assembly not constituted, how and when will the director and officers be appointed, and by whom?

The preferred option of the Council of Europe Committee of Ministers on the introduction of the Irish language policy for Northern Ireland was that it should be taken forward through legislation, which would have provided statutory rights for Irish speakers. This Bill has somewhat watered down the commitment in the St Andrews agreement to an Irish language Act. However, it is better than nothing, albeit not strong enough to forestall political interference. Granting concurrent powers to the Secretary of State might just help prevent that; I certainly hope so.

Finally, when does the Minister propose to engage in consultation on the Ulster Scots provisions in the Bill? Will he undertake to do so immediately? Will the commissioner and officers be required to be speakers of Ulster Scots, for instance? Surely the needs and wishes of all Ulster Scots speakers should shape Ulster Scots policy. The briefing from the Northern Ireland Committee on the Administration of Justice says:

“Ulster-Scots language is spoken in different areas of Ireland by both Protestants and Roman Catholics alike”,  
and that

“its constitution stipulates that it is ‘non-political and non-sectarian’.”

I hope that this legislation can now pass through this Parliament without further hindrance from any quarter.

5.01 pm

**Lord Murphy of Torfaen (Lab):** My Lords, it has been an interesting debate. I sometimes wonder how we ever passed the Good Friday agreement, but we did. We had similar arguments about issues perhaps much more significant than the language 25 years ago. Comparing this with what has occurred in Wales, where I was a Member of Parliament for many years, the Welsh language has been treated in a way which I never thought would happen as an English-speaking Welshman. I am deeply proud of the fact that I am an English-speaking Welshman from the Welsh valleys, but I am also deeply proud of the fact that perhaps 20% to 25% of the people in Wales regard Welsh as their first language, and the vast majority of them regard themselves as being as British as anybody in this Chamber.

In many ways, over the last 20 to 30 years there has been a revolution, but it has taken away the politicisation of the Welsh language—which has been touched on in the debate as far as Irish is concerned—and made it much more acceptable. My former constituency, which is the most anglicised constituency in Wales, has three Welsh-medium schools, everybody is taught Welsh, and the vote for Plaid Cymru is minimal. That does not mean to say that there are no problems, because there still are.

Of course, you have to deal with the enormous sensitivity around language issues—I will take the example of Wales before I come on to the Bill itself,

because it is a good comparison. You have to ensure that you tailor the language to wherever the majority of Welsh language speakers might be, and do it in a slightly different way where there are English speakers—but you do it in a way that suggests there is nothing unusual about it any more.

I was never taught Welsh, because I was in Monmouthshire, a county which in my day was actually English, although its loyalties were Welsh. I just feel that everybody ought to calm down a bit and realise that things can happen that will not be so difficult that they will mean something which a weaponization of the language would imply. It is not like that. It can be like that, but if you deal with it properly and sensitively, it need not be.

Of course, it is about identity. The language we speak is part of our identity. In 1860, my great-grandparents came from County Cork as Irish speakers. They arrived in a village which was Welsh speaking and the priests who dealt with their religion were Italian Franciscans, so they all had to speak in English. But that did not mean that, somehow or other, their identities were unaffected. What always struck me when I was in Northern Ireland was that, when I talked to people such as Ian Adamson and others from the unionist community, they reminded me of the huge presbyterian Irish language history in Northern Ireland and southern Ireland which goes back hundreds of years, to when language was not an issue of sectarian differences.

A number of noble Lords talked about the Good Friday agreement of 1998; on page 19, there is a section titled “Rights, Safeguards and Equality of Opportunity: Economic, Social and Cultural Issues”. Obviously, there is reference to Ulster Scots—and, incidentally, to the languages of the various ethnic communities in Northern Ireland, whom we must not forget—and quite large reference to the Irish language. It is not that it was not dealt with in 1998—it was; in fact, I wrote most of that page—the issue is that, as far as the peace process is concerned, the Irish language issue has not gone away over the last 20 years. It started in 1998 and it is still there. The St Andrews agreement talked about the Irish language, and *New Decade, New Approach*, on which this Bill is based, dealt with it too.

It is quite interesting that the noble Lord, Lord McCrea, talked about “the package”; just as you cannot take bits out of *New Decade, New Approach*, the whole point of the Good Friday agreement is that you have to accept it as a package. That package includes having an Assembly up and running and an Executive operating to deal with all these difficult issues. You cannot pick and choose which bits you like. You have to ensure that the whole package is dealt with, and that includes making laws and running the country. Those things are vital. It is an international treaty. The guarantors of the Good Friday agreement are the Irish Government and the British Government. That is why, although of course I have differences with the British Government, on this issue they are absolutely right to honour the pledge they made when the *New Decade, New Approach* agreement was reached.

There are difficult issues. That is why we have Committee stages in making legislation. We will table amendments, as I am sure other Members of your

[LORD MURPHY OF TORFAEN]

Lordships' House will, on the independence of the commissioners, public bodies and other communities—all of which have been raised today. Of course, those things will be raised, as is right and proper. However, the principle of this legislation is that both communities, and those who regard themselves as being in neither, are protected. That is why, although I do not at all like the idea of the Secretary of State coming in and intervening in devolution—even though I was one many years ago—it is a good idea, as in the legislation, that both the First Minister and the Deputy First Minister will have to agree on both commissioners and on the office, and the Secretary of State will have a role only if that breaks down and people start vetoing each other all the time. That is not the principle behind *New Decade, New Approach*, so I agree with the Government on that.

But where I think the comparison to the protocol is not right comes back to the package that we were talking about. Of course the protocol has to be addressed. I understand completely what the unionist community feels about it, and I understand the point that we must have consent across the nationalist and unionist communities on issues as major as that—but why did we not get it? Part of the reason was that there was no Assembly and no Executive meeting when all these things were discussed when we were dealing with Brexit. In that case it was Sinn Féin that decided that the Assembly and the Executive should not be up and running. Now we have the DUP saying that they should not be up and running, but of course they should. If noble Lords disagree with a policy in the House of Lords, we do not suddenly dissolve Parliament—we have to deal with it in the ways that we can as a Parliament.

The protocol has to be addressed, and it has to be addressed on its own. Of course, it has to be addressed in the context of the Good Friday agreement, in terms of the consent that is required for it to happen, but you cannot do it by flying over to Belfast for 24 hours and coming back again. It has to be dealt with by a proper negotiating protocol and procedure. I am sure that members of the DUP and other parties in Northern Ireland understand that intensive negotiation is the only real answer to all this.

We need our institutions in Northern Ireland. We need them to deal with issues like this. I feel deeply uncomfortable that the British Parliament should be dealing with these matters, whether it is abortion, this issue, legacy, or whatever it might be. We should not be doing that. This should be a matter for the devolved parliament in Northern Ireland. Why have devolution if we do not use it? On the other hand, if those politicians in Northern Ireland suddenly bring it down and we have no institutions, what else do we do? We cannot have an ungoverned Northern Ireland; it still has to work. I suppose my message, or my plea, to politicians in Northern Ireland—some of whom are in this Chamber today—is to restore the institutions and to start talking seriously amongst yourselves about the protocol, the Irish language and Ulster Scots so that there will be no real reason in this world why the House of Lords should discuss legislation which is really none of our business.

5.12 pm

**Lord Caine (Con):** My Lords, it is a great pleasure to respond to this debate, and I thank all those who have taken the time to participate this afternoon. If I may, I particularly welcome the tone and approach just shown by the noble Lord, Lord Murphy, who was a very distinguished Secretary of State for Northern Ireland, as I have said before. I agree with many of his wise words, particularly around the Belfast agreement and the need to restore the political institutions, so I thank him very much for his contribution. I cannot match the level of knowledge of the Welsh language he displayed, the knowledge of Scots displayed by the noble Baroness, Lady Suttie, or indeed the knowledge of Norwegian set out by my noble friend Lord Moylan. As a native of the West Riding of Yorkshire, it is sometimes said that we also have our own language or dialect occasionally, which I will not detain the House with.

A common thread among a number of comments, including from the noble Lord, Lord Murphy, and the noble Baroness, Lady Suttie, was the need to take the sting out of this issue. As I said in my opening remarks, I experienced the three years in which it poisoned and paralysed politics in Northern Ireland and prevented the effective functioning of the devolved institutions. One of the aims of the Bill, frankly, is to deal comprehensively with language and identity issues in a way that allows the sting to be taken out of them, allows them to be depoliticised, and prevents them paralysing politics in the way that they have previously.

The Bill takes forward a number of commitments in *New Decade, New Approach* and sets up a framework through which the Executive can themselves deliver the offices and the two commissioners. These commitments were clearly made for the Executive to deliver. I think it was the noble Lord, Lord Hay, who referred to funding; we are very clear that, consistent with undertakings at the time of *New Decade, New Approach*, this would be for the devolved Administration to take forward. They would set the funding from the very generous block grant. I remind the House that the spending review settlement from last autumn was the largest since devolution was restored in 1998-99.

It is also worth remembering, as I said at the outset, that the Bill did not suddenly appear out of nowhere. It is very firmly based on the *New Decade, New Approach* document, which I again remind noble Lords formed the basis of the re-establishment of devolved government in January 2020. That document was based on three years of detailed discussions and negotiations, and the Bill reflects that status. We plan to pass the legislation through Westminster for the reasons I outlined in my opening speech, but it is of course open for the Northern Ireland Assembly to take it forward, to add to it and to take it in different directions on a future occasion.

The noble Baronesses, Lady Suttie and Lady Harris of Richmond, referred to the European Charter for Regional or Minority Languages. They claimed that the Bill falls short of some of the commitments in that charter. This is the *New Decade, New Approach* agreement, at Annex E, being faithfully implemented. The Government support and celebrate linguistic diversity—no question of that—which is why we signed



and ratified the European charter in 2001. The Bill represents a significant step forward regarding provision for Ulster Scots and the Irish language, but as I said, if the Executive wish to take things forward on a future occasion, they can.

Given some of the comments raised during debate, it is important to put on record some of the things that the Bill does not do. As I think I made clear, it does not deviate from the carefully balanced position in *New Decade, New Approach*, nor, I contend, favour one side of the community over the other. I strongly push back on the comments of the noble Baroness, Lady Hoey, that the Bill represents a stand-alone Irish language Act. It certainly does not. The Bill contains provisions for all parts of the community and a clear reading of it makes that apparent. It does not alter, diminish or adversely affect the status of English as the de facto language of Northern Ireland. It does not result in one language, culture or identity being elevated above or treated more favourably than any other. It does not, for example, create quotas for Ulster Scots or Irish speakers in public service roles.

**Baroness Hoey (Non-Afl): Yet.**

**Lord Caine (Con):** The noble Baroness says “Yet” from a sedentary position. The Bill, with its safeguards, makes it clear that any best practice and any schemes would have to be approved by the First and Deputy First Ministers acting jointly, one of whom, I assume, would be a unionist. That is an important safeguard.

The legislation does not make the teaching of the Irish language or Ulster Scots compulsory in schools, and it does not impose mandatory bilingual road or street signs, which will remain a matter for local councils to decide. The noble Baroness raised a number of what I can only describe as scares about the potential expansion of the Bill’s provisions, but that could come about only with the agreement of the First and Deputy First Ministers, one of whom, as I said, will, I imagine, always be a unionist.

Turning to a number of the other points, I will try to be as brief as possible. A number of noble Lords, including the noble Baroness, Lady Goudie, I think, talked about the appointments process. The public appointments process will be for the First and Deputy First Ministers and the Executive to decide; obviously there are well-established procedures in Northern Ireland for public appointments, which will have to be adhered to. We hope that once the legislation is passed, the appointments can take place as swiftly as possible, in a timely manner. However, if that is not the case, there are of course the concurrent powers for the Secretary of State to step in. A number of groups raised with me last week why there is not some time limit by which the Secretary of State is obliged to step in. I think the Government’s view is that the Secretary of State ought to retain the discretion to decide when and how to intervene, depending on the circumstances at the time.

The number of bodies to which the legislation applies is set out in the Public Services Ombudsman Act (Northern Ireland) 2016 but, again, it would be open to the First and Deputy First Ministers to add or subtract to those bodies through legislation in the Assembly.

The noble Baroness, Lady Suttie, talked about ministerial approval of Irish language standards, which I have slightly touched on already. It is a faithful implementation of *New Decade, New Approach*; for the sake of complete accuracy, I draw her attention to paragraph 5.8.1 of Annexe E. I have dealt with her point about the European charter.

The noble Baronesses, Lady Suttie and Lady Harris of Richmond, talked about engagement with Ulster Scots. As I mentioned in my opening speech, and as the noble Baroness kindly acknowledged, I met the Ulster-Scots Agency in Belfast last week and it was broadly supportive of the Bill’s provisions. Of course, the Government have, over a pretty lengthy period, been engaging with a large number of groups that have an interest in this legislation.

The noble Lord, Lord Browne of Belmont, talked about an imbalance in the implementation of *New Decade, New Approach*, as did a number of noble Lords from the Democratic Unionist Party. I just gently point out that, in addition to this legislation, the Government passed the Northern Ireland (Ministers, Elections and Petitions of Concern) Act fairly recently, at the heart of which was providing for greater resilience in the institutions of the Belfast agreement—a key demand of the Democratic Unionist Party going into the discussions after the institutions were pulled down in 2017. Very quickly we appointed a veterans commissioner and an office for veterans, and we have provided £3 million for events to celebrate and mark the centenary of Northern Ireland. There are things that the Government have done over the past two years in implementing *New Decade, New Approach* which have benefited all parts of the community. However, of course I accept that there is more to do.

That leads me on to the Northern Ireland protocol, raised by a number of noble Lords. The Government’s position on this has been pretty well set out by my right honourable friend the Foreign Secretary. The Government recognise very serious defects in the implementation and construction of the protocol. As I have said in this House on a number of occasions, it has diverted trade, increased burdens on business, disadvantaged consumers and led to political instability in Northern Ireland—witness the lack of a functioning Executive since February. The Government are committed to resolving those problems and, if I may put it like this, I do not think noble Lords will have to wait too much longer to find out what the Government propose to do in this respect.

My noble friend Lord Moylan mentioned road signs in the Republic of Ireland. As I have just made clear, there are no provisions in this legislation that would deal with road signs or change the existing position in Northern Ireland.

My noble friend Lord Moylan, the noble Baroness, Lady Hoey, and other noble Lords talked about our commitment to the Belfast agreement. I have been a supporter of the Belfast agreement since 10 April 1998, when it was signed. Again, I pay tribute to the noble Lord, Lord Murphy, for his key role in bringing about that agreement. But if there are no institutions functioning in Northern Ireland—no Assembly and no Executive—strands 2 and 3 do not work and the agreement begins

[LORD CAINE]

to look incredibly thin. For that reason, the Government took action and spent three years trying to reach an agreement to get the institutions back up and running.

**Baroness Hoey (Non-Aff):** During the three years when Sinn Féin brought down the Assembly, how many pieces of legislation did Her Majesty's Government put through?

**Lord Caine (Con):** We put through a number of pieces of legislation—for example, the Northern Ireland (Executive Formation etc) Act, which, if the noble Baroness recalls, gave civil servants greater powers to spend money and keep government in Northern Ireland functioning. That is just one example.

As I was saying, the commitment of this Government to the Belfast agreement remains unwavering. It is because of that commitment that we have had to intervene on occasion. I take the point from around the House that it is unfortunate when this has to happen, but the situation in Northern Ireland is not akin to that in Scotland or Wales. At times, it has been necessary for the Government to take reserved powers or, in this case, concurrent powers to ensure that the institutions stay up and running.

I have sought to deal with a number of points and am sure I have missed some. I will go through *Hansard* and, where I have missed anything, endeavour to write to noble Lords.

*Bill read a second time and committed to a Grand Committee.*

**Immigration (Restrictions on Employment and Residential Accommodation) (Prescribed Requirements and Codes of Practice) and Licensing Act 2003 (Personal and Premises Licences) (Forms), etc., Regulations 2022**  
*Motion to Regret*

5.27 pm

*Moved by The Earl of Clancarty*

That this House regrets that the Immigration (Restrictions on Employment and Residential Accommodation) (Prescribed Requirements and Codes of Practice) and Licensing Act 2003 (Personal and Premises Licences) (Forms), etc., Regulations 2022 do not provide an option of a physical proof of status; do not heed the recommendations of the report from the 2018 beta assessment of the Home Office's 'prove your right to work' scheme; and have been introduced without being subject to an impact assessment (SI 2022/242).

**The Earl of Clancarty (CB):** My Lords, depending on the Minister's response, I intend to divide the House. Concerns about the removal of physical proof of immigration status have been discussed previously in this House, and for good reason. I am indebted to the noble Lord, Lord Oates, for the considerable work he has done on this. I am also grateful to the 3million, which has provided a comprehensive briefing for this debate jointly with Hongkongers in Britain and the

Joint Council for the Welfare of Immigrants. I am grateful too to the Anti Trafficking and Labour Exploitation Unit, City Hearts and the Snowdrop Project for their joint briefing.

The significance of this SI, and it is Part 3 with which we are concerned, lies in the fact that the digital-only policy for the immigration status of migrants becomes, in effect, universal. Part 3 of this SI does this by extending digital-only proof of the right to work and rent to almost all migrants, a further 2.5 million non-EU citizens who will be stripped of their ability to use physical biometric cards to prove such rights. This measure will therefore include Ukrainian citizens who have undergone huge difficulties in reaching this country—those lucky enough to have done so—only to face the numerous problems of a digital-only system in proving their status.

Those problems are legion. They have previously been outlined in detail in this House—the key thing here being that the Government should be well aware of them by now, long before any decision to introduce legislation that takes us considerably further down this road. Indeed, this should not be secondary legislation at all because of the fundamental changes concerning proof of status that it contains. There are the concerns even for those who are digitally literate about the use of the "view and prove" portal, including the frequent unhelpful messages such as "You're already logged in" and "Service currently unavailable"—there are others—and the fact that attempts to generate a share code result in a system error.

Another problem is the ability of the system to cope properly with multiple applications from an individual, such as a reapplication following an incorrect refusal. That is just one example of many such multiple application errors. In March this year, the 3million submitted a report to the independent monitoring authority devoted entirely to the problem of maintaining a digital immigration account. Have the Government seen this document? The new "right to work" and "right to rent" portals are creating similar problems.

These are then expanding concerns, without even touching on the concerns of those who are digitally excluded. An Ofcom review from this year highlighted the fact that older people, the financially vulnerable and those with disabilities are more likely to be affected in this way. Yet the Government have gone ahead with this legislation without any extensive trialling or impact assessment. The one government trial, which was conducted in 2018, concluded:

"There is a clearly identified use need for the physical card at present, and without strong evidence that this need can be mitigated for vulnerable, low-digital skill users, it should be retained."

One government trial, and that was its conclusion.

Also, clearly there has been no consultation with the anti-trafficking sector, whose briefing for this debate highlights its concern about the potential impact on a large number of vulnerable individuals who are survivors of trafficking and modern slavery and are unable to access the digital-only system on their own. A reliance on support workers to do so removes dignity and independence from survivors; this is a really important point. The sector recommends that the measure is removed and alternatives found. Will the Government consult the sector?

Bearing all this in mind, why did the Government even think of introducing this legislation? The reason given in paragraph 7.8 of the Explanatory Memorandum is that, following our leaving the EU, a small group of non-EU family members stripped of their previously lawful status but most likely eligible for settled status will have unexpired biometric residence cards. Because of this—and because biometric residence permits and frontier worker permits look like BRCs—the Government are getting rid of all of them.

The Explanatory Memorandum claims that there will be a nil or insignificant effect in a number of areas, all of which can be refuted. For instance, there will be a data protection impact as the “view and prove” procedures store transactions against individuals of access to services without there being transparency about this data. There will be an effect on business. A poll commissioned by the 3million in 2020 found that employers who participated in the “right to work” trial showed a stronger preference for physical documents than those who had not experienced digital checks.

However, the Explanatory Memorandum is completely silent about the effect on the status holders themselves, which is surely the crucial aspect of this. In 2020, a nationwide survey on the experiences of the EU settlement scheme by Northumbria University found that almost 90% of respondents were unhappy about not having a physical document. These concerns are UK-wide. The Governments of Scotland, Wales and Northern Ireland all wrote to the UK Government twice last year asking for physical proof of status for EU citizens.

The Government’s policy also stands in stark contrast to the rest of Europe. British citizens in the EU protected by the withdrawal agreement have the right to a physical residence document, identical for all member states. Therefore, we are not providing reciprocal proof. Moreover, by virtue of a temporary protection directive, Ukrainian citizens have the right to a physical residence permit.

I am not against a digital system—we live in a digital world—but a digital-only system for immigration status ignores real life, real experience and real people. Like many others, my Covid vaccinations are all on the NHS app. I was hoping to go abroad this year; I have not yet. Every time my Covid details needed updating, I printed out that page with a QR code—I am sure I am not the only one who does this—which is the crucial part of that data, and put it with my passport in case I could not use my phone at the airport. The 3million has made the reasonable suggestion that such a QR code solution could be used for immigration status for EU citizens, and it is hugely disappointing that the Home Office has rejected this proposal without any further engagement with the 3million so far, despite the fact that the objections raised have been answered one by one.

On the subject of engagement, in response to a promise the Minister made during the passage of the now Nationality and Borders Act, I gently remind her that I have not yet had a reply to the email I sent her two months ago requesting a meeting on these matters. Can something be sorted out?

Finally, I want to make a point that I believe no one has made yet. By removing the physical document, you are not just taking away something without which there are significant practical problems anyway; that in itself is insensitive. You are also depriving citizens of that piece of card or paper they can hold up and show to anyone that this allows them—a Ukrainian citizen, for instance—the right to be resident in this country, to work here and to find a place to live here. It is the same sense that our own passport gives. That piece of card or paper I am holding in my hand is a fundamental thing—a part of who I am at this moment in time. That is hugely important in itself. To deny that is surely a cruelty, and for that reason alone the Government should revoke this legislation.

**Lord Oates (LD):** My Lords, I welcome the noble Earl, Lord Clancarty, moving this regret Motion. I thank him for his kind comments and I reciprocate.

Although I welcome us discussing the regret Motion, I regret that we are returning to the issue of digital-only proof of status—not because the Home Office is showing any willingness to listen to those affected, to understand the problems it is causing them or to empathise with the deep anxieties they are suffering as a result, but because it has determined to ignore all the warnings it is given and all the actual cases of hardship that have been reported to it. Far from sensibly conceding that physical proof should accompany digital proof of status, it has decided to extend the imposition of digital-only from holders of EU settled and pre-settled status to almost everybody else. Huge numbers of people will recently have discovered that their biometric residence cards, biometric residence permits and frontier worker permits have been rendered invalid for the purpose of proving status to landlords and employers since 6 April this year, even if the validity of their card had years to run.

These measures do not apply to British and Irish citizens, who will be able to prove their status digitally by having their identity documents validated by an identity validation technology service provider and will retain physical documents as an option when digital proof does not work. Of course, they have the right to vote in general elections—I wonder whether that was a consideration of the Home Office.

In advance of digital-only proof of status being imposed, Members of this House warned repeatedly about the sort of problems it would cause. The Home Office ignored those warnings. Now that these problems are manifesting themselves in hardship cases, the Home Office is ignoring them too. As the noble Earl, Lord Clancarty, pointed out, the Explanatory Memorandum states:

“There is ... no significant ... impact on charities or voluntary bodies”

and

“no significant ... impact on the public sector.”

It says absolutely nothing about the individuals who have to operate that system, which tells you everything you need to know about the Home Office’s approach. The arguments for providing physical proof alongside digital proof have been aired extensively in this House on previous occasions, including during the passage of

[LORD OATES]

the immigration and social security co-ordination Act, when your Lordships gave overwhelming support to an amendment to that effect.

Credible government arguments were entirely elusive and, as the noble Earl has already mentioned, the Government's pilot scheme expressly warned against a digital-only system. So not only do the Government lack credible arguments but there is the question of equity, which was also raised by the noble Earl. By denying physical proof of status to EU citizens and others, we are denying something which is available to all our citizens in the European Union by right.

I shall not rehearse all the arguments we have been through, but I want to highlight to the House some of the impacts that are being felt by those who have digital-only status imposed on them. In doing so, I acknowledge the excellent work of the 3million, the Anti Trafficking and Labour Exploitation Unit, City Hearts and the Snowdrop Project in keeping us informed on these matters. They have reported a series of problems and distress, with the "view and prove" system throwing up multiple errors, such as, "You are already logged in", "The details don't match our records", "Service currently unavailable" and, most chillingly, "We can't find your status." There are problems when updating status because, for example, the person has a new passport. There are problems accessing mortgages and loans and problems when trying to return home to the United Kingdom. One of the 3million's staff recounted this experience recently. She said, "I was denied boarding in Palma de Mallorca because I have a Romanian passport and I'm going back to the UK, where I have lived for the last 12 years. They asked for additional photo ID, which they said would prove I have an immigration status in the UK." It was only because she was a staff member of the 3million that she knew her rights and was able to board. Pity the person who did not know all the details.

There are problems accessing employment. The Snowdrop Project reports a client who got a job as a care assistant. Having passed DBS checks and references, her employer asked for a share code. She went to the Home Office site, but every time she tried it, it said it could not find her details. Eventually she managed to speak to someone at the Home Office who confirmed that the issue was on its side. The issue was still unresolved weeks afterwards. This has meant a month of no pay while waiting for the job to start and not knowing when the issue will be resolved, and one less carer in an already overstretched care system. Do the Government have any understanding of how distressing these sorts of incidents are to the people concerned? Will Ministers at least try to walk a little distance in the shoes of others and to understand the impact this policy is having?

There is not time today to list the many case studies and examples provided by the organisations I have mentioned, but the Government can read their briefing materials as well as I can. I hope the Minister will do so and will react with compassion and understanding and do something to deal with the situation. All this is avoidable if the Home Office would move on the issue which is causing such evident problems. As the noble Earl mentioned, the 3million has made a proposal which

could work along the lines of the Covid passes in our NHS app. That app gives us confidence and means that when there is a problem with the digital service we have a back-up. Sadly, when this idea was put in a comprehensive manner to the Home Office it put its hands over its ears once again and rejected it without properly discussing it with those who proposed it.

At the time of the Windrush scandal the Home Office commissioned the *Windrush Lessons Learned Review*. It had this to say at page 137:

"Warning flags about the potential consequences of the policy were raised at various stages, in various ways and by various interested parties. Yet ministers and officials were impervious to these warnings because of their resolute conviction that the implementation of the relevant policies was effective, should be vigorously pursued and would achieve the policy intent. Efforts to address concerns were superficial at best and served to deal with the symptoms rather than the root causes of the problem."

5.45 pm

Those words could have been written precisely for this policy. It seems that very little has been learned. I want to believe that the Minister is a person who cares about the real and distressing impacts on individuals so I hope that, rather than just repeating the Home Office line today, she will take on board the lessons of Windrush and help the Home Office find a way to a policy more considerate of the real experiences of people.

When I think about this policy, I think of my dad and late mum and how they would have been affected had they been EU citizens or had other migration status allowing them only digital proof of status. I think of the bemusement they would have felt to be told they could have no physical proof of their right to live in the country. I imagine trying to explain to them the Home Office "view and prove" site and how the only acceptable proof would be a code they would have to generate by going online, which would be valid for just 90 days. I imagine the fear and anxiety they would feel if they had to travel abroad on that basis. I imagine the distress they would feel at having no tangible proof of the right to live in this country. Then I think of all those people who are being forced to suffer exactly such anxiety and distress at the moment and it makes my blood boil.

It is time—well past time—that our country's Government stopped acting with such callous disregard for the welfare of those who have chosen to make their home among us. It is time for them to act and reverse this policy.

**Baroness Jones of Moulsecoomb (GP):** As noble Lords have said, we have discussed this sort of thing several times before; I will be quite brief. When faced with this sort of legislation, of which I do not have first-hand experience, I tend to read the briefings we get from NGOs very well, get ideas from other places and even check Green Party policy. This time, I read the briefings and I just thought, "Why? Why are you doing this to some of the most vulnerable people, who are migrants displaced from their countries by war, famine, environmental conditions and all sorts of reasons?" They come to this country in search of some sort of safety and well-being. Why can the Government not design an accessible, inclusive system?

It is not as though there are no ideas. We hear quite a lot from individuals in the Cabinet saying, “This is a good idea because nobody else has any ideas.” Actually, we do have ideas in this House and quite often the Government completely ignore us. I will mention a number of organisations whose briefings were very good: the Anti Trafficking and Labour Exploitation Unit, City Hearts, the Snowdrop Project, Hongkongers in Britain, the Joint Council for the Welfare of Immigrants and the 3million; they give a voice to EU citizens in the UK. I come back to the question of why? Why have a system that is so difficult and will create even more pressure and distress for people who may already be distressed? I just do not understand.

The Government have talked about e-visas as though they were something wonderful—modern, streamlined and so on. They are clearly not. They do not work particularly well, they are difficult to access and they create more pressure. If the Government tried to do this to British citizens, or, let us say, Tory MPs—actually, not Tory MPs as they would probably get their staff to do it, but British citizens anyway—there would be a public outcry. People would not like this. We all like to have a document. I always carry my Covid vaccination certificate in my purse. It is a tiny little card but I carry it as a useful reminder for myself and because I could perhaps use it another time. Everybody likes some sort of paper copy.

Not only is this not appropriate for secondary legislation—particularly in view of the resistance there has been in your Lordships’ House already—but it is not a good piece of legislation. Again and again, we see poorly thought-through, poorly drafted legislation, and this is another example. Please—we need an inclusive, accessible system. The noble Earl mentioned using a QR code, for example; there are better ways of doing this. I find this hard; I have a lot of friends on opposite Benches and I believe them to be good people but, again and again, we see legislation like this going through and you cannot help feeling that it is a spiteful and cruel way to treat people.

**Baroness Neville-Rolfe (Con):** I thank the noble Earl, Lord Clancarty, for initiating this debate on a system that has, of course, already come into operation. I look forward to hearing my noble friend the Minister’s explanation of these measures and their desirability. However, I have had a very helpful and reassuring briefing from her officials, for which I thank her.

I am sorry that there is no impact assessment. Large numbers of organisations and individuals are potentially involved—businesses, landlords and others. The Explanatory Memorandum suggests that there may even be savings in costs for them. Frankly, it would be worth detailing this for review, if there is a good story to tell. Perhaps I could make a wider point. We now have human rights and climate change statements on Bills and equality assessments on everything, but we have forgotten the importance of cost-benefit and impact assessment, which can be vital to productivity and growth. Perhaps the department could consider its approach for the future and talk to Mr Rees-Mogg as part of his quest for efficiency and opportunity and fight against bureaucracy, which often needlessly costs money.

In the absence of such an analysis, could my noble friend outline the response of businesses to these various measures, from employers generally and from landlords? Will a largely digital system be manageable by small businesses, especially if there are IT problems of the kind that some previous speakers have described? I believe that there is a new telephone helpline, and it would be good to know how it is coping and to hear about reactions to the move to digital. Finally, I understand that new codes of practice have been devised for employers and others, which I have not been able to find, and I would very much appreciate a summary of what they are trying to do, and a link.

I look forward to the Minister’s comments, and very much hope to be able to support her in the Lobbies.

**Lord Russell of Liverpool (CB):** I thank the noble Baroness for introducing an element of farce into today’s discussions. The thought of the “Minister for the 18th Century” trying to navigate his way through a digital platform—or, as he is rather elegantly known, the Minister for Brexit Opportunities, for which, unfortunately, the acronym is the Minister for BO—is beyond belief, really. I shall try to put it out of my mind while I get my thoughts together.

When I looked at the briefing for this statutory instrument—I did not actually try to read it, because by the time you have got halfway through the title you need a drink—I wondered whether this was an example of the law of unintended consequences or an example of the law of intended consequences. Having read the briefings, which are very good, and having listened to my noble friend Lord Clancarty and the noble Lord, Lord Oates, talk in great detail about it, it is quite clear—and it must be clear to the Home Office—that there are a great deal of things in the system, as it is currently trying to operate, which are not working properly. There is no acknowledgement whatever in any of this, or in any impact assessment, that there is room for considerable improvement.

What we are faced with is an SI that does not acknowledge what appears to be the case, which is that the system is currently not working properly. It is inconveniencing a great many people, many of whom are not necessarily the best equipped to try to navigate their way through these complexities. Adding insult to injury, it is now going to be made mandatory for a very large group of people, without any proper impact assessment.

My conclusion is that we are witnessing the law of intended consequences, because the Government and the Home Office are well aware that currently the system is not working, and that they are proposing to enact something which they know will not work. One definition of insanity is trying to make the same mistake again and again. This Government appear to be particularly gifted in that area. I ask the Minister and her officials to reflect on what they are doing. If any Ministers, Members of Parliament, Members of this House, advisers on this statutory instrument, or people whom they know, had to go through the indignities, inequalities and ineffectiveness of the current system, they would not put up with it, and nor should we.

**Baroness Ludford (LD):** My Lords, I too thank the noble Earl, Lord Clancarty, for ensuring that we have this debate, and I join with him in applauding the previous work that my noble friend Lord Oates has done on this issue.

These regulations make online checks mandatory for all people with immigration status in the UK, as has been the case for almost a year for EU, EEA and Swiss citizens. However, there has been little publicity or awareness raising; perhaps this debate helps to fill that gap. There has also been no learning exercise from the EU settlement scheme. If there had been, there may well have been a revolt, because millions are being stripped of their right to use their biometric cards to prove their right to work and rent.

Many EU, EEA and Swiss citizens are already struggling with this digital-only status, and the Home Office is very aware of this. It is inaccessible for those with low digital literacy or certain disabilities. It is reliant on Home Office systems, so the applicant depends on the Home Office service and databases being up and running continuously. The group the 3 million, which has already been cited in this debate, has extensively documented the fundamental design problems, accessibility issues and system glitches of the digital-only proof of status. There are people for whom an online status can never work, such as vulnerable adults who do not have a smartphone or computer or any internet access. They might have no access to the email or phone number that was used to apply if they were helped by somebody, and therefore they cannot receive a security code themselves to log in. Those in these groups are at a heightened risk of being marginalised by a digital-only status.

Others have mentioned that the online portal is prone to error, with people unable to access their status and facing error messages or incorrect information. Updating a status with a renewed passport has led to some not being able to access or prove their status with either their old or their new passport details. A person with a refused application for EU settlement status and a new application can only see the refused one. Many with pre-settled status and a pending application for settled status can only see a certificate of application for the pending application. They can no longer prove the vital information that they already have pre-settled status.

People cannot check what contact details the Home Office currently holds on them. Although they might get a confirmation email, that only states that they have updated their contact address. It does not state the actual address, so you do not know whether it is registered in the system. Many people are known by a name other than that held in the identity document—most obviously, those with a married name—who want to add that name to their EU settlement status. Although the Home Office says that this is now possible, people are not at all happy with the process, which involves sending identity documents through the post.

We have heard that the Government have a call centre, the Settlement Resolution Centre, to assist those having difficulty with the new, improved system. However, in the year to October 2021, only 44% of the calls to that line were successfully connected, which

means that 56%—nearly 820,000 calls—were abandoned, many automatically disconnected. The Home Office has stressed that, since its inception, the Settlement Resolution Centre has handled over 2 million calls and emails. This rather goes to show how many people need support, so will any additional support options be made available beyond the Settlement Resolution Centre if this SI comes into force?

*6 pm*

We have heard from other speakers about the solutions that would address both the Home Office's concerns about security and cost, and citizens' concerns about their data rights, privacy, accessibility and desire to have a permanent proof of status under their control. In particular, they have proposed a secure QR code. As my noble friend Lord Oates mentioned, this has worked very successfully for proof of Covid vaccination. It could be on a mobile device, on an app, on a small card, on a piece of paper or a sticker in a passport, but it has been rejected by the Home Office without any genuine engagement. It would be very easy for a prospective employer or landlord wanting to check someone's rights: they would be able to look at the document and verify its authenticity by scanning the QR code. It would also help those travellers who, as others have mentioned, have had problems getting flights home to the UK. They have not been accepted on a flight with just their EU passport and have been asked for additional proof, but have not necessarily had it.

The lack of a full impact assessment is a severe gap, and to say that there is no significant impact on charities, voluntary bodies or the public sector, or any adverse effect on business, beggars belief. The lack of a data protection impact assessment is serious because the "right to work" and "right to rent" mechanisms are able to store transactions against individuals on which jobs, rentals and other services they have attempted to access. There is no transparency around this data: we do not know what it is used for, who it is shared with or for how long it is retained. To extend this to all people with migration status without any assessment of impact, including data protection impact, is a serious omission. As others have said, this SI raises very serious concerns and the Government should hold off any further implementation of digital-only until they have had very serious engagement on all the problems it raises.

**Lord Berkeley of Knighton (CB):** My Lords, given what we have heard from my noble friend—I certainly support his Motion—it occurs to me that where these unfortunate people have language problems, it follows that the police, immigration officers and Border Force will have the same problems. Surely, it would solve a lot of their problems if a card could be produced to show that somebody had the right to stay and to prove their identity. I think it works both ways.

**The Duke of Somerset (CB):** My Lords, I should like to add my voice to support this Motion to regret. The strong impression given by these regulations is that they have been developed entirely for the benefit

of government and others, such as landlords and businesses, who have to check other people's status. The needs of those with biometric residence cards or permits are not being treated with due consideration.

Apparently, 2.5 million non-EU citizens are being stripped of their right to use these cards to prove their right to work and rent, and that is a huge number. This contrasts starkly with the identity document validation technology, which is of course, by right, available to British and Irish citizens to prove the status digitally. Generally, they will do this by an identity app on their phone, which then allows them to use the physical passport in the many cases where digital proof does not work, or where a checker does not wish to use the IDVT process.

Why this disparity? What about the lack of privacy implicit in the digital-only system? Why are these people being treated as second-class? For that is what they perceive and many of us perceive them to be.

We have heard, and we all know, that technology fails. We are all familiar with the error messages that are normally infuriating, but when a process is vital—say, to secure a job or a house to live in—the risk of losing that opportunity is very real. That is why so many people prefer physical documents, including the devolved Governments, businesses and the status seekers themselves.

We have heard a little about the Ukrainians. They are also in this mess, arriving from a country at war. This Government are actively arming Ukraine brilliantly but have been pretty slow to accept its fleeing citizens. They are not English-speaking and, incidentally, many have had their dogs removed by the Home Office when they have full documentation for them, just to add to the difficulties they are suffering.

Can you imagine the further distress suffered when messages such as “service is currently unavailable” pop up on the portal website? I trust the Minister will tell the House why because the inadequate impact assessment really considers only the effects on those checking others. It ignores the needs of those being checked. I believe it certainly will have an impact on businesses, charities and local authorities, contrary to the statement in the Explanatory Memorandum.

There is nothing inherently wrong with digital but it needs backing up with physical documentation. I know the country voted for Brexit and the hard border controls that go with it, but the people we are considering this afternoon have a right to live and work here so can we not welcome them decently, humanely and with proper regard for their welfare, mental as well as physical?

**Lord Cromwell (CB):** My Lords, I rise with a depressing sense of déjà vu. We had exactly the same discussions about EU citizens during the Brexit debates and it forces me to come to exactly the same conclusion, which I do not think anyone has mentioned so far. I suspect this resistance to physical proof derives from an almost fetishistic resistance to the idea of anything that feels like an ID card, despite the fact that every Member of this House in the Chamber right now is wearing one. I ask the Minister: is that what the impasse is? Does it feel like ID cards coming in by the back door and there is resistance to that? I would be very grateful for her clarity.

**Baroness Hamwee (LD):** My Lords, I have two sentences. My noble friends referred to examples of problems encountered by the people affected. I am sure other noble Lords will have thought, as I did, that if there are problems at the border and if airlines cannot cope—and it is their bread and butter to deal with status—is it any surprise that employers, landlords and so on have difficulties too?

**Lord Paddick (LD):** My Lords, the noble Earl, Lord Clancarty, comprehensively set out the concerns with this statutory instrument, powerfully reinforced by my noble friends Lord Oates and Lady Ludford in particular. On a positive note, the instrument adds categories of people who can rent housing, but I am afraid that is about it.

There are two revised codes of practice: one on civil penalties and how to avoid them if you allow someone to work who is not entitled to work, for example, and another on how to avoid unlawful discrimination—for example, between British citizens and someone who is not a British citizen but is allowed to work in the UK.

The codes of practice on non-discrimination say that employers should do a right-to-work check on every applicant, British citizen or not, so as to treat everyone the same, but the checks are not the same. British and Irish citizens can produce a passport, current or expired. Would the Minister comment on whether an expired passport issued when the holder was six months old would be acceptable as a physical document for an employer? EU citizens who have applied for settled status can produce a document issued by the Home Office showing that they have applied, in which case they are entitled to work, but the employer must also have a positive verification notice from the Home Office employer checking service.

As other noble Lords have said, for foreign nationals who hold a biometric residence card, biometric residence permit or a frontier worker permit, even these documents can no longer be used as evidence on their own of their right to work without using the Home Office online system in addition. As other noble Lords have said, that will now include Ukrainian refugees. EU citizens who have settled status are even further discriminated against as they have no physical proof that they have a right to work, and the employer has to rely entirely on what is a not entirely reliable Home Office online system.

Despite the codes of practice to help employers avoid discrimination, the codes of practice on how to avoid civil or criminal penalties for employing someone not entitled to work are themselves discriminatory, in that British and Irish workers can be employed on the basis of a physical document, current or expired, but everyone else, even if they have physical proof, has to get it checked by the Home Office online system. How many employers, particularly those employing casual labour or temporary staff, will take the quick and easy route and employ a British or Irish citizen, based potentially on an expired passport, rather than a foreign worker?

As my noble friend Lord Oates said, the *Windrush Lessons Learned Review* emphasised the need for the Home Office to listen to the users of the system. Those who have to rely on digital-only proof of their rights

[LORD PADDICK]

have consistently said that they want physical proof. The Government have not learned the lessons of Windrush. We support this regret Motion and will support the noble Earl if he decides to divide the House.

**Lord Ponsonby of Shulbrede (Lab):** My Lords, this is clearly an ongoing issue which the House of Commons and multiple Select Committees have raised and looked at over a number of years, as we have heard from a number of contributions. For me, it is a familiar problem. I think of the discussions and debates we had about the digitisation of the courts system, which raised many similar issues. I understand that the Government's long-term interest is to look at a digital system and they want a digital-only system. The problems and concerns this raises are being debated today. We are also debating how the Government are responding, or not, to the concerns raised.

I echo the concern that this change is being made in a negative statutory instrument without an impact assessment—I see the noble Baroness, Lady Neville-Rolfe, nodding her head. Hers was the only speech that supported the Government's position—or she said that she wanted to support the Government—so I wrote down her questions, as I think they are worth repeating. The first was the point about the impact assessment. Another was about the lack of detail on cost saving, which was a good question. What is the actual foreseen monetary cost saving through this policy? She also raised a question about the lack of consultation with the business sector on the scheme. I would be interested to hear those answers.

I anticipate that the Government will say that the scheme is no longer new or unfamiliar, as landlords and employers have had access to the online system since 2019-20. The questions are now: how is the system working? What about those people it excludes? Is it performing well enough to be rolled out to cover more people? Why can physical proof not work in tandem with the growing online system? Indeed, that seems to be the crux of the questions put to the Minister: why can we not have a physical system working in tandem with the online system?

6.15 pm

Reference has been made to the reasons why the Government are introducing this system in the first place, and why they are concerned that some people have a biometric residence card without having the right to be in the UK. This is a reason for this change in the first place. I must say that it is remarkable that people can have valid, in-date biometric residence cards but technically have no right to residence. Are all those people actually eligible to live and work in the UK, but they need to update their status? What is being done urgently by the Home Office to resolve this issue? I ask the Minister: how many people are in this position? How many people have biometric residence cards who will be impacted by this change, just so that a small number of people can be targeted? The briefing we have received, which has been referred to by a number of noble Lords, says that 2.5 million non-EU citizens will lose their right to use their valid biometric card to demonstrate their rights.

The Motion in the noble Earl's name mentions the 2018 beta assessment report of the Home Office. As far as I am aware, this is the only assessment that has been done, and it was done before the rollout of digital status to EU settled citizens. I will quote three points from that assessment. First, it says:

“In particular there is a need as the service becomes mandatory to ensure that it is usable by all users, including those with a current preference for a physical object.”

The second point made by the assessment is:

“Significant care will be required before any decision to remove the physical ‘Biometric Residence Permit’, due to ... strongly held concerns, particularly with users with low digital skills.”

The third point it makes is:

“There is a clearly identified user need for the physical card at present, and without strong evidence that this need can be mitigated for vulnerable, low-digital skill users, it should be retained.”

I believe that the noble Earl, Lord Clancarty, has done the House a service in moving this regret Motion. The Government need to get the message that ploughing ahead with this mandating of digital-only schemes will increase the number of people who are digitally excluded and undermine the public's confidence in the visa system itself. If the noble Earl decides to press this Motion, we will support him in the Lobby.

**The Minister of State, Home Office (Baroness Williams of Trafford) (Con):** My Lords, I thank all noble Lords who have spoken in this debate, and particularly the noble Earl, Lord Clancarty, for securing it. I smiled earlier when the noble Lord, Lord Russell of Liverpool, talked about “the Minister for the 18th century” because it felt a bit like the House for the 18th century. I am a very much a Minister for the 21st century, and this is the way that the Government are going: digital by default.

On a much more serious note, several noble Lords mentioned several problems, particularly the noble Lord, Lord Oates, and the noble Earl, Lord Clancarty. I apologise if the noble Earl has not received a response. I am very happy to meet with both the noble Lord and the noble Earl—and will make sure that my office sets it up—to go through the various problems and see whether we can resolve at least some of them, in particular specific problems relating to the specific cases they raised today.

The regulations that are the basis of today's discussions change the way in which a biometric card holder can prove their right to work and rent. Since 6 April this year, everyone with a biometric card—be that a biometric residence permit, a biometric residence card or indeed a frontier worker permit—must now use the online checking services.

This is not due to resistance to ID cards; it is because this type of system is far more secure than the paper system. Two noble Lords talked about the Windrush issue. This is precisely the converse of that; it is about ensuring that everyone who has a status can prove it. I certainly do not think the Ukrainian issue is particularly pertinent to today's debate, given that Ukrainian people who come here via the Ukrainian scheme have an automatic right to work when they get here.

Online checking services have been available for employment and rental checks since 2019 and 2020, respectively. For the information of the noble Baroness,



Lady Jones of Moulsecoomb, e-visas have been rolling out since 2018. Use of these services continues to increase month on month. Even ahead of the latest change, employment profiles have been accessed almost 2 million times by employers and employees. User satisfaction is at 80%, and even higher for landlords and tenants at 84%. Those figures do not give me the impression of a system that is difficult to use.

We have had the debate on physical proof of status a number of times—I have a bit of *déjà vu* from the Nationality and Borders Act—but it might be helpful at this stage if I set out the process introduced by the regulations. Individuals use their card number and date of birth to access online services, and can then share their status with an employer or landlord. It is a digital use of the card rather than a physical use. Holders do not need to access their online profile in real time such as one might for an NHS QR code. Rather, they generate a share code ahead of use for the employer or landlord to access their profile at the time they undertake the check. The share code lasts for 90 days and can be stored however the holder wishes, including being printed or written.

The changes mean there is a single, clear position for the use of all these cards. This makes it easier for employers and landlords to make their assessment on eligibility. The approach means we can harness the benefits of using online evidence of immigration status. In our experience, the use of digital services has continued to increase significantly; many people are now using online checking services to evidence their rights.

We have received very positive feedback from those using the online checking services. Most users find it simple and easy to use. They can check their status at any time and can contact the Home Office if they experience any issues. The new approach also supports the recruitment process as part of the hybrid model being adopted by many businesses following the pandemic.

As the noble Lord, Lord Ponsonby, did, I will move to the various questions from my noble friend Lady Neville-Rolfe. One of the issues she raised was burdensome change for landlords. As I think I have said, the information is available in real time from Home Office systems. Landlords can then store their PDF output electronically or print it for their records, depending on their preference. On the question of there being any known problems with the system, I can say that there have been no wholesale outages and support services are in place for those experiencing technical problems individually. There is also a hotline for employers and landlords. We have not completed an impact assessment, as economists deemed the change to be cost-neutral or even cost-beneficial.

There are no changes to the equalities duties required of landlords: these were reiterated in the context of the move from physical to digital checks, and we consulted the Equality and Human Rights Commission and the Equality Commission for Northern Ireland on the landlord and employer codes.

My screen has just frozen—and with me talking about digital status. Oh, it is okay, I have it back.

A number of noble Lords asked about vulnerable people. We have developed our digital products and services for use by all, including vulnerable users—it is

a very important point—taking into account the beta assessment recommendations from 2018. Users can contact the UKVI resolution centre, which provides telephone and email support to those using the online immigration status services. It can also assist users who are experiencing technical issues. The point about less well-developed English language skills is well made. We are providing interpreter services for callers to the UKVI resolution centre if they have status queries and require that service.

The changes we are making are consistent with the border and immigration system that the Home Office is developing. The system will be digital by default, as I said earlier, with the ambition to phase out physical documents before the end of 2024 as we move towards a system of online evidence of immigration status. To support this change, since 2015 we have been short-dating BRPs to expire at the end of 2024, even for those whose immigration leave expires after that date, but there will be a two-year period of transition within that.

The UK's new immigration system follows the example set by countries such as Australia, the US, Canada and the EU as we move towards a digital system. The shift towards a digital border and immigration system is not a new approach. Every year, millions of people renew their passport, and about 3 million people apply for a visa, online.

On data protection, online evidence of immigration status is secure and can be accessed anywhere and in real time. It cannot be lost, stolen or tampered with, as I said earlier, unlike a physical document. It puts individuals in control of their data. They have direct access to information held by the Home Office about their status and, in line with the principles of data minimisation, can share only the information required by a checker, rather than all the information held on a physical card. Those conducting status checks receive accurate confirmation of the person's current status direct from the Home Office. Of course, information on a physical document may be out of date if a person's status has changed since it was issued, whereas a person's online profile is always up to date.

There is no change for those with expired passports, which answers the question of the noble Lord, Lord Paddick. Migrants with time-limited leave cannot use an expired passport, and those with indefinite leave can use this system only to rent and not to work. This remains unchanged.

I touched on the 2018 beta recommendations earlier. It was said that the Government had not taken full account of them, but that is not the case. Full consideration has been given in developing our digital products and services.

Obviously, we know that some will find online services more challenging than others, and that is why we have that wide range of support available, including the resolution centre.

I go back to the impact assessment and, now, the equality impact assessment. I assure the House that a full equality impact assessment was completed back in October last year, demonstrating due regard to our obligations under Section 149 of the Equality Act 2010.

[BARONESS WILLIAMS OF TRAFFORD]

I can tell the House today that I am placing copies in the Libraries of both Houses of Parliament and it will be published on GOV.UK shortly thereafter.

Undertaking immigration status checks remotely is quick, accurate and efficient—

6.30 pm

**Baroness Neville-Rolfe (Con):** Would my noble friend be able to give us a copy of the economists' assessment of why no cost-benefit analysis seems to be needed? It is appreciated that an equality assessment is being made available. As I said, the Government are very good about always doing those. My worry is that cost-benefit is no longer considered important and that is a problem when we have an economy that needs to grow.

**Baroness Williams of Trafford (Con):** I can certainly take my noble friend's point back for her.

We have made it clear that the Government's ambition is to phase out physical documents before the end of 2024. In terms of developing our digital products, we are bearing in mind and taking into account vulnerable users. We have taken full account of the recommendations from the beta assessment and designed our digital services and products to be used easily. We also have support services in place for those who need them and the move towards digital is justified and proportionate, as it ensures that individuals without lawful immigration status cannot access employment or accommodation in the private rented sector.

We are focused on delivering a fair and effective immigration system and, as I have said, these measures will allow us to strike the right balance in pursuit of that aim. With that, I ask that the noble Earl withdraws his Motion.

**The Earl of Clancarty (CB):** My Lords, I thank the Minister for her reply. I will be very brief. I thank everyone who has taken part in what has been a constructive debate. I thank the Minister for agreeing to set up a meeting; that will be very helpful indeed.

The Minister mentioned the satisfaction ratings of 80% for right to work and 84% for right to rent. It sounds wonderful, but 80% means that 20% of people are struggling with the system. If you think about the millions who will be using the system, that is a huge number of people. Looked at that way, it is not good at all.

The Minister is clearly giving no promise whatever of seeking the provision of a physical document. As I said previously, I am not against digital; nor are most of us in this Chamber. We want to see the provision of a physical document alongside the digital system. That is not promised and for that reason I would like to test the opinion of the House.

6.33 pm

*Division on The Earl of Clancarty's Motion*

*Contents 159; Not-Contents 95.*

*The Earl of Clancarty's Motion agreed.*

## Division No. 1

### CONTENTS

Aberdare, L.	Hussain, L.
Addington, L.	Hussein-Ece, B.
Anderson of Swansea, L.	Janke, B.
Andrews, B.	Jones of Cheltenham, L.
Armstrong of Hill Top, B.	Jones of Moulsecoomb, B.
Bakewell of Hardington Mandeville, B.	Jones of Whitchurch, B.
Barker, B.	Kennedy of Cradley, B.
Bassam of Brighton, L.	Kennedy of Southwark, L.
Beith, L.	Khan of Burnley, L.
Benjamin, B.	Kramer, B.
Bennett of Manor Castle, B.	Lawrence of Clarendon, B.
Berkeley of Knighton, L.	Layard, L.
Berkeley, L.	Lee of Trafford, L.
Best, L.	Levy, L.
Blackstone, B.	Liddle, L.
Blake of Leeds, B.	Lipsey, L.
Blower, B.	Lister of Burtersett, B.
Bonham-Carter of Yarnbury, B.	Ludford, B.
Bowles of Berkhamsted, B.	Lytton, E.
Brinton, B.	Marks of Henley-on-Thames, L.
Brooke of Alverthorpe, L.	Maxton, L.
Browne of Ladyton, L.	McAvoy, L.
Bruce of Bennachie, L.	McConnell of Glenscorrodale, L.
Campbell of Pittenweem, L.	McIntosh of Hudnall, B.
Campbell-Savours, L.	McNicol of West Kilbride, L.
Cashman, L.	Meacher, B.
Chakrabarti, B.	Merron, B.
Chandos, V.	Morgan, L.
Chapman of Darlington, B.	Morris of Yardley, B.
Clancarty, E.	Murphy of Torfaen, L.
Clark of Windermere, L.	Newby, L.
Clement-Jones, L.	Northover, B.
Coaker, L.	Oates, L.
Collins of Highbury, L.	Paddick, L.
Colville of Culross, V.	Parminter, B.
Corston, B.	Patel, L.
Coussins, B.	Pendry, L.
Cromwell, L.	Pinnock, B.
Davies of Brixton, L.	Pitkeathley, B.
Deech, B.	Ponsonby of Shulbrede, L.
Devon, E.	Purvis of Tweed, L.
Dholakia, L.	Randerson, B.
Donaghy, B.	Razzall, L.
Doocey, B.	Redesdale, L.
Drake, B.	Rennard, L.
Dubs, L.	Roberts of Llandudno, L.
Faulkner of Worcester, L.	Rosser, L.
Finlay of Llandaff, B.	Russell of Liverpool, L.
Foster of Bath, L.	Sawyer, L.
Foulkes of Cumnock, L.	Scriven, L.
Fox, L.	Sharkey, L.
Gale, B.	Sheehan, B.
Garden of Frogna, B.	Sherlock, B.
German, L.	Shipley, L.
Glasgow, E.	Sikka, L.
Glasman, L.	Smith of Basildon, B.
Golding, B.	Snape, L.
Goudie, B.	Soley, L.
Grantchester, L.	Somerset, D.
Grocott, L.	Stansgate, V.
Hacking, L.	Stephen, L.
Hamwee, B.	Stone of Blackheath, L.
Hannay of Chiswick, L.	Stoneham of Droxford, L.
Harris of Haringey, L.	Strasburger, L.
Harris of Richmond, B.	Stunell, L.
Haskel, L.	Suttie, B.
Healy of Primrose Hill, B.	Symons of Vernham Dean, B.
Hendy, L.	Taylor of Bolton, B.
Hope of Craighead, L.	Thomas of Gresford, L.
Howarth of Newport, L.	Thomas of Winchester, B.
Humphreys, B.	Thornhill, B.
Hunt of Kings Heath, L.	Tope, L.

Touhig, L.  
Triesman, L.  
Tunncliffe, L.  
Uddin, B.  
Vaux of Harrowden, L.  
Wallace of Saltaire, L.  
Walmsley, B.  
Warwick of Undercliffe, B.

Waverley, V.  
Wheeler, B.  
Whitaker, B.  
Wigley, L.  
Wilcox of Newport, B.  
Winston, L.  
Young of Old Scone, B.

#### NOT CONTENTS

Agnew of Oulton, L.  
Anelay of St Johns, B.  
Ashton of Hyde, L.  
Balfe, L.  
Barran, B.  
Bellingham, L.  
Berridge, B.  
Bethell, L.  
Bloomfield of Hinton  
Waldrist, B.  
Bridgeman, V.  
Browne of Belmont, L.  
Caine, L.  
Caitness, E.  
Camrose, V.  
Carrington of Fulham, L.  
Cathcart, E.  
Colgrain, L.  
Courtown, E.  
De Mauley, L.  
Dobbs, L.  
Evans of Bowes Park, B.

Fleet, B.  
Fookes, B.  
Forsyth of Drumlean, L.  
Framlingham, L.  
Fraser of Craigmaddie, B.  
Gadhia, L.  
Garnier, L.  
Geddes, L.  
Goldie, B.  
Greenhalgh, L.  
Hamilton of Epsom, L.  
Hannan of Kingsclere, L.  
Haselhurst, L.  
Hay of Ballyore, L.  
Herbert of South Downs, L.  
Hodgson of Abinger, B.  
Hoey, B.  
Holmes of Richmond, L.  
Howe, E.  
Inglewood, L.  
James of Blackheath, L.  
Jenkin of Kennington, B.

Jopling, L.  
Kirkhope of Harrogate,  
L.  
Lamont of Lerwick, L.  
Lansley, L.  
Leicester, E.  
Lindsay, E.  
Livingston of Parkhead,  
L.  
Mackay of Clashfern, L.  
Mancroft, L.  
Manzoor, B.  
McCrea of Magherafelt and  
Cookstown, L.  
McLoughlin, L.  
Meyer, B.  
Morrow, L.  
Moylan, L.  
Neville-Rolfe, B.  
Nicholson of Winterbourne,  
B.  
Norton of Louth, L.  
Parkinson of Whitley Bay,  
L.  
Patten, L.  
Penn, B.  
Pickles, L.  
Porter of Spalding, L.  
Price, L.  
Randall of Uxbridge, L.

Ranger, L.  
Robathan, L.  
Sandhurst, L.  
Sater, B.  
Scott of Bybrook, B.  
Seccombe, B.  
Sharpe of Epsom, L.  
Sheikh, L.  
Sherbourne of Didsbury,  
L.  
Shinkwin, L.  
Smith of Hindhead, L.  
Stedman-Scott, B.  
Stowell of Beeston, B.  
Strathcarron, L.  
Strathclyde, L.  
Stroud, B.  
Taylor of Holbeach,  
L.  
Trenchard, V.  
True, L.  
Udny-Lister, L.  
Vaizey of Didcot, L.  
Vere of Norbiton, B.  
Wharton of Yarm, L.  
Williams of Trafford,  
B.  
Wyld, B.  
Young of Cookham, L.  
Younger of Leckie, V.

*House adjourned at 6.45 pm.*